

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2022-47**

**A RESOLUTION APPOINTING ANDREW P. MEIER AS CITY SOLICITOR FOR
THE CITY OF SOUTH LEBANON, OHIO, AND ESTABLISHING
COMPENSATION**

WHEREAS, pursuant to Ohio Rev. Code § 733.48 (A), the legislative authority of a village may provide legal counsel for the village, or for any department or official of the village, for a period not to exceed two (2) years and shall provide compensation for such legal counsel; and,

WHEREAS, as a result of the 2020 U.S. Census, South Lebanon is in the process of transitioning from a village to a city, including the development of a charter, and this resolution and agreement will be amended if and when the charter is passed; and

WHEREAS, the City Council has determined that Andrew P. Meier is qualified to serve as City Solicitor for the City of South Lebanon; and,

WHEREAS, the City Council and Andrew P. Meier desire to enter into an Agreement Establishing Compensation for Legal Services; and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

Section 1. That Andrew P. Meier is hereby appointed City Solicitor of the City of South Lebanon, effective January 1, 2023.

Section 2. That the duration and terms of compensation for the legal services of the City Solicitor shall be set forth in Exhibit "A" attached hereto and incorporated as if fully set forth herein.

Section 3. That the Mayor and Fiscal Officer are hereby authorized and directed to execute the Agreement Establishing Compensation for Legal Services attached hereto as Exhibit "A."

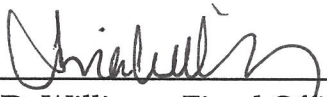
Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

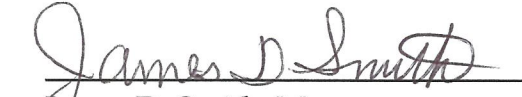
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Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 17th day of November, 2022.

Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: / /2022 (if applicable)

Effective Date - / /2022

Vote - ___ Yeas
 ___ Nays

First Reading - 11/3/2022
Second Reading - 11/10/2022
Third Reading - 11/17/2022

Effective Date - 11/17/2022

Vote - 6 Yeas
 ___ Nays

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

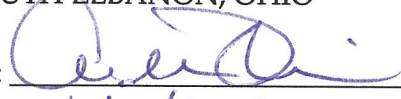
By: 
Date: 11/17/2022

EXHIBIT "A"

**AGREEMENT ESTABLISHING COMPENSATION FOR LEGAL SERVICES OF
CITY SOLICITOR FOR THE
PERIOD BEGINNING JANUARY 1, 2023, THROUGH DECEMBER 31, 2024**

This Agreement is entered into by and between the legislative authority of the City of South Lebanon, Ohio, 10 North High- Street, South Lebanon, OH 45065 (hereinafter "Council") on behalf of the City of South Lebanon (hereinafter "City"), and Andrew P. Meier, Attorney at Law, 140 North Main Street, Suite B, Springboro, OH 45066 ("City Solicitor").

WITNESSETH:

WHEREAS, Andrew P. Meier is by reason of training and experience capable of acting as the legal advisor, attorney, counsel and prosecutor for the City and for the Council, as well as all offices, departments, divisions, boards, commissions, committees and courts of the City in connection with City affairs; and,

WHEREAS, pursuant to Ohio Revised Code §§ 705.11 and 733.48, the Village desires to appoint and retain Andrew P. Meier as the City Solicitor who shall serve at the pleasure of Council for a period not to exceed two (2) years without entering into a new agreement for legal services and establishing compensation.

NOW, THEREFORE, pursuant to the above recitals, and for other good and valuable consideration as recited hereinafter, the Parties agree as follows:

A. RETAINER PAYMENT

1. Effective January 1, 2023, an annual retainer payment in the amount of Twenty- Seven Thousand and 00/100 Dollars (\$27,000.00) shall be made to the City Solicitor, payable on a monthly basis. Such amount shall be considered salary for purposes of calculating contributions to the Ohio Public Employees Retirement System (OPERS). The City agrees to withhold all mandated contributions to OPERS on the City Solicitor's behalf and pay the employer's mandated contributions to OPERS as required by law. The City shall, in reporting and making remittance to OPERS, attest the employee contributions by designating such as "Employee Contributions."

