

# **Bond Case Briefs**

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## **SCHOOL DISTRICTS - OHIO**

### **State ex rel. Dunn v. Plain Local School District Board of Education**

**Supreme Court of Ohio - February 3, 2020 - N.E.3d - 2020 WL 525160 - 2020 -Ohio- 339**

Village residents filed a mandamus action seeking to compel the placement of transfer proposal, which sought to transfer the territory of two villages from first local school district to second local school district, on March primary-election ballot.

The Supreme Court held that:

- The doctrine of laches did not bar village residents from filing mandamus action seeking to compel election board to place transfer proposal on March primary-election ballot;
- Village residents were not entitled to an order compelling school board to recertify transfer proposal to the elections board and specify that the proposal should be placed on the March ballot, rather than the November ballot; and
- Village residents' claim seeking to compel elections board to review transfer proposal for placement on March primary-election ballot presented a controversy that was ripe for review.

The doctrine of laches did not bar village residents from filing mandamus action seeking to compel election board to place transfer proposal seeking to transfer village's territory to a different school district on March primary-election ballot, even if residents unreasonably delayed between the date the transfer petition was filed with school board and the date residents filed their first mandamus action; the claim against elections board did not arise until the board verified the petition signatures and the school board certified the proposal back to the board, and school board certified the petition one day before residents filed their mandamus action.

Village residents were not entitled to an order compelling local school board to recertify transfer proposal to the elections board and specify that the proposal should be placed on the March ballot, rather than the November ballot, as indicated in the board's certification of the proposal; statute required a school board only to specify the date of the election in its certification if the proposal was to be placed on a ballot at a special election, the proposal at issue was not being placed on a special election ballot, and thus the certification's reference to the November election was inconsequential and had no binding effect.

Village residents' claim seeking to compel elections board to review transfer proposal for placement on March primary-election ballot presented a controversy that was ripe for review by the Supreme Court, in mandamus action that sought to transfer the territory of villages from first local school district to second school district.