

ORIGINAL

# In the Supreme Court of Ohio

State ex rel. Ohio Civil Service	:	
Employees Association et. al.,	:	Supreme Court Case No. 2014-0319
	:	
Plaintiffs-Appellees/Cross-Appellants	:	
	:	On Appeal from the Franklin County
v.	:	Court of Appeals, Tenth Appellate District
	:	
State of Ohio et. al.,	:	
	:	Court of Appeals Case No.
Defendants-Appellants/Cross-Appellees	:	12 AP 1064
	:	

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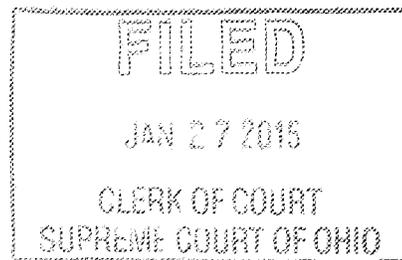
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Supreme Court of Ohio**

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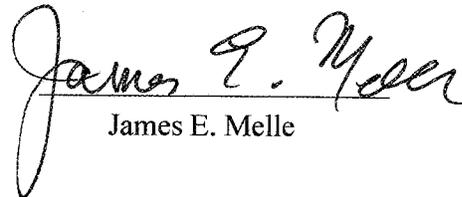
**AFFIDAVIT OF JAMES E. MELLE**

State of Ohio ss:  
County of Franklin

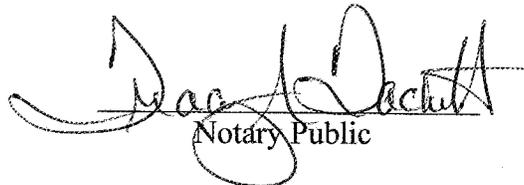
1. Affiant, James E. Melle, being first duly cautioned and sworn states that he is an attorney admitted to the practice of law in the State of Ohio, Attorney Registration Number 0009493, and is Counsel for all of the Plaintiffs-Appellees/Cross-Appellants in this case and that he is competent to testify and has personal knowledge of the matters stated herein and of the Exhibits attached hereto which are true and accurate copies of the originals which were copied from and/or printed by him from digital online newspaper sources and from the Columbus Public Library as shown thereon.
2. Affiant makes this affidavit pursuant to S.Ct.Prac.R. 4.04(B).
3. On or about October 25, 2014 while campaigning for election to the Ohio Supreme Court Justice Judith L. French made certain public comments which were published in the Columbus Dispatch Online (Dispatch.com), a digital newspaper of general circulation. Exhibit 1 attached hereto and incorporated herein is a true and accurate copy of that digital online article written by Columbus Dispatch reporter Randy Ludlow. It was downloaded and printed by affiant.
4. Affiant was not present when the statements were made by Justice Judith L. French. Affiant can only rely upon what has been reported in Exhibit 1. Affiant believes that the statements published with quotation marks and attributed to Justice French are statements made by her and are accurately and correctly printed therein.

