

	Yes	No	
Emergency	<u> 5 </u>	<u> 0 </u>	4/27/17
First Reading	<u> </u>	<u> </u>	
Second Reading	<u> </u>	<u> </u>	
Third Reading	<u> </u>	<u> </u>	
Suspension	<u> </u>	<u> </u>	

ORDINANCE 2017-3

**AN ORDINANCE PROVIDING FOR A CITY LAW DIRECTOR; ASSISTANT
LAW DIRECTORS; SETTING A RATE OF COMPENSATION;
AND DECLARING AN EMERGENCY**

WHEREAS, the City Charter provides that the City employ a City Law Director for a two year term; and

WHEREAS, a City Law Director is necessary for the proper functioning of the City and its offices; and

WHEREAS, pursuant to Ordinance 2016-1, the City entered into an agreement with Thomas A. McWatters III to serve as City Law Director, and for Jan H. Stamm and Kevin Whitlock to serve as Assistant Law Directors, for the two year term commencing February 1, 2016, and ending January 31, 2018; and

WHEREAS, the Law Director and Assistant Law Directors were unable to perform the prosecutorial duties as a result of a conflict of interest; and

WHEREAS, pursuant to Ordinance 2016-2, the City entered into an agreement with Eric Nagel to serve as Special Council to perform the prosecutorial duties for the City of Wauseon; and

WHEREAS, Eric Nagel was recently appointed Judge of the Fulton County Western District Court by Governor Kasich to fill the vacancy left upon the election of Jeffrey L. Robins as Fulton County Common Pleas Judge; and

WHEREAS, the Law Director and Assistant Law Directors no longer have a conflict of interest and are able to perform the prosecutorial duties; and

WHEREAS, Eric Nagel is no longer able to perform the prosecutorial duties on behalf of the City of Wauseon; and

WHEREAS, this Resolution should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City, and for the further

reason that Eric Nagel will be sworn in as Fulton County Western District County Judge on or before Monday, May 1, 2017;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, Fulton County, Ohio as follows:

Section 1.

That Ordinance 2016-1 and Ordinance 2016-2 be vacated in their entirety.

Section 2.

That Thomas A. McWatters III shall continue to be employed as the City Law Director continuing through January 31, 2018. The City Law Director shall be paid a salary of \$1,750.00 per month. PERS shall be paid on this salary amount.

Section 3.

That Jan H. Stamm shall be employed as Assistant City Law Director. The Assistant City Law Director shall be paid a salary of \$250.00 per month. PERS shall be paid on this salary amount.

Section 4.

That Kevin Whitlock shall serve as uncompensated Assistant City Law Director. He shall not receive direct compensation from the City, but his hours shall be included in the Law Director's billing and compensation, and shall be paid according to the terms of this Ordinance.

Section 5.

That Stephen Maloney shall serve as uncompensated Assistant City Law Director. He shall not receive direct compensation from the City, but his hours shall be included in the Law Director's billing and compensation, and shall be paid according to the terms of this Ordinance.

Section 6.

The Law Director and Assistant Law Directors shall receive additional compensation at a rate of \$135 per hour for all non-prosecutorial work performed in excess of 15 hours in any month. The Law Director and Assistant Law Directors shall receive \$115 per hour for all prosecutorial work performed on behalf of the City.

Section 7.

That the firm of Barber, Kaper, Stamm & McWatters shall be paid the sum of \$500 per month as and for additional office expenses above and beyond the salaries set forth herein above.

Section 8.

That except as specifically stated herein, the Benefits Ordinance shall not be applicable to the position of City Law Director or Assistant Law Directors.

Section 9.

That the City Law Director is hereby authorized from time to time to appoint substitute City Law Directors to act on the City's behalf when the City Law Director is in a conflict of interest or is otherwise disqualified from serving as City Law Director.

Section 10.

That all additional fees and expenses shall be paid and/or reimbursed from time to time as submitted by the City Law Director and approved by Council.

Section 11.

That the City may from time to time employ other attorneys to represent the City in areas where unique or special qualifications are required.

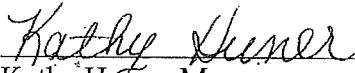
Section 12.

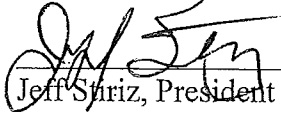
That it shall be the duty of the City Law Director to act as attorney and counsel for the City, to perform all services required by the Charter of the City of Wauseon, the Ordinances and Resolutions of the City of Wauseon and the laws and constitution of the State of Ohio and the United States of America, to attend Council Meetings when necessary and to render legal opinions to the Council and Mayor upon their request as set forth in the Charter of the City of Wauseon.

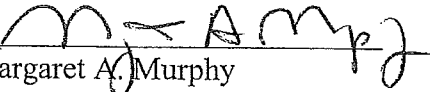
Section 13.

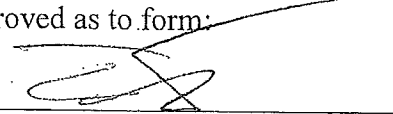
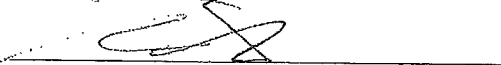
That this Resolution be, and hereby is, declared to be an emergency measure, necessary for the immediate preservation of health, safety, and public welfare of the citizens of the City of Wauseon, and shall be in full force and effect from and immediately after its passage.

Passed: April 27, 2017

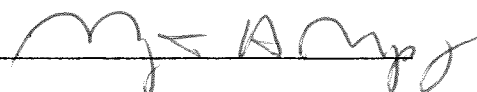

Kathy Heiner, Mayor


Jeff Striz, President of Council

Attest: 
Margaret A. Murphy
Clerk of Council

Approved as to form: 

Thomas A. McWatters III
City Law Director

I, Margaret A. Murphy, Clerk of Council, for the City of Wauseon do hereby certify that this is a true and accurate copy of Ordinance 2017-3 passed on April 27, 2017.


Margaret A. Murphy, Clerk of Council