

IN THE SUPREME COURT OF OHIO

State of Ohio ex relators Ruth Brown,
Nancy Cook, Esther Brumbaugh, Ernst
Wahl, Eugene Good, Trudy Wahl, Maxine
Hossler, Susan Penny Turner, Lynn Troxel,
Sonny Turner, Lisa Swickard-Fatzinger,
Rosalie Adams, David Spitler, George
Freeman, Barbara Spitler, Adams Engle, S.
Rayella Engle, Stephanie Engle, J. Phillip
Engle, Mary McClung, June Bollinger,
Marilyn Kisabeth, Nancy Burnside, Forrest
Kisabeth, Elli Spellerberger, Kimberly
Groth, Donna Uhleunhake, Jackie Fletcher,
Eric Uhleunhake, Jim Cline, Diana Wise,
Tisha Turner, Bill Cook, Jen Bowen, Nellie
Alsip, Mary McCall, Joan Martin, Nevin
Martin, Katlyn Myers, Gabi Felter, Karin
Brown, Mary Lewis, Mike Bridinger, and
Ann Forrest, one copy

Case No.

11-2133

Relators,

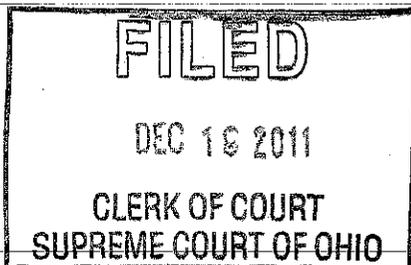
v.

Seneca County Board of
Commissioners, David G. Sauber, Sr.,
Benjamin E. Nutter, and Jeffery D.
Wagner in their official capacities
111 Madison Street
Tiffin, Ohio 44883

Respondents.

Complaint for Writ of Mandamus and Ancillary Temporary Relief

David W. T. Carroll (0010406)
Carroll, Ucker & Hemmer LLC
7100 N. High St. Ste. 301
Worthington OH 43085
614-547-0350
dcarroll@cuhlaw.com
fax: 614-547-0354
Attorney for Relators



Relators, by and through counsel, allege as follows:

Jurisdiction

1. This is an original action brought under S. Ct. Prac. R. 10 and RC chapter 2731.
2. Relators are Seneca County taxpayers who bring this civil action for mandamus and ancillary interim relief pursuant to R.C. 307.13.
3. On November 17, 2011, Relators' counsel delivered a letter to the Seneca County Prosecutor demanding that he bring this action pursuant to RC 307.12. The letter concluded:

Specifically, our clients demand that you file the following claims in one or more civil actions:

1. To enjoin the Seneca County Commissioners from demolishing the 1884 Seneca County Courthouse;
 2. Mandate that the Commissioners act consistently with their statutory duty to provide a courthouse that complies with Federal access requirements and with the standards of the Ohio Supreme Court; and
 3. To mandate that Seneca County Commissioners comply with the binding commitments made in their resolution of August 25, 2010, to renovate the 1884 Courthouse for the efficient administration of justice with all courts in connected buildings.
4. On November 18, 2011, Seneca County Prosecutor Derek DeVine declined to bring the requested civil action.

Facts Common to all Claims

5. The 1884 Seneca County Courthouse is designed in the Beaux Arts style, is massively constructed in sandstone, is structurally sound, and is listed on

the National Register of Historic Places maintained by the United States Department of the Interior.

6. The courthouse was designed by Elijah Myers at the height of his career, a famous American architect who also designed the Texas State Capital Building, the Michigan State Capital Building and the Colorado State Capital Building.

7. Over the years, the Board of Commissioners of Seneca County, predecessors to the current board, allowed the courthouse to fall into aesthetic disrepair due to maintenance neglect, although the building continues to be as structurally sound as when built.

8. In 2004 the General Division of the Seneca County Common Pleas Court moved into temporary quarters in an annex designed and built in 2004 to house the Juvenile and Probate Division. The Juvenile and Probate Division remained in its substandard and cramped, unconnected building across the street.

9. As found by various studies and acknowledged in findings contained in resolutions of the Board of Seneca County Commissioners, the Respondent Commissioners are on notice that there is no current courthouse, and all of the current court facilities and their supporting offices suffer from multiple deficiencies to be shown at trial, including but not limited to:

a. ~~The general division courtrooms are small for the general division~~ of a common pleas court and are inadequate to handle multiple party trials or galleries of public observers in trials involving high public interest.

