

ORDINANCE NO. 127-24

AN ORDINANCE AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, MCLAUGHLIN, & PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE DECEMBER 11, 2024 TAXPAYER DEMAND LETTER PRESENTED TO THE CITY SEEKING TO RECOVER AND THEN ENJOIN CERTAIN PAYMENTS INTO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, the Law Director for the City of Avon received a Taxpayer Demand letter dated, December 11, 2024, demanding that all legal action be taken to enjoin the contributions being made into the Public Employee Retirement System (PERS) on behalf of certain individuals (employees), to seek refunds from PERS of the contributions so made and to discontinue coverage for these certain individuals (employees) under PERS; and

WHEREAS, to fully protect the interests of the City, City Council, the City's Finance Director and the individual employees named therein, and to achieve the best possible resolution, the Law Director recommends the hiring of outside counsel, viz., Dooley, Gembala, McLaughlin & Pecora (DGMP), to review, prepare and represent their interests in this action; and

WHEREAS, Council deems it to be in the best interest of the health, safety and welfare of the citizens of Avon that outside special counsel be retained as quickly as possible to represent the interests of the City, City Council and any employee of the City adversely impacted by the assertions made in said demand letter or in any legal proceedings arising therefrom.

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

Section 1 - Effective upon the passage of this Ordinance and retroactive to December 13, 2024, Council hereby authorizes the administration to retain the services of Dooley, Gembala, McLaughlin, & Pecora, (hereinafter referred to as DGMP), as special counsel to represent the City in any manner necessary to protect the interests of the City, City Council and any City employee(s) implicated in the December 11, 2024 "Demand Letter" submitted to the City by Attorney Gerald W. Phillips on behalf of his clients, Peter Restivo, et. al.

Section 2 - That the proposal for these services submitted by DGMP is hereby accepted and marked as [Exhibit A](#) and made a part of this Ordinance by reference. Further, DGMP as special counsel, shall be compensated at the rate stated therein. Council approves and ratifies the actions taken by DGMP commencing with December 13, 2024 and payment for said services rendered commencing on said date and going forward shall be reviewed by the Law Director and issued pursuant to the directives of the Finance Director.

Section 3 - 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 in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 4 - 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 retain special counsel without delay and retroactive to December 13, 2024 to deal with matters concerning the contents of the demand letter submitted by Atty. Gerald W. Phillips on December 11, 2024; 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 _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

POSTED _____
Electronically and at City Hall as
Provided by Council

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