

**COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

STATE ex rel OPEN
GOVERNMENT ADVOCATES
C/O BRIAN AMES
2632 Ranfield Rd,
Mogadore, OH 44260

Relator,

vs.

LAKE COUNTY BUDGET
COMMISSION
105 Main Street
Painesville, OH 44077

and

CHRISTOPHER GALLOWAY
(In official capacity)
105 Main Street
Painesville, OH 44077

and

CHARLES COULSON
(In official capacity)
105 Main Street
Painesville, OH 44077

and

MICHAEL ZUREN
(In official capacity)
105 Main Street
Painesville, OH 44077

Respondents.

: Case No.:

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Judge:

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COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff State ex rel Open Government Advocates (the “Advocates”) states the following for its Complaint against Lake County Budget Commission, Christopher Galloway, Charles Coulson, and Michael Zuren:

INTRODUCTION

1. This is an Action under R.C. § 121.22, the Ohio Open Meetings Act (“OMA”), to enjoin the Lake County Budget Commission (“LCBC”) from forming committees to privately deliberate in violation of OMA. The LCBC, a public body in Lake County, OH, formed an advisory committee to recommend a formula for computing taxes. The advisory committee failed to comply with the OMA, resulting in a lack of public notice, participation, and record-keeping for its meetings. These actions undermine transparency, accountability, and public trust in the governmental process.

PARTIES

2. Plaintiff State ex rel Open Government Advocates is a nonprofit organization registered in the State of Ohio.
3. Defendant Lake County Budget Commission (“LCBC”) is a public body under R.C. § 121.22(B), and it is located in Lake County, Ohio.
4. Defendant Christopher Galloway is the elected auditor for the Lake County Budget Commission and is named here in his official capacity.
5. Defendant Charles Coulson is the elected prosecuting attorney for the Lake County Budget Commission and is named here in his official capacity.
6. Defendant Michael Zuren is the elected treasurer for the Lake County Budget Commission and is named here in his official capacity.

JURISDICTION AND VENUE

7. Jurisdiction and venue are proper in this Court because the transactions and occurrences addressed in this Action occurred in Lake County, OH, and Defendant is located in this County.

BACKGROUND FACTS

8. The LCBC is a public body in Lake County, OH.
9. The LCBC is responsible for approving the budgets of all county entities and submitting these budgets to the state.
10. The LCBC formed a new advisory committee to decide on the formula to be used for computing taxes. (See Exhibit 1).
11. The advisory committee was tasked with providing recommendations to the LCBC on tax computation methods. (Id.)
12. The newly formed committee did not adhere to the requirements of the Ohio Open Meetings Act.
13. The committee failed to provide notice of its meetings to the public.
14. The public was denied the opportunity to attend and participate in the committee's meetings.
15. There was no public record of the committee's meetings, discussions, decisions, thereby violating transparency requirements mandated by law.
16. The actions of the advisory committee, conducted without public oversight, undermine the principles of transparency in government operations.
17. Decisions made by the committee regarding tax computation could have significant financial implications for the residents of Lake County.

COUNT I – VIOLATIONS OF THE OPEN MEETINGS ACT

18. Advocates restate all previous paragraphs.
19. Under the OMA, advisory committees and subcommittees are public bodies under R.C. § 121.22(B).
20. As public bodies, committees must comply with the OMA, notice their meetings, and take meeting minutes.
21. Here, the LCBC established a committee that had the purpose of advising the LCBC concerning the tax formula.
22. The LCBC relied on this advisory committee to determine the tax formula to utilize, and the LCBC took the official action of adopting this tax formula.
23. However, the committee did not comply with the OMA as required under Ohio law.
24. The committee did not properly notice its meetings, it met privately, and it did not take meeting minutes of its deliberations and decisions.
25. The LCBC's use of an advisory committee to privately deliberate about the tax formula violated the OMA.
26. The Advocates are entitled to injunctive relief, statutory forfeitures, attorney fees, costs, and invalidation of unlawful actions.

WHEREFORE, the Advocates respectfully request that this Court finds for him and awards him the following relief:

- a. Injunctive relief;
- b. Statutory forfeitures;
- c. Invalidation under R.C. § 121.22(H);
- d. Attorney fees;

- e. Costs and expenses; and
- f. All other relief available under law or equity.

