

**COUNTY COMMISSION
FAYETTE COUNTY, WEST VIRGINIA**

RESOLUTION NO. 2018-002

**Amendment to Professional Services Retainer
Agreement for Environmental and Public Health
Protection Legal Counsel to Assist the Fayette County
Prosecuting Attorney, and**

**Approval of Co-Counseling Agreements and
Appointments**

WHEREAS, on September 29, 2017, the Fayette County Commission announced the formation of the Environmental and Public Health Protection Unit (hereinafter: “**EPHPU**”) within the Office of the Fayette County Prosecuting Attorney Larry E. Harrah II to provide Environmental and Public Health Protection legal advice and civil and criminal enforcement services to the Fayette County Commission, the Fayette County Prosecuting Attorney, and, when authorized, to all appropriate Fayette County Officers, Offices, Agencies, Boards and Authorities; and

WHEREAS, on September 29, 2017, the Fayette County Commission unanimously approved the retention and appointment of **Michael O. Callaghan, Esq.** of the Charleston, WV Firm of Neely and Callaghan as an Assistant Fayette County Prosecuting Attorney to serve as Chief of the **Environmental and Public Health Protection Unit** (hereinafter: “**EPHCU**”).

WHEREAS, the Fayette County Prosecuting Attorney has recommended that the Professional Services Retainer Agreement with Mr. Callaghan’s law firm be amended, retroactive to its originally approved effective date; and

WHEREAS, the Fayette County Prosecuting Attorney has further recommended that the Appointments made in the Co-Counseling Agreements between Mr. Callaghan’s law firm and Paladin Law Group, LLP and law firm of Senak*Keegan*Gleason*Smith & Michaud, Ltd., as expressly authorized by both the original and amended Retainer Agreement between Fayette

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County and Mr. Callaghan's law firm, be approved; and

NOW, THEREFORE, BE IT RESOLVED that with the majority vote of the Fayette County Commission, the President of the Fayette County Commission is authorized to execute on behalf of the Fayette County Commission the Amendment to the Professional Services Retainer Agreement between the Fayette County Commission and the Law Firm of Neely and Callaghan, which shall provide for compensation for professional legal fees of, and reimbursement of expenses advanced by its attorneys and law firm personnel retained for all professional services to Fayette County; which compensation and reimbursement is hereby determined to be fair and appropriate.

BE IT FURTHER RESOLVED that the Fayette County Commission approves the retention of the professional services of both the law firm of Senak*Keegan*Gleason*Smith & Michaud, Ltd. and of Paladin Law Group, LLP by the law firm of Neely and Callaghan through Co-Counseling Agreements to provide legal services to the Fayette County Commission and the appointments by the Fayette County Prosecuting Attorney of Attorneys Thomas A. Smith, Esq., Douglas W. Michaud, Esq., Bret A. Stone, Esq. and John R. Till, Esq. as Senior Assistant Fayette County Prosecuting Attorneys; all to work at the direction of the County Commission of Fayette County under the supervision of the Fayette County Prosecuting Attorney.

IT IS SO RESOLVED AND DONE with the majority vote of the Fayette County Commission, by the County Commission of Fayette County, West Virginia this 6th day of ~~MARCH~~ 2018.
April

**COUNTY COMMISSION
FAYETTE COUNTY, WEST VIRGINIA**

By: 

Hon. Matthew D. Wender, M.B.A.
Its President

ATTEST:



Kelvin E. Holliday
County Clerk, Fayette County, West
Virginia



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