

ORIGINAL

IN THE SUPREME COURT OF OHIO
CASE NUMBER 2009-0866

STATE, EX REL. ELIZABETH A. KOBLY, ET AL.

RELATORS

vs.

YOUNGSTOWN CITY COUNCIL, ET AL.

RESPONDENTS

ANSWER OF RESPONDENTS YOUNGSTOWN CITY COUNCIL,
CITY OF YOUNGSTOWN AND MAYOR JAY WILLIAMS

IRIS TORRES GUGLUCELLO
LAW DIRECTOR (19416)
ANTHONY J. FARRIS (55695)
DEPUTY LAW DIRECTOR
CITY OF YOUNGSTOWN
26 South Phelps Street
Youngstown, Ohio 44503
(330) 742-8874
Fax: (330) 742-8867
irisg@cityofyoungstownoh.com
ajf@cityofyoungstownoh.com

ATTORNEYS FOR RESPONDENTS

RECEIVED
JUN 05 2009
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
JUN 05 2009
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

STATE, EX REL.)	CASE NUMBER 09-0866
ELIZABETH A. KOBLY, ET AL.)	
)	
Relators)	
)	
vs.)	<u>ANSWER OF RESPONDENTS</u>
)	
YOUNGSTOWN CITY COUNCIL, ET AL.)	
)	
Respondents)	

Now come Respondents Youngstown City Council, City of Youngstown and Mayor Jay Williams and hereby Answer as follows:

1. Respondents admit that Elizabeth A. Kobly, Robert A. Douglas, Jr. and Robert P. Milich are Youngstown Municipal Court judges, but deny each and every other allegation contained in Paragraph 1 of Relators' Complaint.

2. Respondents admit Youngstown City Council is part of the legislative branch of the government of the City of Youngstown and the Office of Mayor is part of the executive branch of the government of the City of Youngstown. Respondent Youngstown City Council members admit they are duly elected, qualified and acting council members serving a four-year term which commenced on January 1, 2008. Defendant Jay Williams admits he is the duly elected, qualified and acting mayor serving the fourth year of a four-year term which commenced January 1, 2006.

3. Respondents deny each and every allegation contained in Paragraph 3 of Relators' Complaint.

4. Respondents admit that Youngstown City Council as the legislative branch of Youngstown municipal government, has a statutory duty to provide suitable accommodations for the Youngstown Municipal Court, but deny each and every other allegation contained in Paragraph 4 of Relators' Complaint.

5. Respondents admit the allegations contained in Paragraph 5 of Relators' Complaint.

6. Respondents restate their responses to the allegations contained in Paragraphs 1 through 5 of Relators' Complaint as if fully rewritten herein.

7. Respondents deny each and every allegation in Paragraph 7 of Relators' Complaint.

8. Respondents deny each and every allegation in Paragraph 8 of Relators' Complaint for lack of knowledge due to the lack of clarity of the allegation.

9. Respondents deny each and every allegation in Paragraph 9 of Relators' Complaint for lack of knowledge.

10. Respondents admit that issues of adequacy of space and facilities of the Youngstown Municipal Court have been raised with them since they took office as elected City officials, but deny each and every other allegation in Paragraph 10 of Relators' Complaint.

11. Respondents deny for lack of knowledge the portions of Paragraph 11 of Relators' Complaint which reference a letter from 1996, but deny each and every other allegation in Paragraph 11 of Relators' Complaint. Respondents, current members of Youngstown City Council, also specifically deny that they have refused to provide the Youngstown Municipal Court with suitable

accommodations. Respondent Jay Williams, Mayor, has proposed a plan which would provide suitable accommodations for the Youngstown Municipal Court, but Relators have rejected said proposal because they preferred their own plan which includes costly amenities that are not reasonably necessary for the suitability of the facilities and impose an unreasonable financial burden on the people of Youngstown.

12. Respondents admit that the Youngstown Municipal Court previously increased court costs and established a special projects fund as stated in Paragraph 12 of Relators' Complaint, but deny each and every other allegation in Paragraph 12 of Relators' Complaint.