Respectfully Submitted,

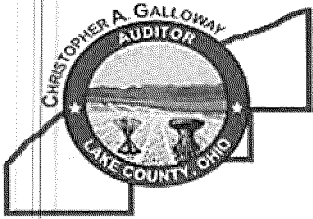
/s/ Matt Miller-Novak

Matthew Miller-Novak, Esq. (0091402)
Barron, Peck, Bennie & Schlemmer
3074 Madison Road
Cincinnati, Ohio 45209
(513) 721-1350
MMN@BPBSLaw.com

/s/ Robert Thompson

Robert Thompson, Esq. (0098791)
Thompson Legal, LLC
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Louisville, KY 40223
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F: 502-438-9999
robert@rthompsonlegal.com

Attorneys for Relator



Christopher A. Galloway
COUNTY AUDITOR

SECRETARY OF
BUDGET COMMISSION
BOARD OF REVISION

ADMINISTRATOR
DATA PROCESSING DEPT.

LAKE COUNTY ADMINISTRATION CENTER
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LAKE COUNTY BUDGET COMMISSION
MONDAY AUGUST 7, 2023
11:00 A.M. COMMISSIONER'S CONFERENCE ROOM

Present: Auditor Chris Galloway
Treasurer Mike Zuren
Prosecutor Charles E. Coulson
Deputy Auditor Mary Beth Armao
See attached sign in sheet for all attendees

Auditor Galloway called the meeting to order at 11:01 a.m.

Roll Call by Deputy Auditor Mary Beth Armao. All present.

Minutes from February 22, 2023 approved and signed. All "Ayes".

Next hearing date scheduled for August 21, 2023 at 10:00 a.m. Location will be in Assembly Room, Building C.

Government Formula was discussed. Auditor Galloway set forth to all present that the Alternate method will be intact throughout 2024. Prosecutor Coulson is submitting opinion to Attorney General for further review. Michael Zuren agreed.

Stephen Byron, Law Director for Kirtland Hills and Waite Hill brought to light his memorandum and legal opinion.

Ken Filipiak, Manager of the City of Mentor suggested a working committee and to let legal process play out.

Dennis Morley, Mayor of the City of Eastlake wants a committee which will be discussed at the next Lake County Mayor/City Manager's meeting. Michael Zuren added that he agrees with creating a committee and to agree on a formula that will work for all municipalities.

Morgan McIntosh, Trustee of Concord Township, proposes to form a committee to decide on a formula.

Auditor Galloway proposes to form committee at next Budget Commission hearing on August 21, 2023.

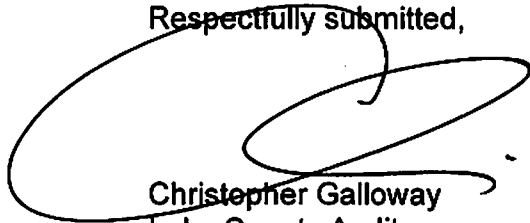
Auditor Galloway proposes the committee representatives could be from the following:

Commissioners
Auditor
City of Mentor
2 other cities in Lake County
2 Townships
1 Village

Jim Lyons, representing the City of Mentor-on-the-Lake spoke about Prosecutor Coulson re-assessing his legal opinion based on the additional information provided by Stephen Byron.

Meeting adjourned at 11:52 a.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Christopher Galloway', is written over the typed name and title.

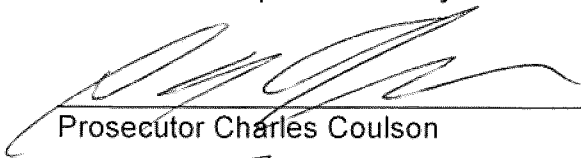
Christopher Galloway
Lake County Auditor
Secretary Budget Commission

These meeting minutes have been approved on

8-21-23

Auditor Christopher Galloway

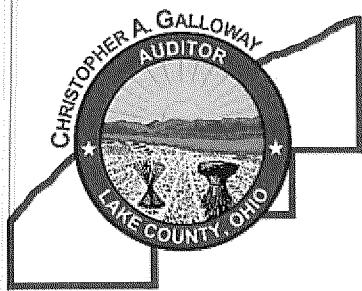
Date: _____


Prosecutor Charles Coulson

Date: 5/29/24


Treasurer Michael Zuren

Date: 8-21-23



Christopher A. Galloway

Lake County Auditor

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LAKE COUNTY BUDGET COMMISSION

MONDAY, AUGUST 21, 2023

10:00 A.M.

