

RESOLUTION 24-1-2

A RESOLUTION APPOINTING MATTHEW MITCHELL TO SERVE AS MAGISTRATE OF THE VILLAGE OF WAYNESFIELD MAYOR'S COURT AND TO DECLARE AN EMERGENCY

WHEREAS, the Village of Waynesfield conducts a Village Mayor's Court for the purpose of hearing traffic offenses and misdemeanors, which occur within the Village of Waynesfield; and

WHEREAS, Section 1905.05 of the Ohio Revised Code provides that the Mayor of a municipal corporation that has a Mayor's Court may appoint a person as Mayor's Court Magistrate to hear and determine prosecutions and criminal cause in the Mayor's Court that are within the jurisdiction of the Mayor's Court; and

WHEREAS, Matthew M. Mitchell has complied, or will comply, with all mandates set forth by the Ohio Supreme Court and the laws of the State of Ohio to be able to serve as Magistrate for the Village of Waynesfield.

THEREFORE, BE IT RESOLVED by the Council of the Village of Waynesfield, County of Auglaize, State of Ohio, to-wit:

Section I. Matthew M. Mitchell, 540 West Market Street, Lima, OH 45801, is hereby appointed as Magistrate of the Village of Waynesfield's Mayor's Court. The appointment shall be for a term of one (1) year, beginning January 1, 2024.

Section II. That the Magistrate's duties shall be to preside as Magistrate over all legal matters with the Waynesfield Mayor's Court. The Magistrate shall have all powers conferred upon him by Chapter 1901 et seq. of the Ohio Revised Code, the Ohio Constitution or any other chapter or section of the Ohio Revised Code or Rule of the Ohio Supreme Court or Rules of Superintendence of the Courts of Ohio or any other applicable law or rule.

Section III. Matthew M. Mitchell shall maintain all certification required by the Ohio Supreme Court and the State of Ohio to maintain his standing as a Magistrate. Reimbursement costs of the Magistrate Continuing Legal Education courses required by the State or State Supreme Court shall be made upon receipt of an invoice for such services by the Village Fiscal Officer.

Section IV. As compensation for the service provided under Sections I and II, Matthew M. Mitchell shall receive compensation of an annual Five Hundred and 00/100 Dollars (\$500.00) retainer fee as well as the rate of One Hundred and 00/100 Dollars (\$100.00) for each Mayor's Court appearance, flat rate. Payment will be made upon receipt of an invoice for such services by the Village Fiscal Officer. No mileage or out of pocket expenses will be paid. No charges shall be made or paid for ordinary travel to and from the Mayor's Court hearing location.

Section V. The Magistrate acknowledges that he is not an employee of the Village of Waynesfield, but is an independent contractor and responsible for the payment of any and all taxes associated with his compensation, that he is not covered under the Village's Workers Compensation Policy, and that he is not entitled to participate in the Public Employees Retirement System.

Section VI. The provisions of services by Matthew M. Mitchell shall be terminable by either the Village of Waynesfield Council or Matthew M. Mitchell with a minimum thirty (30) day notice.

Section VII. That this Resolution shall be effective from and after the earliest period allowed by law.

VOTE: EMERGENCY FIRST READING

Ball: *yes* Miller: *yes*

Nickles: *yes* Walti: *yes*

Hutson: *yes* Fox: *yes*

Adopted: January 22, 2024



Mayor

Attest: Sarah Montgomery

Fiscal Officer

ACCEPTED AS A CONTRACTUAL OBLIGATION

By: 

Matthew M. Mitchell
Attorney at Law