5. According to Exhibit 2 from Dispatch.com, three days thereafter Justice French acknowledged making the statements attributed to her in Ex. 1.
6. Exhibit 2 attached hereto and incorporated herein is a true and accurate copy of that digital online article written by Columbus Dispatch reporter Randy Ludlow and published in Dispatch.com. It was downloaded and printed by affiant.
7. Exhibits 3 and 4 attached hereto and incorporated herein are true and accurate copies of digital publications from plunderbund.com and cleveland.com which are available on the internet by using a search engine and were discovered by affiant on the internet and downloaded and printed by affiant.
8. Exhibit 5 attached hereto and incorporated herein is a copy of the printed article written by Columbus Dispatch reporter Randy Ludlow and published in the Columbus Dispatch on October 28, 2014 which is on microfiche in the archives of the Columbus Metropolitan Library. Exhibit 1 could not be located in the Columbus Metropolitan Library archives.
9. Affiant believes that the statements published with quotation marks in Exhibits 2, 3, 4 and 5 and attributed to Justice French are statements made by her and are accurately and correctly printed therein. Affiant also believes that Justice French's statements paraphrased by the reporters are, in sum and substance, accurate and correct paraphrases of her actual statements.
10. According to the Exhibits, Justice French's statements were made while she was campaigning for elective judicial office and were said in the presence of at least Governor Kasich and Auditor Yost who were actively campaigning for her at the time.
11. Governor John Kasich, the Ohio General Assembly, State Auditor David Yost, Attorney General Mike DeWine, Secretary of State Jon Husted and other State Officials are the Defendants-Appellants/Cross-Appellees ("State Defendants") in the case of *Ohio Civil Service Employees Association v. State of Ohio*, Case No. 2014-0319, which is currently pending before the Ohio Supreme Court having been accepted for review on June 25, 2014, *State ex rel. Ohio Civ. Serv. Emps. Assn. v. State*, 2014-Ohio-2725, 139 Ohio St. 3d 1428.
12. The pending appeal involves two complex constitutional questions arising under the Ohio Constitution, Article II, Section 15(D) and Article VIII, Section 4 challenging as unconstitutional statutes and programs enacted or amended in Am. Sub. H. B. No. 153, an Appropriations Bill of the 129<sup>th</sup> General Assembly. More particularly, one set of challenged statutes allows the sale and privatization of several Ohio prisons. Other challenged statutes relate to non-appropriation items in the Appropriations Bill including the JobsOhio program. A third issue also arising from the passage of Am. Sub. H. B. No. 153 is a disputed jurisdictional issue involving the State Employment Relations Board and the Franklin County Common Pleas Court.

13. The case is now fully briefed, the final brief having been filed on January 12, 2015.
14. The “backstop” comments mentioned in Exhibits 1 through 5 relate directly to the issues in this case as may be seen from the filed briefs.
15. The case has not been set for oral argument.
16. After careful consideration of the statements and subsequent explanation made in those Exhibits, and with the respect due to Justice French, affiant believes that the comments made in these publications, including the subsequent explanation, indicate, and give the appearance, that litigation challenging legislative programs enacted by the Ohio General Assembly and executive actions implementing them taken by Governor John Kasich, State Auditor Yost, Attorney General Mike DeWine, Secretary of State Jon Husted and other State Officials will not be free from bias and partisanship favoring the legislative programs and State Officials.
17. For the foregoing reasons, Affiant for himself and on behalf of the Plaintiffs-Appellees/Cross-Appellants believe that in these circumstances Justice French should recuse herself from all further proceedings in this case.
18. Ohio Constitution, Article IV, Section 2 provides “If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the supreme court in the place and stead of the absent judge.”
19. Further, affiant sayeth not.

  
James E. Melle

Sworn to before me and subscribed in my presence by the above-named individual who is known to me on this 27 day of January, 2015.

  
Notary Public



TRACY A. TACKETT  
Notary Public, State of Ohio  
My Commission Expires  
April 18, 2019

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Affidavit and accompanying letter was served via ordinary mail upon the following persons this 27 day of January, 2015:

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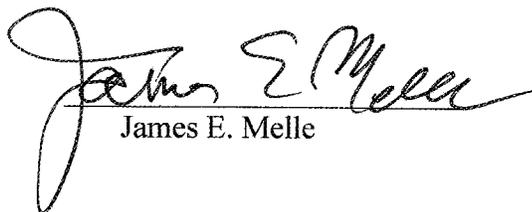
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# Justice French: Court the 'backstop' for GOP legislation

By: Randy Ludlow

The Columbus Dispatch - October 25, 2014 08:46 PM

Comments: 0 490 195 310

Those who wear the black robes in Ohio's courtrooms are quick to tell you that their politics don't matter—all that matters are the facts and the letter of the law.

Judges, who appear on general election ballots without their party affiliation beside their name, say the politics of the people and issues before them matter not.