- b. The rooms used for jury deliberation are not adequately soundproofed requiring surrounding spaces sometimes to be vacated to prevent outsiders from overhearing portions of jury deliberations.
- c. Access to the General Division judges' chambers is limited to travel through the jury rooms (which double as conference rooms) or through the courtrooms.
- d. There are no separate toilet facilities for jurors or judges.
- e. The building that houses the Juvenile and Probate Court is unconnected to the general division of the common pleas Court.
- f. The building that houses the Juvenile and Probate Court fails to comply with access requirements of the Americans with Disabilities Act.
- g. The Juvenile and Probate Court fails to conform to various standards of the Ohio Supreme Court, including security for the Juvenile and Probate judge.
- h. The space available for the Juvenile and Probate Court functions is inadequately small.
- i. The clerk of court's offices are too small and require off-site record storage.
- j. The clerk of courts has employees located in a separate office who need to be combined with the employees in the main office for the efficient performance of common duties.
- k. The current temporary facilities suffer from other deficiencies that will be identified at trial as compared to the Ohio Supreme Court's Court

Facilities Standards, Rules for the Superintendence for Courts in Ohio,
Appendix D.

10. For over 10 years, the Seneca County Commissioners have commissioned multiple space studies and conceptual design concepts for the 1884 courthouse and alternative new-build options for a courthouse for the efficient administration of justice.

11. In 2006, The Seneca County Commissioners commissioned a space study of the courts as well as other county offices. Stilson Associates, a Division of DLZ Architects, reported to the Commissioners that existing space for the common pleas judges and the clerk and the juvenile and probate judge were deficient. A copy of pages IV-3 through IV-11 detailing deficiencies is attached as Exhibit A.

12. Beginning in 2006, Respondent Commissioners explored demolition of the 1884 courthouse to replace it with a new courthouse with an approximate cost to the taxpayers of about \$6.9 million taxpayer dollars.

13. Schooley Caldwell Associates, Inc., is a renowned Ohio architectural firm particularly skilled in preservation and renovation of historic structures and is the firm that, among other notable projects, designed the restoration and rehabilitation of the Ohio Statehouse and the Thomas J. Moyer Justice Center.

14. In one of the studies, Schooley Caldwell Associates, Inc., presented extremely detailed preliminary designs demonstrating that the 1884 courthouse could be efficiently renovated to house the General Division of the Seneca County Common Pleas Court and the clerk of the court in full compliance with the

standards of the Ohio Supreme Court and in full compliance with Federal access standards under the Americans with Disabilities Act.

15. The Seneca County Commissioners studied the alternatives, which included an in depth comparison of renovation cost against demolition and building a new courthouse. The in depth studies were supported by a team of structural engineers, architects, professional estimators and contractors.

16. The Seneca County Commissioners made various findings and ultimately adopted resolutions by which the Seneca County Board of Commissioners made commitments to renovate the 1884 courthouse using extremely favorable financing. The financing was arranged primarily by a public-private partnership, which included significant grants, a low interest long-term USDA government facilities loan and privately raised capital. The cost to the taxpayers would be about \$5.4 million dollars along with an additional \$500,000 contribution from the Seneca County Common Pleas Court funds generated from court costs, resulting in savings to the taxpayers of about \$1 million over the demolish and new build plan.

17. The Seneca County Commissioners adopted various resolutions including a "binding commitment" to accept the USDA loan and to move forward with the renovation of the 1884 courthouse as the most cost-effective means of providing a courthouse for the efficient administration of justice in Seneca County.

18. True copies of the Seneca County Commissioners resolutions of August 25, 2009, January 11, 2011, are attached as Exhibits B and C respectively.

19. Recently, instead of moving forward with renovation of the 1884 courthouse to provide for the efficient administration of justice, the Respondent Commissioners have retreated from providing a courthouse to correct the deficiencies in the current temporary court facilities.

20. Respondent Commissioners voted to expend over \$400,000 to demolish the 1884 courthouse, (a) despite having previously and accurately determined that renovation of the 1884 courthouse was the most cost effective means of providing an adequate courthouse for the administration of justice in Seneca county; (b) despite citizens of Seneca County volunteering to beautify and mothball the 1884 courthouse at no cost to the county until the Commissioners could become comfortable that Seneca County could finance a renovation; and (c) despite the current availability of extremely favorable funding to renovate the 1884 courthouse.

21. On November 17, 2011, the Respondent Commissioners voted to award a contract for demolition of the 1884 courthouse to a demolition contractor, after public bidding for the contract. The contract for demolition contains a termination-for-convenience clause.

