

RESOLUTION R-2019-9

AN RESOLUTION HIRING AN ADMINISTRATIVE HEARING OFFICER AND
DECLARING AN EMERGENCY.

WHEREAS, the Village Council enacted Resolution 2018-22 on October 23, 2018 to establish an Automated Speed Enforcement Program; and

WHEREAS, after passage, the Village has procured and caused to be installed the traffic law photo monitoring devices needed to operate under the Automated Speed Enforcement Program and has for a period of at least 30 days sent alleged violators warnings instead of issuing Notices of Liability; and

WHEREAS, because the time has now come to issue Notices of Liability instead of warnings it is necessary for the Village to have an independent Hearing Officer in place in the event a vehicle owner appeals pursuant to Section 315.07 of the Windham Codified Ordinances; and

WHEREAS, Attorney Patricia Smith is qualified and has indicated she is willing to serve as the independent Hearing Officer.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, County of Portage, State of Ohio, two thirds or more of the me members thereto concurring that:

Section One: Attorney Patricia Smith is hereby hired to serve as the hearing officer to hear appeal brought under Chapter 315 of the Windham Codified Ordinances.

Section Two: As compensation for these services the Village shall pay Attorney Smith a flat fee of \$200.00 for each hearing session as an independent contractor and not as an employee. As an independent contractor Attorney Smith shall receive no additional benefits from the Village of Windham.

Section Three: This Resolution is hereby declared to be an emergency measure, immediately effective upon passage by at least two-thirds of the members elected to the Windham Village Council, in order for the numbering to be corrected and as a result the legislation will be in full force and effect now, as a matter of establishing and preserving public safety within the Village.

Section Four: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council on First Reading , April 24, 2019

Vote of Council: Ayes: 6
 Nays: 0

ATTEST:



Fiscal Officer, Cherie M. Taylor

APPROVED:



Scott Garrett, Mayor

APPROVED AS TO FORM:



Village Solicitor, Thomas Reitz