

RESOLUTION NO. 18.20

**A RESOLUTION RATIFYING THE ACTIONS OF THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH THE MADISON COUNTY PROSECUTING ATTORNEY TO PROSECUTE THOSE CRIMINAL AND TRAFFIC MISDEMEANORS OCCURRING WITHIN THAT PORTION OF THE VILLAGE LOCATED WITHIN MADISON COUNTY AND DECLARING AN EMERGENCY.**

WHEREAS, the appointment of the Madison County Prosecuting Attorney, pursuant to R.C. Section 733.48, to prosecute those criminal and traffic misdemeanors occurring within that portion of the Village located within Madison County expires on July 15, 2020; and

WHEREAS, it is the consensus of the Council that the prosecution of those criminal and traffic misdemeanors occurring within that portion of the Village located within Madison County, Ohio, should continue to be performed by the Madison County Prosecuting Attorney pursuant to the most recent proposal to provide such service;

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Plain City, Ohio, as follows:

**Section 1.** That the Madison County Prosecuting Attorney is hereby appointed, pursuant to Section 733.48 of the Ohio Revised Code, to prosecute those traffic and criminal misdemeanor offenses occurring within the portion of the Village located in Madison County, Ohio.

**Section 2.** Said appointment is upon the terms stated in the agreement of the Madison County Prosecuting Attorney, a copy of which is attached hereto as Exhibit "A".

**Section 3.** The Police Chief's action to enter into said agreement is hereby ratified by Village Council.

**Section 4.** This Ordinance is declared to be an emergency measure, effective immediately upon passage and necessary for the preservation of the health, safety and welfare of the Village. Such emergency exists in the need to maintain prosecution and enforcement of offenses occurring within the Village of Plain City. All ordinances and resolutions, or parts thereof, which are inconsistent herewith, are hereby repealed.

**Section 5:** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 22<sup>nd</sup> day of June, 2020.

Attest: Renee Smneth  
Village Fiscal Officer

Dorrian Luce  
Mayor

Vote: Suspend 3 reading rule; 6 yea \_\_\_ nay \_\_\_ abstain

Adopt as emergency; 6 yea \_\_\_ nay \_\_\_ abstain

### **Certificate of Publication**

The undersigned, being Village Fiscal Officer of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 123.01 of the Codified Ordinances. The posting was done from \_\_\_\_\_, 2020 to \_\_\_\_\_, 2020 at the Office of the Fiscal Officer located at 213 South Chillicothe Street; the Plain City Public Library located at 305 W. Main Street; the Security National Bank located at 105 W. Main Street; the Richwood Banking Co. located at 601 W. Main Street; all being in the Village of Plain City, Ohio and the Village of Plain City Website at [www.plain-city.com](http://www.plain-city.com).

Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Village Fiscal Officer

## AGREEMENT

This is an Agreement by and between the Madison County Prosecuting Attorney, Stephen J. Pronal, and the Village of Plain City, Ohio (hereafter "Village"), entered into on the date set forth below.

WHEREAS, the Village desires to have an attorney in good standing with the Supreme Court of Ohio to prosecute its misdemeanors occurring within the city limits of Plain City and Madison County, Ohio;

WHEREAS, the Madison County Prosecuting Attorney is an attorney in good standing with the State of Ohio and desires to handle the prosecution of the Village's cases in the Madison County Municipal Court;

WHEREAS, the parties desire that compensation be provided from the Village to the Madison County Prosecuting Attorney;

IT IS THEREFORE AGREED AS FOLLOWS:

1. For the period beginning July 16, 2020, and ending July 15, 2023, the Madison County Prosecuting Attorney will handle the prosecution of the Madison County Municipal Court misdemeanors for the Village.
2. The Village shall provide compensation to the Madison County Prosecuting Attorney in the amount of \$15,000.00 per annum for his legal services.
3. Payment shall be made annually in advance beginning with the first payment of \$15,000.00 due upon the final execution of this Agreement and prior to July 16, 2020.
4. The payment of this compensation shall be made to: The Madison County General Fund, c/o Stephen J. Pronal, Madison County Prosecutor, 59 N. Main Street, London, Ohio 43140.
5. This Agreement may be re-negotiated at any time in the future by the mutual agreement of the parties.
6. This Agreement may be terminated by either party by giving at least ninety (90) days written notice to the other party.

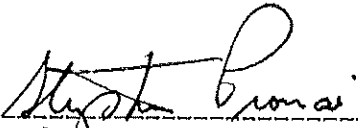
7. All notices may be sent or faxed to the parties as follows:


Dale McKee  
Chief of Police  
800 Village Blvd.  
Plain City, OH 43064  
614-873-2921 (Office)  
614-873-1076 (Fax)

Stephen J. Pronai  
Prosecuting Attorney  
Madison County, Ohio  
59 N. Main Street  
London, OH 43140  
740-852-2259 (Office)  
740-845-1694 (Fax)

8. The Madison County Prosecuting Attorney shall be responsible for all payment of income taxes, social security, self-employment taxes, workers compensation, unemployment compensation and any and all similar taxes and shall hold the Village harmless therefrom.
9. Neither the Madison County Prosecuting Attorney nor any of his designees or assistants performing services under this Agreement shall be entitled to any benefits from the Village including, but not limited to, health and medical insurance and/or Public Employees Retirement System benefits.

IN WITNESS WHEREOF, the parties have executed this Agreement this 18<sup>th</sup> day of June, 2020.

  
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Stephen J. Pronai  
Prosecuting Attorney  
Madison County, Ohio

  
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Dale McKee  
Chief of Police  
Plain City, Ohio