

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 R. MAJKA
LAURA PIZMOHT

ORDINANCE NO. 2018-9

AN ORDINANCE RATIFYING THE COMPENSATION PAID TO THOMAS TALCOTT WHILE SERVING THE CITY IN THE POSITION OF ACTING FIRE CHIEF AND DECLARING AN EMERGENCY.

WHEREAS, on July 18, 2017, the Mayor announced the appointment of Thomas Talcott to serve as the Acting Fire Chief of the Fire Department; and

WHEREAS, the Administration did not seek the confirmation in the appointment of Thomas Talcott to serve as Acting Fire Chief nor did the Administration request compensation to be fixed by Council as prescribed by Charter provision 3.32 Fixing of Salaries: "Council shall by ordinance fix the salary or compensation of every officer and employee of the Municipality"; and

WHEREAS, for the majority of the time of Mr. Talcott's service as Acting Fire Chief no ordinance provided for the compensation of that position; and

WHEREAS, the administration decided to provide compensation to the Acting Fire Chief in accordance with Article XXI, Section 21.3 of the Willoughby Hills Fire Fighters, Local #3149 of the International Association of Fire Fighters collective bargaining agreement ("CBA"), which provides that an Acting Fire Chief will be entitled to a rank differential of thirteen percent (13%) greater than a Lieutenant's rate of pay; and

WHEREAS, Mr. Talcott previously served the City in the position of part-time Assistant Fire Chief, and was at no time a member of the Willoughby Hills Fire Fighters, Local #3149 of the International Association of Fire Fighters, AFL-CIO, and was therefore not entitled to the pay for an acting fire chief that was provided by the CBA; and

WHEREAS, on January 29, 2018, Mr. Talcott informed the Mayor that he would be retiring effective Wednesday, January 31, 2018; and

WHEREAS, Council recognizes that Mr. Talcott had accepted the responsibilities and performed the work of Acting Fire Chief, and therefore finds that the compensation previously paid to Mr. Talcott should be ratified and approved; and

WHEREAS, this ordinance is being passed to resolve the issue created by the administration's failure to properly follow the laws which govern the appointment and compensation of the City's officials in order to prevent an innocent party (i.e. Mr. Talcott) from potentially bearing the cost of the administration's error, and not for the purpose of absolving the Mayor or the administration from failing to follow the applicable law; and

WHEREAS, Council formally condemns the Mayor for failing to follow the laws of the City and urges him to consult with the Acting Law Director before taking any action which requires an evaluation of the laws of the City.

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

SECTION 1. Council hereby ratifies the compensation that has been paid to Thomas Talcott while he was serving the City as Acting Fire Chief, which compensation was based upon the following rates:

<u>Year</u>	<u>Annual Rate</u>
2017	\$87,499.28
2018	\$89,249.25

SECTION 2. The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the a municipal department; to wit: to immediately ratify all compensation paid to Thomas Talcott he while serving as Acting Fire Chief the time period beginning July 18, 2017 and ending January 31, 2018; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: February 8, 2018

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 4 day of February, 2018

Approved by the Mayor
February 8, 2018

ATTEST:
Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor