

RESOLUTION NO. R-34-13

**A RESOLUTION TO AUTHORIZE THE CITY TO ENTER INTO
AN AGREEMENT TO EXTEND THE PERIOD FOR FACTFINDING AND
AN AGREEMENT FOR A LIMITED WAIVER OF ORC §4117.14(g)(11)
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon (Employer) and the IAFF, Local 4310 (Union) are parties to a current collective bargaining agreement (CBA) effective January 1, 2011 and expiring on December 31, 2013, now being negotiated in State Employment Relations Board Case No. 2013-MED-07-0831; and

WHEREAS, pursuant to ORC §4117.14(C)(5), the Factfinder's report is due no later than fourteen (14) days after appointment of the factfinder; and

WHEREAS, the Parties seek to enter into an agreement to extend the period for the issuance of a fact finding recommendation/report until January 8, 2014, and further to waive the provisions of Ohio Revised Code 4117.14(G) (11), but only to the extent necessary to allow a conciliator to issue an award on matters involving rates of compensation and/or matters with cost implications with an effective date that is on or after January 1, 2014.

WHEREAS, by agreeing to this Limited Waiver, the Parties do not, through such Waiver, indicate any individual or collective preference that any economic matter(s) be effective on a particular date pursuant to ORC §4117.14(C)(6), and not later than seven (7) calendar days after the factfinding recommendations are served; and

WHEREAS, the Council of the City of Avon, may, by a vote of three-fifths of the total membership, reject the recommendations; and

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

Section 1 – That Council hereby authorizes the Mayor to enter into an “Agreement to Extend the Period for Factfinding and Agreement for a Limited Waiver of ORC §4117.14(g)(11), a copy of which is attached hereto and incorporated herein by this reference.

Section 2 – That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 3 – That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to adopt an Agreement with the IAFF Local 4310 to extend certain aspects of the collective bargaining process; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

Resolution No. 34-13 (Cont'd)

PASSED: November 25, 2013

DATE SIGNED: December 2, 2013

By: Daniel S. Zegarac
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: November 27, 2013

James A. Smith
James A. Smith, Mayor

APPROVED AT TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Ellen R. Young, Clerk of Council

Posted: December 3, 2013
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director

I, Ellen R. Young, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Resolution No. R-34-13, passed by the Council of said City on November 25, 2013.

IN WITNESS WHEREOF, I have on this 3rd day of December, 2013, affixed my signature and official seal.

Ellen R. Young
Ellen R. Young, Clerk of the Council of the City of Avon, Ohio

R-34-13

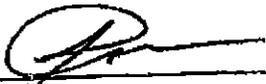
**AGREEMENT TO EXTEND THE PERIOD FOR FACT FINDING AND AGREEMENT FOR A LIMITED WAIVER
OF RC 4117.14(G)(11)**

The City of Avon, Ohio ("Employer") and IAFF, Local 4310 ("Union"), collectively "the Parties", are parties to a current collective bargaining agreement (CBA) effective January 1, 2011 and expiring on December 31, 2013, now being renegotiated in State employment Relations Board Case No. 2013-MED-07-0831.

The Parties hereby agree to extend the period for the issuance of a fact finding recommendation/report until January 8, 2014, and further agree that the provisions of Ohio Revised Code 4117.14(G) (11) are waived in the aforementioned case, only to the extent necessary to allow a conciliator to issue an award on matters involving rates of compensation and/or matters with cost implications with an effective date that is on or after January 1, 2014. By agreeing to this Limited Waiver, the Parties do not, through such Waiver, indicate any individual or collective preference that any economic matter(s) be effective on a particular date.

Furthermore, by agreeing to this Limited Waiver, the Parties do not waive any other rights they may have to accept/reject any tentative agreement or fact finding recommendation/report and, or to contest any impropriety in the negotiation process or any resultant order or award. Each party acknowledges that such party understands the limited waiver and is signing it voluntarily.

FOR THE CITY



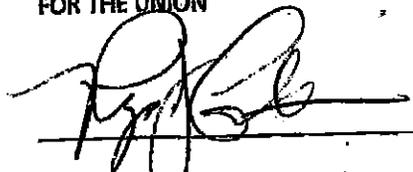
Sandy Conley, Employer Advocate



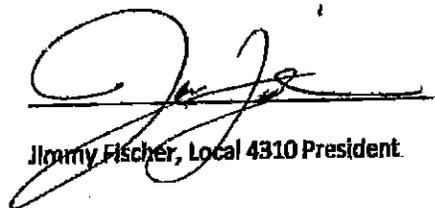
William D. Logan, Director of Finance

Date Signed: 11/25/13

FOR THE UNION



Ryan Lemmerbrock, Union Advocate



Jeremy Fischer, Local 4310 President

Date Signed: 11-26-13