

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

DAVID M. FIEBIG
CHRISTOPHER HALLUM
LAURA LENZ
JANET MAJKA
LAURA PIZMOHT

ORDINANCE NO. 2018-47

AN ORDINANCE TO EMPLOY THE SERVICES OF GREGORY BECK AND BAKER, DUBLIKAR, BECK, WILEY & MATTHEWS, TO REPRESENT THE CITY OF WILLOUGHBY HILLS IN THE COMPLAINT FILED IN *WEGER V. CITY OF WILLOUGHBY HILLS*, LAKE COUNTY COMMON PLEAS COURT CASE NO. 18CV000964 AND IN *CITY OF WILLOUGHBY HILLS V. WEGER*, LAKE COUNTY COMMON PLEAS COURT {TEMPORARY RESTRAINING ORDER, COMPLAINT AND MAYOR'S ILLEGAL ATTEMPT TO REMOVE ELECTED OFFICIALS}; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, on May 17, 2018, Council enacted Ordinance No. 2018-27 to remove the Mayor as the sole negotiating agent acting on the part of the City in any matter in connection with the Willoughby Hills AFSCME Union, pursuant to ORC 4117.20(B); and

WHEREAS, on May 24, 2018 Mayor Robert M. Weger vetoed Ordinance No. 2018-27; and

WHEREAS, the Council of the City of Willoughby Hills set aside the Mayor's veto of Ordinance No. 2018-27, making that ordinance the law of the City; and

WHEREAS, Robert Weger, as an individual and taxpayer and in his official capacity as Mayor, filed a Complaint in the Common Pleas Court, Lake County, Ohio, styled *Weger v. City of Willoughby Hills*, Lake County Common Pleas Case No. 18CV000964, against the City of Willoughby Hills; allegedly against City Council and Council President Nancy Fellows in her official capacity; and

WHEREAS, Robert Weger threatened to remove any Council members who exercised their rights under the Charter to vote to put Charter Amendments on the ballot for approval by the electorate; and

WHEREAS, Robert Weger, attempted to illegally remove 6 of the 7 members of Council in the City of Willoughby Hills; through City Attorney Gregory Beck, a request for a temporary restraining order was filed on October 5, 2018; and

WHEREAS, visiting Judge Fuhry granted a temporary restraining order on October 9, 2018;

WHEREAS, the Mayor's attempted removing was based in part on the first two cases for which Mr. Beck was retained and Mr. Beck felt obligated as an attorney representing the City to prevent his clients from being unlawfully removed from office in the middle of said litigation and as a result of said litigation; and

WHEREAS, this Council desires to continue to authorize Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews, to represent the City's interests in the abovementioned Complaint.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews shall continue to represent the City, in the Complaint of *Weger v. City of Willoughby Hills*, (Case No. 18CV000964).

SECTION 2. Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews shall represent *City of Willoughby Hills v. Weger*, Lake County Common Pleas Court {Temporary Restraining Order, Complaint and Mayor's illegal attempt to remove elected officials}.

SECTION 3 Mr. Beck and Baker, Dublikar, Beck, Wiley & Matthews shall be compensated monthly at an hourly rate of \$155/hour, for the services required in Section 1 and Section 2 of this ordinance.

SECTION 4. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action, were held in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 6. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, and further, so that the City's interests may be immediately protected; wherefore, this Ordinance shall take effect and be in force effective immediately, after its passage and approval according to law.

PASSED: November 8, 2018

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 8 day of November, 2018

Approved by the Mayor

_____, 2018

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor