

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO, ex rel.  
THE TOLEDO BLADE CO.  
541 North Superior Street  
Toledo, OH 43660,

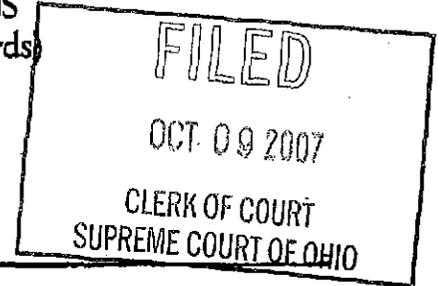
Relator,

- vs -

Case Number: 07-1694

SENECA COUNTY BOARD OF  
COMMISSIONERS  
111 Madison Street  
Tiffin, OH 44883

ORIGINAL ACTION IN  
MANDAMUS  
(Public Records)



Respondent.

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AFFIDAVIT OF DAVE MURRAY

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I, Dave Murray, being first duly sworn, hereby testify as follows:

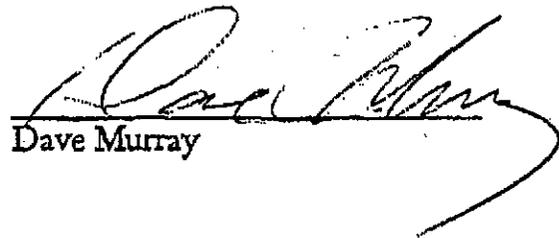
1. I am over the age of eighteen and competent to testify on the basis of personal knowledge.
2. I am the Special Assignments Editor of The (Toledo) Blade.
3. Attached as Exhibit A to this Affidavit is the Seneca County Schedule of Records Retention and Disposition that was provided to The Blade in response to its public-records request.
4. Attached as Exhibit B to this Affidavit is the Space Needs Master Plan of the Seneca County Board of Commissioners that was provided to The Blade in response to its public-records request.

5. Attached as Exhibit C to this Affidavit are the Minutes of the August 31, 2006 meeting of the Seneca County Board of Commissioners, which were provided to The Blade in response to its public-records request.

6. I have personally reviewed every document produced by the Seneca County Board of Commissioners in response to public-records requests made by The Blade.

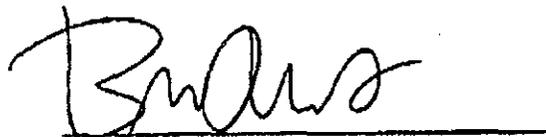
7. There is no document among those documents that reflects communication or discussion among the Commissioners regarding the options available to the Commissioners for addressing the space needs reflected in the Space Needs Master Plan, or that reflects the Commissioners' consideration, as described in the Space Needs Master Plan, of the available options.

Affiant says nothing further.

  
Dave Murray

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF LUCAS                )

 Sworn to and subscribed in my presence in Toledo, Lucas County, Ohio this of October 2007.

  
BRIAN D VICENTE  
Permanent Notary

Form RC - 2

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION**

(1) To: Seneca County Records Commission 419-447-4550 Telephone Number  
81 Jefferson Street Tiffin 44883 Seneca  
 (Address) (City) (Zip Code) (County)

(2) From: Seneca County ALL COUNTY OFFICES  
 (Political Subdivision Name) (Unit)  
*David H. Huber* DAVID B. SUTHER Commissioner 8-1-06  
 (Signature of Responsible Official) (Name) (Title) (Date)

(3) CERTIFICATION: I hereby certify that our records commission met in an open meeting, as required by Section 121.22 DRC, and passed the retention schedules contained on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these record series from being destroyed, transferred, or otherwise disposed of in violation of this schedule and that no record will be knowingly disposed of which pertains to any pending case, claim action, or request. Further, any microfilm, replacing a record listed on this schedule will conform to ANSI standards. This RC-2 was approved on July 30, 2006 as reflected by the minutes kept by this commission.

Chairman, Records Commission:

*David H. Huber* 7-20-06  
 Signature Date

(4) Subject to selection upon receipt of a Certificate of Records Disposal (RC-3):

*Doris J. Swift* 10-30-2006  
 For the Ohio Historical Society Date

Approved by the Ohio Auditor of State:

*Martin E. Murr* 11-28-06  
 For the Ohio Auditor of State Date

\* SEPARATE ENTRIES SHOULD BE MADE FOR RECORDS WITH MORE THAN ONE MEDIA TYPE

(5) Schedule Number	(6) Record Title and Description	(7) Retention Period	(8) Media Type	(9) For use by Auditor of State or OHS-LGRP
06-1	Accident reports/files	8 yrs (no action pending placed in personnel file)	Multi	
	Bodily Injury to non-employee		Multi	
	Employee Injury Reports		Multi	
	Damage to County Vehicle	8 yrs (no action pending)	Multi	
06-02	Accounts Receivable Ledger/Documents	3 yrs	Multi	
06-03	Activity Reports	2 yrs	Multi	
06-04	Agendas	2 yrs	Multi	
06-05	Annual County Budgets	Permanent	Multi	
06-06	Annual Departmental/Office Budget	5 yrs	Multi	
06-07	Annual Reports	Permanent	Multi	
06-08	Anonymous or Unfounded Complaints	Retain until no longer of Administrative Value or Legal Value (RC-3 not required)	Multi	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-09	Application for Employment (unsuccessful/not hired)	1 year	Multi Multi	
06-10	Attendance Reports/Records	3 yrs	Multi	
06-11	Audiovisual, PR & Training Materials	Until obsolete/superseded	Multi	
06-12	Audit Reports (Federal, State, Internal)	6 yrs	Multi	
06-13	Automatic Data Processing/Electronic Data Processing Material	Erase when no longer of admin value	Multi	
06-14	Awards, Newspaper Articles & Clippings	Retain until no longer of Administrative Value	Multi	
06-15	Backup Data (Not Duplicated) on Desktops, Laptops and PDA's	Retain for two system backup cycles then delete or erase or destroy data Reuse media if possible (RC-3 not required)	Multi	
06-16	Bank Deposit Receipts	3 years	Multi	
06-17	Bank Statements	3 years	Multi	
06-18	Bids (successful)	15 yrs after exp of contract	Paper	
06-19	Bids (unsuccessful)	2 yrs after letting contract	Paper Paper	
06-20	Blank forms	Retain until no longer of Administrative Value (RC-3 not required)	Multi	
06-21	Bond Coupons	2 years	Paper	
06-22	Bond Registers	20 yrs aft issue called	Paper	
06-23	Bonds (Redeemed)	2 yrs aft redeemed	Paper	
06-24	Budget Working Papers	4 years	Multi	
06-25	Bulletins, Posters, General Notices and Displays	Retain until no longer of Administrative Value (RC-3 not required)	Multi	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-26	Business Cards - Rotary, Rolodex and applicable software files	Retain until no longer of Administrative Value (RC-3 not required)	Multi	
06-27	Cancelled Checks	3 years	Paper	
06-28	Cash Books & Cash Journals	3 years	Multi	
06-29	Check Registers	3 years	Paper	
06-30	Claims & Litigation Records	5 yrs after case closed appeals exhausted	Multi	
06-31	Compliance Reports	5 yrs	Multi	
06-32	Computer Generated Administrative & Fiscal Reports (Non-Specific and Periodic)	Retain until no longer of Administrative or Fiscal Value (RC-3 not required)	Multi	
06-33	Contracts	15 yrs after expiration	Multi	
06-34	Copies, Extra Copies, Photocopies	Until no longer admin value (RC-3 not required)	Multi	
06-35	General Correspondence	1-5 years and no longer of an administrative, legal, or fiscal value	Multi	
06-36	Delivery Slips/Packing Slips	2 years	Paper	
06-37	Dispatcher Radio/Telephone Calls/Audio Recordings	30 days if no action pending	Multi	
06-38	Document images (Intending to take the place of the original document)	Certify the authenticity and completeness of document Retain images that have significant legal, fiscal, administrative or historical value. Maintain significant images according to content.	Multi	Which records? How long will they be retained? Retention 2/21
06-39	Orbits (All Media)	Until no longer admin value (RC-3 not required)	Multi	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-40	Electronic Mail System(E-mail)	Retain Email that has a significant Administrative, Fiscal, Legal, or Historic Value. Maintain according to content. (Refer to RC-2) Erase Email that has no significant value (RC-3 not required.)	Multi	
06-41	Equipment Inventories	3 years	Multi	
06-42	Equipment Maintenance Records	1 year after Equipment sold, scrapped or no longer the property of the County (RC-3 not required)	Multi	
06-43	Equipment Operating & Maintenance Manuals	Until equipment sold, scrapped, or no longer the property of the County (RC-3 not required)	Multi	
06-44	Expense Records	3 years	Multi	
06-45	Facsimile Logs / Cover Sheets / Confirmation Notices and Buffer Printouts	Retain until no longer of Administrative Value	Multi	
06-46	Federal Grant Files, Supporting Financial Records & Documents	5 years	Multi	
06-47	Fuel Usage Records	3 years	Multi	
06-48	General Photographs, Negatives, and Electronic Images	Retain images that have significant Legal, Fiscal, administrative or historical value. Maintain significant images according to content. (Refer to RC-2) Erase images that have no significant value. (RC-3 not required)	Multi	
06-49	Hearings Audio & Video Recordings Report of Proceedings Transcripts	1 year Permanent 5 years	Multi Multi Multi Multi	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-50	Hourly / Daily / Weekly / Monthly and Annual Appointment Books, Records, Calendars, Schedules, Organizers and Planners	Retain until no longer of Administrative Value (RC-3 not required)	Multi	
06-51	Insurance Policies	2 yrs after expiration	Multi	
06-52	Invoices (Paid)	County Auditor - 3 yrs Copies - 2 years	Multi Multi	
06-53	Leases Equipment Real Estate	2 yrs after expiration 3 yrs after expiration	Multi Multi	
06-54	Leave Requests (Sick and Vacation)	3 yrs after expiration	Multi	
06-55	Lists / Rosters / Informational Directories containing employee contact information	Continually Maintained Purged and Updated (RC-3 not required)	Multi	
06-56	Material Safety Data Sheets (MSDS)	Until Revised, Superseded or Obsolete (RC-3 not required)	Paper	
06-57	Meeting Notices	1 year	Multi	
06-58	Minutes Approved Hardcopy Audio/Video Recordings	Permanent 1 yr provided meeting information is substantially transcribed	Paper Multi	
06-59	911 System Logs Printouts Tapes/Videos	3 yrs 1 yr 30 days if no action pending	Multi Paper Multi	
06-60	Oaths of Office of Elected Officials	10 yrs	Paper	
06-81	Officials Bonds	10 yrs	Paper	
06-62	Ohio Public Records Compliance Folder	25 Years After Revised, Superseded or Discontinued	Paper	
06-63	Pay-Ins to Treasury Records	3 yrs	Paper	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-64	Personnel Files	2 yrs after employee terminates. Retain retirement waivers, service record, leave balances	Multi	
06-66	Planning / Scheduling / Calendar / Training Information and data on: Display Boards, Erasable and Dry-Erase boards, Chalkboards, Easel Pads and electronic media	Continually Updated, Revised, Completed, Superseded or Erased (RC-3 not required)	Multi	
06-66	Preliminary Drafts of Letters, memos, worksheets, reports, preparation recorded information	Until no longer of administrative value	Multi	
06-67	Press and News Releases	3 years then appraiso for administrative or historical value	Multi	
06-68	Profesional & Trade Magazines, Catalogs, Reference Publications & Directories	Retain until no longer of Administrative Value (RC-3 not required)	Multi	
06-69	Public Record Request Forms	1 year	Multi	
06-70	Purchase Orders	3 yrs	Multi	
06-71	Receipt Documents	2 yrs	Multi	
06-72	Records of Accrued Fees	3 yrs	Multi	
06-73	Records Requests	2 yrs	Multi	
06-74	Requisitions	3 yrs	Multi	
06-75	Time Cards, Time Sheets	3 yrs	Multi	
06-76	Transient Correspondence	Retain until no longer of Administrative Value (RC-3 not required)	Multi	
06-77	Unsolicited Correspondence/Unsolicited Mail/ Unsolicited Email and similar unsolicited communications	Retain until no longer of Administrative Value (RC-3 not required)	Multi	

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**SCHEDULE OF RECORDS RETENTION AND DISPOSITION  
CONTINUATION SHEET**

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
06-78	Voice Mail, Text Messages, Caller ID Logs, Pagors, Activity Logs and related IT Issues	Erase or delete when no longer of Administrative Value (RC-3 not required)	Multi	
06-79	Voucher Register	3 yrs	Multi	
06-80	Vouchers	3 yrs	Multi	
06-81	Warrant Register	3 yrs	Multi	
06-82	Warrants (Paid)	3 yrs	Multi	
06-83	W-2's	6 yrs	Multi	
06-84	Workers Compensation Claims	10 yrs after paid	Multi	

**Seneca County Board of  
Commissioners**

Seneca County Board of Commissioners  
180 Jefferson Street  
Suite 3202  
Tiffin, Ohio 44883

Phone 419 447 4550  
Fax 419 447 5208

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# Space Needs Master Plan

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## Seneca County Commissioners' 15 year master plan of space utilization and development

Developed by:

Seneca County Board of Commissioner

Benjamin Nutter, President

David Sauber, Vice-President

Joseph Schock, Member

Written by:

Benjamin Nutter

Space Study Reference Material by:

Stilson & Associates

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# Seneca County Space Needs

## Background and Significance

The intent of this document is to outline a direction, regarding space needs, for the Seneca County Board of Commissioners. This direction includes how the current 1884 Courthouse fits into the future of Seneca County.

To fully understand the complexity of the space needs of the Seneca County government one must first understand some of our history. In 1884 the citizens of Seneca County completed construction on what would become our third Seneca County Courthouse. At the time of its construction, the 1884 Courthouse was a "building for all ages," as beautiful as it was immense for the period. The people of the time were hard working, middle class, tax paying, God fearing Americans, and were very similar to the demographic of today's Seneca County. These citizens sacrificed much time, effort and money for the good of the community to make the 1884 Courthouse a reality. It truly was the focal point of the community. The county was on the verge of an industrial revolution, with predictions of a robust economy for the future.

Now let us move forward over 100 years to today. The population of Seneca County is just under 60,000. The services that an advanced society, such as ours, must provide to its citizens have increased dramatically. We now have separate courts for Common Pleas I and II, Juvenile and Probate, Tiffin and Fosteria Municipal Court. The technological advances of the world are staggering. Is it reasonable to believe our Courthouse could stand that test of time?

This question can not be answered with a simple yes or no. Had the governments of our past been able to continually update and refurbish our court house, the answer would be, maybe. Unfortunately, with finances continually in question and citizens voting down court house financing requests, the community leaders were forced to allow the building to fall into disrepair. This state of disrepair has become so severe that the building is not used for nothing more than storage at the present date. History then, would answer the aforementioned question in the negative.

The demands on local government have steadily increased over the last 100 plus years, not just in Seneca County, but across the entire state and indeed, the nation. Due to new and additional space demands different buildings in the downtown area were acquired and refurbished for use in the government structure. Currently, the Seneca County Government operates seven buildings in downtown Tiffin. These seven buildings are as follows:

1. 1884 Courthouse:  
Total gross square feet: 33,472  
Number of levels: Four  
Site: urban, 1.44 acre parcel (located on same parcel of land as Courthouse Annex)  
Use: Storage for Clerk of Courts, Common Pleas Courts 1 and 2, Juvenile and probate
-

## Seneca County Space Needs

2. Courthouse Annex:  
 Total gross square feet: 18,173  
 Number of levels: three  
 Site: urban, 1.33 acre parcel (located on same parcel of land as Courthouse Annex)  
 Use: Clerk of the Courts  
       Common Pleas Court 1, Judge Keibley  
       Common Pleas Court 2, Judge Shuff
  
3. RTA Building:  
 Total gross square feet: 19,567  
 Number of levels: three  
 Site: urban acres  
 Use: Auditor                      Treasurer  
       Recorder                    Regional Planning  
       Tax Map                      Park District
  
4. CSB Building:  
 Total gross square feet 48,689  
 Number of floors: three  
 Site: urban acres  
 Use: Prosecutor                  Victim's Assistance  
       Public Guardian          Board of Health  
       Board of Elections      Tenant Space #1 (Hoperoy's)  
       Tenant Space #2 (Fifth Thlrd Bank)
  
5. Former Carnegie Library:  
 Total gross square feet: 6,000  
 Number of levels: two  
 Site: Urban, .16 acres  
 Use: Juvenile / Probate Courts
  
6. Jaffareon Street Annex:  
 Total Gross square feet: 5,734  
 Number of levels: three  
 Site: Urban, .13 acre parcel of land  
 Use: Commissioners Offices / Probation Department
  
7. Maintenance:  
 Total gross square feet: 4,681  
 Number of levels: one  
 Site: urban, .25 acres  
 Use: Maintenance / Vehicle Storage

### PROBLEM IDENTIFICATION

In April of 2006, the Board of Commissioners hired the architecture / engineering firm of Silson & Associates, Inc. to perform a Space Study. "This report represents a study of Seneca County's government's spatial requirements including the current and future

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## Seneca County Space Needs

programs of space and the exploration of potential design approaches to meet the future needs for efficient operations."

This study identified the need for 81,322 square feet. According to Stilson's research, Seneca County currently occupies about 60,956 square feet. The county is in need of approximately 20,376 additional "assignable" square feet. As the 1884 Courthouse is approximately 33,000 square feet logic dictates the county currently possess adequate space for its operations. The problem is that the space is under-utilized or not efficiently configured. (i.g. the 1884 Courthouse)

As a result of the study one area was identified as requiring "significant" additional space. The Juvenile and Probate Court operates in a building that is of inadequate space and design for its purpose. For efficient operation, Juvenile and Probate Court will require a 200% increase in space over the next 15 years.

The following are additional concerns identified by Stilson & Associates regarding building configuration.

1. Inefficient government operations;
2. Inappropriate adjacencies of intra-county departments;
3. Inaccessible routes for public and employees to county agencies;
4. Deficiency for anticipated growth within specific departments;
5. Increased operational costs to maintain multiple building sites;
6. Ineffective methods of wayfinding and identification for the public.

### POSSIBLE SOLUTIONS

Stilson & Associates developed a series of five possible solutions to serve as a "master plan" for the future space needs of Seneca County. They are identified as options A through E. They are as follows:

#### Option A

1. Renovate the existing 1884 Courthouse;
2. Construct a 5,000 g.s.f. addition to the 1884 Courthouse and Courthouse Annex;
3. Reprogram Courthouse Annex and perform minor renovation;
4. Vacate the former Carnegie Library.
5. Reprogram and renovate space within County Services building;
6. RTA building to remain;

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## Seneca County Space Needs

7. Vacate Jefferson Street Annex.

### Option B

1. Demolish the existing 1884 Courthouse
2. Construct a 25,000 g.s.f. addition to the Courthouse Annex;
3. Reprogram Courthouse Annex, perform minor renovation;
4. Reprogram and renovate Carnegie Library;
5. Reprogram and renovate space within County Services building;
6. RTA building to remain;
7. Vacate Jefferson Street Annex.

### Option C

1. Demolish the existing 1884 Courthouse
2. Construct a 45,000 g.s.f. building on site of 1884 Courthouse;
3. Reprogram Courthouse Annex, perform minor renovation;
4. Vacate Carnegie Library;
5. Reprogram and renovate space within County Services building;
6. RTA building to remain;
7. Vacate Jefferson Street Annex.

### Option D

1. Demolish the existing 1884 Courthouse
2. Develop public park area on site of 1884 Courthouse;
3. Construct a 5,000 g.s.f. addition to the Courthouse Annex;
4. Reprogram Courthouse Annex and perform minor renovation;
5. Construct New 85,000 g.s.f. Government Center;
6. Vacate former Carnegie Library;
7. Vacate County Services Building;

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## Seneca County Space Needs

8. Vacate RTA building;
9. Vacate Jefferson Street Annex

### Option E

1. Demolish existing 1884 Courthouse;
2. Construct a 15,000 g.s.f. addition to the Courthouse Annex and perform minor renovations.

Costs associated with Options A through D were developed based on the programmed and existing facilities square feet from which costs were calculated accordingly. Conversely, costs associated with Option E were developed based on an established total project cost limit of \$5,000,000.00 from which a scope of work was defined.

### DECISION MAKING PROCESS

In evaluating the five options presented to the Commissioners' by Stillson & Associates, it is important to consider the economic and social impacts upon the stakeholders involved. The Seneca County Commissioners established a set of goals and objectives and then chose the option that best accomplished those goals and objectives. The following is a list of goals and objectives as developed by the Seneca County Commissioners and Stillson & Associates:

1. Consolidate county operations;
2. Promote efficient operation of county government;
3. Create barrier-free access to all county facilities;
4. Anticipate growth within county government;
5. Establish a civic presence with county facilities;
6. Establish responsible fiscal policy in regard to government buildings.

Each option offered by Stillson & Associates includes a list of strengths and shortcomings. The following is a breakdown of this list for each respective option.

#### 1. Option A:

##### Strengths:

- Maintains historical and civic presence of original 1884 Courthouse
- Connects all court operations on a single site
- Restore Carnegie Library to original use as a library

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## Seneca County Space Needs

Allows for expansion of Health Department and Board of Election operation

Shortcomings:

Public perception concerning cost effectiveness of renovation of original Courthouse

Multi-faceted sequence of implementation

Existing 1884 Courthouse is limited in the ability to reconfigure interior space and reconfiguration due to overall construction systems and configuration

Renovation cost associated of existing older historic structures is comparable to new construction

### 2. Option B

Strengths:

Creates a new facility with reduced operation costs

Creates single new facility with all court operations

Create unified building aesthetic

Creates opportunity to sell Jefferson Street Annex building or create county employee parking area

Creates opportunity for efficient building configuration

Reduces risk and liability of 1884 Courthouse if improvements are not made to 1884 Courthouse

Shortcomings:

Loss of sense of judicial and county history

Additional costs are realized due to demolition of 1884 Courthouse

County operations remain in multiple locations

### 3. Option C

Strengths:

Creates a new facility with reduced operation costs

Creates single new facility with all court operations

# Seneca County Space Needs

Create unified building aesthetic

Creates opportunity to sell Jefferson Street Annex building or create county employee parking area

Creates opportunity for efficient building configuration

Reduces risk and liability of 1884 Courthouse if improvements are not made to 1884 Courthouse

Eliminates cost of future repairs to 1884 Courthouse if improvements are not made to 1884 Courthouse

Shortcomings:

Loss of sense of judicial and county history

Additional costs are realized due to demolition of 1884 Courthouse

County operations remain in multiple locations

## 4. Option D

Strengths:

Creates a new facility with reduced operation costs

Creates single new facility with all court operations

Create unified building aesthetic

Creates opportunity to sell Jefferson Street Annex building or create county employee parking area

Creates opportunity for efficient building configuration

Reduces risk and liability of 1884 Courthouse if improvements are not made to 1884 Courthouse

Eliminates cost of future repairs to 1884 Courthouse if improvements are not made to 1884 Courthouse

Shortcomings:

Loss of sense of judicial and county history

Additional costs are realized due to demolition of 1884 Courthouse

County operations remain in multiple locations

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## Seneca County Space Needs

### 5. Option E

#### Strengths:

Creates a new facility with reduced operation costs

Creates single new facility with all court operations

Create unified building aesthetic

Creates opportunity to sell Jefferson Street Annex building or create county employee parking area

Creates opportunity for efficient building configuration

Reduces risk and liability of 1884 Courthouse if improvements are not made to 1884 Courthouse

Eliminates cost of future repairs to 1884 Courthouse if improvements are not made to 1884 Courthouse

Creates a solution that meets the more immediate needs of the county's building and operations

Meets financial limitations of county's budget

#### Shortcomings:

Loss of sense of judicial and county history

Additional costs are realized due to demolition of 1884 Courthouse

County operations remain in multiple locations

Does not address long-term needs of the county's operations

Loss of revenue associated with Tenant 1 lease

### RESULTS

The Seneca County Board of Commissioners evaluated the aforementioned information on an option by option basis. The options were given consideration as to their achievement of the stated goals and their impact to the community, both economically and socially.

The Board of Commissioners believes a variation of Option B would best serve the space needs of Seneca County. Further, the Board of Commissioners feels this option best serves Seneca County if broken into two equally important parts.

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## Seneca County Space Needs

### Part A

The Seneca County Board of Commissioners shall immediately request proposals from qualified engineering firms for the development of specifications to remove the 1884 Courthouse. These specifications must be careful to preserve the historic artifacts that are removable and salvageable. After the specifications are developed and approved by the board, the Commissioners shall request proposals from qualified demolition firms to complete the removal of the 1884 Courthouse.

### Part B

The need to provide appropriate programming and space for county government offices is a fundamental responsibility of county boards of commissioners. To that end, this Board will restructure the debt of Seneca County and construct a new Justice/ Courthouse center of appropriate size (i.e. 25,000 gsf to 30,000 gsf) attached to the current Courthouse Annex. In order to gain adequate funding for this project, the Commissioner's will investigate selling the CSB, the Commissioners Annex, and the old Engineers Office. Because it is not possible to know with certainty which buildings can be sold or for how much, the specific programming and usage of the remaining buildings will be determined at the time of construction. This plan will be developed over time using the resource information provided by the Stilson & Associates space study.

### Summary

Questions about the future of the 1884 Seneca County Courthouse have gone unanswered for far too long. This has led to confusion among the citizens, elected officials, and employees about the direction and future space needs of the individual county departments. This Board of Commissioners is committed to finding and carrying out a viable solution to this issue. We believe the electorate expects this Board to make these important decisions and lead our great county into the future.

We understand that not everyone will agree with our decision and we respect their opinion. The electorate was asked in 2002 if they would invest in refurbishing the 1884 Courthouse and the electorate declined. The logical ends to this discussion then is either do nothing or remove the structure. The time has come to move forward to resolve the issues of the 1884 Courthouse and the spatial needs of Seneca County.

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# **Seneca County Space Needs**

Board Session Mission  
Thursday, August 31, 2006

(Tape 1245) Commissioner Nutter called board to order at 10:00 a.m. The Pledge of Allegiance was recited. All Commissioners present for roll call. The journal from the previous board meeting was signed. The minutes of the previous meeting Monday August 28, 2006 were read then approved.

Old Business - Administrator, Cindy Keller, received a letter from Sheriff Tom Steyer asking for a decision about purchasing a new van to replace one that they have already disposed of. Mr. Steyer stated in his letter that the state purchasing bids do not come out till October 1<sup>st</sup>. Also mentioned in the letter was a Crown Victoria. Mr. Sauber mentioned that the sheriff stated around \$14,000 for the Free Star which was not correct. They want to purchase 07 Ford Free Star now instead of waiting for state bids. The Sheriff feels that this vehicle meets their needs. Mr. Nutter wants to check into Crown Vic for now to see if they can hold over till Oct when state bids come out.

Moving onto New business: The Commissioners presented a Resolution approving Commissioners 15 year Master Plan of Space Utilization and Development

Mr. Sauber motioned to approve the above read Resolution with a second from Mr. Schock. All members voting yes

The Administrator read the following resolutions:

- Bill Voucher 94 & 95
- Permanent Appropriation for the JAIBC Grant Fund (154):
 

154-0402-5303.00	Supplies	\$644.00
154-0402-5304.00	Equipment	\$1,000.08
154-0402-5102.00	Salaries	\$7794.92
154-0402-5309.01	Medicare	\$159.00
154-0402-5367.00	PERS	\$ 1121.00
154-0402-5364.00	Workers Comp	\$ 205.00
154-0402-5366.00	Hospitalization	<u>\$1576.00</u>
Total		<u>\$12,500.00</u>
- Permanent Appropriation to the Probate and Juvenile Computer Fund (147)
 

147-0301-5304.00	Equipment	
\$10,707.00		
- Permanent Appropriation In the General Fund (010)
 

010-0209-5320.00	Witness Fees	
\$350.00		
- Appropriation Adjustment for the Help America Vote Grant Fund (214)
 

From: 214-0119-5308.00	To: 214-0119-5102.00	\$4,000.00
(Advertising)	(Precinct Workers-Salaries)	

- Resolution authorizing the Seneca County Sewer District Manager to submit projects for Issue 1-Round 21 for the Seneca County Sewer District
- Resolution rescinding the Boards orders of August 28, 2006 Volume 79, Page 328

Mr. Schock motioned to approve the above read Resolution with a second from Mr. Sauber. All members voting yes

- Resolution between Seneca County Commissioners and Whitney Linn for data entry of Incident Reports for the Seneca County EMS. Commissioner Nutter to abstain.
  - Supplemental Permanent Appropriation for Ambulance Service Fund 2006  
Commissioner Nutter to abstain
- |   |                                      |            |
|---|--------------------------------------|------------|
| 064-0702-5304.02<br>(Special Equipment) | 064-0702-5303.00<br>(Supplies)       | \$5,000.00 |
| 064-0702-5304.02<br>(Special Equipment) | 064-0702-5309.00<br>(Other Expenses) | \$1,000.00 |
| Total                                   |                                      | \$6,000.00 |

Mr. Schock motioned to approve the above read Resolution with a second from Mr. Sauber. All members voting yes

- Proclamation to commend and honor Robert E. Schultz

Administrator addressed board about request to supply brick for Governors Residence. After discussion Mr. Nutter asked Cindy to look into getting a brick and getting it engraved.

Sharon George from Family and Children First Council for the Family Advisory Committee asked permission to place 2 - 4' x 6' banners as well as purple ribbons on courthouse lawn for You Gotta Love Parents Week from September 24 - October 1. All Board members agreed to placement of banners and ribbons. Commissioners also stated that they would like to issue a proclamation honoring that week.

Recess 10:26 a.m. till 10:40 a.m.  
Back in session 10:38 a.m.

Court House discussion (in detail) 5100

Jackie Fletcher, I was wondering if you could explain your rational of how you were choosing Option B, Did you consider Option A and why chose not to choose Option A?

Mr. Nutter - I guess for me, taking all the totality of all the info that was available and making a difficult decision, I believe and the other two commissioners concur that taking all things into account, Option B is the best plan that serves the 58,000 plus people of Seneca County. We did look at option A, we looked at all the options, we looked at a lot of options that weren't even discussed and I understand that there are a lot of people that aren't going to agree with that. I think the overwhelming message in the year and a half

that I've been in office has been that the information is available to the commissioners they need to make a decision. I know that the decision we make isn't going to please everyone. I believe that it is true that we did have the information it is necessary for a decision to make and that is the decision that we came up with. And the rational is outlined in that (15 Year Master Plan) in a little more detail.

Mr. Sauber - For myself, after being in the building, walking around it numerous times again last night, I have to look at it as a business decision. And whenever you start renovation projects, not to say that we couldn't project how much this would exactly be but most of them that I checked into have huge overruns. With our space need that we have with our offices spread around and with our court systems needing to be addressed, I felt that the best thing for the county dollars and cents wise is to go about our choice. It's been a difficult decision, it's been passed on from boards to boards but we have to make a decision. As Commissioner Nutter said it's been tough. We've had a lot of conversations, a lot of emotional conversations with a lot of people. We feel that representing the full county, this is the best decision. (5221)

Rayella Ingle - Could you give us a place that we could find out all of these dollars and cents things that if this were true that maybe we could see your rational. I flushed through the bottom of the Shawnee Hotel; I saw the second floor of the discount building lay in the basement. There are ways to save this piece of history this is not just a building. I believe that when the people voted, they voted against the increased tax, not against saving the court house and I believe that you should try every avenue first to save this piece of history and not take the easy way out.

Mr. Schock - I don't want to appear conceded or in any way self serving, based on my background in the building trades, based on my years in the maintenance department, based on the fact that there is probably not a square yard within that court house that I have not had my feet on. I feel that there is no body else probably in the world that can bring both sides of knowledge to this issue that I can. I can bring as a construction supervisor I have the knowledge, architectural knowledge to look at building to understand how they are put together and how they can fall apart. As a person who has physically worked in the court house, I'm intimately familiar with the physical building, when you combine those two together, I don't know of anyone else who can do that in today's age. I'm fortunate or unfortunate which ever way you may want to look at it, to know that building very well inside and out. My estimation is this 13 Million dollar figure is low. Compared to my experience and my history, 13 Million dollars to restore that court house is a low figure. I would expect it to cost several million dollars more than that and I have never in my lifetime in the construction field done a renovation project that didn't have some additional work that you run into when you tore it apart. From my experience that whatever we go in there to do in that building it's going to cost more that 13 Million dollars. The question is where does the funding come from? And I've said that from day 1, show me the money. We have not found any available for renovation. We asked the historical society to help us on that, there was nothing presented that lead us to believe that there was any major funding available for renovation through their efforts. I do know that there is some funding available for new buildings. How much and how it's structured we'd still have to investigate that. I think

taking all those factors into account, my concern would be renovation the existing building for a figure possibly 2-3 million more than this, we still would have a building and discovering that we'd be going down the same path as Hancock and Wyandot counties are doing, they invested money into their court houses and they are now back reinvesting in areas that were not addressed the first time around. Whatever part of that building that is addressed, the balance of that building is still going to be 120 some years old. The balance of that building will need to be addressed in the coming years. New construction would remove that burden from the taxpayers.

Nancy Cook - When do you think they will begin demolition and the cost of the demolition and where is the money coming from to do that.

Mr. Schock - if you look at the next to last page (15 year plan), part A and part B, detailed and knowledgeable answer to your questions and if there's not enough there we are happy to address it further.

Nancy Cook - When will the demolition start, I'd like to know that and how long of a period of time it going to be taking?

Mr. Schock - I think that's a question that I could not answer until I've spoke with the architects that we decide to use for this project.

Mr. Nutter - We'll have to talk to an engineering firm to tell us how it's going to be torn down.

(5393) Nancy Cook - so are you thinking 2006/2007? Are you going to go proceed very rapidly?

Mr. Sauber - as time goes on cost rise also, so yes we will look into how much it will cost as soon as possible but there are some steps that we have to follow. We want to do everything in our powers to save whatever we can that anybody has interest in and that will take some time to get groups together to find out what they would like to preserve and if we can preserve it once we start demolition of the building stuff happens. It will be difficult to take down if we try to save parts of it so that will all have to be taken into consideration when we talk to a company whoever the bid might be awarded to. It is a bid process. We start out with RFQ but we need specs because some requirement with asbestos, also located in an areas that going to disrupt state highways and stuff like that. A lot of coordination.

Mr. Nutter - The first part of the process will be putting out for request for qualifications to engineering firms to engineer the destruction of the building and then once we select a firm to engineer that we will come up with an estimated cost. Then we would go out for bids of the actual process

(5450) One other question, I see on this part B. Selling CSB & Commissioners Annex? What is CSB? Aren't you putting a lot of money into the Old Engineers office right now?

Mr. Sauber - no actually that was CDBG Grant money, to make that building handicap accessible. But we've designed that building in a fashion that it will be very marketable when we're done, Law office, doc office, any professional office. Really utilized that money from grant

And you will get money from those building but probably have to go on tax ballot?

Mr. Schock - Between restructuring the debt and the process of going through building reevaluation and the sale of some of the other buildings we can generate enough to do what we want to do.

You are saying for sure that there is going to be nothing on the ballot for taxes. You can say that confidently?

(5500) Mr. Sauber - I say that confidently, that's our plan as the board of commissioners at this time. We are going to look into the fact that we want to try and have the building taken down for salvage along with demolition. We don't want to end up in a pile of rubble and then hauled off into a pit somewhere. We're hoping that some company because we will advertise this nationally, that someone will come in, possibly take it down piece by piece, reface some of the sandstone and possibly use it for other projects. We're not just going to go in there and tear this building down and haul it into a hole, unless that's the only option we have. We are going to research all sorts of ways of funding. Also, naming of the building, we are going to look into a lot of things in the near future to try and save the tax payers and also get the biggest bang for our buck. There is a company that's going to come in I guess and talk to us eventually here on state purchasing of buildings. That we actually can lease a building if we have our finances in order through this company at state purchasing price. There's a lot of things that the board has looked into. Anything definite, not at this time. But, we are going to do our best to have the building salvaged also so that parts of it can be preserved.

Mr. Schock - there are some parts of that I would like to see and this is my personal hope, for instance the marble floors I would like to see us take those out and reuse them in a new facility. Several other parts of the building that I feel we could possibly or probably salvage and reuse in our new facility so that we do have some continuity of history even though we don't have the building. And let me say to that I love old buildings and this is not an easy decision for me to make. This is one of those decisions that probably 51% in favor, 49% against in my mind but when it comes down to voting I have to vote one way or the other. And if I look at all the facts and 51% to my reasoning of logic supports voting to remove it then I have to remove it and I'll leave justice to my position and my responsibility to the people.

(5575) Will the new building look somewhat like it looks now. Or will it be into the brick facade that the annex is? Any ideas?

