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# City of Willoughby Hills

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## RESOLUTION NO. 2009 – 2

### **A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO BRING FORTH LITIGATION AGAINST THE CUYAHOGA COUNTY COMMISSIONERS FOR DENIED ACCESS TO PUBLIC RECORDS.**

**WHEREAS**, on April 25, 2008 a letter was written by Mayor Robert M. Weger and submitted to Mr. Timothy Hagan, Cuyahoga County Commissioner regarding the Cuyahoga County Airport, consisting of (2) pages and attached hereto as "Exhibit A"; and

**WHEREAS**, within said letter a request was made by the Mayor on behalf of the City of Willoughby Hills for information and documents required in determining the feasibility of purchasing the Cuyahoga County Airport and possibly any other properties in Willoughby Hills owned by Cuyahoga County; and

**WHEREAS**, to date, Mayor Weger has never received nor has the City of Willoughby Hills received a reply with respect to the City's request for information; rather, the Cuyahoga County Commissioners chose not to respond to the request and instead responded to the Lake County Commissioners; and

**WHEREAS**, this Council and Administration believes that the Cuyahoga County Commission is wrongfully withholding public information requested by the Mayor on behalf of the City of Willoughby Hills and is therefore in violation of the Public Records Act; and

**WHEREAS**, the sole remedy available to the City of Willoughby Hills for being wrongfully denied access to the requested public records is litigation, specifically, a petition for a writ of mandamus.

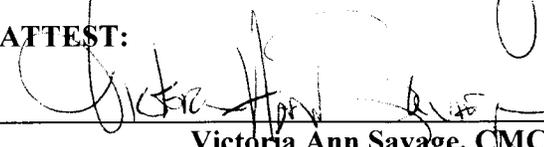
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

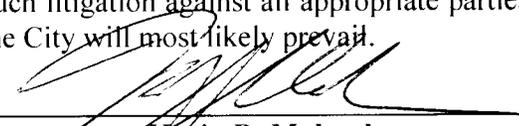
**SECTION 1.** The Law Director be, and he hereby is authorized and directed to institute litigation in the form of a petition for a writ of mandamus for the purpose of obtaining the information as requested in the letter dated April 25, 2008, written by Mayor Robert M. Weger and submitted to Mr. Timothy Hagan, County Commissioner regarding the Cuyahoga County Airport, consisting of (2) pages and attached hereto as "Exhibit A" and any other violations of the Ohio Public Records Act.

**SECTION 2.** The Law Director shall be authorized to initiate such litigation against all appropriate parties at his sole discretion and may file the action in the Court where he feels the City will most likely prevail.

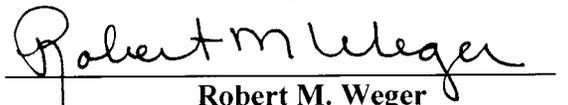
**PASSED:** February 23, 2009

Submitted to the Mayor for his approval on this 23 day of February, 2009

**ATTEST:**  
  
Victoria Ann Savage, CMC  
Clerk of Council

  
Kevin D. Malecek  
President of Council

Approved by the Mayor  
February 23, 2009

  
Robert M. Weger  
Mayor