



MAZANEC, RASKIN & RYDER Co., L.P.A.

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Celebrating More than 35 Years of Excellence

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July 6, 2017

The Honorable Timothy J. Grendell
Geauga County Probate/Juvenile Court
Courthouse Annex, 2nd Floor
231 Main Street, Suite 200
Chardon, OH 44024

Re: *Russell Township Park District*

Dear Judge Grendell:

I am counsel to Russell Township in relation to the Russell Township Park District. I have been asked by the Township to respond to your letter of June 19, 2017.

As an initial matter, the letter of June 19, 2017, addressed to the Russell Township Trustees was released to the press on that same date and almost a week prior to receipt of the letter by the Trustees. As a consequence, the Township learned of the letter when contacted by various members of the media seeking comment. As I am sure you can appreciate, it was most difficult to comment on a document not yet received. Going forward, it would be most appreciated if you would, with respect to any future written communications, direct your staff to refrain from releasing the communication to the media until my clients and I have at least had the opportunity to receive and review it. Your anticipated cooperation in this regard will be most appreciated.

The Trustees respectfully decline your invitation to meet with you to discuss the Township Park District. We believe that such a meeting would violate the Open Meetings Act in Ohio. The Russell Township Trustees believe in complete transparency and for that reason, cannot and will not agree, to a closed door meeting. However, this is not to say that the Trustees are unwilling to hear what you may have to say regarding the Chapter 1545 Township Park District. They invite you to contact Melissa Palmer to schedule an appearance at a meeting of the Township Trustees. All that we ask is that the meeting be scheduled sufficiently in advance so that it can be publicized throughout the Township and allowances can be made for the meeting to be held in a room of sufficient capacity so as to permit all residents who wish to attend to do so.

My clients do not agree that the formation of a second Township Park District will result in unnecessary additional expense to Township tax payers and a duplication of services. Once a Chapter 511 Township Park District is approved by the voters, it is the intention of the Township to initiate the steps necessary to dissolve the Chapter 1545 Township Park District. The Trustees

Reply to:

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believe that a single Park District managed by Park District Trustees appointed by the Russell Township Board of Trustee will operate openly, efficiently, and in the best interest of Russell Township residents. Russell Township elected officials who are responsible to their constituents are committed to that end.

The notion that proposed House Bill 218 gives Township Trustees greater authority with respect to Chapter 1545 Park District is simply inaccurate. In fact, House Bill 218 seeks to vest in the Probate Court jurisdiction to do all of the things that both the Eleventh District Court of Appeals and Judge Lohn, sitting by assignment in the Chester Township case, found inappropriate. The Bill as written would allow the Court to investigate any, "interference" with the Park District. This violates the doctrine of separation of powers doctrine which is fundamental to our tripartite system in the United States. As Judge Lohn succinctly stated..."as it is being applied here, R.C. 1545.02 et seq likely violates the separation of executive and judicial powers too. Judge Grendell's understanding of his plenary power gives him operational control and oversight over the Park District and executive functions...It is not a function of the courts to dictate to other branches of government how they follow through with the work that it is their public duty to accomplish."

The Eleventh District Court of Appeals in the matter of the creation of the Park District within Chester Township, Case No. 2016-G-0082, was even more succinct, "...the grant of continuing jurisdiction under Revised Code Chapter 1545.06 is limited. The Probate Court exceeded its continuing jurisdiction to remove a commissioner and appointing the master commissioner to investigate all aspects of the park district's operations and its contractual relationship with the Township and then impose those costs upon the Township, a separate and distinct political body. The Probate Court also lacked jurisdiction to *sua sponte* enjoined the Township from enforcing the negotiated contract terms of the 1993 Agreement. The Probate Court's jurisdiction, as applicable in this case is statutorily limited to determining whether to remove any of the commissioners. More simply stated, the legislature has not provided the Probate Court with a general grant of fiduciary oversight over the Park District." House Bill 218 seeks to vest in the Probate Court, all of the powers and authority which Judge Lohn and the Eleventh District Court of Appeals clearly and unequivocally stated do not exist.

Very truly yours,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Todd M. Raskin

Todd M. Raskin

TMR/srm