Mandamus to Provide a Courthouse Adequate for the Efficient Administration of Justice.

22. The Respondent Seneca County Commissioners have a clear legal duty under RC §302.01 and *Zangerle v. Court of Common Pleas of Cuyahoga County* (1943), 141 Ohio St. 70, 46 N.E.2d 865, to provide a courthouse for the efficient administration of justice in Seneca county.

23. In connection with the demolition, the Respondent Commissioners have adopted no plan to provide a courthouse or to correct the deficiencies in the current temporary court facilities.

24. By moving to demolish the most cost-effective option to provide that courthouse, the Respondent Commissioners have violated their clear legal duty, and in violation of RC §309.13 are neglecting their duty and/or are engaging in misconduct in office.

***Mandamus to Require the Respondent
Commissioners to Honor their Commitments to
Renovate the 1884 Courthouse***

25. To provide a Courthouse for the efficient administration of justice in Seneca county, the Commissioners adopted certain commitments and binding commitments to the taxpayers and others to proceed with the financing and rehabilitation of the historic 1884 courthouse in accordance with the detailed preliminary design presented by Schooley Caldwell Associates, Inc., and the previously approved financing plan.

26. To demolish the 1884 Courthouse, the Respondent Commissioners are expending more taxpayer up-front money than the Respondents would be required to commit in advance to renovate the courthouse under the previously approved financing plan.

27. By contracting to demolish the 1884 courthouse, the Respondent Commissioners are breaching the commitments they made in their own resolutions.

28. The Respondent Commissioners have a clear legal duty to honor their commitments, and in violation of RC §309.13 are neglecting their duty and/or are engaging in misconduct in office.

Adequate Remedies

29. There is no adequate remedy at law.

Now Wherefore, Relators demand the following relief:

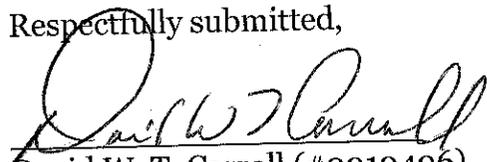
1. A writ of mandamus ordering the Respondent Seneca County Commissioners to perform their clear legal duty to provide a courthouse compliant with Federal and Ohio Supreme Court standards or show cause why they cannot do so;

2. A writ of mandamus ordering the Respondent Seneca County Commissioners to perform their clear legal duty to honor their binding commitment to rehabilitate the 1884 courthouse compliant with Federal and Ohio Supreme Court standards or show cause why they cannot do so;

3. Temporary relief enjoining the demolition of the 1884 courthouse that the Respondent Seneca County Commissioners have previously determined to be the most economical manner for Seneca County to provide a courthouse compliant with Federal and Ohio Supreme Court standards, until or unless the Respondent Commissioners show cause why they cannot perform their clear legal duties.

4. For such other relief as the court may grant, including the costs of this action and reasonable attorneys' fees pursuant to RC §309.13.

Respectfully submitted,



David W. T. Carroll (#0010406)
Carroll, Ucker & Hemmer LLC
7100 N. High St. Ste. 301
Worthington OH 43085
(v) 614-547-0350; (f) 614-547-0354
dcarroll@cuhlawn.com
Attorney for Relators

Verification

State of Ohio
County of Franklin: ss:

I hereby verify the facts set forth in the foregoing complaint are based upon my personal knowledge, information and belief.

J. Phillip Engle
J. Phillip Engle

Sworn to and subscribed before me this 19th day of December, 2011.

Holly Edwards
Notary Public



HOLLY EDWARDS
Notary Public, State of Ohio
My Commission Expires Sept. 23, 2014

Meeting Date: May 9, 2006
Department: Common Pleas Court 1
Location: Courthouse Annex
Department Representative: Judge Kelbley

