

AN ORDINANCE PROVIDING LEGAL REPRESENTATION FOR THE MAYOR OF THE CITY OF AVON LAKE 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 AND THE CITY OF AVON LAKE IN IMMINENT FUTURE LITIGATION AND DECLARING AN EMERGENCY.

WHEREAS, since December 12, 2024, complaints have been filed 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 and 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, Codified Ordinance § 234.02 provides that outside counsel may be employed to act on behalf of the city or any officer, employee, department, board or commission of the city if one or more of the circumstances set forth in § 234.07(b) arise;” and

WHEREAS, Codified Ordinance § 234.07 provides that if the Law Director and the Assistant Law Director have conflicts of interest and cannot represent an officer of the City, outside counsel may be employed to represent such officer, subject to the approval of Council; and

WHEREAS, the Law Director has determined that a conflict of interest exists in representing Mayor Mark Spaetzel (“Mayor”) in the Probate Case such that outside legal counsel is needed to represent the Mayor as the removal action was prompted by and/or arose from actions taken by the Mayor in performing his official duties and responsibilities; and

WHEREAS, additional future litigation related to the OSC Case, the LCC Case, and the Probate Case is reasonably anticipated to be imminent; 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 Council of the City of Avon Lake has instructed McDonald Hopkins, LLC, to represent the Mayor in the Probate Case; and

WHEREAS, the Council of the City of Avon Lake has instructed McDonald Hopkins, LLC, to represent the City in such other reasonably anticipated, imminent litigation.

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

Section No. 1: That McDonald Hopkins, LLC, be and is hereby authorized and directed to represent Mark Spaetzel, Mayor of the City of Avon Lake in 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.

Section No. 2: That McDonald Hopkins, LLC, be and is hereby authorized and directed to represent the City in such further imminent future litigation.

Section No. 3: That the necessary expenses for said representation shall be paid upon approval voucher submitted, therefore, in an amount not to exceed \$25,000.

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 Mayor of the City in Case No. 25-PC-00002, and the City in future imminent proceedings, 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

*1st Jennifer J. Fenderbosch*  
Council President

POSTED: 3/07/2025

APPROVED: 3/03/2025

ATTEST: *1st Valeria E. Rosmarin*  
Clerk of Council

*1st Mark A. Spaetzel*  
Mayor