ASSEMBLY ROOM IN THE BASEMENT OF THE LAKE COUNTY ADMIN BLDG

Minutes prepared by Mary Beth Armao

In Attendance: Chief Deputy Auditor Michele Pennell; Treasurer Michael Zuren; Prosecutor Charles E. Coulson; Deputy Auditor Barb Hogya; Deputy Auditor Mary Beth Armao; Dennis Morley (Mayor-Eastlake); Bruce Scott (Willoughby Hills); Chris Page (Perry Twp); Steve Byron (Waite Hills/Kirtland Hills); Michael Cooper (Lakeland); Vicky Scherbakov (Lakeland); DeeAnne Culbertson (Madison Lib); Chris Brassell (Lake Metroparks); Colleen Snyder (Mentor Lib); Morgan McIntosh (Concord Twp); Kara Cervelli (Fairport Harbor Lib); Maria Rimes (Madison Twp); Vicki Simmons (WE Pub Lib); David Malinowski (Mentor); Richard Zalensky (Wickliffe Lib); Jane Carle (Kirtland Lib)

Chief Deputy Auditor Michele Pennell called the meeting to order at 10:01 a.m.

Mayor of Eastlake Dennis Morley discussed a meeting where to set up a proposed Ad hoc committee to discuss formula per the last Budget Commission meeting on August 7, 2023..

Old Business

The minutes from the previous Budget Commission meeting were brought to the floor. The minutes from the August 7, 2023 meeting were first motioned by Treasurer Zuren for approval. Mr. Coulson seconded the motion. The minutes from the August 7, 2023 meeting were unanimously approved, all "Ayes".

New Business

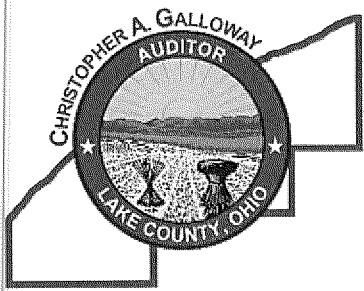
Budgets were read aloud by Deputy Hogya.

Lake County

Inside Millage: 1.00 mill

Outside Millage: 0.30 mills Narcotics; 1.10 mills Children Services; 0.70 mills Crime Lab; 4.90 mills Development Disabilities; 1.60 mills ADAMHS

Total Outside Millage: 9.40 mills



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Lake Metroparks

Inside Millage: 1.00 mill
Outside Millage: 3.10 mills

Eastlake City

Inside Millage: 3.00 mills
Outside Millage: 9.80 mills

Lakeline Village

Inside Millage: 3.00 mills
Outside Millage: 5.00 mills

Timberlake Village

Inside Millage: 3.00 mills
Outside Millage: 18.2 mills

Willoughby Hills

Inside Millage: 3.00 mills
Outside Millage: 4.30 mills

Willoughby City

Inside Millage: 3.0 mills (it was presented by Deputy Hogya that we will need to add 1.40 mills to Willoughby City because it currently on has 1.6 mills)
Outside Millage: 9.80 mills

Willowick City

Inside Millage: 3.00 mills
Outside Millage: 16.75 mills

Madison Township

Inside Millage: 2.9500 mills
Outside Millage: 12.00 mills

Madison Village

Inside Millage: 2.00 mills
Outside Millage: 3.80 mills



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Madison Fire

Inside Millage:

Outside Millage: 10.48 mills

Perry Township

Inside Millage: 3.60 mills

Outside Millage: 7.55 mills

Perry Fire

Inside Millage:

Outside Millage: 8.50 mills

North Perry Village

Inside Millage: 2.30 mills

Outside Millage:

Kirtland City

Inside Millage: 3.00 mills

Outside Millage: 8.05 mills

Kirtland Hills

Inside Millage: 3.00 mills

Outside Millage: 20.00 mills

Waite Hill

Inside Millage:

Outside Millage: 2.20 mills

Painesville City

Inside Millage: 3.00 mills

Outside Millage: 7.67 mills

Painesville Township

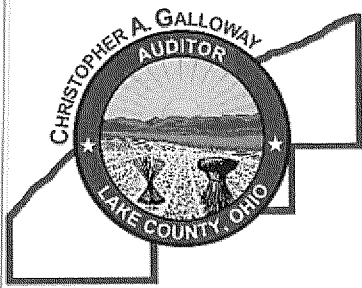
Inside Millage: 2.55 mills

Outside Millage: 20.57 mills

Leroy Township

Inside Millage: 3.00 mills

Outside Millage: 12.80 mills



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Concord Township

Inside Millage: 3.00 mills

Outside Millage: 9.25 mills

Grand River

Inside Millage: 2.50 mills

Outside Millage: 8.00 mills

Fairport Harbor Village

Inside Millage: 2.06 mills

Outside Millage: 4.90 mills

Painesville Township Park

Approval by Commission only

Lakeland Community College

Inside Millage: 2.30 mills

Outside Millage: 0.30 mills

Libraries

Perry

Outside Millage: 1.75 mills

Madison

Outside Millage: 2.25 mills

Fairport Harbor

Outside Millage: 2.06 mills

Willoughby Eastlake

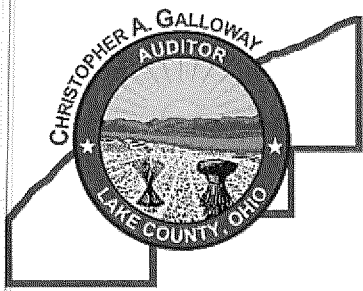
Outside Millage: 3.30 mills

Wickliffe

Outside Millage: 2.90 mills

Mentor

Outside Millage: 2.00 mills



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Morley

Outside Millage: 1.00 mills

Kirtland

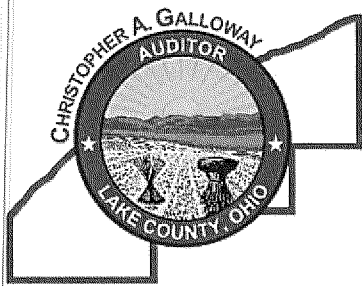
Outside Millage: 1.00 mills

All budgets approved by the Commission. There were not any questions or concerns.

With no furth business, the Budget Commission adjourned at 10:21am.

Respectfully submitted,

Christopher A. Galloway
Lake County Auditor
Secretary Budget Commission



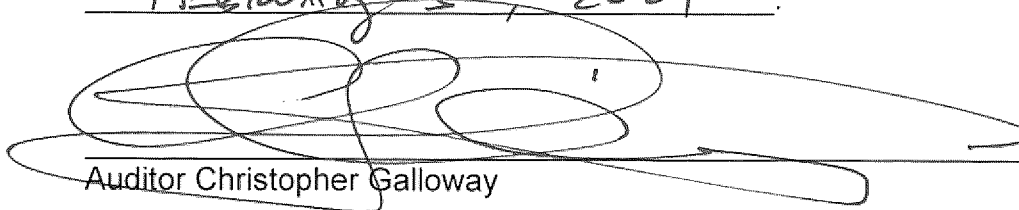
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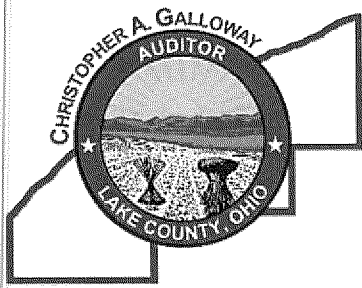
These meeting minutes have been approved on

FEBRUARY 5, 2024


Auditor Christopher Galloway Date: 2/5/24


Prosecutor Charles Coulson Date: 2/5/24


Treasurer Michael Zuren Date: 2-5-24



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Lake County Budget Commission Meeting

Date: February 5, 2024

Time: 11:00 a.m.

Location: Lake County Administration Building, Auditor's Conference Room

Minutes prepared by Mary Beth Armao

In Attendance: Auditor Chris Galloway, Treasurer Mike Zuren, Prosecutor Charles Coulson, Deputy Auditor Barb Hoggia, and Deputy Auditor Mary Beth Armao

Call to Order: 11:01 a.m.

Election of Chair for 2024 - motion made by Prosecutor Coulson to appoint Auditor Galloway as Chair, Treasurer Zuren seconded the motion.

Treasurer Zuren made a motion to approve the minutes of the August 21, 2023 Budget Commission. The motion was seconded by Prosecutor Coulson.

Vote: All "Ayes".

Old Business None.

New Business

Auditor Galloway proposed to have Budget Commission meetings bimonthly going forward on the 1st and 3rd Mondays of the month. The next meeting is scheduled for Wednesday, February 21, 2024 at 10 a.m. The location will be the Lake County Administration Building, Prosecutor's work room.

The LGF Adhoc meetings were discussed. Need to determine statutory or alternate formula for budget commission. It was proposed that a required LGF hearing to be held the first week of April for all council, trustees, mayors, etc. to attend to discuss how budgets will be affected by adopting new alternate formula or using the statutory formula.

The budget hearings for schools have been set for February 21, 2024 at 10:00 a.m. in the Prosecutor's Work Room at the Lake County Administration Building.

Vote: All "Ayes".