Page 1 of 2

1. General Use and Activities
 - a. Common Pleas Court and Operations
 - i. Case types
 1. Civil protection (approximately 400 cases)
 2. Domestic violence
 3. Criminal jury trial (approximately 15 per year)
 4. Mediation
2. Employees
 - a. Common Pleas Judge
 - b. Magistrate
 - c. Three Staff
 - d. One Law Clerk
 - e. Anticipated future: potential for Mental Health Court system
3. Special Use and Requirements
 - a. Job and Family Services is separation form County court system
 - b. Additional area is needed for Record Storage.
 - c. Dedicated Evidence Storage with proper ventilation
 - d. Video Arraignment is utilized in conjunction with Sheriff's Office.
 - e. Space was originally designed for Probate / Juvenile court operations.
 - f. Jury assembly is established by specific Courtroom
 - g. Storage utilizes 1884 Courthouse
 - h. Courtrooms not designed for common Pleas Court operation
 - i. Jury deliberation room is too small.
 - ii. Video technology is lacking
 - iii. Separate restrooms needed for jury and public
 - iv. Separation between victim and accused waiting areas
 - v. Inadequate space for exhibits during trial
 - vi. Inadequate area for public viewing area
 - vii. Improper sight lines available
 - viii. Inadequate witness arealnaccessible spaces within courtroom.
 - ix. Need confidential conference rooms for
 1. Client-attorney meetings
 2. Attorneys
 3. Mediator
 - i. Hearing room not designed for necessary operations

Page 2 of 2

- i. Video technology is lacking
 - ii. Separation needed between victim and accused waiting areas
 - iii. Improper sight lines available
 - iv. Inaccessible spaces within courtroom.
 - v. Security and control needed
 - j. No public restroom are available on third floor level
 - k. Sally port for prisoner transfer does not exist.
 - l. Domestic Relation cases are increasing and also create potential volatile environment.
4. Methods to increase efficiency of operation
- a. Locate adjacent to other courtrooms
 - b. Locate adjacent to Victim Advocate Department.
 - c. Locate adjacent to Clerk of the Courts
 - d. Increase accommodations
 - e. Increase storage capacity
 - f. Increase security
 - g. Provide separation and waiting areas within courtroom operations
 - h. Increase Prisoner holding area
 - i. Provide upgrades to technology delivery system.
 - j. Provide accessibility to operation.

Meeting Date: May 9, 2006
Department: Common Pleas Court 2
Location: Courthouse Annex
Department Representative: Judge Shuff

Page 1 of 2

1. General Use and Activities
 - a. Common Pleas Court and Operations
 - i. Case types
 1. Civil protection
 2. Domestic violence
 3. Criminal jury trial
 4. Mediation
2. Employees
 - a. Common Pleas Judge
 - b. Magistrate
 - c. Three Staff
 - d. One Law Clerk
3. Special Use and Requirements
 - a. Additional area is needed for Record Storage.
 - b. Video Arraignment is utilized in conjunction with Sheriff's Office.
 - c. Space was originally designed for Probate / Juvenile court operations.
 - d. Jury assembly is established by specific Courtroom
 - e. Storage utilizes 1884 Courthouse
 - f. Additional courtroom is not anticipated. Population and not caseload establish number of courts. Population is stable, even though caseload has increased.
 - g. Courtrooms not designed for Common Pleas Court operation
 - i. Jury deliberation room is too small.
 - ii. Video technology is lacking
 - iii. Separate restrooms needed for jury and public
 - iv. Separation between victim and accused waiting areas
 - v. Inadequate space for exhibits during trial
 - vi. Inadequate area for public viewing area
 - vii. Improper sight lines available
 - viii. Inadequate witness area
 - ix. Inaccessible spaces within courtroom.
 - x. Need confidential conference rooms for
 1. Client-attorney meetings
 2. Attorneys
 3. Mediator

Page 2 of 2

- h. Hearing room not designed for necessary operations
 - i. Video technology is lacking
 - ii. Separation needed between victim and accused waiting areas
 - iii. Improper sight lines available
 - iv. Inaccessible spaces within courtroom.
 - v. Security and control needed
 - i. Sally port for prisoner transfer does not exist.
4. Methods to increase efficiency of operation
- a. Locate adjacent to other courtrooms
 - b. Locate adjacent to Victim Advocate Department.
 - c. Locate adjacent to Clerk of the Courts
 - d. Increase accommodations
 - e. Increase storage capacity
 - f. Increase security
 - g. Provide separation and waiting areas within courtroom operations
 - h. Increase Prisoner holding area
 - i. Provide upgrades to technology delivery system.
 - j. Provide accessibility to operation.

