

ORDINANCE NO. 2003-59

**AUTHORIZING APPOINTMENT OF SPECIAL COUNSEL TO DEFEND CITY EMPLOYEES
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Mason recognizes a duty to defend employees from legal harm for actions arising as a part of their employment with the City of Mason; and

WHEREAS, by City of Mason Charter Section 6.03, the Law Director is the prosecuting attorney for the City of Mason; and

WHEREAS, the prosecuting attorney cannot defend an individual accused of a criminal offense within the City of Mason without creating a conflict; and

WHEREAS, the City of Mason may appoint special counsel to perform such duties on behalf of the City of Mason or its employees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That Stephen J. Smith and the law firm of Schottenstein, Zox & Dunn are hereby appointed as special counsel to the City of Mason for the purposes of representing Police Chief Ronald Ferrell in matters surrounding the filing of a Contempt complaint by Judge George Parker.

Section 2. That said contract for services shall be in accordance with the attached engagement letter, which is attached hereto and incorporated herein by reference as Exhibit "A", providing for the compensation of services at the blended rate of \$225.00 per hour for Stephen J. Smith and members, associates and employees of the law firm of Schottenstein, Zox & Dunn.

Section 3. That the Finance Director is hereby authorized to pay said special counsel in accordance with the engagement letter.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective from the time of the initial services rendered by said special counsel on behalf of Chief Ronald Ferrell. The reason for said declaration of emergency is the need to establish the terms of representation at the earliest possible date.

Passed this 28th day of May, 2003.

Attest:


Clerk of Council


Mayor