

1st reading \_\_\_\_\_  
2nd reading \_\_\_\_\_  
3rd reading \_\_\_\_\_  
Voted On \_\_\_\_\_  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
PASSED \_\_\_ DEFEATED \_\_\_

**ORDINANCE NO. 2017-1**

**AN ORDINANCE  
APPOINTING THE LAW DIRECTOR AND  
AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH WALTER | HAVERFIELD LLP,  
STEPHEN L. BYRON, AND BENJAMIN G. CHOJNACKI,  
TO PROVIDE LEGAL SERVICES FROM JANUARY 1,  
2017, THROUGH DECEMBER 31, 2017, AND DECLARING  
AN EMERGENCY.**

WHEREAS, the Orange Village Council wishes to engage Stephen L. Byron as the Village Law Director and Benjamin G. Chojnacki as the Assistant Village Law Director; and

WHEREAS, Stephen L. Byron and Benjamin G. Chojnacki are with the law firm Walter | Haverfield LLP; and

WHEREAS, Orange Village wishes to engage Stephen L. Byron, Benjamin G. Chojnacki and the firm of Walter | Haverfield LLP, to perform general legal services for a twelve (12) month period beginning January 1, 2017, and ending December 31, 2017.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:**

SECTION 1. (a) That the Mayor be and is hereby authorized and directed to enter into an agreement to engage the law firm of Walter | Haverfield LLP, in substantially the form as attached hereto as "Exhibit A," to represent the Village in connection with various routine matters, for a retainer of Three Thousand Three Hundred Ten Dollars (\$3,310.00) per month, beginning January 1, 2017, and ending December 31, 2017. Such routine matters shall include:

- i. Attending all regular and special meetings of Council and Council work sessions, except as otherwise directed by the Council President.
- ii. Attending other board and commission meetings, and one monthly administrative staff meeting, upon the request of the Mayor.
- iii. Drafting ordinances and resolutions upon request of the Mayor, the Council President or a majority of Council.

- iv. Researching and drafting legal memoranda as requested by the Mayor, the Council President or a majority of Council.
  - v. Providing legal advice to Village officials as necessary.
  - vi. Responding to inquiries regarding Village matters.
  - vii. Attending meetings and discussions with Village, County, State, and Federal officials and other governmental officials.
  - viii. Reviewing and approving contracts and any other written documents, as requested by the Mayor or the Council President. This shall not encompass significant revisions of such documents or significant negotiations regarding the subject of such documents (e.g. revisions or negotiations that exceeds approximately five (5) hours).
- (b) That for work outside the scope of the routine matters outlined above, the hourly rate and reimbursement for out-of-pocket expenses shall be as provided by agreement of the parties.
- (c) That the firm of Walter | Haverfield LLP, shall, on a monthly basis, provide the Mayor and the Treasurer with a written accounting of all time spent by members of the firm on Village business pursuant to this section. Such accounting shall include an itemization of time spent on Village matters, a description of the work performed, and an identification of the person performing the work.

SECTION 2. That in addition to the Agreement for Routine Services set forth above, Stephen L. Byron shall be employed as the Law Director for the Village at a salary of Two Thousand Five Hundred Dollars (\$2,500) per month, which shall be earnable salary for OPERS purposes and reported as W-2 (or equivalent) wages, payable to Stephen L. Byron or his designee. At least eight (8) hours per month of Routine Services, on average, shall be provided by Stephen L. Byron before he provides services (if any) under Section 1 hereof.

SECTION 3. That in addition to the Agreement for Routine Services set forth above, Benjamin G. Chojnacki shall be employed as the Assistant Law Director for the Village at a salary of Six Hundred Dollars (\$600.00) per month, which shall be earnable salary for OPERS purposes and reported as W-2 (or equivalent) wages, payable to Benjamin G. Chojnacki or his designee. At least four (4) hours per month of Routine Services, on average, shall be provided by Benjamin G. Chojnacki before he provides services (if any) under Section 1 hereof.

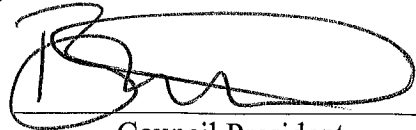
SECTION 4. That any ordinance in conflict with this ordinance is repealed.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this

Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, provides for the usual daily operation of a municipal department and allows for the continuation of work by the Orange Village Law Department, under contract, without interruption; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: January 4, 2017

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

Submitted to the Mayor for approval on this 4<sup>th</sup> day of January, 2017

Approved by the Mayor this 4<sup>th</sup> day of January, 2017

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor