

ORDINANCE NO. 143-22

**AN ORDINANCE TO ACCEPT THE TENTATIVE AGREEMENT
IN THE MATTER OF THE CITY OF AVON AND THE FRATERNAL
ORDER OF POLICE / OHIO LABOR COUNCIL, INC.,
SERB CASE NO: 2022-MED-11-1218 (RANKING OFFICERS)
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, Ohio, (public employer) and the Fraternal Order of Police, Ohio Labor Council, Inc. (FOP/OLC), representing full-time Ranking Officers (Union), reached a tentative agreement for a one (1) year extension of the current collective bargaining agreement (Memorandum of Understanding, Contract Settlement and Extension) under the provisions of chapter 4117 of the Ohio Revised Code (ORC); and

WHEREAS, the parties tentatively agreed to an extension of one (1) year to the current collective bargaining agreement between the parties reached in SERB Case No. 2020-MED-11-1343 (effective May 1, 2021 and expiring April 30, 2023); and

WHEREAS, the parties tentatively agreed that the current contract term in the above referenced case number shall be extended by a period of one (1) year so that the term of the extension shall be from May 1, 2023 to April 30, 2024; and

WHEREAS, parties acknowledge that bargaining unit employees shall receive a wage increase for year 2023 as negotiated between the parties and memorialized in the Memorandum of Understanding, 2022 & 2023 Wage Re-Opener in SERB Case No. 2021-MED-11-1515 and ratified by this Council (Ordinance 102-21); and

WHEREAS, the Union ratified the tentative agreement (Memorandum of Understanding, Contract Settlement and Extension) under the provisions of ORC §4117.10 on December 6, 2022; and

WHEREAS, pursuant to ORC §4117.10 the public employer has submitted the agreement to the Council of the City of Avon, as the legislative body, on December 12, 2022, and;

WHEREAS, pursuant to ORC §4117.10 (B), the legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty (30) days after the public employer submits the agreement; and

WHEREAS, upon review, the administration and the legislative body have determined that the tentative agreement 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 tentative agreement 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 tentative agreement between the parties as submitted is 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

Ordinance No. 143-22 (Con't.)

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

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