2. The Retainer Payment shall be considered payment for services as described below:
 - a. Attendance at regular, special, emergency and workshop meetings of Council, as well as drafting and/or reviewing Ordinances and Resolutions on behalf of the Council for such meetings; and,
 - b. Attendance at Planning Commission, Zoning Commission, Board of Zoning Appeals and Sub-committee meetings, upon request; and,
 - c. Acting as Prosecutor for Mayor's Court.

B. PAYMENT OF ADDITIONAL LEGAL SERVICES

1. Effective January 1, 2023, an hourly rate of ONE HUNDRED AND 00/100 DOLLARS (\$100.00) will be paid to the City Solicitor on a monthly basis for the performance of Additional Legal Services upon presentation of an itemized billing statement delivered electronically to the Fiscal Officer which provides sufficient detail as to the services rendered and the hours expended such that the Mayor, City Council Members, Fiscal Officer and the City Administrator may understand and evaluate those matters from time to time. Payment of additional legal services shall be authorized as part of legislation authorizing payment of the bills once per month at regularly scheduled Council meetings.
2. Additional Legal Services include:
 - a) research assignments and drafting legal opinions on behalf of the Council requested by the Council, the Mayor or the City Administrator; and,
 - b) drafting contracts and other transactional related matters requested by the Council, the Mayor or the City Administrator; and,
 - c) any court proceedings, including but not limited to: abatements, administrative appeals, appropriations, breach or specific performance of accounts and contracts, declaratory judgments, mandamus, nuisances, injunctions, prohibitions, or other general civil matters; excepting therefore: matters the City's liability insurer has a duty to defend; or, should Council elect to hire other another

counsel to handle any such matter which it retains absolute discretion to do; or, matters that the City Solicitor has a conflict of interest as determined herein; and,

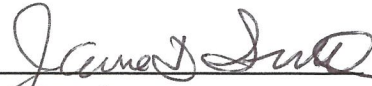
- d) prosecuting cases that are transferred and/or appealed to the Warren County Court, and appeals to the Twelfth District Court of Appeals and the Supreme Court of Ohio, or any federal court.

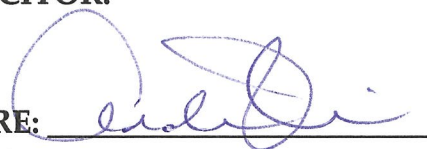
C. ADDITIONAL PROVISIONS

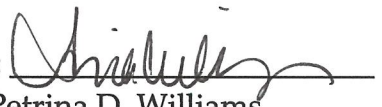
1. Council shall be responsible for expenses incurred during and in support of any legal services contemplated herein including, but not limited to: court costs, expert witness or consultant fees, appraisers, court reporters and deposition transcripts, recordings, transfer and conveyance costs and fees.
2. The duration of this Agreement is from January 1, 2023 through December 31, 2024. The parties may, however, terminate this Agreement with or without cause with at least thirty (30) days prior written notice. The Parties may enter into a new Agreement upon the expiration of said duration.
3. Council may, at any time, amend or modify the aforesaid terms for compensation for legal services, provided, however, that such amendments or modifications shall be mutually agreed to by the Council and the City Solicitor.
4. The City Solicitor shall not represent the City in any matter in which the City Solicitor has a conflict of interest, as determined by the City Solicitor or Council.

CITY OF SOUTH LEBANON:
Pursuant to Resolution No. 2022-47

CITY SOLICITOR:

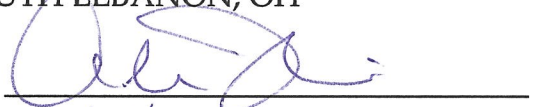
SIGNATURE: 
NAME: James D. Smith
TITLE: Mayor
DATE: 11/17/22

SIGNATURE: 
NAME: Andrew P. Meier
TITLE: Attorney at Law
DATE: 11/17/2022

SIGNATURE: 
NAME: Petrina D. Williams
TITLE: Fiscal Officer
DATE: 11/17/22

This instrument was prepared
by and approved as to form:

CITY SOLICITOR
SOUTH LEBANON, OH

By: 
Date: 11/17/2022