Meeting Date: May 9, 2006
Department: Clerk of the Courts
Location: Courthouse Annex
First Floor Level
Department Representative: Mary Ward

Page 1 of 2

1. General Use and Activities
 - a. Legal Department
 - i. Record keeper for the Common Pleas Courts
 - ii. Issue search warrants
 - iii. Court appearances
 - b. Title Department
 - i. Issue titles to motor vehicles, water craft and boat registration
2. Employees
 - a. Clerk of the Courts
 - b. Legal Department
 - i. One chief deputy
 - ii. Five deputy clerks
 - c. Title department
 - i. One supervisor
 - ii. Four deputy Clerks
 - d. Anticipated Future:
 - i. Legal department: one staff member
 - ii. Title department: none
3. Special Use and Requirements
 - a. Process monthly court fees
 - b. Maintain records for all court cases
 - c. Records are stored within Annex as in 1884 courthouse
 - d. Legal Department
 - i. Provide two computer terminals for public records
 - ii. Provide public counter areas
 1. Security at counter area is a current concern
 - iii. Operates separate from Title Department
 - e. Title Department
 - i. Compact storage is utilized for records
 - ii. Heavy public use
 - iii. Dedicated Computer station tied to ATPS2 system
 - f. Storage primary concern
 - i. Storage within 1884 courthouse
 - ii. Microfilm is no longer procedure. Records are scanned onto DVD

Page 2 of 2

- iii. Record retention schedule is in place
 - l. Murder records must be keep indefinitely
 - iv. File storage to be in a single location.
 - g. Mortgage foreclosure in legal department has increased significantly
 - i. Former five to six per year; currently five to six per day.
 - h. Interface with
 - i. Common Pleas Courts
 - ii. Auditor
 - i. Title and legal need to be separated for the public though internally department to be connected.
 - j. Security is a concern.
 - i. Windows are needed from corridor to waiting area.
 - ii. Reactive to situation, rather than anticipatory.
 - iii. Additional workstations at public counter are preferred.
 - iv. Dedicated room for computer server is necessary
 - v. Provide secured public service counter
4. Methods to increase efficiency of operation
- a. Maintain relationship with Common Pleas Courts
 - b. Increase storage capacity and centralize
 - c. Increase workstation area to allow for ease of movement and operation.
 - d. Increase security
 - e. Provide upgrades to technology delivery system.
 - f. Improve Signage and Department identification
 - g. Increase public counter space in title Department
 - h. Mail room is in RTA building is an inconvenience operation.

Meeting Date: May 9, 2006
Department: Juvenile and Probate Court
Location: Former Carnegie Library
Department Representative: Judge Kutscher

Page 1 of 2

1. General Use and Activities
 - a. Probate/Juvenile Court
 - b. Juvenile operations
 - c. Juvenile Probation
 - d. Probate Operations

2. Employees
 - a. Probate / Juvenile Judge
 - b. Magistrate 1
 - i. Child support case
 - c. Magistrate 2
 - i. Special documents, mental health, intervention model
 - d. Chief Deputy Officer
 - e. Seven Juvenile clerks
 - f. Court Administrator
 - g. Diversion Officer
 - h. Program Administrator
 - i. Juvenile Probation
 - i. Director
 - ii. Six probation officers
 1. three in Tiffin
 2. three in Fostoria
 - iii. Restitution Officer

3. Special Use and Requirements
 - a. Probate / Juvenile court
 - i. Need confidential area for
 1. Client-attorney meetings
 2. Guardian – child meetings
 - ii. Security and control needed
 - iii. Not currently accessible. Court utilized annex courthouse if need arises.
 - iv. Increase area for Waiting/conference Room is required. Room capacity to be 4 to 12 persons
 - v. Magistrate offices and hearing rooms are not sufficient in size
 - vi. Not accessible. Rooms are currently on lower level

Page 2 of 2

- b. Juvenile operation
 - i. Increase work station area
 - ii. Increase record storage
 - iii.
- c. Probate Operations
 - i. Public access is critical.
 - ii. Additional storage is needed
 - 1. Marriage records
 - 2. Birth and death certificates
 - 3. Title searches
 - 4. Genealogy searches
 - 5. Storage is also kept within former vault in 1884 courthouse
 - iii. Employee break room
 - iv. Increase work station area
 - v. Employee restrooms
 - vi. Accessible entry to waiting area
- 4. Juvenile Probation
 - a. Operation is located within Jefferson street annex
 - b. Offices need to be confidential
 - c. Meeting room to be flexible for a variety of uses.
 - i. Instruction, holding, waiting area, limited group therapy
 - d. Additional space needs
 - i. Break room
 - ii. Conference rooms
 - iii. Restroom facilities to allow drug screening / witnessing
 - e. Juveniles are typically between the ages of 8-11 years old.
 - f. Diversion Officers typically is involved with juveniles who are first time offenders, truancy, and minor theft.
- 5. Adult Probation is addressed at the County Jail.
 - i. Provide restrooms
 - ii. Recording devices and equipment
 - iii. Waiting area
- 6. Methods to increase efficiency of operation
 - a. Locate adjacent to other courtrooms
 - b. Increase accommodations
 - c. Increase storage capacity
 - d. Increase security
 - e. Provide separation and waiting areas within courtroom operations
 - f. Provide accessibility to operation.

