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## Solid waste initiative remains on ballot now

*\* But city attorney said she will take her challenge to the Ohio Supreme Court.*

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Upper Arlington residents pursuing the solid waste initiative said they won a major victory Monday night, Sept. 8, at a Franklin County Board of Elections hearing.

But city leaders said the fight is not finished.

The Board of Elections voted 4-0 to leave Issue 52 on the ballot, with the caveat that the language on the Nov. 4 ballot be changed to the exact language on the petition itself.

Prior to the hearing, the ballot language was going to be a simple summary of the issue.

"It's a great day," said petition organizer Mike Schadek. "I'm very happy. This has restored my faith," in the political process.

But the process potentially includes court challenges, which is what City Attorney Jeanine Amid-Hummer promised to do.

She said she would file the case this week with the Ohio Supreme Court.

"The city will be taking legal action to (continue) challenging the petition; however, it will be through the court process," said Amid-Hummer.

Amid-Hummer addressed the question of whether the city was doing the right thing by spending taxpayer money to defend itself against the petition.

"I guess it depends on how you weigh the cost benefits," said Amid-Hummer.

Amid-Hummer said the city is spending funds now to avoid a liability that could be far more costly.

"We think it would be irresponsible not to challenge (the petition)," said Upper Arlington City Council President Don Leach.

"(The petition) is poorly written ... it exposes (the city) to open-ended damages ... and it promises years of litigation."

Jim Becker, the UA resident and attorney representing the petitioners, said the Board of Elections did the right thing.

"(The issue) is what thousands of Arlington residents signed to have placed on the ballot," said Becker.

The group, led by Schadek and uatrash.org creator Vickie

Kerman, filed the petition in August. They sought to put City Council's December decision -- to privatize trash collection in the city -- on the ballot for public vote.

The group has voiced its displeasure with a number of issues surrounding the trash switch during the intervening months. Those include claims of continued poor service by Inland Services Corp. -- the Texas-based company now handling trash collection duties -- as well as a lack of background checks on Inland employees and a \$30 fee instituted by the city.

The group also has questioned City Council's motivation and authority for originally making the decision in an emergency vote, meaning residents were left without a chance to file a referendum at the time.

On Aug. 29, Amid-Hummer filed an initiative protest with the Franklin County Board of Elections on the city's behalf.

In her position statement, she said the petition was "poorly drafted" and "financially irresponsible."

It is the city administration's stance that Inland's service has become acceptable and it would cost the city a great deal of money to reconstruct a collection force and pay the potential damages it could owe Inland for breaching the contract between the two entities. City officials also said the ballot question will lead to confusion among voters as to what it would be able to accomplish.

During Monday's hearing, Becker and Don McTigue, an attorney hired by the city for his expertise in election law, volleyed over a number of issues. Those included the intricacies of petition language, circulator regulations, questions about the validation of a number of signatures, differences in state vs. local law, and whether the decision to privatize trash was a legislative or administrative matter.

In the end, the Board of Elections decision was not satisfactory to UA officials.

"Did they make a decision?" asked Amid-Hummer. "That's the first question.

"The city (now) has to seek relief through the courts."