

RESOLUTION NO. 2009-137

SPONSOR Mr. Pry

DATE April 13, 2009

COMMITTEE Finance

A Resolution establishing the rate of pay for Attorney J. Jeffrey Holland, employed by the Humane Society of Greater Akron, pursuant to Section 2931.18 of the Ohio Revised Code to prosecute cases relating to animal cruelty and animal neglect, at the rate of \$50.00 for in-court work and \$40.00 for out of court work, for a maximum of \$750.00 per case, and establishing the procedures for the payment of said attorney, for the Executive's Department of Law, and declaring an emergency.

WHEREAS, pursuant to its authority under Section 2931.18 of the Ohio Revised Code, the Humane Society of Greater Akron ("Humane Society") adopted a Resolution on January 21, 2009, whereby it has employed Attorney J. Jeffrey Holland to prosecute violations of law relating to animal cruelty and animal neglect; and

WHEREAS, pursuant to Section 2931.18 of the Ohio Revised Code, any attorney hired by the Humane Society under said section shall be paid out of the County treasury in an amount approved as just and reasonable by this Council; and

WHEREAS, this Council finds and determines that a just and reasonable rate for the compensation of the attorney employed by the Human Society is \$50.00 for in-court work and \$40.00 for out of court work, for a maximum of \$750.00 per case, said rate being the same paid to attorneys in cases of misdemeanor indigent defense under Local Rule 8 of the Summit County Court of Common Pleas; and

WHEREAS, it is further necessary to establish a procedure for the payment of the attorney hired by the Humane Society; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the County of Summit to establish the rate of pay for the attorney employed by the Humane Society pursuant to Section 2931.18 of the Ohio Revised Code at the rate of \$50.00 for in-court work and \$40.00 for out of court work, for a maximum of \$750.00 per case, and establishing the procedures for the payment of said attorney;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The rate of compensation for Attorney J. Jeffrey Holland, employed by the Humane Society to prosecute violations of law relating to animal cruelty and animal neglect pursuant to Section 2931.18 of the Ohio Revised Code, is hereby established at \$50.00 for in-court work and \$40.00 for out of court work, for a maximum of \$750.00 per case, said rate being hereby determined by this Council to be just and reasonable.

SECTION 2

Payment shall be made from the General Fund directly to the Humane Society on a reimbursement basis upon completion of each case and upon presentation to the Director of Law of a detailed invoice, setting forth the name, court, case number, charge, disposition, number of hours worked in court and out of court and a description of all work performed for each case prosecuted under Section 2931.18 of the Ohio Revised Code. The Humane Society shall be responsible for direct payment to Attorney J. Jeffrey Holland of the funds paid under this Section to the Humane Society.

SECTION 3

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further reason to immediately establish the rate of compensation and method of payment prior to the commencement of any prosecutions by Attorney J. Jeffrey Holland.

SECTION 4

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

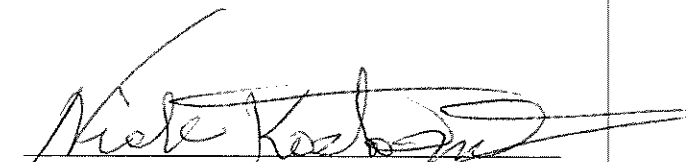
SECTION 5

It is 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED March 30, 2009

ADOPTED April 13, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED April 13, 2009


EXECUTIVE

April 13, 2009
ENACTED EFFECTIVE

Voice Vote: 9-0 YES: Crossland, Feeman, Kostandaras, Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith ABSENT: Comunale, Crawford