Ohio Supreme Court Justice Judith L. French gave pro-Republican remarks while introducing GOP Gov. John Kasich at an event early this evening in Powell. She even seemingly talked of "backstopping" Republican decisions she may rule on.

"I am a Republican and you should vote for me," she said. "You're going to hear from your elected officials and I see a lot of them in the crowd."

"Let me tell you something, the Ohio Supreme Court is the backstop for all those other votes you are going to cast."

"Whatever the governor does, whatever your state representative, your state senator does, whatever they do, we are the ones that will decide whether it is constitutional, we decide whether it's lawful. We decide what it means and we decide how to implement it in a given case."

"So, forget all those other votes if you don't keep the Ohio Supreme Court conservative," French said.

A note underlying part of the Ohio Code of Judicial Conduct states: "Judicial candidates have a special obligation to ensure the judicial system is viewed as fair, impartial and free from partisanship."

French faces what appears to be a close re-election campaign against Democrat John P. O'Donnell, a Cuyahoga County common pleas court judge.

While forbidden from directly advocating her election, a **third-party issues group** recently started running TV commercials supporting French.

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## Justice French defends 'backstop' comment at GOP rally



Ohio Supreme Court Justice  
Judith L. French

By **Randy Ludlow**

The Columbus Dispatch • Tuesday October 28, 2014 12:39 AM

Comments: 4

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An Ohio Supreme Court justice says she was talking judicial philosophy — not politics — when she addressed a Republican crowd about the court serving as a “backstop” for decisions made by GOP officeholders.

Justice Judith L. French, an appointed Republican seeking to retain her seat in the Nov. 4 election, said her remarks at a GOP rally in Powell did not cross the ethical line that counsels judges to be cautious about partisan remarks.

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At a Saturday event at which she introduced Republican Gov. John Kasich, French said, “I am a Republican and you should vote for me. You’re going to hear from your elected officials, and I see a lot of them in the crowd.

“Let me tell you something: The Ohio Supreme Court is the backstop for all those other votes you are going to cast.

“Whatever the governor does, whatever your state representative, your state senator does, whatever they do, we are the ones that will decide whether it is constitutional; we decide whether it’s lawful. We decide what it means, and we decide how to implement it in a given case.

“So, forget all those other votes if you don’t keep the Ohio Supreme Court conservative,” French said.

French explained her remarks yesterday, saying, “The policy decisions stay with the legislators, the policy makers. . . . I’m not going to support Republican legislation; I’m not going to support Democratic legislation. It’s not my role.

“I’m a backstop, no matter who you are,” she said. “No matter what party you are, if you want your policy decisions to not be second-guessed by the Ohio Supreme Court, you want a conservative Supreme Court. And that doesn’t have to mean Republican; it means conservative.”

French said she has given the same message to Democratic and union groups.

A note underlying part of the Ohio Code of Judicial Conduct states: “Judicial candidates have a special obligation to ensure the judicial system is viewed as fair, impartial and free from partisanship.”

But, Ohio Democratic Party Chairman Chris Redfern said that French’s remarks revealed she is overtly partisan.

“Justice French’s partisan remarks are outrageous and show a disturbing disregard for the Ohio Code of Judicial Conduct,” he said in a statement.

“French, a Kasich appointee, has revealed that instead of acting as an impartial justice, she is a partisan political appointee that puts her Republican Party’s agenda above fairly interpreting and enforcing the law,” Redfern said.

Several legal-ethics experts and court-watchers contacted by *The Dispatch* declined to comment on French’s statements.

French, who joined the court on Jan. 1, 2013, to fill a vacancy, is opposed for election by Democrat John P. O’Donnell, a Cuyahoga County common pleas court judge.

A Sept. 15 *Dispatch* mail poll of 1,185 voters showed O’Donnell with a 6 percentage point lead over French.

