

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 141

By: Mayor Perciak

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ADDENDUM TO AGREEMENT TEMPORARILY EXTENDING THE INDEPENDENT CONTRACTOR AGREEMENT WITH JOSEPH A. GAMBINO TO PROVIDE MAGISTRATE SERVICES TO THE STRONGSVILLE MAYOR'S COURT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 1905.05, the City's Charter, Chapter 296 of the Codified Ordinances, and inherent Home Rule powers, and in order to implement the Mayor's designation of Magistrate, Council, through passage of Ordinance No. 2012-099, authorized the Mayor to execute and enter into an independent contractor agreement by and between **JOSEPH A. GAMBINO** and the City of Strongsville for Magistrate and other related Mayor's Court services, which has an expiration date of August 31, 2015; and

WHEREAS, it is the desire of the Magistrate and the City to execute an Addendum to Independent Contractor Agreement extending the current contract beyond August 31, 2015 to at least December 31, 2015, with an option to further extend it by letter agreement up to an additional four (4) months through April 30, 2016, if both parties so agree, on the same terms and conditions as set forth in the current Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized to enter into an Addendum to Independent Contractor Agreement in substantially the form attached hereto as Exhibit A, extending the Magistrate's current Agreement of September 1, 2012 beyond its current expiration date of August 31, 2015 through December 31, 2015, with an option on the part of both parties, if they mutually agree by letter agreement, to further extend said Agreement for a period not to exceed an additional four (4) months through April 30, 2016, all on the same terms and conditions as set forth in the current Agreement of June, 2012.

Section 2. That the funds for the purpose of said Addendum extending the Agreement have been appropriated and shall be paid from the General Fund; and the Director of Finance of the City be and is hereby authorized and directed to issue payment in accordance with the terms and conditions of such Agreement.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open

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meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for extension of the Magistrate's Independent Contractor Agreement confirming his position, duties, responsibilities, authority and compensation for the Mayor's Court, in order to provide for continuity in and the orderly and efficient administration of justice in the Mayor's Court, and to provide for other services as set out therein in accordance with law. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

Michael Daymut
President of Council

Approved: Thomas B. Bruer
Mayor

Date Passed: July 6, 2015
Yea Nay

Date Approved: July 7, 2015
Attest: Aimee Pientka
Clerk of Council

Carbone	<u>✓</u>	<u> </u>
Daymut	<u>✓</u>	<u> </u>
DeMio	<u>✓</u>	<u> </u>
Dooner	<u>✓</u>	<u> </u>
Maloney	<u>✓</u>	<u> </u>
Schonhut	<u>✓</u>	<u> </u>
Southworth	<u>✓</u>	<u> </u>

ORD. No. <u>2015-141</u>	Amended: <u> </u>
1st Rdg. <u>07-06-15</u>	Ref: <u> </u>
2nd Rdg. <u>Suspended</u>	Ref: <u> </u>
3rd Rdg. <u>Suspended</u>	Ref: <u> </u>

Pub Hrg. <u> </u>	Ref: <u> </u>
Adopted: <u>07-06-15</u>	Defeated: <u> </u>

**ADDENDUM TO INDEPENDENT CONTRACTOR AGREEMENT
FOR
MAYOR'S COURT MAGISTRATE SERVICES**

This Addendum to Independent Contractor Agreement for Mayor's Court Magistrate Services is entered into this ____ day of July, 2015, by and between **JOSEPH A. GAMBINO** ("Independent Contractor"), and the **CITY OF STRONGSVILLE**, an Ohio municipal corporation ("City").

WHEREAS, the Independent Contractor and City entered into an Independent Contractor Agreement for Mayor's Court Magistrate Services in June, 2012 to commence September 1, 2012 and ending on August 31, 2015; and

WHEREAS, the parties now mutually desire to amend and extend their current Agreement until at least December 31, 2015, with an option to further extend it up to an additional four (4) months through April 30, 2016, if both parties so agree, and all on the same terms and conditions as set forth in the June, 2012 Agreement.

NOW, THEREFORE, In consideration of the mutual promises contained and other good and valuable consideration, receipt of which is hereby acknowledged, it is agreed between the parties as follows:

1. The term of the Agreement of June, 2012 shall be extended through December 31, 2015 with an option to extend it beyond by letter agreement for up to an additional four (4) months through April 30, 2016, if both parties so agree, and all on the same terms and conditions as the current June, 2012 Agreement.

2. All other terms and conditions of the June, 2012 Agreement shall remain unchanged and in effect.

3. This Addendum has been authorized in accordance with law.

IN WITNESS WHEREOF, the parties have executed this Addendum to Independent Contractor Agreement the day and year first above written.

Signed in the presence of:

Aimee Prentke

CITY OF STRONGSVILLE

By: *Thomas P. Perciak*
Thomas P. Perciak
Its: Mayor

Janet A. Sluts

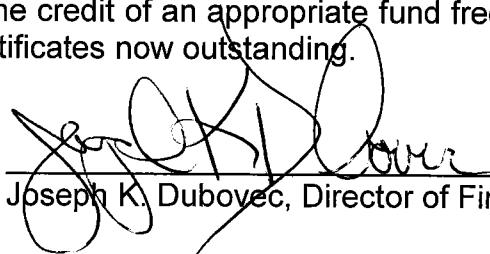
INDEPENDENT CONTRACTOR

Joseph A. Gambino
Joseph A. Gambino

CERTIFICATION OF FUNDS


It is hereby certified that the amount required to meet the obligations of this Addendum has been lawfully appropriated for the purposes of the Addendum and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, obligations or certificates now outstanding.

July 7, 2015
Date


Joseph K. Dubovec, Director of Finance

CERTIFICATE OF THE LAW DIRECTOR

I hereby certify that I have reviewed and approved the form of the foregoing Addendum this 7th day of July, 2015.


Kenneth A. Kraus, Law Director