Mr. Sauber - At this time, it depends on what we can incorporate into the building we will make it

Mr. Nutter - Economics would probably dictate a lot of that, but we certainly want it to be something that the community can be proud of. Try to incorporate as much of our history as we can and still be fiscally responsible.

Mr. Schock - I think we would entertain and appreciate any input from anyone of the public as far as ideas of presentation and pictures.

Mr. Nutter - Certainly the design of that building we will seek a lot of input from the public.

(5610) Rayella Ingle - What impact do you think this will have on the downtown area and the way people perceive our county that we can't even maintain our court house? Would you want to come and start a business in a city like this? I don't believe so.

Mr. Nutter - I guess to go back and answer your question. The impact that I think it will have on the downtown is one of a positive nature. I think that the impact we are currently having is negative. I think that we're trying to be part of the solution. By moving forward and trying to restore what part of the downtown the county is responsible for. I think certainly were I a perspective business owner I would be very please that a board of commissioners has taken this leadership role and is willing to move forward and come up with a new take on it. As it's been sitting there empty for several years and its deteriorating right in front of everyone and that's certainly not a positive picture.

Rayella Ingle - But it's still a very beautiful historic building.

Mr. Nutter - Certainly, I wouldn't debate the historic nature of it. I know that buildings represent history but I think too and this is certainly just my opinion, I think people make our history and how we remember our history is what make up our communities. In fact that's our third court house. That's not the first one that we ever had in Seneca County. I understand I know it's emotional and I know that not everyone will agree. Certainly if everyone could agree on the solution the solution would have been done long before now.

(5691)Rayella Ingle - Do you have a list that you can give us of all those departments that you have personally contacted for help in trying to save this building? Or did you just look over them and say we didn't get any help from the historic trust. The historic trust as I understand can not make these contacts. They have to be made by you. And I would like to personally know that you have made an effort to try and get money from the Government, from the State Government and from any other program that is out there. I haven't seen any of this stated in the paper.

Mr. Nutter - we've spent a lot of time and energy investigating funding sources and in fact our grant writer Ann Bishop and the grant writer before her we had them view all the information that was provided by the historic trust and we went through item by item in a meeting everyone one of them and investigated them.

Mr. Sauber - But we've talked to our representatives also asking them to help. There's just nothing our there for this time of program for government.

Mr. Schock - I personally have had conversations with Kevin K, also had several discussions with Mr. Gillmor's representative in Washington to research the possibility. And I have been working on this now since 2002 going on 5 years. As to what was out there and what was available. And anything that we came across, and I think the best proposition that we came across was a possibility of a million dollars a year but you had to reapply for it every year and there was no guarantee after the first year that you would continue to get a million dollars every year for the 12, 14 or 15 years that you would need to pay off the project. And our bonding company is not going to increase our debt and allow us to borrow money based on maybe we could pay you back. And that was the closest that I could come to finding funding for a renovation project.

Mr. Sauber - we have kept the heat on in that building. We did everything we could to maintain that. Our maintenance department has been over there addressing any issues that came up internally that we needed to address as we went along. It was brought to our attention that we have the water stains out front. We checked into that to make sure what the damage was there to make sure if there's something we could do to prevent any further damage until we made our decision. We kept it up to the best of our ability. We maintained the heat. We have tried to preserve it as much as we could until we've had to make this tuff decision. It is very emotional, it's very tuff. We're in a bad situation because it's fallen on our shoulders and were going to make the decisions for the county and move us ahead. I think the study we had done shows we have space needs.

(5816) Rayella Ingel - I recently got something from the government that said you can not use any public funds to tear this building down

Mr. Nutter - that would be incorrect.

I just got it in probably within the last six weeks.

Mr. Nutter - without seeing the document I can't say. Public fund and Federal funds are different. We're not going to seek private donations. There's not grant money available to remove it anyway.

(5837) Mr. Schock - you were talking about history a few minutes ago and through this whole project I stumbled on something about five years ago that really impressed me and it's kind of been a support or crutch as we go through this process. The history of the flood walls in Tiffin after the 1913 flood, the Tiffin City Council voted to impose a tax to build those flood walls and I believe it passed if memory serves me right by 1 vote. The people who voted to impose that tax were ostracized in the community, there children were bullied at school they were really treated very badly. But ninety-five years later were still enjoying the fruits of their efforts. And my only hope is that we can come somewhere close to achieving that type of service for the citizens of Seneca County ninety five years from today.

The new building won't be good 95 years from now.

Mr. Schock - I talked to Commissioner Olsen from Richland County and his quote to me was - The reports and demise of our courthouse are greatly exaggerated. And he quoted Mark Twain when he said that with a little bit of a twist. Because I had taken a tour of that courthouse, I was concerned when you voiced your opinion on it, I took a tour of that courthouse and with my background I can pick up on anything that is really even minutely out of place. And I didn't see anything. And I thought you may have seen something I didn't see or something may have happened since then. So I talked to Mr. Olsen about it. Probably a week or so after you were up here the last time. And he told me that that building is built like a rock. The only changes there they have to make to that building that they do have to replace the heating and cooling because it is nearly 40 years old which is a good life span for a commercial heating and cooling system. They are looking at replacing the windows with newer replacement windows that are more energy efficient which also after 40 years is a good move. But other than that the building is as solid as a rock.

(5911) Jackie Fletcher - Wondering about your timeline? Are you planning to proceed with demolition before you inform the public exactly what your plans to replace the court house would be? Will we know what the building will look like, will we know exactly how it's going to be funded and it's there's for sure won't be additional money for the tax payers to pay? You're saying you're going to be able to fund a new court house when you can't come up with zero dollars to renovate. The money can be found for a new one but not for an old one?

Mr. Nutter - No, we didn't say that. Let me explain as easy as I can. To renovate that building our estimates show in the area of 13 million dollars. And let's say that addresses every issue of that building. At that point, we'd still only be able to house 3 offices in that building. That doesn't address our space needs and we've spent 13 million. We can spend less than that get more of our offices in there and address all of our space concerns while spending less. The money will come from the tax payer. We're not seeking money from private donations as I find it hard to believe that we would come up with that kind of money from private donations for a new court house structure. How we structure the financing of that project, we will continue to work on. We have some options available. As the public has not chosen to buy into the support of public buildings and or government in the past, that's been the history of the county, we have investigated the restructuring of our debt, the liquidation of some of our current property to free up the funding to build the new structure without opposing additional tax upon the public. The other option would be to put forward a levy issue, guarantee the payment of it on a new building, and move forward. The reason that master plan doesn't choose that avenue is, should we choose that avenue and it's voted down, then where are we. We're right where we are today. And right where every board of Commissioners had been since well before I was born 40's & 50's and so on. So I think that being Elected Officials, it is our duty to lead and make the decisions that we think best serve the people that we serve which is 58,682 people. So we need to do that and that's why we came up with this plan. So that well after our board, next boards of commissioners can look at it and say hey look this is how they arrived at where they are, this is where they are, this is what they envisioned being at. There's nothing that says they have to follow it. They certainly will have an idea of where we're going. Hopefully that clears up the money issue.

(6068) Rayella Ingle - If I understand what Jackie was asking is, are we going to as citizens of this community know everything that's going to happen before you tear down the court house. Then if you tear down the court house, then we're at a point of no return. We as citizen should know the plan, the design, the amount of money that going to be spent and where it's coming from.