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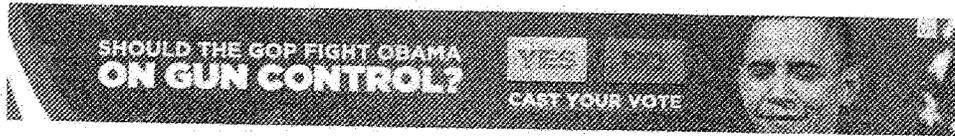
French wrote the majority opinion in the 5-2 ruling this year in which the justices held that an alliance of liberals and conservatives lacked the standing to challenge the constitutionality of JobsOhio, Kasich's privatized economic-development agency.

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# Meet John Kasich's Judicial Backstop: Justice French

by Leanne on October 30, 2014 - 10 Comments

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Ohio Supreme Court Justice Judith French generally had a great reputation before joining the Ohio bench. Now, that reputation is in tatters.

French is one of the sitting Ohio Supreme Court justices seeking another term. She has received significant support from outside conservative groups.

The Columbus Dispatch reported that French has been touting her activist conservative credentials recently. She told a Republican group in Powell

*"Whatever the governor does, whatever your state representative, your state senator does, whatever they do, we are the ones that will decide whether it is constitutional, we decide whether it's lawful. We decide what it means and we decide how to implement it in a given case. So, forget all those other votes if you don't keep the Ohio Supreme Court conservative."*

In case anyone wasn't clear what she meant, Justice French added:

*"I am a Republican and you should vote for me . . . Let me tell you something, the Ohio Supreme Court is the backstop for all those other votes you are going to cast."*

As an appellate judge, French was generally regarded by the attorneys who appeared before her as a conservative judge who fairly called them like she saw them.

One case stands out. In 2007 French was appointed to sit on the case involving an interpretation of Ohio "Defense of Marriage" Constitutional Amendment, *State v. Carswell*. French voted with Chief Justice Moyer that the Defense of Marriage Amendment did not invalidate a significant portion of Ohio domestic violence laws. What is notable about this vote is that French voted against the

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position of the infamous conservative group who had sponsored the Amendment, Citizens for Community Values.

French's excellent reputation has been tarnished pretty badly in this campaign as she has tried to burnish her activist conservative credentials.

Previously, we described how French pandered to the anti-abortion crowd by refusing to acknowledge that the United States Constitution includes a right to privacy. This, as we noted, means that she may not accept the holding in many non-abortion related cases that relied on this right, such as the *Loving* case which prohibited bans on inter-racial marriage and the *Griswold* case that prohibited a ban on the sale of contraceptives.

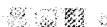
So what Justice French is saying is that she will be the support for Governor Kasich. She wants Republican voters to know that no matter what Governor Kasich and his fellow Republicans in the Statehouse do to implement their conservative agenda, she will interpret the law in a way to make sure that it is found to be constitutional. ("Backstop" is defined as "A person or thing placed at the rear of or behind something as a barrier, support, or reinforcement" (Oxford Dictionary).)

How will she act as Kasich's backstop? Well, look at JobsOhio. As an article in Case Western Law Review noted, JobsOhio clearly violated the Ohio Constitution. Yet Justice French authored a decision finding that the courts could not strike down JobsOhio because nobody had proper "standing" to attack the law.

[Ed: French later tried to defend her remarks, telling the Dispatch, "I'm a backstop, no matter who you are." Response: But that is not what she said. Her "backstop" comments were right after she said, "I am a Republican and you should vote for me."]

Why would French tie herself so tightly to Kasich? We have a theory: she wants to be appointed to the Supreme Court if Kasich runs for President and wins. That's a good deal for a "backstop."

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## Gov. John Kasich and GOP hit the road to make voters more fluent in French -- as in Justice Judi French

John Kasich campaigns at Joe's Deli

Ohio Gov. John Kasich speaks to supporters Thursday at Joe's Deli in Rocky River. (Mark Duncan, *The Associated Press*)

**Henry J. Gomez, Northeast Ohio Media Group** By **Henry J. Gomez, Northeast Ohio Media Group**

**Email the author | Follow on Twitter**

on October 30, 2014 at 7:41 PM, updated October 30, 2014 at 9:20 PM

FAIRLAWN, Ohio – Ohio's Republican officeholders joined forces Thursday, mostly confident in their own re-election prospects but pushing for a big sweep that includes far-down-the-ballot races for Supreme Court and Cuyahoga County executive.

