

ORDINANCE NO. 2009-004

**AN ORDINANCE APPOINTING JEFFREY D. FORBES AS LAW DIRECTOR
FOR THE VILLAGE OF WAYNESVILLE, OHIO AND ESTABLISHING
THE COMPENSATION**

WHEREAS, Article VI, Section 6.2 of the Waynesville Charter provides that the Law Director shall be appointed by Council upon such terms as authorized by Council; and

WHEREAS, attorney Jeffrey D. Forbes has experience in the practice of municipal law; and

WHEREAS, Council has determined that Jeffrey D. Forbes is qualified to serve as Law Director for the Village of Waynesville.

NOW THEREFORE BE IT ORDAINED by the Village Council of the Village of Waynesville, with at least five members elected thereto concurring:

Section 1. That Jeffrey D. Forbes is hereby appointed Law Director of the Village of Waynesville.

Section 2. That the terms of compensation for the legal services of Law Director shall be set forth in Exhibit "A" attached hereto and incorporated as if fully set forth herein and shall be effective retroactively to March 1, 2009, if necessary.

Section 3. That the Village Manager is hereby authorized and directed to execute the agreement attached hereto as Exhibit "A."

Section 4. That is Ordinance shall be in effect from and after the earliest period allowed by law.

Adopted this ____ day of _____ 2009.

Attest: _____
Staci Morris, Clerk of Council

Earl J. Isaacs, Mayor

AGREEMENT ESTABLISHING COMPENSATION FOR LEGAL SERVICES OF LAW DIRECTOR AND WOOD & LAMPING LLP FOR THE PERIOD BEGINNING MARCH 1, 2009 THROUGH FEBRUARY 28, 2010

This Agreement is entered into by and between the Village of Waynesville, Ohio, 1400 Lytle Road, Waynesville, Ohio 45068, hereinafter called "Village", and Jeffrey D. Forbes of Wood & Lamping LLP, 600 Vine St., Suite 2500, Cincinnati, Ohio 45202, hereinafter called "Law Director."

WITNESSETH:

WHEREAS, Jeffrey D. Forbes is by reason of training and experience capable of acting as the legal adviser, attorney, and counsel for the Village and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Village in connection with Village affairs; and

WHEREAS, pursuant to Section 6.02 of the Village Charter, the Village desires to appoint and retain Jeffrey D. Forbes as the Law Director who shall serve at the pleasure of Council.

NOW, THEREFORE, pursuant to the above recitals, and for other good and valuable consideration, the parties agree as follows:

A. RETAINER PAYMENTS

1. Effective March 1, 2009, a retainer payment in the amount of Nineteen Thousand Dollars (\$19,000.00) shall be made to the Law Director, payable on a monthly basis, upon presentation of a general invoice. Such amount shall be considered salary for purposes of calculating contributions to PERS. The Retainer Payment shall be considered payment for up to One Hundred Twenty (120) hours of services as described below:
 - a. Attendance, including travel time, at regular Council Meetings, including up to one (1) hour work sessions prior to any regular Council meeting at the request of the Mayor, any Council member, or the Village Manager.
 - b. Drafting and/or reviewing any ordinances and resolutions requested by the Mayor, Council members or Village Manager.

B. ADDITIONAL LEGAL SERVICES

1. Effective March 1, 2009, an hourly rate of One Hundred Seventy dollars (\$170.00) will be paid on a monthly basis for the performance of additional legal services upon presentation of an invoice which provides sufficient detail as to the services rendered and the hours expended such that the Mayor, Council members, and the Village Manager may understand and evaluate

those matters from time to time. Such Additional Legal Services include, but are not limited to, the preparation and review of legislation and the attendance of regular Council meetings in excess of the 120 hour retainer cap, research assignments, drafting legal opinions, telephone calls related to Village business, and attending any special Council meetings or meetings of any Village Board or Commission, such as Planning Commission or Zoning Board of Appeals. It is understood that the hourly rate for Additional Legal Services includes travel time and shall be billed in fifteen (15) minute increments.

2. Additional Legal Services shall also include any litigation and administrative appeals.
3. Jeffrey D. Forbes, as Law Director, shall be responsible for the performance of all additional legal services. While other legal professionals within the law firm of Wood & Lamping LLP may render performance of these duties, the Law Director shall retain ultimate and final responsibility for the rendering of these services. In any such matters so assigned, the Law Director shall retain ultimate responsibility and shall inform Council of the status of all legal services and matters on a periodic basis, as needed.

C. ADDITIONAL PROVISIONS

1. Reasonable reimbursement shall be made for expenses incurred during and in support of any legal services contemplated herein under. These shall include, but not be limited to, court costs, costs of litigation, mileage and such other pertinent expenses, costs and fees. However, no expenses for mileage shall be paid for travel to or from law offices of attorneys and the municipal building or other locations when the purpose of the travel is to attend any regularly scheduled Council meeting for which compensation is to be made under the Retainer Payment.
2. Jeffrey D. Forbes and the law firm of Wood & Lamping LLP shall not be responsible for prosecution in the Village of Waynesville Mayor's Court, nor for cases transferred or appealed to the Warren County Court.
3. Council may at any time amend or modify the aforesaid terms for compensation for legal services, provided, however, that such amendments or modifications shall be mutually agreed to by the Law Director and shall not become effective sooner than thirty days subsequent to the adoption of such legislation.

Signature page to follow.

VILLAGE OF WAYNESVILLE:

Bruce Snell

LAW DIRECTOR:

Jeffrey D. Forbes

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