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With no further business to discuss, Auditor Galloway motioned to adjourn the meeting, which was seconded by Treasurer Zuren.

Vote: All "Ayes". Motion carried.

Meeting adjourned at 11:37 a.m.

These meeting minutes have been approved on

2/21/24




Auditor Christopher Galloway

Date: 2/21/24



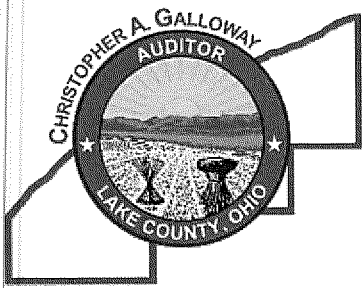
Prosecutor Charles Coulson

Date: 2/21/24



Treasurer Michael Zuren

Date: 2-21-24



Christopher A. Galloway

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Lake County Budget Commission Meeting -

Date: March 18, 2024

Time: 10:00 am

Location: Lake County Auditor's Conference Room

Minutes prepared by Mary Beth Armao

In Attendance: Auditor Galloway, Treasurer Zuren, Prosecutor Coulson, and Deputy Auditor, Mary Beth Armao.

Call to Order: 10:01 AM

Roll Call: Auditor Galloway, Treasurer Zuren, and Prosecutor Coulson

February 21, 2024 minutes were approved by Treasurer Zuren, 2nd by Prosecutor Coulson. All "Ayes" that minutes were approved.

Old Business: None

New Business: Amended Certificates of Estimated Resources were signed for the following:

Lake County, Kirtland Library, Riverside, Mentor Public Schools, City of Mentor, City of Eastlake, City of Willoughby, Painesville City Schools, City of Kirtland, Wickliffe, Willowick, Timberlake, Grand River, Madison Township, Madison Village, Perry Village, Lake Metro Parks, Fairport Library, and Leroy Township

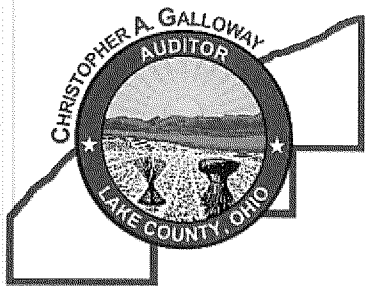
Amended Certificates of Estimated Resources were approved by Treasurer Zuren and 2nd by Auditor Galloway. All "Ayes" to approve them.

Certificates of Appropriations were signed by Auditor Galloway for the following:

Mentor Public Schools, Painesville City Schools, Riverside Schools, City of Wickliffe, Fairport Harbor Village, Madison Township, Grand River, Kirtland Hills, Perry Township, Madison Village, and Concord Township

Auditor Galloway presented Certificate of Tax Revenue for Police and Fire for Fairport Harbor Village to Treasurer Zuren & Prosecutor Coulson, then signed it.

Auditor Galloway said he was still working on a date for the LGF meeting.



Christopher A. Galloway
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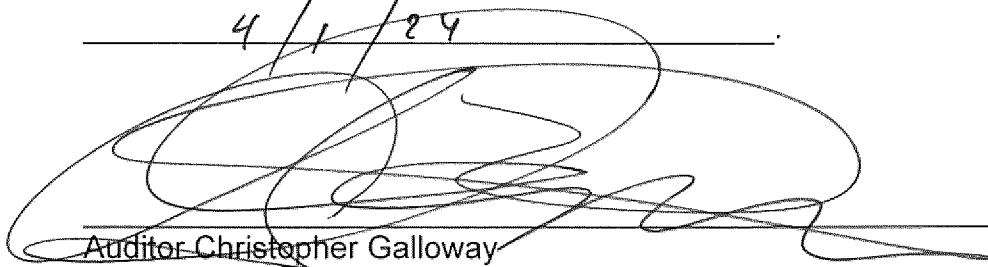
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With no pertinent matters to attend to at this time, Auditor Galloway asked for a motion to adjourn the meeting.

Adjourned at 10:08 AM.

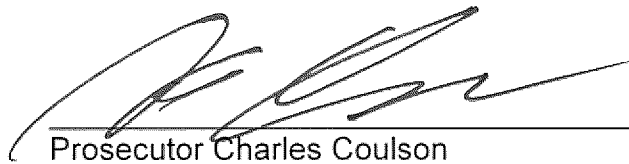
These meeting minutes have been approved on

4/1/24



Auditor Christopher Galloway

Date: 4/1/24



Prosecutor Charles Coulson

Date: 4/1/24



Treasurer Michael Zuren

Date: 4-1-24