13. Respondents admit the allegations contained in Paragraph 13 of Relators' Complaint.

14. Respondents admit that Youngstown City Ordinance 00-97, passed in 2000, authorized the Board of Control of the City of Youngstown to solicit for proposals and enter into a professional services agreement to conduct a study of the facility needs of the Youngstown Municipal Court, but deny each and every other allegation contained in Paragraph 14 of Relators' Complaint.

15. Respondents deny each and every allegation contained in Paragraph 15 of Relators' Complaint. Relators appear to be referring to a resolution of Respondent Youngstown City Council, rather an Ordinance.

16. Respondents deny each and every allegation contained in Paragraph 16 of Relators' Complaint.

17. Respondents admit that the language set forth in Paragraph 17 of Relators' Complaint is included in Section 1901.36 of the Ohio Revised Code.

18. Respondents admit that the current Youngstown Municipal Court facilities do not comply with all the guidelines set forth in Appendix D of the Ohio Rules of Superintendence, but deny each and every allegation in Paragraph 18 of Relators' Complaint.

19. Respondents admit the allegations contained in Paragraph 19 of Relators' Complaint.

20. Respondents deny each and every allegation contained in Paragraph 20 of Relators' Complaint.

21. Respondents deny each and every allegation contained in Paragraph 21 of Relators' Complaint.

22. Respondents deny the allegations contained in Paragraph 22 of Relators' Complaint.

23. Respondents admit that Respondent Youngstown City Council currently has a statutory duty pursuant to Section 1901.36 of the Ohio Revised Code to provide suitable accommodations for the Youngstown Municipal Court, but deny each and every other allegation contained in Paragraph 23 of Realtor's Complaint.

24. Respondents deny each and every allegation contained in Paragraph 24 of Relators' Complaint.

25. Respondents deny each and every allegation contained in Paragraph 25 of Relators' Complaint. Respondents also specifically state that Relators have an adequate remedy available to them by way of participation in negotiations and mediation as recommended by the Ohio Supreme Court but have repeatedly rejected these offers. Defendants specifically deny that they have ignored or

defied any order of Relators directed to them that was possible of performance.

26. Respondents restate their responses to the allegations contained in Paragraphs 1 through 25 of Relators' Complaint as if fully rewritten herein.

27. Respondents admit that the Youngstown Law Director is unable to represent Relators in litigation against Respondents due to a conflict of interest, but deny each and every other allegation in Paragraph 26 of Relators' Complaint.

28. Respondents deny each and every allegation contained in Paragraph 28 of Relators' Complaint and also state that Relators possessed and controlled funds available and appropriate for them to use to obtain legal representation.

29. Respondents deny that they failed to appropriate funds pursuant to any order directed to them but admit that Respondent Youngstown City Council did not again appropriate additional funds to Relators to retain counsel after its previous appropriation expired since Relators already possess and control funds which can be used for that purpose in its special project fund, but deny each and every other allegation contained in Paragraph 29 of Relators' Complaint.

30. Respondents deny each and every allegation contained in Paragraph 30 of Relators' Complaint.

31. Respondents deny each and every allegation contained in Paragraph 31 of Relators' Complaint.

32. Respondents deny each and every allegation contained in Paragraph 32 of Relators' Complaint.

33. Respondents deny each and every allegation contained in Paragraph 33 of Relators' Complaint.

FIRST DEFENSE

34. Relators have failed to state a claim upon which relief can be granted.

SECOND DEFENSE

35. Relators have failed to state a claim against Respondents City of Youngstown and Youngstown Mayor Jay Williams upon which relief can be granted because they are not obligated pursuant to any clear legal duty regarding the issues addressed in Relators' Complaint.

THIRD DEFENSE

36. Relators have failed to state a claim upon which relief can be granted because they possess no clear legal right to specific and unreasonable amenities of their choosing in the court facility which would entitle them to refuse to accept the court facilities Respondents have offered to provide which constitute suitable accommodations and comply with all court facility and security standards.

FOURTH DEFENSE

37. Relators have failed to state a claim upon which relief can be granted because they possess a plain and adequate remedy in the ordinary course of law.

FIFTH DEFENSE

38. Relators have failed to state a claim upon which relief can be granted because their contempt powers provide them with a plain and adequate remedy in the ordinary course of law. Respondents members of Council are unaware of any orders issued by

the Court during the past twelve years referenced in Relators' Complaint ordering their predecessors to provide suitable Court facilities that were ignored or defied, and deny that they as current members of Council have ignored and defied the Relators' January 26, 2009, order because it was impossible to provide immediate suitable accommodations. Respondents, through the executive branch of Youngstown municipal government, attempted to reach consensus with the Relators as to what suitable accommodations would satisfy the guidelines set forth in Appendix D of the Ohio Rules of Superintendence.

SIXTH DEFENSE

39. Relators have failed to state a claim upon which relief can be granted because they have and had an adequate remedy in the ordinary course of law by participating in good faith in the direct negotiations, possibly including mediation, recommended by Steven C. Hollon, Administrative Director of the Ohio Supreme Court in his letter of January 20, 2009, which is attached as Exhibit A. Rather than seeking a cooperative resolution, Relators issued an Order on January 26, 2009, impossible to be complied with, requiring Respondents to provide the Court "now" with new or renovated facilities. In response to the Memorandum of Dr. David C. Sweet prepared at the behest of the Ohio Supreme Court and attached as Exhibit B in which he recommended that the differences between the plans for renovated facilities of Relators and Respondents first be resolved through direct negotiation, Relators met once with Respondents. Relators then notified Respondents that they would not negotiate with Respondents to resolve the differences between facility plans, but would only discuss how Respondents would

finance the carrying out of Relators' favored plan. Relators subsequently filed the present litigation without ever engaging in good faith negotiation.

SEVENTH DEFENSE

40. Respondents have not refused to provide suitable accommodations in that they fully cooperated and participated in the negotiation process and have proposed a plan for a renovated court facility that constitutes suitable accommodations.

EIGHTH DEFENSE

41. Relators' Second Cause of Action is moot because Respondent Youngstown City Council has passed legislation, which is attached as Exhibit C, appropriating the funds to hire special counsel.

NINTH DEFENSE

42. Relators' Second Cause of Action fails to state a claim upon which relief can be granted because Respondent Youngstown City Council never refused to appropriate funds for Relators to hire special counsel. Relators insisted that Respondent Youngstown City Council appropriate additional funds because Relators were not willing to use the approximately 1.5 million dollars they have accumulated in their special project fund for this appropriate purpose.

TENTH DEFENSE

43. Relators' Second Cause of Action fails to state a claim upon which relief can be granted against Respondent Mayor Jay Williams because he has neither a duty nor the authority to appropriate funds.

ELEVENTH DEFENSE

44. Relators' Second Cause of Action fails to state a claim upon which relief can be granted against Respondent City of Youngstown because only Respondent Youngstown City Council had the authority to appropriate the requested funds.

TWELFTH DEFENSE

45. Relators' claims are barred by laches, waiver and estoppel. Respondents state that Respondents Mayor Jay Williams and the members of Respondent Youngstown City Council were not in office for the majority of events described in Relators' Complaint. Relators failed to act on the plain and adequate remedies they had against the Respondents' predecessors to the current Respondents' detriment in that the City, along with the rest of the country, is experiencing severe financial hardship.

THIRTEENTH DEFENSE

46. Respondents, in discharging any duties that may exist to Relators, acted in good faith and exercised at least that degree of responsiveness, care, diligence and skill which meets the requirements of applicable law and which others exercise in similar circumstances and like positions.

FOURTEENTH DEFENSE

47. Relators are not entitled to attorney fees.

FIFTEENTH DEFENSE

48. Relators have failed to comply with the requirements of the applicable law.

SIXTEENTH DEFENSE

49. Respondents are not financially able to immediately provide Relators with facilities as described in Relators favored

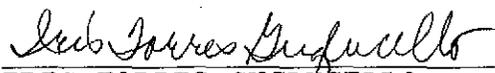
plan. Respondents can provide accommodations for the Youngstown Municipal Court that comply with all court facility and security standards set forth by the Ohio Supreme Court if given a reasonable timeframe to carry out the project that factors in both the City of Youngstown's precarious financial condition and the impoverished nature of the community, and the Relators devote the funds in their special projects fund toward the project as was intended when the funds were collected.

SEVENTEETH DEFENSE

50. Respondents reserve the right to add additional affirmative defenses the availability of which may be later revealed.

WHEREFORE, having fully answered Relators' Complaint, Respondents request that the Complaint against them be dismissed with prejudice at Relators' cost, and for such other relief as the Court may deem just and equitable.

Respectfully submitted,


IRIS TORRES GUGLIUCELLO
LAW DIRECTOR


ANTHONY J. FARRIS
DEPUTY LAW DIRECTOR
CITY OF YOUNGSTOWN

CERTIFICATE OF SERVICE

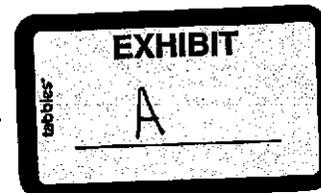
I hereby certify that a true copy of the foregoing ANSWER OF RESPONDENTS YOUNGSTOWN CITY COUNCIL, CITY OF YOUNGSTOWN, AND MAYOR JAY WILLIAMS was mailed by regular mail on this 4th day of June, 2009, to JOHN B. JUHASZ (0023777), 7081 WEST BOULEVARD, SUITE 4, YOUNGSTOWN, OHIO, 44512-4362, ATTORNEY FOR RELATORS.

Iris Torres Gugliucello

IRIS TORRES GUGLUCELLO
LAW DIRECTOR
ANTHONY J. FARRIS
DEPUTY LAW DIRECTOR

The Supreme Court of Ohio

OFFICE OF THE ADMINISTRATIVE DIRECTOR
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431



CHIEF JUSTICE
THOMAS J. MOYER

ADMINISTRATIVE DIRECTOR
STEVEN C. HOLLON

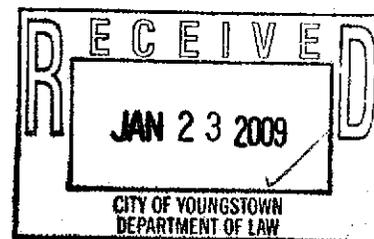
JUSTICES
PAUL E. PFEIFER
EVELYN LUNDBERG STRATTON
MAUREEN O'CONNOR
TERRENCE O'DONNELL
JUDITH ANN LANZINGER
ROBERT R. CUPP

ASST. ADMINISTRATIVE DIRECTOR
RICHARD A. DOVE

TELEPHONE 614.387.9500
FACSIMILE 614.387.9509
www.supremecourtsohio.gov

January 20, 2009

Honorable Robert A. Douglas
Honorable Elizabeth A. Kobly
Honorable Robert P. Milich
Youngstown Municipal Court
26 South Phelps Street
Youngstown, Ohio 44503



Judges Millich, Douglas and Kobly:

It was a pleasure to meet with you last fall to discuss your concerns regarding the space needs and quality of the facilities at the Youngstown Municipal Court. Doug Stephens and I appreciated your hospitality and your efforts to inform us of your concerns. You have waited patiently for many years to move this issue forward and even more so for the last several weeks while waiting on our response.

During our visit we found your concerns to be genuine and compelling. While improvements have occurred to your facilities over the last ten years, the fact is that your court has legitimate issues that need to be addressed. The citizens of your community need to know that when they come to your court to have their legal matters addressed those matters will be considered in a safe and protective environment where their due process rights for a fair and open hearing are protected, and where they will receive the advice of counsel in a reasonably private location.

That being said, we were encouraged that city leadership shares your concerns and wishes to work with you in providing such an environment. After meeting with you on the morning of our visit we then met in the afternoon with Mayor Jay Williams, Assistant Law Director Anthony Farris, Director of Finance Kyle Miasek, City Prosecutor Jay Macejko, and other representatives from the city. It was our clear impression that these city leaders realize that something needs to be done regarding the provision of adequate facilities for the operation of your court and that the current arrangement is not suitable. In fact, when meeting with these officials we discussed potential alternative sites for your court, some of which you are already aware.

Judge Douglas
Judge Kobly
Judge Milich
Page 2.

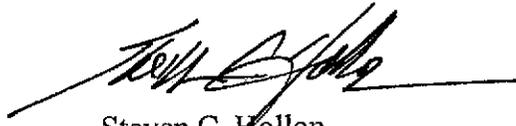
At this stage it is our strongest recommendation that you and the city enter into direct negotiations to determine how a suitable facility might be secured and put into operation. If you believe that the use of an expert in design or renovation and restoration will be helpful, we will work to locate and secure such an expert. Likewise, if you believe a professional mediator will be helpful to initiate these conversations, then we will help secure such a professional.

Finally, we are well aware of the difficulties nearly all cities and courts in Ohio face in trying to maintain adequate funding for projects such as this in challenging economic times, and the delay in this project has certainly hurt you in this regard. But it is also important for you and the city to work now to develop not only facility plans but also financial plans so that when the state's economy does improve, you and the city will be ready to act to open the facility that you, the city, and the citizens of Youngstown deserve.

I will have Doug Stephens follow up with a telephone call to all parties within the next week to see how we can start this process in earnest.

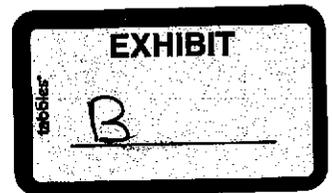
Thank you again for your patience. And thank you for your continuing interest in the administration of justice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven C. Hollon", written over a horizontal line.

Steven C. Hollon
Administrative Director

cc: Honorable Jay Williams, Mayor
Anthony Farris, Assistant Law Director ✓



MEMORANDUM

TO: **The Honorable Thomas Moyer, Chief Justice**
Steven Hollon, Administrative Director, The Supreme Court of Ohio

COPY: **The Honorable Jay Williams**
The Honorable Elizabeth A. Kobly
The Honorable Robert A. Douglas Jr.
The Honorable Robert P. Milich
The Honorable Sarah Brown-Clark

FROM: **David C. Sweet**

DATE: **April 14, 2009**

This memo report is in response to your request on February 6, 2009, that I explore the extent to which there was common agreement between Mayor Jay Williams, the Judges of the Youngstown Municipal Court, and the Clerk of Courts regarding the long-standing issue of providing adequate municipal court facilities.

BACKGROUND

The subject of developing a plan to address the need for the adequacy and safety of the current court facilities dates back years and, in an assessment conducted by Chief Justice Moyer in 1998, he stated...

“The need for court facilities is obvious. A professional and efficient court simply cannot be operated in the current state of the court’s facilities... The need for new or upgraded facilities must be a priority.”

Most recently, after a visit to Youngstown and meeting with the Municipal Court Judges and Mayor Williams and his staff, Steven Hollon wrote on January 20, 2009...

“You have waited patiently for many years to move this issue forward...We found your concerns to be genuine and compelling... We are all well aware of the difficulties nearly all cities and courts in Ohio face in trying to maintain adequate funding for projects such as this in challenging economic times... It is important for you to work now to develop not only facility plans, but also financial plans so that when the state’s economy does improve you and the city will be ready to open the facility that you, the city and the citizens of Youngstown deserve.”

During the past several weeks, I have met a number of times with the Municipal Court Judges: Robert Douglas, Elizabeth Kobly, and Robert Milich. Likewise, I have had several meetings with Mayor Jay Williams. I also met with the independently-elected Clerk of Courts, Sarah Brown-Clark. I discussed the project with the two principals of the architecture firms that have been involved in addressing the

municipal court facility issues: Ray Jaminet of Olsavsky & Jaminet Architects, Inc. and Greg Strollo of Strollo Architects. As the senior judge on the Municipal Court, Judge Douglas has had an extended involvement in seeking to address the facility issue and was very helpful in providing background information as was Anthony Farris, Assistant Law Director for the City of Youngstown. During the process, I have sought to keep the Supreme Court's Administrative leadership, Steven Hollon and Douglas Stephens, updated and appreciate their assistance on this project.

In my discussions with all, I indicated that I would engage in the conversations and report back with any findings or agreement by the first part of April and no later than April 15, 2009. Outlined below are the components of a proposed plan that responds to the request made of me. This is followed by a brief section regarding possible funding for the plan. I have also attached copies of the letters and comments made by Mayor Jay Williams (Attachment 2) and Administrative/Presiding Judge Elizabeth Kobly (Attachment 3) regarding the initial draft plan that was sent to the Mayor and Municipal Court Judges on April 7, 2009.

PROPOSED PLAN

1. Need

There is agreement among all that the current municipal court facilities are inadequate, and that it is important to develop a plan to improve the court facilities and ensure the safety of all individuals involved in the municipal court system.

2. Site

There is agreement that while a range of solutions have been discussed, including construction of a new court building or the renovation of the existing facilities, the most realistic plan would be to renovate the current Annex Building (which is owned by the City), has served as a court in the past, and could be converted for use by the municipal court and possibly other courts in Mahoning County in the future.

3. Architect

There is agreement that the firm of Olsavsky & Jaminet Architects was appropriately selected by the City in 2002 to work with and develop a plan for addressing the need for a "Municipal Justice Center," and that they have developed a concept plan for the renovation of the Annex Building for a Municipal Court facility.

During my initial meeting with Mayor Williams, I learned that in 2006, the City retained the firm Strollo Architects to work in conjunction with the Jaminet firm "to assist in determining ways to reduce the total project costs while still producing a facility that meets the requirements of all stakeholders." Each firm has developed plans and estimated costs for renovation of the Annex for use by the Youngstown Municipal Court. I asked the principals to discuss each other's work and provide me their comments. Their joint assessment was that there are many similarities to their renovation plans and some differences. In their joint judgment, these differences while "sensitive," none of these differences appear to be so drastic that common ground could not be achieved. (Attachment 1)

The Clerk of Courts indicated that she had not been in the Annex, had concerns regarding problems often associated with "old buildings," and expressed concerns about the adequacy of space allocated in the concept plan to the Clerk's activities. The Clerk indicated a willingness to work with an architect and provide her input to the development of a refined program statement.

The staff of the Ohio Supreme Court has agreed upon a request to make available a third party architect to review and recommend approaches that could be taken to resolve any differences in approach to the renovation of the Annex. The third party architect would be involved in meeting with all parties to resolve issues related to the program statement, space requirements, and other issues regarding the renovation project.

4. Cost

In developing the plan to renovate the Annex Building, the estimated cost for implementing the plan is between \$6.5 and \$8 million.

In agreeing to components of the plan, Mayor Jay Williams also stated in part in his response...

“It is therefore important that any plan that is formulated also include a commitment from the municipal judges to reduce the court’s expenditures and staffing levels in order that Youngstown might be able to apply those funds toward the cost of an improved facility.”
(Attachment 2)

In agreeing to components of the plan, Administrative/Presiding Judge Elizabeth Kobly, identified those aspects of the plan where the Judges agreed and disagreed directly on the draft plan.
(Attachment 3)

PROPOSED FUNDING

Upon completion of the construction drawings, bids could be taken to establish the actual projected cost for the renovation. Everyone is aware of the current economic conditions, and the impact they have had on state and local revenues. At the same time, addressing the safety and security of all stakeholders who are engaged with the municipal court is a long overdue priority.

