

ORDINANCE RECORD**VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2022-25**

INTRODUCED BY: Mayor Trevor Elkins

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 135.01 ENTITLED "SOLICITOR DUTIES," AND DECLARING AN EMERGENCY.

WHEREAS, the Village's administrative code currently contains a placeholder chapter entitled "Village Solicitor," without any ordinances enacted thereunder;

WHEREAS, Council wishes to enact a codified ordinance to set forth certain duties of the Village Solicitor;

WHEREAS, the Village has entered into a contract with its Solicitor on a bi-annual basis to set forth duties, responsibilities and remuneration of the Solicitor;

WHEREAS, Council has created a community improvement corporation under Chapter 1724 of the Ohio Revised Code, named the Newburgh Heights Community Improvement Corporation (the "CIC"), to serve as the Village's agent in connection with the performance of certain functions permitted and enumerated in Ohio Revised Code Chapter 1724;

WHEREAS, the Village and the CIC have entered into an Agency Agreement to accomplish the purposes permitted and enumerated in Ohio Revised Code Chapter 1724;

WHEREAS, under Chapter 1724 of the Ohio Revised Code, the CIC Board is comprised, in part, of officials of the Village of Newburgh Heights, including the Mayor, Fiscal Officer and a member of Council;

WHEREAS, the Village achieves economic efficiency by directing the Solicitor to provide legal services on behalf of the CIC, since the CIC serves as the Village's agent and is typically funded by appropriations of the Village; and

WHEREAS, Council wishes to formally establish as a matter of Newburgh Heights law that the Solicitor of the Village is obligated to perform legal services on behalf of the CIC, subject to CIC Board approval;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF NEWBURGH HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby enacts Codified Ordinance Section 135.01 entitled "Solicitor Duties," which shall read in its entirety as follows:

135.01 SOLICITOR DUTIES

(a) The Village Solicitor shall have the duties set forth in the Ohio Revised Code for a Solicitor of a Village.

(b) The Village shall enter into a contract with its Solicitor to enumerate the duties and responsibilities of the Solicitor and to set forth remuneration for the performance of legal services and any such duties and responsibilities.

(c) As part of his/her duties as Village Solicitor, the Solicitor shall be obligated to render legal services on behalf of the Newburgh Heights Community Improvement Corporation ("CIC"), subject to the CIC's approval and waiver of any actual or potential conflict of interest.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health and safety of the inhabitants of the Village of Newburgh Heights, such emergency being the need to establish formal duties of the Solicitor and clarify that the Village wishes to waive any actual or potential conflict of interest and thereby achieve the economic efficiencies inherent in having the Solicitor provide legal services to the CIC; wherefore, provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

PASSED: _____, 2022

Approved as to Form

Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Solicitor

Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 4/5/22
2ND Reading: amended version presented
3RD Reading: _____