

# Bob Mollette

## 3<sup>rd</sup> Ward Councilman

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September 15, 2006

David Kuhn, Solicitor  
728 Second Street  
Portsmouth, Ohio 45662

**Re: City of Portsmouth AFSCME Local 1039 Collective Bargaining Agreement**


I am requesting a legal opinion regarding the legal status of the AFSCME Local 1039 collective bargaining agreement. Council rejected the tentative agreement on July 24, 2006, Regular City Council Meeting, after the Mayor, the chief negotiator stated he did not agree with the contract language, as written, concerning the entry level positions.

Council, being the City's legislative body, was copied on a letter dated August 1, 2006, from the AFSCME Ohio Council 8 AFL-CIO Regional Director, Staff Representative. The letter stated, pursuant to the Ohio Revised Code 4117.10 Section B the contract is legal and binding since the legislative body did not take action within thirty (30) days after the tentative agreement.

My concerns is Council still has not received any additional negotiation information.

Please provide your legal opinion as to the status of the above contract.

Respectfully,



Bob Mollette, 3<sup>rd</sup> Ward Council

rwm

cc: Jim Kalb, Mayor  
Council (5)  
Jo Ann Aeh, Clerk (Record)