While there are no guarantees, it would seem that a collaborative and coordinated effort to obtain federal and state stimulus funding would be a pragmatic step in addressing the need for facility improvements for the municipal court. This could include a collaborative effort among any or all of the offices listed below whose representative(s) I have spoken with:

1. Supreme Court of Ohio
2. Mayor of Youngstown
3. Municipal Court Judges
4. Municipal Clerk of Courts
5. Governor’s Office
6. Department of Public Safety
7. Congressman’s Office
8. Architects

Preliminary review of the stimulus funding opportunities indicates that the project might be eligible for state and federal funds related to major elements of the project. Governor Strickland and representatives of various state executive agencies are holding a series of information sessions across the state during the month of April regarding the American Recovery and Reinvestment Act. The Youngstown session is scheduled for April 24, 2009, and additional information is available on the State’s website: www.recovery.ohio.gov.

Attachments

Comparison of Reports
YOUNGSTOWN CITY HALL ANNEX BUILDING
Youngstown Municipal Court

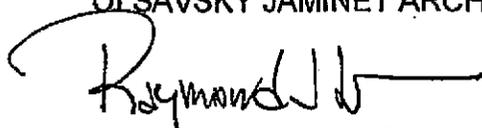
OVERVIEW

SIMILARITIES	DIFFERENCES
<ul style="list-style-type: none"> ▪ One large and two smaller courtrooms ▪ Top floor court space ▪ First floor clerk space ▪ Programmed room sizes nearly identical ▪ Both schemes upgrade all mechanical and electrical systems ▪ Both schemes replace roof ▪ Both replace windows ▪ Both propose exterior restoration consistent with historic preservation guidelines 	<ul style="list-style-type: none"> ▪ Use all four floors compared to: use only two floors ▪ Use of four elevators requiring no interaction between staff, public, and police/defendants compared to: use only two elevators relying on hardware and security personnel for shared staff and defendant movement ▪ One scheme adds private secure garage for judges ▪ One scheme cuts in new lower level opening to basement for sally port ▪ One scheme fills in light 'courtyards' on top floor

The outcome of the conference between Raymond Jaminet, AIA of Olsavsky Jaminet Architects, Inc. and Gregg Stollo, AIA of Stollo Architects was clear. There is capacity to accommodate the required space needs of the Youngstown Municipal Courts comfortably within the City Hall Annex. At the schematic design stage, a budget range of approximately \$6.5 to \$8 million appears to be adequate to fund design and construction.

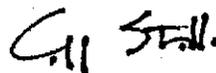
Though it is not our charge to recommend, we agreed that a logical next step would be to build consensus through work sessions involving the Courts, City Administration and the Clerk of Courts. These work sessions should be structured to resolve the few, yet sensitive, differences of opinion that exist among the various interests. None of these differences appear to be so drastic that common ground could not be achieved.

OLSAVSKY JAMINET ARCHITECTS, INC.



Raymond Jaminet, AIA
 President

STROLLO ARCHITECTS



Gregg Stollo, AIA
 President

April 3, 2009

CITY OF YOUNGSTOWN

MAYOR JAY WILLIAMS



OFFICE OF THE MAYOR

CITY HALL • 26 S. PHELPS STREET • YOUNGSTOWN, OHIO 44503
PHONE: (330) 742-8701 • FAX: (330) 743-1335



April 10, 2009



1 p.m.

Dr. David Sweet
Youngstown State University
Office of the President
One University Plaza
Youngstown, OH 44555-3101

Dear Dr. Sweet.

We wish to thank you for your diligent efforts on behalf of the Supreme Court of Ohio to assist in the process of facilitating a path to address the long-standing issues surrounding the Municipal Courts of Youngstown. Your contributions have been of great value.

Enclosed with this letter please find the documents you requested us to complete and return. As conveyed in our enclosed response we generally agree with the overall findings of your assessment. However, we did feel it appropriate to include a statement of clarification.

