

Sponsor: Mayor Richard Headen

First Reading: May 8, 2017
Second Reading: May 8, 2017
Third Reading: May 8, 2017
Adopted: May 8, 2017

**VILLAGE OF LINCOLN HEIGHTS
HAMILTON COUNTY, OHIO
RESOLUTION NO. 2017-R-11**

**RESOLUTION APPOINTING A TEMPORARY MAGISTRATE OF MAYOR'S COURT
PURSUANT TO SECTION 1905.05 OF THE OHIO REVISED CODE**

WHEREAS, Section 1905.01(B)(1), Ohio Revised Code, confers jurisdiction upon the Mayor of a municipality, not being the site of a municipal court, to hear and determine prosecutions and criminal causes involving a violation of an ordinance of such municipality, subject to the limitations contained in Section 1905.03, Ohio Revised Code;

WHEREAS, Section 1905.05, Ohio Revised Code, authorizes the Mayor to appoint a trained lawyer to serve as the Magistrate of a Mayor's Court to hear and determine prosecutions in criminal cases within the jurisdiction of the Mayor's Court;

WHEREAS, Resolution Number 2016-R-4 was passed on January 1, 2016 and appointed Deborah K. Brown Gaines to serve as Magistrate of Mayor's Court for the Village of Lincoln Heights from January 1, 2016 through December 31, 2017;

WHEREAS, Magistrate Gaines needs to take a temporary leave of absence for an indefinite period of time requiring that a temporary Magistrate be appointed to serve as Magistrate of Mayor's Court for the Village of Lincoln Heights;

WHEREAS, Pursuant to Section 1905.05, Ohio Revised Code, the Mayor has selected Wendy Cross, a lawyer trained in acting as a Magistrate within Hamilton County, to serve as the temporary Magistrate of Mayor's Court for the Village of Lincoln Heights; and

WHEREAS, Section 1905.05, Ohio Revised Code, provides that the compensation for the Magistrate of Mayor's Court shall be set and approved by Council.

NOW, THEREFORE, BE IT RESOLVED by the Council for the Village of Lincoln Heights, Hamilton County, Ohio, that:

SECTION I Pursuant to Section 1905.05, Ohio Revised Code, the Mayor has selected Wendy Cross to serve as the temporary Magistrate of the Mayor's Court.

SECTION II Council, upon recommendation of the Mayor, hereby authorizes as payment to Magistrate Wendy Cross, the sum of Two Hundred Seventy-Five Dollars (\$275.00) ("Compensation") for his/her services at each

session of Mayor's Court. The total amount of Compensation paid annually pursuant to this Resolution shall not exceed Six Thousand Six Hundred Dollars (\$6,600.00) without additional authorization from the Council of the Village of Lincoln Heights.

SECTION III The above-stated Compensation and agreement with Magistrate Wendy Cross shall continue from month to month, renewable without action by either party through December 31, 2017. Provided, however, that upon Magistrate Gaines' return from her temporary leave of absence, the above-stated compensation and agreement with Magistrate Wendy Cross shall immediately terminate. In addition, either party may terminate this relationship at any time, with or without cause, upon thirty days written notice delivered to the other.

SECTION IV This Resolution is hereby declared to be an emergency measure necessary for the health, safety and general welfare of the Village of Lincoln Heights. The reason for said emergency is the need to appoint a temporary Magistrate of Mayor's Court for the continued functioning of said court.

Passed this 8th day of May, 2017


Mayor, Village of Lincoln Heights

Attested:


Clerk of Council

RECORD OF VOTES CAST

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard Headen	X	---	---	---
Vice-Mayor Jeannie Stinson	X	---	---	---
Phyllis Baber	X	---	---	---
Linda Childs-Jeter	X	---	---	---
Frankie C. Dotson	X	---	---	---
Kathy A. Goodwin-Williams	X	---	---	---
Ruby Kinsey-Mumphrey	X	---	---	---

CERTIFICATION OF PUBLICATION

I hereby certify that I have published the foregoing legislation beginning on May 8, 2017 in accordance with Section 2.12 of the Charter for the Village of Lincoln Heights, Hamilton County, Ohio, by posting a complete copy of the legislation for at least 14 days after its adoption in 5 conspicuous places in the Village, to wit: 1) Healthcare Connection; 2) St. Simon's Church; 3) Friendship Plaza; 4) Centennial Apartments; 5) Oak Park; 6) Our Corner; and 7) Village Hall.



Clerk of Council