Meeting Date: May 9, 2006
Department: Prosecutor
Location: County Services Building
Second Floor Level
Department Representative: Kenneth Egbert

Page 1 of 2

1. General Use and Activities
 - a. Legal representation for township
 - i. Juvenile
 - ii. Financial
 - iii. Criminal
 - iv. Civil
 - I. County and Township
 - b. Activities are divided into four components
 - i. Felony
 - ii. Civil
 - iii. Juvenile
 - iv. Administrative
2. Employees
 - a. Prosecutor
 - b. Civil Legal secretary
 - c. Civil - Assistant Prosecutor
 - d. Juvenile - Assistant Prosecutor
 - e. Criminal
 - i. Three Assistant Prosecutors
 - ii. Two Secretaries
 - iii. Anticipated future: one additional secretary for criminal
 - f. Prosecutor Investigator
3. Special Use and Requirements
 - a. Relationship with other departments
 - i. Victim assistance
 - ii. Courts and clerk of the Courts
 - iii. Commissioners office
 - iv. Sheriff's office.
 - b. Additional Space Needs
 - i. Employee break room
 - ii. Employee restrooms
 - iii. Accessible entry to waiting area
 - iv. Meeting room for 4-6 persons
 - v. Central files for each area of interest

Aug 25,
2009

COMMISSIONERS' OFFICE

A RESOLUTION OF THE SENECA COUNTY COMMISSISONERS, SUPPORTING THE RESTORATION OF THE 1884 SENECA COUNTY COURTHOUSE

Mr. Sauber offered the following resolution and moved the adoption of the same, which was duly seconded by Mr. Bridinger

WHEREAS, The Seneca County Commissioners, Benjamin E. Nutter, David G. Sauber and Michael A. Bridinger met this 25th day of August, 2009 in open and regular session, and

WHEREAS, The Seneca County Commissioners recognize the urgent need to provide adequate and appropriate space to the court system of Seneca County; and

WHEREAS, The Juvenile and Probate Divisions of Seneca County Common Pleas Court are currently in a building of inadequate size and is not compliant with the Americans with Disabilities Act; and

WHEREAS, The building known as the 1884 Seneca County Courthouse has fallen into disrepair and is not fit for the conduct of Seneca County business and currently is vacant of public offices due to its poor condition; and

WHEREAS, The Seneca County Courthouse and Downtown Development Group has presented the commissioners with a proposal that would bring the former 1884 Courthouse back to its original usefulness and grandeur for less than eight million dollars; and

WHEREAS, Of the estimated eight million dollar renovation project, approximately one million four hundred thousand will be needed to restore the magnificent dome and clock tower, which the SCCDDG has committed to raising private funds to cover this portion of the project; and

WHEREAS, The Governor of the Great State of Ohio, Ted Strickland has committed to supporting this restoration project with two million dollars in state funding and Governor Strickland has many times stated the importance and statewide significance of this renovation project; and

WHEREAS, Based on the cost estimate of the renovation project by the SCCDDG and coupled with the financial support of the State of Ohio and private citizens this restoration project will save the local taxpayer a significant amount of money over removing and replacing the 1884 Courthouse with a new structure; and

NOW, THEREFORE, BE IT RESOLVED, that The Seneca County Board of Commissioners do hereby support the renovation of the former 1884 Courthouse and calls upon Governor Strickland and the SCCDDG to secure the promised funding pledged heretofore.

Section 1. Seneca County hereby commits to moving forward with developing final plans to renovate and restore the 1884 Seneca County Courthouse for renewed courthouse use, contingent only upon obtaining the necessary financing to undertake the project. ✓

Section 2. The Redevelopment Group, in cooperation with Seneca County and other supporting non-profit organizations, is authorized to assist in confirming the availability of all additional funds necessary to undertake this project beyond those funds to be committed by Seneca County, by October 30, 2010. The amount of funds to be committed by Seneca County ("county share") and the minimum amount to be raised from other sources in cooperation with the Redevelopment Group ("non-county share") is itemized in Section V of the Project Portfolio submitted to the Board of County Commissioners dated August 11, 2009, and included herein as attachment A.

