

Sponsor: Brown/Elliott

RESOLUTION NO. 2113

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT TO EMPLOY JOSEPH D. KIRBY, ATTORNEY AT LAW, AS ATTORNEY FOR THE CITY OF JACKSON, AND DECLARING AN EMERGENCY.**

WHEREAS, Joseph D. Kirby has been the City Attorney beginning in 2011 and his current contract shall expire on December 2013; and

WHEREAS, an agreement has been reached that reduces the current annual contract payment from \$53,000 to \$42,660.00 but shall include health, dental and vision insurance benefits as provided to other City employees pursuant to the AFSCME contract.

WHEREAS, it is necessary that the City have an attorney advising the City and representing it in criminal prosecutions and otherwise filling the duties of Law Director as set forth in Ohio Revised Code chapter 733.

WHEREAS, the legislative authority determines that it is necessary to have an attorney fulfilling the duties of Law Director and acting as its attorney in order to preserve the public safety, health and welfare; and

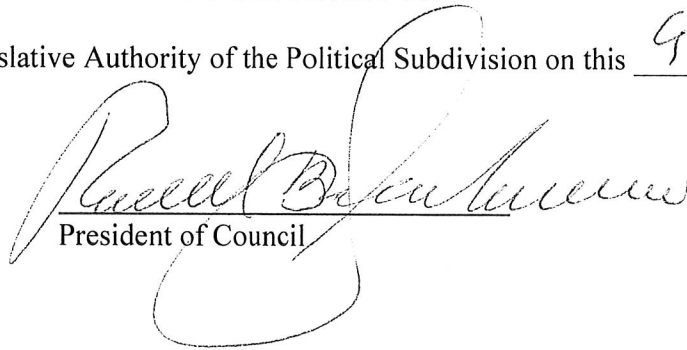
WHEREAS, the legislative authority has determined it to be in the best interest of the City that Joseph D. Kirby continue to serve as the attorney for the City of Jackson, Ohio and that the City enter into the Agreement attached hereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON THAT:

1. The Mayor is authorized to enter into an Agreement between the City of Jackson, Ohio and Joseph D. Kirby, to employ Mr. Kirby as its City Attorney. A copy of the Agreement is attached hereto as Exhibit A and is incorporated herein.
2. This Resolution is hereby declared to be an emergency Resolution necessary for the immediate preservation of the public peace, health and safety of the City. Therefore, this Resolution shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code section 731.30.
3. In the event this Resolution receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Resolution shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

4. It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this resolution were adopted in an open meeting of this council and that the deliberations of the council and any of its committees resulted in such formal action, were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

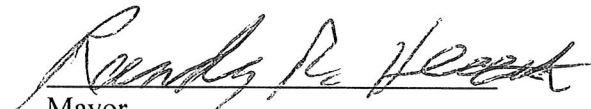
PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 9  
day of December, 2013.

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Clerk of the Legislative Authority

Approved this 9<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Mayor

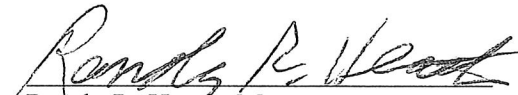
**LEGAL SERVICES CONTRACT**

This agreement is entered into by the City of Jackson, Ohio and Joseph D. Kirby, Attorney at Law, for Joseph D. Kirby to provide legal services to the City of Jackson and to act as the attorney for the City of Jackson. This legal services contract shall be effective January 1, 2014 through December 31, 2016 unless otherwise terminated by either party to this agreement by providing the other party with 180 days notice of said termination.

Joseph D. Kirby shall be paid by the City of Jackson an annual salary of \$42,660 per year, paid monthly, to provide legal services for the City of Jackson, its administration, its legislative authority, and its officers, as may be requested from time to time, including the preparation of contracts, other instruments in writing concerning the City, prosecuting and defending suits on behalf of the City of Jackson and providing opinions pursuant to R.C. Section 733.54 and other legal services that may be requested from time to time.

In addition to other compensation, Joseph D. Kirby shall receive health, dental and vision insurance benefits as provided to other City employees pursuant to the AFSCME contract. Joseph D. Kirby will be entitled to payment or reimbursement for costs and expenses incurred for services, including but not limited to: messenger and delivery services, court costs, deposition expenses, filing fees, and miscellaneous litigation expenses, including but not limited to, the hiring of expert witnesses, the preparation of exhibits, witness fees, etc. Invoices for any such costs advanced or incurred will be issued monthly and are payable upon receipt.

Date: 12-9-13

  
Randy R. Heath, Mayor  
City of Jackson

Date: \_\_\_\_\_

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Joseph D. Kirby, Attorney at Law