Mr. Nutter - What this board decided was that, if you make that this issue all in composing to that degree, it's too big to put your arms around which has been a problem for the last 50 plus years which is why nothing has been done. So, we have a general idea of what space needs we need after we remove that building. The design and the programming of it will be developed as we go along because we're not sure what buildings and for how much we can liquidate and what the programming exactly will need. Not to mention the State legislature continually changes what offices we're responsible for. You have to have adaptability and we believe this plan allows us that adaptability. I understand that you don't agree with it. But you not agreeing with it doesn't make it wrong it just mean you don't agree with it.

(6128) Rayella Ingle - but your methods doesn't necessary make it right for the tax payers and the people because we're going blind.

Mr. Nutter - we believe it does.

Mr. Sauber - the design that we're going to come up with is not going to be large enough to house all of our offices. We are going to build what we can afford to build at this time. We are as a board going to design the building so that expansion can take place down the road without shutting down the government to expand the building. So whatever design we come up with is going to have a lot of thought put into it to make it expandable in the future to bring all of our offices into one building to consolidate. As Commissioner Nutter said it's just too huge to put our arms around yet because until we make this decision we don't want to go marketing any of our buildings to be able to be sold. But now is the time to market those buildings because as we market them we can market them with a lease option that will stay there until the new facility is built. So it's an incentive for someone to purchase these buildings to pay more because their going to have a guaranteed lease for x amount of years from Seneca County. I think what we're doing makes a lot of sense and I think if you could just imagine the amount of hours we've put into this and we've talked to a lot of people on the vote and everybody's said it's a great idea but it won't pass. So we've decided to build what we can afford and move ahead.

Mr. Schock - this is not a perfect plan, I will be the first one to admit that. We have what we feel is a good plan. It's not cast in stone, there are going to be changes as we go along and it's not a perfect plan. It would be great if we had everything perfectly laid out and say we have all the money to do everything we want to do with and we're going to build this great huge building that will forever meet the need for the next 500 years of Seneca County. We can't do that. But what we have is a plan that makes sense.

(6229) My only fear is that you will tear down the building, you won't get that much money from the three buildings and then if you put a levy out that won't pass then your going to be sitting there with no building.

Mr. Schock - I don't believe unless I've been misinformed, or misunderstand what you gentlemen have talked to me about, I don't believe there is a plan to put a tax levy on to raise money.

But yet if there is no money you might have to, I mean down the road

When you restructure the debt that what makes the cost of running the government go up. So where does that money coming from?

Mr. Schock - actually the restructuring of the debt will extend the debt further out. Which will maintain almost identically the same thing as we are paying now very very close to what we are paying now but instead of paying if off in 2018 and 2023 we restructure those bond and put them out for 30 years, it will raise the money necessary without drastically increasing the payments we are making each year on our present bond.

If you can restructure the debt to tear the building down and replace it. What would be stopping you from restructure the debt to renovate it?

Mr. Schock - we can not restructure the debt to raise the extra 3-5 million dollars that it's going to cost to renovate it.

Mr. Nutter - not only that even if we did that, that doesn't address the space issues that we have. Could we raise the money to put some type of renovation in that, certainly doing the same thing? Money is money. We don't believe that is the best decision to make and we've come out with a decision. (6288)

Sewer District Manager, Paul Harrison and representatives from Feller Finch & Associates talked to the board about the Jail Complex Sewer System. The report from Feller, Finch is attached for review. Mr. Harrison asked the board to approve the proposal and he would have a Resolutions ready for Thursday September 7, 2006 for the board to sign and approve.

Carol Owen of the Heritage Festival committee asked the board for permission to use the CSB lot and the lot beside Burns Electric for the festival. She also asked if we had a truck load to wood that we could donate. The board said they would see what they could do.

Board in recess 11:56 a.m. till 13:00 (tape 5066)

13:02 back in session Mr. Nutter absent for afternoon session

Roy Meyers, EMS Director presented the board with a revised draft of the EMS Agreement to replace initial agreement from 1979. The agreement is attached for review. The board asked Mr. Meyers to have the agreement approved by prosecutor and then resubmitted to board along with a resolution that will need to have an effective date from the Prosecutor. Mr. Meyers hoped to have the Resolution ready for next board session.

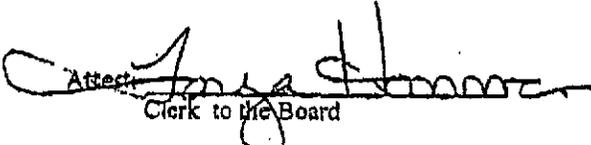
Also Mr. Meyers provided the board with an updated Server quote for the EMA, EMS & EPC departments. He would like to have all the paperwork in place by September 11, 2006. Both Commissioners wanted to make sure that the other two departments had been informed of this issue. Commissioner Schock asked for a letter from the other two departments if they are not interested in joining in on the server.

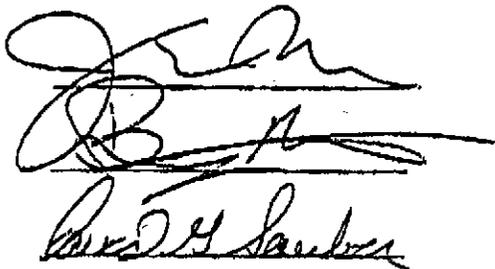
H. Weldon Neff from the United Veterans Counsel wanted to approach the board about the Flag Pole in front of Court House. He asked if it could be moved closer to the road and refurbished. Board agreed to make change.

There being not further business to come before the board the meeting was adjourned 13:45.

Meetings:

At 8:00 Mr. Nutter met with Jim of the NCOESC concerning phone number ownership transfer from Seneca County to NCOESC. And at 6:30 p.m. there is a Villages meeting in Attica.

Attest:   
Clerk to the Board



IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO, *ex rel.*  
THE TOLEDO BLADE CO.  
541 North Superior Street  
Toledo, OH 43660,

Relator,

**07 - 1694**

- vs -

Case Number:

SENECA COUNTY BOARD OF  
COMMISSIONERS  
111 Madison Street  
Tiffin, OH 44883

ORIGINAL ACTION IN  
MANDAMUS  
(Public Records)

Respondent.

**AFFIDAVIT OF KENDALL CABLE**

Fritz Byers (0002337)  
824 Spitzer Building  
Toledo, Ohio 43604  
Phone: 419-241-8013  
Fax: 419-241-4215  
e-mail: fbyers@accesstoledo.com

Counsel for Relator

**FILED**  
OCT 09 2007  
CLERK OF COURT  
SUPREME COURT OF OHIO

Kendall Cable, being first duly sworn, testifies:

1. I am competent to testify and have personal knowledge the facts stated in this Affidavit.
2. Since August 2007, I have been employed as a Reporter for The News-Times in Newport, Oregon.
3. Before beginning work at The News-Times, I was employed as a Staff Writer for The Advertiser-Tribune in Tiffin, Ohio. I held that position from December 2004 through October 2006.
4. I was initially assigned to cover education for The Advertiser-Tribune, but then was assigned to cover governmental affairs, including the activities of the Seneca County Board of Commissioners.
5. In covering the Seneca County Board of Commissioners, among other things, I attended meetings of the Commissioners, reviewed the records of the Board, and interviewed the commissioners and other county officials.
6. During my time at The Advertiser-Tribune, I attended every public meeting of the Seneca County Board of Commissioners, barring a one-week vacation in which the time period in question was not a factor. I paid close attention to the issue of what the Commissioners would decide to do with the existing Seneca County courthouse.
7. In an article for The Advertiser-Tribune dated Thursday, August 31, 2006 and entitled "Courthouse decision due," I wrote the Seneca County Board of Commissioners were to vote on the fate of the courthouse through the adoption of the "Space Needs Masterplan: Seneca County Commissioners' 15-Year Master Plan of Space Utilization and Development." I wrote accurately, "A draft of the plan was being reviewed and cleaned Wednesday," per Seneca County Administrator Lucinda Keller. "I think it pretty much shows what the commissioners are going to do," Keller was quoted.
8. I attended the August 31, 2006 meeting of the Seneca County Board of Commissioners. Before that meeting, I received a copy of a document titled "Space Needs Masterplan: Seneca County Commissioners' 15-Year Master Plan of Space Utilization and Development." The document states

on its cover that it was "developed by" the three commissioners – Benjamin Nutter, David Sauber, and Joseph Schock, – and written by Benjamin Nutter.

