

ORDINANCE NO. 18-09
ADOPTED: 10-22-18

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO EMPLOYMENT AGREEMENT WITH MICKEY BRANDON, DIRECTING THE FISCAL OFFICER OR HER DESIGNEE TO PURCHASE LIFE INSURANCE FOR THE VILLAGE ADMINISTRATOR, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to R.C. 735.271, with Ordinance No. 18-05, adopted on May 29, 2018 Council for the Village of Thornville approved and confirmed Mayor Savage's appointment of Mickey Brandon. Council also approved his residency outside the Village; and

WHEREAS, following this appointment and confirmation, the Parties executed an Employment Agreement; and

WHEREAS, Section 4 of the Employment Agreement provides "Employee is entitled to life insurance benefits at an amount equal to his annual salary"; and

WHEREAS, despite the language of the Employment Agreement (Section 4) and his current salary (\$40,314.20), the Village currently is providing the Village Administrator with life insurance in the amount of only \$25,000.00; and

WHEREAS, because the Village cannot find a life insurance company to write a policy exactly equal to Employee's salary, the Parties need to amend Section 4 of the Employment Agreement and make it a round number; and

WHEREAS, Section 16(A) of the Employment Agreement allows the agreement to be amended.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby authorizes and directs the Mayor, on behalf of the Village of Thornville, to execute a first amendment to employment agreement, in substantially the same form and content as the First Amendment attached hereto as Exhibit A and incorporated herein by reference, with Mickey Brandon.

SECTION 2: Council for the Village of Thornville hereby authorizes and directs the Fiscal Officer, or her designee, to purchase a life insurance policy for Mickey Brandon, as required by Section 4 of his amended employment agreement, in the total amount of \$40,000.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent part thereof.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 5: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that Council needs to amend this agreement and comply with its terms as soon as possible. Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council.

Passed in Council this 22 day of October 2018.


Linda Savage, Mayor

ATTEST:


Dan Harmon
President Pro Tempore of Council

APPROVED:

Approved as to form this 3rd day of October 2018:



Brian M. Zets, Esq.
Village Solicitor

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

This First Amendment to Employment Agreement ("this Amendment") is made and entered into, by and between the Village of Thornville, Ohio, Perry County, an Ohio municipal corporation ("Employer") and Mickey Brandon ("Employee") an individual who has the necessary training and experience in local government management, and is effective on the date last executed below. Employer and Employee are collectively referred to as the "the Parties."

RECITALS

WHEREAS, pursuant to R.C. 735.271, with Ordinance No. 18-05, adopted on May 29, 2018, Council for the Village of Thornville approved and confirmed Mayor Savage's appointment of Mickey Brandon. Council also approved his residency outside the Village; and

WHEREAS, following this appointment and confirmation, the Parties executed an Employment Agreement; and

WHEREAS, Section 4 of the Employment Agreement provides "Employee is entitled to life insurance benefits at an amount equal to his annual salary"; and

WHEREAS, because the Village cannot find a life insurance company to write a policy exactly equal to Employee's salary, the Parties need to amend Section 4 of the Employment Agreement and make it a round number; and

WHEREAS, Section 16(A) of the Employment Agreement allows the agreement to be amended.

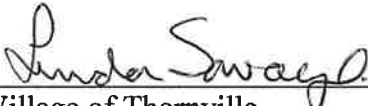
NOW THEREFORE, in consideration of the exchange of valuable consideration, the sufficiency of which the Parties' agreement exists, and upon the terms and conditions set forth below, the Parties hereby agree as follows:

Section 4 of the Employment Agreement shall be amended to read as follows:

Life Insurance Benefits

Employee is entitled to life insurance benefits in the amount of \$40,000.00.
The terms of Employer's insurance policy shall govern these death benefits.

Employer:


Village of Thornville
By Linda Savage, Mayor

Employee:


Mickey Brandon

Date: 10-22-18

Date: 7 Nov 18

Approved as to form:



Brian M. Zets, Esq.
Village Solicitor

CERTIFICATE OF AVAILABLE FUNDS

I certify that the money required to meet this first amendment to the original employment contract has hereby been lawfully appropriated for such purpose and is in the treasury or in the process of being collection to the credit of this fund, free from any previous obligation or certification as required by Ohio Revised Code 570501 to 5705.47.

Date



Melissa Tremblay, Fiscal Officer