Gov. John Kasich is headlining this **three-day bus tour**, which kicked off near Mansfield and will finish Saturday with what's expected to be a large Columbus rally.

But with the woes of Kasich challenger Ed FitzGerald threatening to weigh down the entire Democratic ticket, it was Justice Judi French who stole the show.

French, whom Kasich nominated to the court to fill a vacancy, is a Republican. However, Supreme Court candidates are not identified by party affiliation on general election ballots. French also faces a strong opponent in Cuyahoga County Common Pleas Judge John O'Donnell, whose familiar name – Republican Terrence O'Donnell already sits on the high court – could carry him to victory in a low-information race.

"I know some of you might not like the French, but I bet a lot of you here like 'Judge Judy,' said French, referring to the famous television personality, at each of her four speeches Thursday. "So if you can remember her, you can remember me."

Other Republicans, from Kasich on down, on the statewide ticket showed as much enthusiasm – if not more – for French's candidacy than they did their own.

"Keep French on the bench!" State Auditor Dave Yost implored crowds at each stop.

The "Ohio Works" tour seems designed to motivate grassroots activists to keep the GOP's turnout operation humming through Election Day, but to also earn local TV coverage that will help introduce French and sear her name into voters' minds.

"Judi has outworked all of us," Secretary of State Jon Husted said in an interview aboard the bus, between stops in Richland County and Rocky River.

French's campaign has upset Democrats in recent days by emphasizing her Republican affiliation and characterizing herself as a "backstop" for conservatism.

"Since being handpicked by Gov. Kasich just last year, Justice French has quickly built a reputation of making outrageous partisan remarks and receiving questionably timed donations that show a disturbing disregard for judicial ethics," Brian Hester, the Ohio Democratic Party's deputy communications director, said in an email.

"Voters deserve a fair and impartial Supreme Court justice who will work on behalf of all Ohioans, which is why they'll elect Judge John P. O'Donnell this November."

French made the backstop remark in every speech Thursday. Asked during an interview to elaborate, she said she is speaking philosophically, not politically.

"It's really about how I define my role on the court," French said. "I conserve my power. I conserve the power of the court. I am not an activist."

Justice Sharon Kennedy, also a Republican up for a new term this year, did not participate in any of Thursday's events. She's believed to have a much easier race.

While French is antagonizing Democrats, many of whom see hers as the one seat they might yet snag in a year of misfortunes, she is reuniting Republicans.

Kasich observed at Thursday's first event, held at an Ontario manufacturing firm, that it was the first time the ticket has been on the road together this cycle.

The last four years have brought intraparty squabbles small and large. Kasich engineered a **takeover of the Ohio GOP -- a feud that exposed divisions** between his allies and Husted's. **Yost tangled with Kasich** over the right to inspect the books at JobsOhio, the governor's privatized development agency.

Treasurer Josh Mandel tangled with Kasich in public over **Medicaid expansion** and a **fracking tax**. Then Kasich **vetoed money** for one of Mandel's pet projects.

And Husted and Attorney General Mike DeWine already are signaling interest in succeeding Kasich in 2018 -- posturing that doesn't factor in the possible ascension of Lt. Gov. Mary Taylor if Kasich finds himself in national office before then. (He's been mentioned more frequently of late as a possible presidential candidate in 2016.)

All of the Republicans played nicely Thursday, at least amongst each other.

George Voinovich, the former Cleveland mayor, U.S. senator and Ohio governor, joined the Republicans for a lunch-hour stop at Joe's Deli in Rocky River. He was the only Republican all day to mention the Democratic gubernatorial hopeful by name.

