

AN ORDINANCE PROVIDING FOR LEGAL REPRESENTATION OF THE CITY OF AVON LAKE AND SPECIFIED OFFICIALS OF THE CITY IN ACTIONS FILED BY THE STATE OF OHIO, EX REL. WILLIAM ZIMMERMAN, ET AL., CASE NO. 2024-1711; STATE OF OHIO, EX REL. WILLIAM ZIMMERMAN, ET AL., CASE NO. 24-CV-214755; AND GERALD W. PHILLIPS, ET AL., CASE NO. 25-PC-00002, AND DECLARING AN EMERGENCY.

WHEREAS, on December 12, 2024, a complaint was filed by individuals against the City of Avon Lake (“City”) and various elected and/or appointed officials of the City in the matter of *State of Ohio, City of Avon Lake ex rel. William Zimmerman, et al., v. City of Avon Lake, et al.*, Supreme Court Case No. 2024-1711 (“OSC Case”); and

WHEREAS, on December 20, 2024, a second complaint was filed by the same individuals against the City and various elected and/or appointed officials of the City in the matter of *State of Ohio, ex rel. William Zimmerman, et al., v. City of Avon Lake, et al.*, Lorain County Court of Common Pleas Case No. 24-CV-214755 (“LCC Case”); and

WHEREAS, on February 25, 2025, a third complaint was filed by some of the same individuals as filed the OSC Case and the LCC Case in the matter of *In Re: Removal of Mark Spaetzel Mayor of Avon Lake, Ohio, ex rel. Gerald W. Phillips, et al., v. Mark Spaetzel, Mayor-Avon Lake*, Lorain County Court of Common Pleas, Probate Division, Case No. 25-PC-00002 (“Probate Case”); and

WHEREAS, the City reasonably anticipates that further complaints may be filed by the individuals who filed each of the aforementioned cases; and

WHEREAS, Codified Ordinance § 234.02 authorizes the City to employ outside legal counsel “if the Law Director determines that specialized expertise is necessary or if the legal matter requires additional support, such as, but not limited to, litigation”; and

WHEREAS, the Law Director has determined that outside legal counsel is warranted for each of the aforementioned actions as well as future actions filed by the same individuals identified as plaintiffs therein; and

WHEREAS, the Council of the City of Avon Lake has instructed Seeley, Savidge, Ebert & Gourash Co., LPA, to represent the City and the individual defendants named therein in the OSC Case and the LCC Case; and

WHEREAS, the Council of the City of Avon Lake has instructed Seeley, Savidge, Ebert & Gourash Co., LPA, to represent the City in the Probate Case, but is unable to

represent the Mayor therein, who shall be represented by separate outside counsel pursuant to a separately enacted ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Seeley, Savidge, Ebert & Gourash Co., LPA, be and is hereby authorized and directed to represent and prepare on behalf of the City of Avon Lake, Mayor Mark Spaetzel, and its departments and employees all legal proceedings necessary in connection with actions filed by William Zimmerman, et al., and Gerald W. Phillips, et al. in the OSC Case and the LCC Case, and such other cases filed by these same individuals and entities in the Law Director's discretion.

Section No. 2: That Seeley, Savidge, Ebert & Gourash Co., LPA, be and is hereby authorized and directed to represent and prepare on behalf of the City of Avon Lake and the Law Director all legal proceedings necessary in connection with the Probate Case.

Section No. 3: That the necessary expenses for said representation, not covered under the City's current property and casualty insurance, be paid upon approval voucher submitted therefore in an amount not to exceed \$35,000.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees which 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 No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of preparing and filing the necessary legal proceedings in a timely manner to represent the City and uphold the laws and regulations of the City, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: 3/03/2025

/s/ Jennifer G. Fenderbosch
Council President

POSTED: 3/07/2025

APPROVED: 3/03/2025

ATTEST: */s/ Valeria E. Rosmarin*
Clerk of Council

/s/ Mark A. Spaetzel
Mayor