

ORDINANCE NO. 22-17

AN ORDINANCE AUTHORIZING THE MAYOR TO RETAIN THE LEGAL SERVICES OF WALTER & HAVERFIELD LLP IN CONNECTION WITH A CHALLENGE TO S.B. 331 REGULATING SMALL CELL FACILITIES AND THE PUBLIC RIGHT OF WAY AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon is an Ohio Municipality adversely affected by the passage of S.B. 331 by the Ohio State Legislature; and

WHEREAS, upon the recommendation of the City's Law Director, Council deems it in the city's best interest to join other political subdivisions named in an action to challenge said legislation and to retain the services of Walter & Haverfield, LLP for this purpose; and

WHEREAS, the need to retain counsel as soon as possible and without unnecessary delay is in the best interest of the health, safety and welfare of the city and its residents.

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

Section 1 - That the legal services of Walter & Haverfield, LLP are hereby retained, such services to be in connection with the legal challenge(s) to S.B. 331 regulating small cell facilities and the public right of way.

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 retain the legal services of Walter & Haverfield LLP in a timely manner; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Ordinance No. 22-17 (Con't.)

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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