

RESOLUTION G2018-02

**RESOLUTION APPOINTING KEVIN C. MCDONOUGH LAW DIRECTOR
PURSUANT TO ORC SECTION 504.15 AND DISPENSING WITH THE SECOND
READING**

WHEREAS, pursuant to ORC Section 504.15, the Board of Trustees is required to appoint a full-time or part-time Law Director; and

WHEREAS, Kevin C. McDonough is by reason of his training and experience competent to act as legal advisor to the Board, the Township Administrator and other Township officers; and

WHEREAS, ORC Section 504.151 provides that the Township Law Director may appoint as Assistant Law Director a person who is an associate or partner of who is employed by the Township Law Director in the private practice of law; and

WHEREAS, certain associates, partners, and employees of Kevin McDonough and Wood and Lamping are qualified and capable of assisting and supporting the legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio, pursuant to Chapter 504 of the Revised Code, that:

Section 1. Kevin C. McDonough is hereby appointed and retained pursuant to ORC Section 504.15 as the Township Law Director who shall serve in such pursuant to the terms of the “Law Director Employment Agreement” attached hereto and incorporated as Exhibit “A”.

Section 2. The Board hereby authorizes and directs the Township Administrator to enter into a Law Director Employment Agreement with Kevin C. McDonough, which agreement fully defines the terms and conditions upon which Kevin C. McDonough shall serve as Law Director, a copy of which is incorporated herein by reference as Exhibit “A”.

Section 3. The Board of Township Trustees hereby authorizes and directs the Township Fiscal Officer to expend such funds in accordance with the terms as set forth in the contract.

Section 4. Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

Section 5. Finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that

all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, incompliance with all legal requirements, including (without limitation) Ohio Revised Code §121.22, except as otherwise permitted thereby.

Section 5. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED JANUARY 9, 2018 – RESOLUTION G2018-02

Vote Record: Mr. Bryant ____ Mr. Beck ____ Ms. Leis ____

BOARD OF TRUSTEES:

Kenneth N. Bryant, President

Philip J. Beck, Vice-President

Jodie L. Leis, Trustee

ATTEST:

APPROVED AS TO FORM:

Carol A. Sims, Fiscal Officer

Kevin C. McDonough, Law Director

LAW DIRECTOR EMPLOYMENT AGREEMENT

This agreement is entered into by and between the Board of Trustees of Symmes Township, Ohio, 9323 Union Cemetery Road, Loveland, Ohio 45140, hereinafter called "Board", and Kevin C. McDonough and Wood and Lamping LLP, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202, hereinafter called "Law Director".

WITNESSETH

WHEREAS, Kevin C. McDonough is, by reason of training and experience, capable of acting as the legal advisor to the Board, the Township Administrator and all other Township officers; and

WHEREAS, pursuant to ORC Section 504.15, the Board desires to appoint and retain Kevin C. McDonough and the Law Firm of Wood and Lamping LLP, as the Township Law Director who shall serve in such capacity part-time as an independent contractor; and

WHEREAS, pursuant to ORC Section 504.151 the Township Law Director may appoint as Assistant Law Director one or more persons in the law firm of Wood and Lamping LLP.

NOW THEREFORE, it is agreed by and between the Board and Law Director, as follows:

1. Law Director is hereby appointed and retained pursuant to ORC Section 504.15 as the Township Law Director who shall serve in such capacity on a part-time basis for a period commencing January 1, 2018 through December 31, 2018.
2. Pursuant to ORC Section 504.15, Law Director shall be the legal advisor to the Board, the Township Administrator and all other Township officers and any of them may require written opinions or instructions for him in matters connected with their official duties. Unless other legal counsel is specifically employed by the Board pursuant to ORC Section 309.09(B), Law Director shall prosecute and defend all suits and actions that any such officer or Board directs or to which an officer of Board is a party, and he shall prosecute any violation of a Township Resolution. Law Director shall review and approve all Resolutions adopted by the Board as to their form.
3. In addition to the above, Law Director's duties as Law Director shall include: (i) at the request of any Board member of the Township Administrator, attendance at a regular or special meeting of the Board; and (ii) legal research as required by the Board, the Township Administrator or other Township officers

and department heads; (iii) the drafting of such resolutions as may be directed by the Board or the Township Administrator and the review of all resolutions; (iv) document preparation and negotiations as required by the Board, the Township Administrator, or other Township officers or department heads; and (v) other matters as directed by the Board, the Township Administrator, or other Township officer or department heads.

4. Law Director is hereby engaged part-time as Law Director and the nature and extent of the services required of Law Director will vary from month to month, Law Director shall be compensated for such services at the rate of One Hundred Ninety Dollars (\$190.00) per hour for all services rendered, except for matters involving litigation or administrative appeals. For matters involving litigation or administrative appeals compensation shall be a rate of Two Hundred Fifteen Dollars (\$215.00) per hour. Law Director shall submit an itemized statement for all services rendered on a monthly basis. Law Director shall be reimbursed for normal and ordinary expenses associated with the performance of his duties except that he shall not be reimbursed for any mileage incurred traveling to or from any regularly scheduled meetings of the Board of Trustees.
5. The Board understands Law Director is authorized, pursuant to ORC Section 504.151, that other legal professional within the law firm of Wood and Lamping LLP. may be appointed as Assistant Law Directors to provide such legal services and perform such duties of the Law Director as set forth above. Compensation for such legal services shall be provided as set forth above.
6. Either the Board of Law Director may cancel this Agreement upon thirty (30) day's notice. Notice to Law Director shall be served at this office. Notice to the Board shall be served on the Township Administrator at their office.
7. There are no understandings or arrangements between the Board and the Law Director except those contained in this Agreement.

IN WITNESS WHEREOF, the Township Administrator and Law Director hereunto subscribe their names this 9th day of January, 2018.

Kimberly A. Lapensee, Township Administrator

Kevin C. McDonough, Law Director, Wood & Lamping