

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Langhenry v. Britt

Supreme Court of Ohio - August 10, 2017 - N.E.3d - 2017 WL 3537176 - 2017 -Ohio- 7172

City law director sought a writ of mandamus to compel city council clerk to determine the sufficiency of a referendum petition.

The Supreme Court of Ohio held that:

- City ordinance was legislative rather than administrative, and therefore, subject to referendum;
- City council clerk was required to verify sufficiency of signatures on petition for referendum on city ordinance rather than reject petition on grounds it was unconstitutional; and
- Law director had standing to seek writ of mandamus.

City ordinance adding admission-proceeds-tax exemption relating to new bonds issued by county to finance renovations to basketball arena was legislative rather than administrative, and therefore, subject to referendum. Earlier ordinance involved financing for the construction of the arena and did not obligate city to pay for future renovations, and the later ordinance thus represented adoption of a new policy and a new undertaking.

City council clerk was required to verify sufficiency of signatures on petition for referendum on city ordinance adding admission-proceeds-tax exemption relating to new bonds issued by county to finance renovations to basketball arena, and could not reject petition on grounds that it would unconstitutionally abridge an existing contract, and thus mandamus relief was warranted. Whether referendum was unconstitutional was not a determination the clerk had the legal authority to make.

City law director had standing to seek writ of mandamus requiring city council clerk to verify sufficiency of signatures on petition for referendum on city ordinance adding admission-proceeds-tax exemption relating to new bonds issued by county to finance renovations to basketball arena, despite fact that law director worked with city council and mayor on the deal to renovate the arena. City charter mandated that law director file a mandamus action if the clerk failed to perform any of her duties, which she had, and in filing mandamus action, law director was defending a public right.