Section 3. The obligation of the Redevelopment Group and other supporting non-profit organizations to undertake and successfully complete the 1884 Courthouse Capital Campaign (non-county share) at no cost to Seneca County will be summarized in a contract between Seneca County and the Redevelopment Group.

Section 4. Upon execution of the contract, Seneca County will begin confirming the availability of the county share of the proposed project cost. The Redevelopment Group will assist if requested by Seneca County.

RESOLVED, That the Acting Clerk be and she is hereby authorized and instructed to certify a copy of this resolution to the Seneca County Auditor, Prosecutor and the Seneca County Courthouse and Downtown Development Group in line with this action, and be it further

RESOLVED, That it is found and determined that all formal actions of this Board concerning and related to the adoption of this resolution were so adopted in an open meeting of this Board and that all deliberations of this Board and of any of its communities that resulted in such formal actions, were in meeting open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Bridinger -

YES!

Mr. Sauber -

yes

Mr. Nutter -

yes

[Signature]

[Signature]

[Signature]

Attest:

Kayla Herchel
Acting Clerk

I, the undersigned, Acting Clerk of the Board of County Commissioners, Seneca County, Ohio, do hereby certify that the foregoing is a true and correct copy from the official record of said Board of County Commissioners as recorded in Journal 84, Page 371 & 372

Kayla Herchel
Acting Clerk

COMMISSIONERS' OFFICE

**IN THE MATTER OF: A RESOLUTION IN SUPPORT OF SENECA COUNTY COURTHOUSE
RENOVATION AND RESTORATION PROJECT IN ACCORDANCE WITH ORC 307.01**

Mr. Wagner offered the following resolution and moved the adoption of the same, which was duly seconded by Mr. Sauber.

WHEREAS, The Seneca County Board of Commissioners, Benjamin E. Nutter, David G. Sauber, and Jeffrey D. Wagner met this 6th day of January, 2011, in open and regular session, and

WHEREAS, the Seneca County Common Pleas Court(s), Seneca County Clerk of Courts, and Seneca County Probate and Juvenile Courts have for some time conducted their official business in facilities that are inadequate to meet their needs in numerous respects,

WHEREAS, the limitations of existing space and the recommendations and requirements for the efficient administration of court related functions have been documented in multiple studies and reports,

WHEREAS, the Citizens of Seneca County are therefore not provided with the needed level of service and are otherwise deprived of a justice system that is housed in functional, practical and pleasant courthouse facilities,

WHEREAS, over the past two years there has been significant community commitment for planning and funding the rehabilitation and restoration of the historic 1884 Seneca County Courthouse (the project),

WHEREAS, the Seneca County Courthouse and Downtown Redevelopment Group (Redevelopment Group), working on behalf of and in cooperation with the Board of Commissioners of Seneca County, (Seneca County) has provided project services to Seneca County relating to planning, financing, designing and estimating and has produced an extensive analysis of renovation costs and a renovation plan that supports the lowest possible project cost for the Seneca County taxpayer,

WHEREAS, the SCCDRG renovation plan authorized by the Board of Commissioners has demonstrated that the project will result in the needed functional, practical, and pleasant facilities for the Seneca County justice system,

WHEREAS, Seneca County by resolution on December 27, 2010 approved the allocation of estimated project costs in accordance with a County Share in the amount of \$6,350,000 and a Non County Share in the amount of \$1,645,000 for a total estimated project cost of \$7,995,000,

WHEREAS, the 1884 Courthouse Tower Capital Campaign (Capital Campaign) has committed to fund the authentic replacement of the original tower and dome design of Elijah Myer (decorative component), nationally known architect retained by the Board of Commissioners of Seneca County by resolution of December 21, 1882,

WHEREAS, it has been determined by the Redevelopment Groups architects, engineers, and construction estimating team that the project can be divided into a "functional component" and a "decorative component" whereby design and funding and possibly contract award for each component of the project can be undertaken separately but concurrently with the other,

WHEREAS, the Ohio Department of Development (ODOD) has set aside grant funds to be allocated only to the renovation of the 1884 Courthouse in the amount of \$400,000 and such grant funds are to be vested in the project by June, 2011,

WHEREAS, the ODOD \$400,000 grant is conditioned upon \$100,000 of previously disbursed and "on hand" (held by Seneca County) ODOD discretionary funds also being committed to the project, thus making the total immediate financial contribution to the project by the State of Ohio to be \$500,000,

WHEREAS, The Seneca County Common Pleas Court has committed up to a total of \$500,000 of Seneca County Common Pleas Court Special Project funds to the project,

