

Bond Case Briefs

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State ex rel. Syx v. Stow City Council

Supreme Court of Ohio - September 11, 2020 - N.E.3d - 2020 WL 5494327 - 2020 -Ohio-4393

City brought expedited election action for writ of mandamus compelling city council to hold an administrative vote on nine amendments to the city charter proposed by the charter review commission and to issue ordinance certifying the amendments for placement on the general election ballot.

The Supreme Court held that:

- Laches barred the action, and
- City failed to establish existence of clear legal right to requested relief and clear legal duty by city council to provide it.

Expectation of an impending opinion from outside counsel was not valid excuse to avoid laches defense for city's delay in filing action for writ of mandamus ordering city council to hold an administrative vote on nine amendments to city charter proposed by charter review commission and to issue ordinance certifying the amendments for placement on general election ballot, where city council asserted that outside-counsel agreement was not signed until after lawsuit had been filed.

High number of personal and professional obligations of attorneys in city office was not valid excuse to avoid laches defense in expedited election case seeking writ of mandamus ordering city council to hold an administrative vote on nine amendments to city charter proposed by charter review commission and to issue ordinance certifying the amendments for placement on general election ballot; city asserted that delay was excusable because exhibits were voluminous and its attorneys had to juggle the case with other cases and priorities, but that assertion ignored fact that similar argument could likely be made in every election case and, if successful, would swallow the doctrine of laches.

City's unreasonable three-week delay in filing expedited election action for writ of mandamus requiring city council to hold an administrative vote on nine amendments to city charter proposed by charter review commission and to issue ordinance certifying the amendments for placement on general election ballot prejudiced the city council, and thus action was barred by laches, where delay brought case so close to the statutory deadlines for finalizing ballots that court was forced to make the case an emergency that gave city council significantly less time to prepare and defend against claims than they would have had under an already expedited schedule.

City did not have clear legal right to requested relief, nor was there clear legal duty on party of city council or board of elections to provide it, and thus, city was not entitled to writ of mandamus requiring city council to hold an administrative vote on nine amendments to city charter proposed by charter review commission and to issue ordinance certifying the amendments for placement on general election ballot, to extent that city charter failed to clearly specify parameters of required approval of charter review commission's proposed charter amendments.

