

**AN ORDINANCE
AMENDING ORDINANCE 2016-01 AND AUTHORIZING
THE MAYOR TO ENTER INTO AN AMENDMENT TO
THE AGREEMENT WITH THRASHER, DINSMORE &
DOLAN, A LEGAL PROFESSIONAL ASSOCIATION
EFFECTIVE FROM JANUARY 1, 2017 THROUGH
DECEMBER 31, 2017 AND DECLARING AN
EMERGENCY.**

WHEREAS, the Council adopted Ordinance 2016-01 on January 4, 2016 to engage the firm of Thrasher, Dinsmore & Dolan ("TDD") to perform general legal services for a twenty-four (24) month period beginning January 1, 2016, and ending December 31, 2017; and

WHEREAS, due to the scope of services required of the Law Director for the balance of the term of the Agreement, the Village and TDD have agreed to amend Ordinance No. 2016-01 and the Exhibit "A" Agreement attached thereto.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF CHAGRIN FALLS, STATE OF OHIO:**

SECTION 1. Section 1 of Ordinance 2016-01 is hereby amended to provide in subsection (1) that in lieu of paying a monthly retainer of Six Thousand Dollars (\$6,000.00) for the balance of the term of the Agreement, that legal services be provided at the hourly rate of Two Hundred and Twenty-Five Dollars (\$225.00) per hour for all legal services rendered by TDD to the Village, unless otherwise agreed to by the Village and TDD.

SECTION 2. That the Mayor be and is hereby authorized and directed to enter into an Amendment to the Agreement to engage the law firm of TDD, in substantially the form as attached hereto as Exhibit A, to represent the Village in connection with matters within the scope of the duties of the Law Director of the Village.

SECTION 3. Section 1(b) of Ordinance 2016-01, the full text of which follows is hereby repealed:

(b) That for work outside the scope of routine matters, as outlined above, shall be approved by the Village at the hourly rates set forth in the Agreement attached hereto as Exhibit "A" and reimbursement of out-of-pocket expenses.

SECTION 4. Except as set forth herein, Ordinance 2016-1 shall remain in full force and effect.


SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

ORDINANCE NO. : 2017-01
INTRODUCED BY: MAYOR AND COUNCIL

SECTION 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 7. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that the legal services provided by the Law Director needs to be immediately adjusted in order to provide all legal services needed by the Village for the calendar year 2017; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: January 2, 2017



Council President

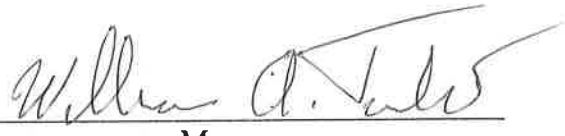
Submitted to the Mayor for
approval on this 3 day of January, 2017

Approved by the Mayor this
3 day of January, 2017

ATTEST:



Clerk of Council



Mayor

EXHIBIT "A"

**FIRST AMENDMENT TO AGREEMENT BETWEEN THE VILLAGE OF
CHAGRIN FALLS AND THRASHER, DINSMORE & DOLAN FOR
LEGAL SERVICES**

WHEREAS, ON January 4, 2016 the Village of Chagrin Falls ("Village") and Thrasher, Dinsmore & Dolan, a Legal Professional Association ("TDD") entered into an Agreement for legal services ("Agreement"); and

WHEREAS, Section 1 of the Agreement provided that Routine Services would be provided at the rate of Six Thousand Dollars (\$6,000.00) per month and the parties have agreed to amend the Contract to provide that all legal services rendered by TDD to the Village shall be at the set hourly rate of Two Hundred and Twenty-Five Dollars (\$225.00) per hour, unless otherwise agreed to by the Village and TDD.

NOW, THEREFORE, intending to be bound by this First Amendment, the Parties agree to amend the Agreement as follows:

1. Section 1 of the Agreement is amended to provide, except as otherwise set forth in the Agreement, that TDD agrees to provide and Village agrees to pay for all legal services to be provided to the Village at the rate of Two Hundred and Twenty-Five Dollars (\$225.00) per hour. Therefore Section 1 of the Agreement is hereby amended in its entirety to read as follows:

TDD agrees to provide and the Village agrees to pay for legal services at the rate of Two Hundred and Twenty-Five Dollars (\$225.00) per hour, except as set forth in Section 2 of the Agreement.

2. Section 3 of the Agreement is hereby amended in its entirety to read as follows:

TDD shall bill the Village monthly for all legal services, which billing shall set forth the date the services were rendered, the attorney performing such services and a brief description of the services provided.

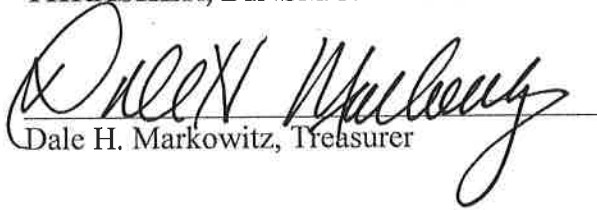
3. The first sentence of Section 4 of the Agreement is hereby amended to read as follows:

The rate set forth in this Agreement, as amended, shall take effect and be in force from January 1, 2017 through December 31, 2017.


4. Except as set forth in this Amendment to the Agreement, all of the terms and conditions set forth in the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the 1st day of January, 2017.

THRASHER, DINSMORE & DOLAN


Dale H. Markowitz, Treasurer

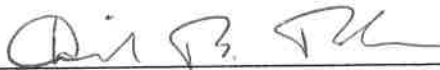
VILLAGE OF CHAGRIN FALLS


William Tomko, Mayor

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that the money required to meet this proposal has hereby been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of this fund, free from any previous obligation or certification.

1 | 4 | 2017
Date


Finance Director