

VILLAGE COUNCIL OF WAKEMAN, OHIO
RESOLUTION NO: 2023-R-4

LEGAL COUNSEL FOR VILLAGE
RC 733.48

A RESOLUTION CONSIDERING IT NECESSARY TO PROVIDE FOR SPECIAL LEGAL COUNSEL FOR THE VILLAGE AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN ATTORNEY-CLIENT REPRESENTATION AGREEMENT AND DECLARING AN EMERGENCY

WHEREAS, after careful and thorough consideration of the matter, the Village considers it necessary to provide special legal counsel for the Village regarding its claims involving VRAD; and

WHEREAS, the Mayor and Council requested that Councilman Mike Delong explore possible options for special legal counsel regarding its claims involving VRAD; and

WHEREAS, Section 733.48 of the Ohio Revised Code provides that when it considers it necessary, the legislative authority of a village may provide legal counsel for the village; and

WHEREAS, the Village has received a proposed ATTORNEY-CLIENT REPRESENTATION AGREEMENT dated December 20, 2022, for special legal counsel for the village regarding Village claims involving VRAD; and

WHEREAS, Section 731.14 of the Ohio Revised Code requires that all contracts made by the legislative authority of a village shall be executed in the name of the village and signed in its behalf by the mayor and clerk. [RC 731.14, paragraph 1]; and

WHEREAS, The Village Fiscal Officer shall be responsible for performing all of the duties of the Clerk-Treasurer as set forth in Ohio law and/or the ordinances of the Village. [Wakeman Code Section 135.02]; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Village Council considers it necessary to provide for special legal counsel for the Village.

SECTION 2. That the special legal counsel shall act on behalf of the Village regarding its claims involving VRAD.

SECTION 3. That Village Council hereby accepts the proposed ATTORNEY-CLIENT REPRESENTATION AGREEMENT dated December 20, 2022.

SECTION 4. That the Mayor and Fiscal Officer are hereby authorized to enter into an

ATTORNEY-CLIENT REPRESENTATION AGREEMENT (ATTACHED HERETO and incorporated herein by reference) for special legal counsel for the Village regarding claims involving VRAD.

SECTION 5. That the Agreement shall be executed in the name of the Village and signed on its behalf by the mayor and clerk (fiscal officer). [RC 731.14, paragraph 1]

SECTION 6. That Councilman Mike Delong through the Fiscal Officer shall forward a signed copy of the Agreement to special counsel.

SECTION 7. DISPENSE WITH THREE READINGS. [R.C. 731.17(A)(2)] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 8. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

The proposed special legal counsel requests that legislation be passed as an emergency and to dispense with three readings to protect the village's legal interests in its claims involving VRAD.

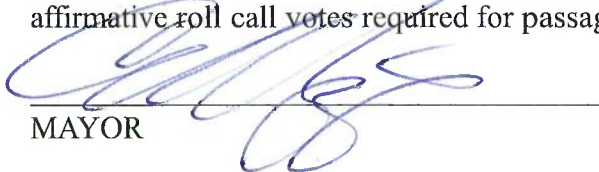
SECTION 9. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 9 day of January, 2023.

ATTESTATION
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

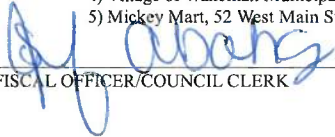
First Reading: January 9, 2023
Second Reading: dispensed [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

Third Reading: dispensed [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

CERTIFICATE OF POSTING
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER/COUNCIL CLERK