

ORDINANCE NO. 11-14

**AN ORDINANCE TO REJECT THE FACT-FINDING RECOMMENDATIONS
IN THE MATTER OF THE CITY OF AVON AND THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS, LOCAL # 4310, AFL-CIO; SERB CASE
NO.: 2013-MED-07-0831; AND DECLARING AN EMERGENCY**

WHEREAS, the City and the OPBA (Union) proceeded to a fact-finding hearing on November 25, 2013, under the provisions of section 4117.14 (C) (3) and (4) of the Ohio Revised Code (ORC); and

WHEREAS, the Fact-Finder issued his report and recommendations on January 8, 2014, consistent with the provisions of 4117.14 (C) (5) ORC; and

WHEREAS, pursuant to 4117.14 (C) (6) ORC, and not later than seven (7) [calendar] days after the fact-finding recommendations are served, the Council of the City of Avon, as the legislative body, may, by a vote of three-fifths of the total membership, reject the recommendations; and

WHEREAS, pursuant to 4117.14 (C) (6) ORC, if neither the legislative body nor the public employee organization (Union) rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues. Additionally, the Council of the City of Avon, as the legislative body, may vote to accept the recommendations; and

WHEREAS, upon review, the legislative body has determined the fact-finding recommendations to be unacceptable as a whole in consideration of the interests of the City of Avon and the interest and welfare of the public.

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

Section 1 The Council of the City of Avon hereby rejects the recommendations of the fact-finder.

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

Section 3 This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of peace, health, and safety in the City of Avon and for the further reason that action is necessary within seven (7) days of the issuance of the fact-finding report and recommendations consistent with the provisions of section 4117.14 (C) (6) ORC; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council and approval by the Mayor.

Ordinance No. 11-14 (Con't.)

PASSED: _____ DATE SIGNED: _____

BY: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young, Clerk of Council

POSTED: _____
In five places as
provided by Council

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