ORDINANCE NO. 63-07

AN ORDINANCE PROVIDING FOR AND ENTERING INTO AN AGREEMENT AND RETAINING SHOEMAKER, HOWARTH & TAYLOR, LLP, ATTORNEYS AT LAW, 471 EAST BROAD STREET, SUITE 2001, COLUMBUS, OHIO 43215, FOR ALL OUTSIDE LEGAL SERVICES FOR THE PERIOD FROM MAY 1, 2007 THROUGH APRIL 30, 2008, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio and Shoemaker, Howarth & Taylor, LLP, has previously entered into an agreement whereby Shoemaker, Howarth & Taylor, LLP, provided legal services to assist the City in providing legal representation in various issues; and

WHEREAS, Jackson City Council believes it is in the best interests of the City to continue to use employ Shoemaker, Howarth & Taylor, LLP, to handle all extraneous legal issues of the City; and

WHEREAS, Jackson City Council desires to employ Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, to provide the City legal service on all extraneous legal matters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Jackson, Ohio, that:

**Section One.**   The City retains the law firm of Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, 471 East Broadway Street, Suite 2001, Columbus, Ohio 43215, to provide the City legal services on all extraneous legal matters. A copy of the Agreement is attached hereto as Exhibit "A". The Agreement shall be effective from May 1, 2007, and shall run through April 30, 2008.

In providing these legal services, as an independent contractor and in an attorney-client relationship, Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, shall not exercise any administrative discretion in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or any political subdivision, or execution of public trusts. This Agreement is accepted and approved on the further condition that, in the event it is determined by Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, that any of the legal services should be subcontracted to another legal service provider, then Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, shall notify Jackson City Council and obtain prior approval of Jackson City Council before subcontracting out any work to any other legal service provider.

Any and all signatures which may have been affixed to the Agreement are hereby ratified and approved.

Section Two.   The Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment to Shoemaker, Howarth & Taylor, LLP, Attorneys at Law, in accordance with this Agreement. This contract shall be paid from line item 110-7750-53022 – General – General Government (Legal Services).

Section Three.   This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section Four.   This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective so the City may be immediately represented to prevent any adverse consequences to the interests of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Section Five.   In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

Date: 6/25/07

_____
PRESIDENT OF COUNCIL

_____
CLERK OF COUNCIL

Approved:

Date: _____

_____
MAYOR