

ORDINANCE NO. 135-23

**AN ORDINANCE TO ACCEPT ALEX W. BOCCABELLA'S WAIVER OF
COMPENSATION DURING HIS TENURE ON THE AVON TREE COMMISSION
AND DECLARING AN EMERGENCY**

WHEREAS, Alex W. Boccabella was duly appointed to the Avon Tree Commission by the Mayor on March 28, 2022; and

WHEREAS, commencing with the fiscal year of 2024, Mr. Boccabella has expressed his willingness to serve on the Tree Commission without compensation; and

WHEREAS, in furtherance of serving on the Commission without compensation, Mr. Boccabella has executed a Compensation Waiver; and

WHEREAS, Council has reviewed this Waiver and finds that acceptance of same is in the best interests of the health, safety, and welfare of the community.

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

Section 1 – That Alex W. Boccabella's Waiver of Compensation for his service on the Avon Tree Commission beginning with the first pay period of 2024 and continuing throughout that year, is hereby accepted. A copy of said Waiver, dated November 3rd, 2023, is marked as Exhibit A and attached hereto and incorporated herein by this reference.

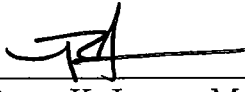
Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were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

Section 3 - 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 accept the Compensation Waiver of Alex W. Boccabella for service on the Avon Tree Commission in 2024; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: December 18, 2023 DATE SIGNED: December 18, 2023

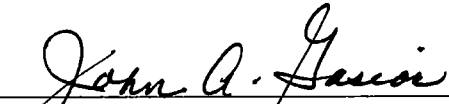
By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 19, 2023



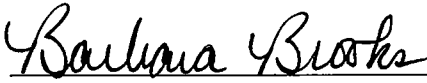
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:



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

ATTEST:



Barbara Brooks, Clerk of Council

Posted: December 20, 2023
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 135-23, passed by the Council of said City on December 18, 2023.

IN WITNESS WHEREOF, I have on this 19th day of December, 2023, affixed my signature and official seal.



Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio



CITY OF AVON

36080 Chester Road · Avon, OH 44011 · Phone (440) 937-7800 · Fax (440) 937-7824 · www.cityofavon.com

November 3, 2023

Alex W. Boccabella
35980 Wydemere Way
Avon, Ohio 44011

Sent via e-mail (jsbocco722@cs.com) and regular mail

RE: Waiver of compensation

Dear Mr. Boccabella:

The City of Avon wishes to advise you that you may choose to waive compensation to which you are entitled to pursuant to Section 277.02(b) of the Codified Ordinances of the City of Avon for your service on the City of Avon Tree Commission.

Section 3 of Ordinance No. 70-21, which established the Tree Commission indicated that voting members of the Commission shall serve without compensation unless otherwise provided by City Council. Council chose not to establish compensation for any of the members of the Tree Commission at that time, reserving the matter to a later date; and the Ordinance was amended to establish compensation beginning in July of 2022 and forward. The amount of compensation was further amended in Ordinance No. 133-22, Establishing Compensation for Full and Part-Time City Administrative Positions Not Covered by Any Collective Bargaining Agreement for the Year 2023.

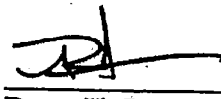
By signing below, you acknowledge that you knowingly and voluntarily waive any right or entitlement to compensation for serving on the City of Avon Tree Commission for the time period of January 1, 2024 – December 31, 2024, which also happens to be the date upon which your term on the Commission expires. You also understand that you will serve on the Tree Commission on a volunteer basis, continuing to fulfill all existing duties. Please sign and submit this letter/form

Alex W. Boccabella
November 3, 2023
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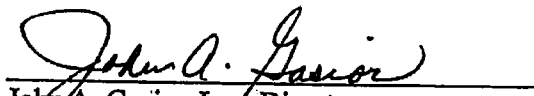
below and return to the City of Avon (Attn: Diane Szlempa, HR Coordinator, City of Avon, dszlempa@cityofavon.com) Should you wish to rescind this waiver at any time please do so in writing and submit to John Gasior, Law Director of the City of Avon (36815 Detroit Rd, Avon, OH 44011 or jgasior@sagavonlaw.com).


Alex Boccabella

11-11-23
Date Signed


Bryan K. Jensen, Mayor

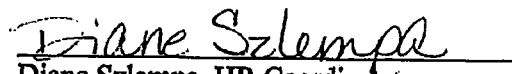
Date signed: 11/13/2023


John A. Gasior, Law Director

Date signed: 11/13/23


Steve Presley, Finance Director

Date signed: 11.13.23


Diane Szlempa, HR Coordinator

Date signed: 11/13/2023