

City of Willoughby Hills

Interoffice Memo

Date: April 18, 2018

To: Council President Fellows, Council Members and Council Clerk

From: Robert M. Weger, Mayor/Safety Director

Subject: Veto on Ordinance 2018-22 (As Amended) – To Employ the Services of Gregory Beck and Baker, Dublikar, Beck, Wiley & Mathews to Represent The City of Willoughby Hills in the Appeal of the Decision Rendered in the Complaint filed in *Weger v. Willoughby Hills City Council*, Lake County Common Pleas Court Case No. 17CV001758

I hereby veto Ordinance 2018-22 (As Amended), passed by City Council on April 12, 2018. My reasons for this veto are as follows:

- The Journal Entry dated April 2, 2018, contains the Court's well-reasoned decision, adjudicating that Ordinances 2017-70, 2017-88, 2018-2 and 2018-6, are "illegal, unlawful, and null and void, *ab initio*." This decision was based on a multitude of reasons, not just solely on one point: Judgment on Ordinance 2017-70 and 2018-2 proved that Council violated the Charter and Separation of Powers. Judgment on Ordinance 2017-88 and 2018-6 proved that Council violated the Ohio Revised Code, with no evidence to substantiate a malpractice claim against Law Director Lobe and the inappropriate appointment of Nancy Fellows as "Acting Mayor." The Court agreed with the one lawyer with municipal experience (Attorney Beck claimed to be "an expert") and called for these ordinances to be illegal, unlawful, and null and void, *ab initio*. Why would Council now try to question the Court's authority and spend taxpayer dollars to do so, if not for political posturing?
- The cost from the City budget to go back to Court, for actions that have already been ruled illegal, unlawful, and null and void, *ab initio*, on numerous counts, is self-serving and certainly not being done with our residents in mind. I anticipate this move by Council would incur the following expenses:

- Insurance Deductible of \$7,500.00
- Attorney Greg Beck on behalf of Council \$10,000 per Ordinance (this is the same attorney who lost Case No. 17 CV001758!)
- Cost for defendants' attorneys
- Any amount over the allocated \$50,000 provided by PEP Insurance Company, which has been nearly exhausted with the first case.
- Transcript costs could be \$3,000.00
- In addition, there is a good possibility that the plaintiffs in Case No. 17 CV001758 will be returning for judgment on Ordinance 2018-21 regarding the appointment of Joseph Gross and Benesch, Friedlander, Coplan & Aronoff since the same concept in 2017-88 and 2018-6 have already been deemed unlawful, illegal, and null and void, *ab initio*. (Refer to the Coyne vs. Salvatore case once again to refresh yourselves on the illegality of what you adopted when you set aside my veto on April 12th!).

I have just gone to Court to save our City \$120,000 in Acting Law Director fees (that Council imposed on the City and by unlawfully appointing Mr. Stephen Byron), and then continue to watch Council hide behind the auspices that "it would only cost the City \$10,000 a month until the Mayor gave us another applicant to confirm." Let's face it, Council had no intention to approve anyone I presented for confirmation, similar to their non-confirmation of my other candidates, including Tony Weissman as Building Commissioner, Tom Talcott as Fire Chief or Gretchen Weitbrecht as Recreation Coordinator.

Aside from adoption of this veto being ill advised to bring back to the Court after the Court's recent decision and the expense to our residents to do so, may I remind Council of the City's reputation that they put at stake each and every time they pass these illegal pieces of legislation. I will continue to plan to take these issues to Court, as that appears to be the only venue where I can be heard and not "set aside." I highly suggest you respect my veto on Ordinance 2018-22.