"This year we're going to have, I think, one of the greatest victories the Republican Party ever had, and it's not because of the fact that Fitzpatrick's - FitzGerald's campaign imploded," said Voinovich, mocking FitzGerald's **low name-recognition**. "It's because of the fact that our candidate did something told me a long time ago: 'Do a good job with the job you have, George, and the future will take care of itself.'"

Voinovich and others offered enthusiastic endorsements of Cuyahoga County Councilman Jack Schron, the GOP candidate to succeed FitzGerald.

"There's no more important thing we can do on Tuesday than to get out there and make sure our family members, our friends, our neighbors, everyone we know, helps draft Jack Schron," Mandel, a county resident, said during his remarks at Joe's.

From Rocky River, the bus tour literally rolled on to a factory floor in Youngstown. There, at Dearing Compressor and Pump Co., **Kasich deviated from his script for the day** and stumped for crossover votes in the heavily Democratic Mahoning County. Then-Gov. Ted Strickland clobbered Kasich there by 35 points in 2010.

"I get Youngstown. I get the Mahoning Valley," said Kasich, **who grew up in McKees Rocks, Pa.**, a suburb of nearby Pittsburgh. "My dad was a Democrat."

The tour ended the night at a church here in Summit County, where loud polka music and the smells of bratwurst and sauerkraut greeted Kasich and his compatriots.

It was a lively end for the first day. Friday's leg of the tour picks up in Toledo and then continues on to Lima, Moraine and Cincinnati. New Jersey Gov. Chris Christie, a top Republican star, is scheduled to attend the Saturday finale in Columbus.

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Crimes & the courts

# Man sentenced in baby's death

By Mary Beth Lane  
THE COLUMBUS DISPATCH

LANCASTER, Ohio — A judge sentenced a Lancaster man to 10 months in prison yesterday for reckless homicide in the death of a 4-month-old boy.

Fairfield County Common Pleas Judge Chris A. Martin sentenced William M. Love Jr., 25, after Love pleaded guilty to reckless homicide, child endangerment and tampering with evidence, all third-degree felonies.

Debate attorney Andrew Stevenson said he and County Prosecutor Gregg Meyer worked out the guilty pleas and the recommended sentence, which the judge followed in a negotiated agreement.

Besides 10 months for reckless homicide, the judge sentenced Love to 30 months in prison each for child endangerment and tampering with evidence, and suspended each sentence for probation.

Love could have received a maximum sen-

**William M. Love Jr. of Lancaster pleaded guilty to reckless homicide in the death of a 4-month-old boy.**

tence of three years in prison for each conviction.

Ashton E. Kitchen, the son of Love's fiancée, now his wife, was sleeping with Love on a couch in their Lancaster home on Feb. 24, 2012, when Love was awakened by another family member. The baby was unresponsive. Medical staff took him to Nationwide Children's Hospital in Columbus, where he died.

The Franklin County coroner's office ruled the cause of death was non-accidental head trauma.

Love, who is a large man with sleep apnea, was sleeping so soundly that he didn't know that the baby had slid between him and the back of the couch, Stevenson said.

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Judicial conduct

# French: Remarks not partisan

By Randy Ladlow  
THE COLUMBUS DISPATCH

An Ohio Supreme Court justice says she was talking judicial philosophy — not politics — when she addressed a Republican crowd about the court serving as a “backstop” for decisions made by GOP officeholders.

Justice Judith L. French, an appointed Republican seeking to retain her seat in the Nov. 4 election, said her remarks at a GOP rally in Powell did not cross the ethical line that counsels judges to be cautious about partisan remarks.

At a Saturday event at which she introduced Republican Gov. John Kasich, French said, “I am a Republican and you should vote for me. You’re going to hear from your elected officials, and I see a lot of them in the crowd.”

“Let me tell you something: The Ohio Supreme Court is the backstop for all those other votes you are going to cast.”