The City of Youngstown is committed to fully participating in a process designed to result in improved facilities in which the Youngstown Municipal Court can operate. It recognizes that, although the funds are not currently available to engage in such a project, the City of Youngstown will have to expend its limited funds for this purpose eventually. These costs will be in addition to the many millions of dollars city government is already spending to support the operation of the Youngstown Municipal Court each year. It is therefore important that any plan that is formulated also include a commitment from the municipal judges to reduce the court's expenditures and staffing levels in order that Youngstown might be able to apply those funds toward the cost of an improved facility. The current cost to the City of Youngstown of maintaining the Youngstown Municipal Court is disproportionately high as compared to other cities with municipal courts. The systemic inefficiencies in the operation of the Youngstown Municipal Court increase the cost of maintaining the municipal court to such an extent that it has the effect of draining the resources from the city that could otherwise be used to improve court facilities. Any plan which includes a proposal for funding will need to address these issues in order to be viewed as a realistic option.

We look forward to a mutually beneficial resolution to this matter. Again, please accept our deepest thanks for all of your work, not simply with respect to this matter, but as it relates to everything you have contributed to this community during your tenure at Youngstown State University.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Williams", written over the word "Sincerely,".

Jay Williams
Mayor

Cc: W/attachments: Iris Guglucello
Anthony Farris
Dave Bozanich
Jason Whitehead



MUNICIPAL COURT OF YOUNGSTOWN

Judge Elizabeth A. Kobly



April 14, 2009

Dr. David C. Sweet
Youngstown State University
One University Plaza
Youngstown, OH 44555

HAND DELIVERED

Dear Dr. Sweet:

After having met with my colleagues as well as Ray Jaminet, I am enclosing the Judges' response to your proposal. The items crossed out are things that we do not agree to.

Thank you.

Sincerely,

Elizabeth A. Kobly
Administrative/Presiding Judge

Cc: Judges Milich and Douglas

Eric J. Gugliucello

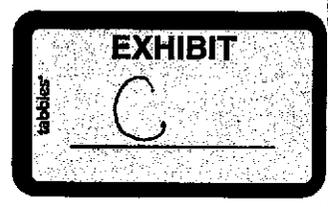
DEPARTMENT OF LAW

ORD - 09 - 128

AN ORDINANCE

MOVED TO 2nd RD.	_____
MOVED TO 3rd RD.	_____
COMMITTEE	_____
SUSPEND	<input checked="" type="checkbox"/>

AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO **APPROVE THE HIRING OF OUTSIDE COUNSEL BY THE YOUNGSTOWN MUNICIPAL COURT JUDGES TO REPRESENT THEM IN LITIGATION AGAINST THE CITY;** AND



FURTHER, **APPROPRIATING THE SUM OF \$25,000.00 IN COURT SPECIAL PROJECTS FUND 214 TO ORG. CODE 960214, OBJECT 132 PROFESSIONAL SERVICES, FOR THAT PURPOSE;** AND

FURTHER, **REPEALING YOUNGSTOWN CITY ORDINANCE ORD-08-175, PASSED BY YOUNGSTOWN CITY COUNCIL ON AUGUST 20, 2008, AS IT WAS NOT EXPENDED;** AND

PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX OF THE MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

* * *

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

That the Board of Control of the City of Youngstown is hereby authorized to approve the hiring of outside counsel by the Youngstown Municipal Court Judges to represent them in litigation against the City.

SECTION 2

That the sum of \$25,000.00 is hereby appropriated in Court Special Projects Fund 214 to Org. Code 960214, Object 132 Professional Services, for said purpose.

SECTION 3

That Youngstown City Ordinance Ord-08-175, passed by Youngstown City Council on August 20, 2008 is hereby repealed.

SECTION 4

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being **the necessity to authorize the Board of Control to approve the Youngstown Municipal Court Judges hiring of outside counsel, appropriate funds, and repeal ORD-08-175**, as above described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 3rd DAY OF June, 2009.

Char P. Demmay
PRESIDENT OF COUNCIL

ATTEST:

Valencia Morrow
CITY CLERK

APPROVED: THIS 3rd DAY OF June, 2009.

Jay Bell
MAYOR

— CERTIFICATION —
This is a true copy of the original
record on file in my office

Valencia Morrow
City Clerk
June 4, 2009
Date