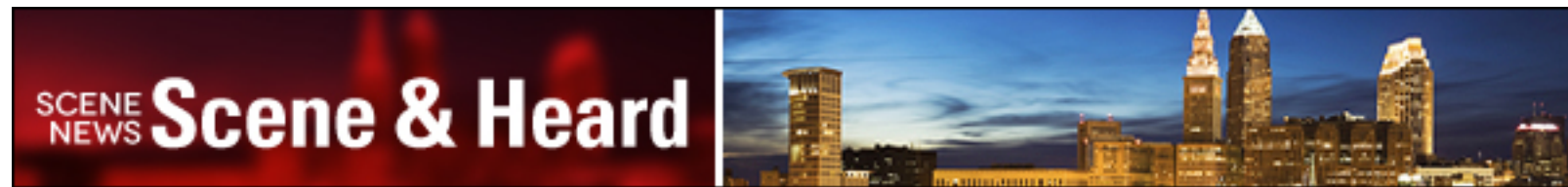


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Friday, August 11, 2017

Ohio Supreme Court Sides with Q Deal Referendum Backers, Says Petitions Must Be Accepted

Posted By Sam Allard on Fri, Aug 11, 2017 at 9:01 am



Sam Allard / Scene

The Ohio Supreme Court has sided with referendum backers in the Quicken Loans Arena renovation deal case, ruling that City Council Clerk Pat Britt had no authority to reject 20,000+ signatures that sought a referendum on the city of Cleveland's legislation related to the deal.

In its 4-3 ruling, released Thursday, the majority found that Cleveland Law Director Barbara Langhenry met the legal standards to be entitled to a *writ of mandamus*, which would compel Pat Britt to accept the petitions. (The suit was between Langhenry and Britt, both of whom were represented by outside counsel. Cleveland taxpayers, represented by the Chandra Law Firm, successfully intervened in the case **and made arguments** alongside Langhenry.)

City Council initially **rejected the petitions on May 22**, arguing that a referendum would unconstitutionally impair an existing contract — the Q Deal itself. The city's legislation (305-17) authorized the city to commit future tax revenue at the arena to pay down debt on bonds for the costly renovation.

The Ohio Supreme Court's majority opinion, written by Justice Sharon Kennedy, rejected Britt's rationale that she properly rejected the petitions because they were submitted too late; because the ordinance dealt with an administrative, rather than a legislative, matter; and because the referendum itself would be unconstitutional.

Rather, according to the opinion: "The clerk had a clear legal duty to perform the ministerial function of her office—verifying the sufficiency of the petition signatures—and relators have a clear legal right to compel the performance of that duty."

The opinion noted that all seven justices agreed with this premise. The three dissenting justices, however, believed that Langhenry didn't have standing because she and Britt weren't truly adverse parties.

"The dissent seems to think that there is no adversity of interest between the parties because the director of law worked with the city council and the mayor on the deal to renovate the arena," the majority wrote, addressing the matter. "But the issue before us is not whether the arena deal should go forward. The issue here is simpler: whether the clerk must determine the sufficiency of the petition and, if the petition is sufficient, allow the people to vote on the referendum. One may reasonably be in favor of both the arena renovation and providing citizens the opportunity to vote on the renovation."

Greater Cleveland Congregations, the organization leading the regional opposition to the Q Deal, released a statement saying they were "pleased" with the ruling.

"GCC maintains its position that a substantive Community Benefits Agreement which recognizes the significant public dollars committed to this deal is in the best interest of all parties, most importantly, the people of the City of Cleveland," the group said. "We remain open and invite our elected, civic and business leaders to the table to begin this conversation."

Peter Pattakos, of the Chandra Law Firm*, released a statement as well.

"This is effectively an order that the referendum must go forward this November," **he wrote**. "This is a big win for democracy and the rule of law and a rebuke to the corporate interests that lined up to convince the Court to disregard both."

Frank Jackson said the following, in a statement: "The Supreme Court of Ohio was asked to decide between two competing legal arguments. I respect the process and accept the outcome. I appreciate the Court's thoughtful consideration of this case."

**The Chandra Law Firm has legally represented Scene. Pattakos has written*

for the publication.

Tags: Q Deal, GCC, Ohio Supreme Court, Quicken Loans Arena, Cavs, Image

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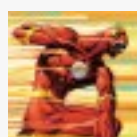


ANY deal that funnels hundreds of thousands to millions of dollars to any entity or business, should ALWAYS be voted on by the public!

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To update a snarky phrase from Gary Dee -- "Take that, Pat Britt!"

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