8. In reviewing the document, I noticed that it identified "possible solutions," labeled Options A through E, to the space needs that were stated in the report. The document then described the "Decision Making Process." In this section, "strengths" and "weaknesses" of each option are listed.
9. Then the document states the "Results" of the decision-making process. In this section, I noticed that the document states "The Seneca County Board of Commissioners evaluated the aforementioned information on an option by option basis. It then states that "The Board of Commissioners believes a variation of Option B would best serve the space needs of Seneca County."
10. I wrote accurately in a Friday, September 1, 2006 article in The Advertiser-Tribune story entitled, "Commissioners decide to demolish" the following: "Stilson & Associates Inc.'s Option B included: courthouse demolition — to cost \$500,000-\$800,000; a 25,000 gross-square-foot addition to the courthouse annex; a courthouse annex and County Services Building reprogramming and renovation; keeping the RTA building; and vacating the commissioners' annex on Jefferson Street, according to the 'Space Needs Master Plan'..." "...The commissioners' plan, adapted from the firm's Option B, is to include in the first phase proposal requests from engineering firms for specifications to remove the structure; approval by the commissioners; and proposal requests from demolition firms."
11. I was curious about the commissioner's decision to go with a variation of Option B since I had covered all pertinent meetings of the Board involving the Seneca County Courthouse during my employment with The Advertiser-Tribune and had not heard a single discussion of this variation. Nor had I heard any deliberation by the Board that would lead them to conclude that a variation of the listed Options would be in the best interest of the County. So I decided to ask the Commissioners about how they had arrived at this decision.
12. At the end of the meeting, I approached the three commissioners and asked them how they had gone about drafting the Space Needs Master Plan

and deciding on its content, since it had not been discussed in an open meeting.

11. Commissioner Joseph Schock said that he would go into Commissioner Ben Nutter's office and they would talk things over in regards to the "Space Needs Masterplan: Seneca County Commissioners' 15-Year Master Plan of Space Utilization and Development." One of the Commissioners stated that they also e-mailed each other while drafting the document, sending their comments back and forth by email. All three of the commissioners appeared to agree with this description of the process by which they had drafted the Space Needs Master Plan and reached the decision reflected in that document.
12. I tape-recorded this conversation and made a transcript of the tape recording, which is one of the reasons why I have such a vivid recollection of the discussion.
13. In The Advertiser-Tribune dated Friday, Sept. 1, 2006, I wrote accurately, "The vote to adopt the commissioners' "Space Needs Master Plan" containing an altered version of Option B — one of five options Stilson and Associates Inc. prepared — was rendered Thursday void of public discussion among the commissioners on details prior to its passage. The architectural and engineering firm from Columbus — referred to as DLZ Inc. throughout the process — presented information publicly to the commissioners regarding the options several months ago."
14. The Advertiser-Tribune's Managing Editor Rob Weaver wrote in a Friday, Sept. 1, 2006 editorial entitled, "Verdict had been rendered by time," the following: "Pardon us, though, while we wait to see what might transpire before those pieces come tumbling down. The commissioners appear to have deliberated details in their supporting document, "Space Needs Master Plan," through communication which wasn't part of public meetings. This was apparent when the document was approved without discussion. It remains to be seen whether that could be considered a violation of Ohio's Sunshine Law. It would be ironic if the fate of the courthouse ultimately were to be decided in another court of law, at some future time."
15. I periodically read the Tiffin Advertiser-Tribune online because I want to remain familiar with developments in the area. In doing so, I learned of the

suit filed by The Toledo Blade Company alleging that the Seneca County Board of Commissioners had violated public-records law by withholding or destroying records about the decision to renovate or destroy the courthouse. I knew that the statements the commissioners had made about the matter were false and I felt it was my duty to come forward with truthful testimony about my direct knowledge of this matter. Accordingly, I contacted an editor at The Blade and told him the substance of what is stated in this Affidavit.

Affiant says nothing further.

*Kendall Cable*  
Kendall Cable

Sworn to and subscribed in my presence this 9<sup>th</sup> day of October, 2007.

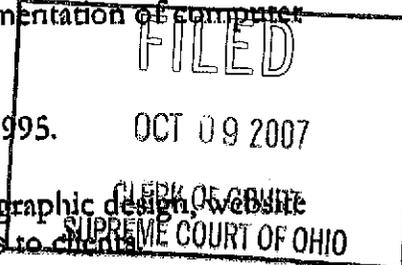
*Alisha Orr*  
Notary Public



**AFFIDAVIT OF MATTHEW A. ZUCCARELL****07-1694**

I, Matthew A. Zuccarell, being first duly sworn, state as follows:

1. I am over the age of 18 and am competent to testify. I have personal knowledge of the matters stated in this Affidavit.
2. I am a citizen and resident of the United States, residing in Maumee, Ohio.
3. I am the Networking Manager of Computol Inc., located at 118 East Third St., Suite C, Perrysburg, OH 43551.
4. My duties at Computol include all forensic data recovery services, management of computer and network technicians, and the design and implementation of computer networks.
5. I have been employed at Computol Inc. since November of 1995.
6. Computol is a media company that provides web site design, graphic design, website hosting, email, database development and automation services to clients.
7. Computol is also a computer services company that provides computer forensic data recovery and network engineering and consulting.
8. Computol has provided forensic data recovery services since at least as early as 2004.
9. I am also an adjunct professor at Owens State Community College, located at 30335 Oregon Rd., Toledo, OH 43551.
10. My duties at Owens include teaching computer technology and diagnosis and repair of computer hardware and software.
11. Based on my training and experience, I can testify to a reasonable scientific certainty that it is frequently possible to recover deleted electronic mail (e-mail) messages from a personal computer, server, personal handheld device, or an external memory storage device.
12. Deleted e-mail, or portions thereof, may be retained on a hardrive even though the e-mail was deleted because the e-mail data will reside on the hardrive until the space where the data exists is overwritten by new data.
13. Deleted e-mail, as well as other data and files, is frequently recoverable by scanning a hardrive with the appropriate forensic data recovery software and hardware.
14. Backups of the email messages, including tape or disc backups, may be available.



- 15. If the email services are hosted remotely, the hosting company may maintain backups or email logs.
- 16. Recovered e-mail and data may be produced in electronic form or hard copy for review and analysis.
- 17. It is not possible to know whether deleted email messages or other data is recoverable until forensic recovery and analysis is attempted.
- 18. Deleted email or other data may sometimes be recovered months or years after deletion.
- 19. Further affiant sayeth naught.

*Matthew A. Zuccarelli*  
 Matthew A. Zuccarelli

State of Ohio )  
 ) SS:  
 County of Wood )  
 )

Sworn to and subscribed in my presence this 9<sup>th</sup> day of October, 2007.

*Michael E. Dockins*  
 Notary Public



**MICHAEL E. DOCKINS**  
 Notary Public  
 In and for the State of Ohio  
 My Commission Expires  
 According to O.R.C. 147.03