

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Save Your Courthouse Committee v. City of Medina

Supreme Court of Ohio - September 17, 2019 - N.E.3d - 2019 WL 4438969 - 2019 -Ohio-3737

Courthouse preservation organization sought writ of mandamus and prohibition against city, city's director of finance, and county board of elections, to declare invalid a city ordinance authorizing mayor to enter into agreement with county commissioners to share design, planning and construction costs for new combined city and county courthouse, to prevent city fees from being used to build courthouse, and to compel board of elections and city to allow additional 10-day period to gather signatures after board determined there were not sufficient signatures to place on ballot an initiative measure that would allow city electors to vote on courthouse project.

The Supreme Court held that:

- Doctrine of laches could not be applied to bar organization from seeking requested relief;
- City did not exercise "quasi-judicial authority," as needed for writ of prohibition to issue; and
- Provision of state Constitution providing for additional ten days for filing of additional signatures to a statewide initiative or referendum petition if the petition or signatures are determined to be insufficient did not impose duty to allow ten days to gather additional signatures in support of municipal initiative petition, so as to require writ of mandamus to issue.

Doctrine of laches could not be applied to bar courthouse preservation organization from seeking relief in form of writs of mandamus and prohibition against city and county board of elections to declare invalid a city ordinance authorizing mayor to enter into agreement with county commissioners to share costs for new combined city and county courthouse, to prevent city fees from being used to build courthouse, and to compel board of elections and city to allow more time to gather signatures after board determined there were insufficient signatures to place on ballot an initiative measure allowing city electors to vote on project; when council approved ordinance, organization had no legal interest to vindicate and only had process for placing initiative on ballot.

City did not exercise "quasi-judicial authority," as needed for writ of prohibition to issue to block city ordinance, by reviewing case law and statutes and deciding that courthouse preservation organization was not entitled to additional ten days to gather signatures to place initiative on election ballot that would allow city electors to vote on new courthouse project, the funding for which had been approved by passing of challenged ordinance; although city took action that had legal ramifications, it did not receive evidence, place witnesses under oath, or take any other actions that qualified as judicial, as opposed to legislative.

Provision of state Constitution providing for additional ten days for filing of additional signatures to a statewide initiative or referendum petition if the petition or signatures are determined to be insufficient did not impose duty to allow ten days to gather additional signatures in support of municipal initiative petition, so as to require writ of mandamus to issue to compel city and board of

elections to allow courthouse preservation organization additional ten-day period to gather petition signatures after board determined there were not sufficient signatures to place initiative measure on ballot that would allow city electors to vote on courthouse project, the funding for which had been approved by passing of city ordinance.