

RESOLUTION NO. R-23-25

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON TO EXECUTE A LEGAL SERVICES CONTRACT WITH GROSSMAN & KELLY, LLP TO PROSECUTE, ON A CONTINGENCY BASIS, CIVIL LEGAL CLAIMS FOR HARMS AND PROPERTY DAMAGE FROM WATER CONTAMINATION INCLUDING, WITHOUT LIMITATION, MICROPLASTICS, PFAS, AND 1,4-DIOXANE AND DECLARING AN EMERGENCY

WHEREAS, various litigations are pending for economic damages against the responsible parties who substantially contributed to water systems being contaminated by PFAS, Microplastics, and 1,4-Dioxane for the harms they caused; and

WHEREAS, the City of Avon has received communication from the law firm of Grossman & Kelly, LLP (“Grossman”) about the potential claims for economic damages in proceedings against the responsible parties; and

WHEREAS, the water sourced by the City of Avon is in need of testing, and pollutants including without limitation such as PFAS, Microplastics, 1,4-Dioxane could be present; and

WHEREAS, a Legal Services Contract allows Grossman & Kelly, LLP to work with the City of Avon to have its water tested, at no expense to the City, and to prosecute on a contingency basis proceedings for damages against the responsible parties; and

WHEREAS, it appears that the City of Avon is entitled to participate in proceedings against the responsible parties, and accordingly engages Grossman & Kelly, LLP to investigate, make claim and/or file lawsuits on behalf of the City of Avon to recover monies which the City of Avon is entitled to; and

WHEREAS, contracting with Grossman & Kelly, LLP for legal services will allow the City of Avon to efficiently participate and serve the interests of its citizens; and

WHEREAS, various Court Orders and deadlines are in place; and

WHEREAS, Council, having reviewed the Contract, finds it to be in the best interest of the health, safety, and welfare of the citizens of Avon that Mayor be authorized to enter into a Contract with Grossman & Kelly, LLP.

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

Section 1 – That the Mayor of the City of Avon is hereby authorized to execute a Legal Services Contract with Grossman & Kelly, LLP, to investigate and file lawsuits and/or claims on a contingency basis on behalf of the City of Avon for any damages, and to recover such monies. Said Legal Services Contract, in substantially the form as set forth herein, is attached hereto as [Exhibit A](#) and incorporated herein by reference.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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.

Section 3 - That this Resolution 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 authorize the Mayor to enter into a Legal Services Contract with Grossman & Kelly, LLP; therefore, this Resolution 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

ATTEST:

Barbara Brooks, Clerk of Council

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

Resolution R-23-25 (Con't.)

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