WHEREAS, the existing national and local economy is in a general static state which has produced a climate of unforeseeably low construction and materials costs beneficial to the timely implementation of the project,

WHEREAS, authoritative forecasts of the likely future cost burden to the taxpayers of Seneca County to build or renovate a courthouse strongly indicate that such costs will be significantly greater than the cost to renovate in today's market, and any future project will likely be without the benefit of substantial public and private non-taxpayer funding,

WHEREAS, Seneca County is mindful of the broad community benefits to be realized from a decision to implement the project, including, but not limited to:

- (1) Resurrecting the most significant landmark in Seneca County,
- (2) Providing a courthouse that will practically and functionally serve multiple future generations,
- (3) Providing a permanent source of civic pride for all citizens of Seneca County,
- (4) Initiating a major construction project that will serve as a catalyst for private sector

investment in additional downtown projects that will foster renewed prosperity for Tiffin and Seneca County.

WHEREAS, for all of the aforesaid compelling reasons, it is in the best interests of Seneca County to take immediate and fullest advantage of a pending low interest, long term United States Department of Agriculture (USDA) "Government Facilities" loan for the rehabilitation and restoration of the 1884 Seneca County Courthouse, now therefore be it

BE IT RESOLVED that to provide for a courthouse in the manner most economical for Seneca County taxpayers, in accordance with the obligations of RC § 307.01, and to induce the United States Department of Agriculture to timely approve a \$5,000,000 long term, low interest loan, the Seneca County Commissioners hereby make the following binding commitments to the United States Department of Agriculture and to the people of Seneca County:

RESOLVED, That contingent upon official notification from the United States Department of Agriculture that funding for a \$5,000,000 loan from the USDA's Government Facilities Program has been secured for this project and as long as funds are available for appropriation or in the process of collection, the Seneca County Commissioners hereby make a commitment to appropriate \$350,000 for the renovation and rehabilitation of the Seneca County Courthouse from various 2011 general and non-general fund revenues; and

RESOLVED, That upon USDA notification and subject to approval as to form by the Seneca County Prosecutor, the Seneca County Commissioners hereby make a commitment to timely execute the loan documents required by the United States Department of Agriculture for a Community Facilities program long term low interest loan for the largest portion of the cost to rehabilitate and renovate the historic 1884 Seneca County Courthouse, and

BE IT FURTHER RESOLVED, That pursuant to previous resolutions authorizing the Redevelopment Group to perform certain planning, estimating, design and financing activities in support of the project, the Redevelopment Group is hereby authorized to develop and present for approval by Seneca County such documents and schedules as are necessary to cause the project to proceed including, but not necessarily limited to work schedules, payment schedules, financing disbursement procedures, and any other documents necessary for the efficient advancement of the project, and

RESOLVED, That the Courthouse Tower Capital Campaign, in cooperation with Seneca County and the Redevelopment Group will conduct its fundraising program in accordance with the general objective of raising \$1,000,000 by September 30, 2011 with the remainder of the Capital Campaign fundraising goal to be reached by years end but continuing into 2012 if desirable to provide more financial benefit to the project.

AND FURTHER RESOLVED, That the Redevelopment Group shall submit sufficient information, reports and schedules during the projects design phase to enable Seneca County to monitor project costs as compared to Capital Campaign fund raising progress, thus enabling Seneca County to adjust expenditures with certainty in accordance with the actual availability of funds from both the County Share and Non County Share of overall project costs and

RESOLVED, That upon the passing of this Resolution by the Board of Commissioners of Seneca County, the 1884 Courthouse Tower Capital Campaign will advance its program for reaching or surpassing its fund raising goals in parallel with and in cooperation with the project advancement schedules approved by Seneca County.

RESOLVED, That the Clerk of the Board of Seneca County Commissioners is hereby authorized and instructed to certify copies of this resolution to the County Prosecutor, Auditor, Seneca County Courthouse and Downtown Redevelopment Group and the 1884 Courthouse Tower Capital Campaign in accordance with this action.

RESOLVED: That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of the Board, and that all deliberations of the Board and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with the law.

Mr. Nutter - yes

Mr. Sauber - yes

Mr. Wagner - yes

Bryan E. Hutter
Barbara M. Sauber
Jill Kay

Attest:

Nicole Smith
Clerk to the Board

I, the undersigned Clerk to the Board of Seneca County, Ohio, do hereby certify that the foregoing is a true and correct copy from the official record of said Board of County Commissioners as recorded in Journal 86, Pages 424-425

Nicole Smith
Clerk to the Board