

Galion BoE issues statement concerning lawsuit/demolition

Editor's note: Following is a statement issued by the Galion City School District Board of Education. It is run in its entirety.

Dismissal of Lawsuit Former High School Demolition

The Galion City School District Board of Education is pleased that the Plaintiffs have agreed to voluntarily dismiss the remaining portions of their complaint relating to the Board's decision to demolish the old Galion High School. The Plaintiffs decision to dismiss all of their remaining claims without a trial demonstrates that the Board did not violate the Open Meetings Act or any other law when it voted in October 2007 to demolish the old High School.

After the Board voted to demolish the old High School in October 2007, the plaintiffs filed a lawsuit in January 2008 seeking to prevent the Board from demolishing the building. In April 2008, the Court dismissed the claims in the lawsuit relating to the plaintiffs' request to prevent the Board from demolishing the building. However, the Court did not dismiss the additional claim that the Board violated the Ohio Open Meetings Act by exchanging e-mails about the demolition of the old High School before it passed the October 2007 Resolution. The Court set a July 8,

than to have been presented with a clear plan that the former high school could be put to good use and/or demolished in the future should the group not be successful. This would have been a win-win for both sides. Unfortunately, the Board was never presented with a plan or a commitment of available funds to purchase the building.

The Board of Education took many steps to enable this group every opportunity to be successful, including:

2002 — The Galion City School District applied with the Ohio Schools Facilities Commission for a building project. The master plan was approved in 2003.

2002-2003 — The district established a Facility Planning Committee that met four times and hosted two Community Forums. One of the meetings was held in Bellville at the Dutch Heritage Restaurant. The meeting was legal with regard to the Ohio Sunshine Law because it was information gathering only. This Partnering Session is a step required for projects funded by the Ohio School Facilities Commission.

August 2003 — Building bond levy brochure shows specific line item for demolition and abatement cost projection of all school buildings at \$2,729,357.

2004 and 2005 ---
Two facility studies found

lined up to commit to this project. Meetings with this group and school administrators were held periodically through September 2007.

Jan. 12, 2006 — This group made a presentation to the Board regarding potential adaptive reuse of the old high school.

Sept. 10, 2007 — The Treasurer and Superintendent met with the members of the group to discuss their desire to reuse the high school. They shared a three page document with very little detail and no secure funding sources.

September 2007 — The public was encouraged to attend board meetings in September and in October to provide input. The meetings were publicized in the multiple local media sources.

Oct. 11, 2007
The Board voted at its public meeting to demolish the old high school, middle school, and three elementary schools.

February 4, 2008 — The district administration met with the plaintiffs hoping to find an amicable way to resolve the suit and clearly stated they were open to consider a plan from the group. The group has never provided a plan to the Board of Education.

Feb. 19, 2008 — The first hearing; was scheduled for February 19, then continued first to March 5, then again

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2008 hearing on this claim, and could have fined the Board \$1,000 if the Court determined that the Open Meetings Act had been violated. The Board strongly believed that none of the e-mails complained about by the Plaintiffs contained any discussions about the merits of its decision to demolish the building, and thus were not violations of the Open Meetings Act. Accordingly, the Board is confident that if this claim had gone to trial, they would have prevailed. In addition, the Board subsequently published to the public all of these e-mails and redid the resolution in June to demolish the high school.

The Board of Education took every step possible to allow this group to succeed. In fact, both the Board and the administration would have liked nothing better

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Two facility studies found that the estimated cost to renovate the entire former Galion High School would be over \$17,000,000 and the cost to renovate just the 1917 portion would be over \$7,000,000.

2004 and 2005 — Environmental studies were conducted on the former high school site. Both studies provided a clear plan on steps needed to insure the site meets all Environmental Protection Agency standards.

February 2005 — A group of citizens approached the Board of Education asking for an opportunity to investigate options on potential reuse of the high school. The Board passed a resolution granting the group until Jan. 1, 2006. Their January report included the following statement "We have individuals, organizations, and resources

then again to April 3. The Board voluntarily agreed to two extensions to allow them more time to develop a plan.

March 14, 2008 — The Plaintiffs requested, and were granted, a tour of the former high school. The tour was intended to enable this group to work with their own contractors on an estimate for renovation. The tour was held to give the Plaintiffs additional an opportunity to gather additional information to complete their plan for the Board.

April 3, 2008 — The judge dismissed two of the four counts against the Board and cleared the way for the demolition process to continue. Again, the Board voluntarily agreed to an extension to allow the plaintiffs more time to secure the necessary funding.

April 11, 2008 — The Plaintiffs requested more details on what information the Board was interested in seeing in a proposed plan. The Board provided this information to the Plaintiffs in a letter dated April 11, 2008 asking for a guarantee and security of \$800,000 (to fund the future demolition) so that if the property was sold to them, and if they were not successful, the building would be demolished at no new cost to local taxpayers.

May 6, 2008 — Both sides met with Judge Wiseman. At this meeting, the Plaintiffs were granted yet another extension to submit a plan to the Board on the adaptive reuse of the high school. The Plaintiffs agreed to have something to the Board of Education by early June and indicated if they were unable to do so, they would voluntarily drop the lawsuit-

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May 16, 2008 — The Board received word from the Plaintiffs that they asked the OSFC to hold in escrow \$600,000 in demolition funds for a five-year period. The Plaintiffs also indicated they were working on securing the funding for the \$100,000 purchase price and the \$200,000 needed in local security for the potential future demolition should the group not be successful.

June 3, 2008— The OSFC issued a letter stating it would not be feasible to place the funds into an escrow account for a period of five years. Additionally, the plaintiff's never indicated to the Board that they had secured the \$300,000 local portion.

After the OSFC's rejection, the Board's representatives spoke with

representatives of the OSFC, and were told that while the OSFC would entertain discussions with the parties, it had completely denied the plaintiffs' request to use any portion of the project funds to satisfy the guarantee and security, and would not reconsider its position.

June 4, 2008 — Accordingly, because the plaintiffs were not able to secure funding of the guarantee through the OSFC and were not able to come up with funding for this guarantee by other means, the Board elected to move forward with the demolition of the old High School. The Board passed a new resolution to proceed with the demolition of the former Gallon High School. By acting on the contract, the Board saved taxpayers over \$375,000 in demolition costs

July 7, 2008: — The Plaintiff's voluntarily filed a Notice of Dismissal with the Crawford County Common Pleas Court on the remaining two counts ending their lawsuit.

For further questions, contact Kathy Jenney Superintendent at 419-468-3432 ext. 1001 or the Board's Legal Counsel, Steven Friedman of Squire, Sanders & Dempsey L.L.P. at 216-479-8327.