

ORDINANCE NO. 35 -24

**AN ORDINANCE TO ACCEPT THE FACT FINDER'S REPORT IN THE
MATTER OF THE CITY OF AVON AND THE OHIO PATROLMEN'S BENEVOLENT
ASSOCIATION (OPBA), SERB CASE NO: 2023-MED-0516 (PATROL OFFICERS)
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, Ohio, (public employer) and the Ohio Patrolmen's Benevolent Association (OPBA), representing full-time Patrol Officers (Union), (collectively referred to as the parties), began negotiations for a successor collective bargaining agreement in October of 2023; and

WHEREAS, the parties tentatively agreed to issues during negotiations, and for all outstanding/open issues proceeded to Fact Finding before Fact Finder Jeffrey A. Belkin ("Fact Finder Belkin"), and under the dispute resolution procedures of the provisions of chapter 4117 of the Ohio Revised Code (ORC); and

WHEREAS, Fact Finder Belkin issued his report and recommendations on March 11, 2024; and

WHEREAS, pursuant to Ohio Revised Code 4117.14 (C) (6) (a) not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of the total membership, may reject the recommendations; and

WHEREAS, pursuant to Ohio Revised Code 4117.14 (C) (6) (a) if neither the City nor the Union formally rejects the report within seven (7) calendar days from issuance, it is deemed accepted; and

WHEREAS, upon review, the administration and the legislative body have determined that the Fact Finder's report is acceptable as a whole in consideration of the interests of the City of Avon and the interest and welfare of the public. Further, acceptance of the Fact Finder's report is acceptance only as to specified wages, hours, terms and other conditions of employment for bargaining unit employees, and shall not be construed to establish fixed staffing levels nor to require specific departmental funding requirements.

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF
AVON, COUNTY OF LORAIN AND STATE OF OHIO:**

Section 1 - That the Fact Finder's Report issued by Fact Finder Belkin, and tentative agreements reached between the parties as submitted, to be effective from January 1, 2024 through December 31, 2026, are hereby accepted by the Council of the City of Avon, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference. Further, the Mayor is hereby authorized to execute on behalf of the City of Avon the final document reflecting this agreement.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were, unless otherwise exempted, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to act within thirty (30) days of the submission of the agreement consistent with the provisions of ORC §4117.10(B); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

By: _____
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director