“Whatever the governor does, whatever your state representative, your



**“I’m a backstop, no matter who you are.” — Justice Judith L. French, explaining comments she made at a GOP rally**

state senator does, whatever they do, we are the ones that will decide whether it is constitutional; we decide whether it’s lawful. We decide what it means, and we decide how to implement it in a given case.

“So, forget all those other votes if you don’t keep the Ohio Supreme Court conservative,” French said.

French explained her remarks yesterday, saying, “The policy decisions stay with the legislators, the policy makers. . . . I’m not going to support Republican legislation; I’m not going to support Democratic legislation. It’s not my role.”

“I’m a backstop, no matter who you are,” she said. “No matter what party you are, if you want your policy decisions to not be second-guessed by the Ohio Supreme Court,

you want a conservative Supreme Court. And that doesn’t have to mean Republican; it means conservative.”

French said she has given the same message to Democratic and union groups.

A note underlying part of the Ohio Code of Judicial Conduct states: “Judicial candidates have a special obligation to ensure the judicial system is viewed as fair, impartial and free from partisanship.”

But, Ohio Democratic Party Chairman Chris Redfern said that French’s remarks revealed she is overtly partisan.

“Justice French’s partisan remarks are outrageous and show a disturbing disregard for the Ohio Code of Judicial Conduct,” he said in a statement.

\*French, a Kasich ap-

pointee, has revealed that instead of acting as an impartial justice, she is a partisan political appointee that puts her Republican Party’s agenda above fairly interpreting and enforcing the law,” Redfern said.

Several legal-ethics experts and court-watchers contacted by *The Dispatch* declined to comment on French’s statements.

French, who joined the court on Jan. 1, 2013, to fill a vacancy is opposed for election by Democrat John P. O’Donnell, a Cuyahoga County common pleas court judge.

A Sept. 13 *Dispatch* mail poll of 1,185 voters showed O’Donnell with a 6 percentage point lead over French.

French wrote the majority opinion in the 5-2 ruling this year in which the justices held that an alliance of liberals and conservatives lacked the standing to challenge the constitutionality of Jobs-Ohio, Kasich’s privatized economic-development agency.

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### COTA

FROM PAGE B1



#### ROZON ON COTV

*Dispatch* Reporter Rick Rozon will discuss the COTA sales-tax renewal between 6 and 7 a.m. today on WBNS-TV (Channel 10) and at [www.10tv.com](http://www.10tv.com).

toral environments that would be favorable.”

COTA has to weigh what other issues it could be competing with on the ballot, how much funding it would need to raise for a campaign and who would be expected to turn out for a given election, he said.

Trustees also must consider the consequences of a defeat because the 2016 general election would be the last chance to renew the levy before it expires, Spicer said.

“It’s do or die. You don’t have another opportunity to come back,” he said.

Spicer predicted a 2015 return to the ballot for the Columbus Zoo and Aquarium, as well as an issue for the ADAMH board next year. That, he said, would mean competition at the polls and for the fundraising dollars needed to bankroll a campaign.

Voter turnout would be higher in 2016, a presidential-election year, and likely would bring out more Democrats and black voters who tend to vote for public-transportation taxes, he said.

COTA expects its service level to hit about 1.16 million hours in 2015, but that

of a local bus ride from \$2 to \$2.25, and from \$2.75 to \$3 on express lines. Rides on the free Chus Downtown circulator would cost 50 cents.

The agency is gathering public input about the fare increase, and trustees have been slow to endorse the idea. Fares last rose in 2012.

“I think where we are (with fares) is where we need to be,” said trustee Jean Carter Ryan, president of the Columbus-Franklin County Finance Authority.

COTA is sitting on more cash than the three months of operating expenses its policy requires, Ryan pointed out. COTA has banked about \$116 million, which could cover about a year of expenses, Vosler said.

About half of COTA’s riders are dependent on transit, while the other half rides by choice. Trustee Craig Trenneff, a Westerville attorney, said the agency has to consider everyone who is affected by a fare change.

“There has to be equity in how we treat riders,” Trenneff said. “I don’t want to favor one group over another group.”

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