

Lack of cooperation with Galion BoE cited as reason for lawsuit being dropped

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As of Monday, July 7, the lawsuit against the Galion Board of Education was dropped. The reason — lack of cooperation with the board.

"Peoples voices were ignored," said Steven Kemle, plaintiff in the case against the board, "and now our schools are gone. Even given the fact that the OSFC was on board with helping this be a win-win situation, we were given an utterly dismissive attitude from our school board.

"I would like to say that I am grateful for the outpouring of support from the community," continued Kemle. "I remain confident that we did the right thing. It will ALL come out in the wash."

"This dismissal of the remaining claims brings the ordeal to an end," said John Barga, counsel for the plaintiffs. "It is truly disappointing that the board would not work with the plaintiffs and the OSFC to find a way to provide a community center in the old high school — something the entire community could enjoy."

The notice of dismissal laid out the specific reasons for the decision:

- The plaintiffs showed how the Galion board of education could have saved approximately \$1 million.

- The reuse plan would have been at no cost to the board, the district or tax payers

- The OSFC, while not agreeing with the suggested escrow plan, was "willing to entertain any feasible possibilities" that the plaintiffs could have come up with during the "close out period" which amounted to about a year.

- The plaintiffs were willing to negotiate, the OSFC

Just the facts

The residents of Galion through the election process gave the Galion board of education the power to make decisions concerning all school buildings.

According to Rick Savors at the Ohio School Facilities Commission in Columbus, boards of education have the freedom to do what they want with old buildings owned by the school, including selling, leasing, donating or demolishing.

In its Sept. 24, 2007, meeting, the Galion board of education listened to a presentation by Matt Sagone of Squire, Sanders & Dempsey about the board's options concerning the old school buildings.

Once the board made the finding that the property was no longer needed for any school purposes, the board could divide the property and sell it as separate and smaller parcels. According to Ohio Revised Code 3313.41, the board of education must put the property up for auction before it can be sold on the open market.

Auctions are required for properties valued over \$10,000. The board can set conditions of the sale. Bids can be accepted or rejected by the board.

The proceeds from an auction can pay into the bond retirement fund or into a special fund for the construction or acquisition of permanent improvements.

The board also has the option to lease the school property. The lease agreement must contain cancellation provisions if the property is needed for school purposes.

Appraisals, for the properties only, were approved at the July 12, 2007, meeting. Appraisals were ordered for lots "with buildings removed.

Public discussion about the possibility of sale or demolition of old school buildings took place Sept. 24 in open session.

The Galion board of education in its Oct. 11, 2007, meeting, had on its agenda a motion to declare the former Galion High School no longer needed for any school purpose and authorized the sale of the real property (with building). That resolution died for lack of a motion. The board then continued by passing the resolution to approve construction documents for the demolition of Dawsett, Renschville, Galion Middle School (Walnut Street) and Galion High School (Church Street) in connection with the district's Ohio School Facilities Commission project.

Bids for the abatement/demolition packages of those four buildings were approved near the close of the Dec. 13 board meeting.

Should the board have chosen to halt demolition on any one of those buildings, the state money that would have been used for the demolition would go back to the state and the local money would go back to the building fund.

The board could have decided to end the demolition process at any time.

Although much public discussion and brainstorming sessions were held concerning the new school buildings, how they should look, what kinds of furnishings they should have, colors, decor, where they should be; the first public discussion held concerning the fate of the old buildings was Sept. 24, 2007.

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was willing to negotiate, the board, however, was not.

- In light of this, the board decided to proceed with the demolition June 4.

"The demolition of the historic former Galion High School has already begun," states the dismissal, "no productive purpose will at this point in time be served by proceeding with a trial."

The final claims dismissed are violations of open meetings laws and violations of open records laws.

On Jan. 14, 2008, a group of citizens filed legal action against the Galion board of education, asking the court to stop the demolition of the old Galion High School. An agreement between the two sides was reached to complete the abatement with a view to remodel. The first hearing of the case was scheduled for Feb. 19. That

hearing was continued until March 5.

During negotiations between lawyers, defendants, plaintiffs, and the judge on March 5, an agreement was made to run the preliminary injunction request hearing and hearing on the merits together. April 3 and 4 were then set aside for the case. That hearing was also postponed and claims one (temporary injunction) and four (the board's choice of legal counsel) of the plaintiffs' request were dismissed.

The remaining portions of the case dealing with open meetings and open records laws would have been heard in front of a jury by order of Judge Russ Wiseman May 20, but was moved to July 8. Last week that jury trial was converted to a bench trial, which was taken off the docket Thursday of last week.