

## **UA leaders protest trash issue**

**By DONAVON CAMPBELL**

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Upper Arlington city officials have filed a protest against the ballot initiative opposing privatize trash collection that's scheduled to be decided by voters Nov. 4.

City Attorney Jeanine Amid-Hummer announced the city has filed a legal protest to the Franklin County Board of Elections to take Issue 52 off the ballot.

A hearing date has been set at the Franklin County Board of Elections at 280 E. Broad St. for Monday, Sept. 8.

The decision to privatize originally was made by City Council in December in an emergency vote. The ballot issue in question is not a referendum on that decision, but instead is an initiative that attempts to make city leaders reconstitute its solid waste department.

In April, waste services company Inland Services Inc. took over the role of trash collection in the city. An admittedly rocky start fueled the fire of those in opposition to the switch.

In August, resident group organizer Mike Schadek filed a petition to put an initiative on the ballot that would put the decision to privatize trash collection retroactively in the hands of voters.

A lingering cloud over the efforts of Schadek and company has been whether, should their initiative succeed, the vote would be upheld in Ohio Supreme Court because of the city's contractual obligations with Inland. City leaders also are concerned about the cost of reacquiring equipment and manpower needed for the service to once again fall under city purview.

"The initiative language places the city's and resident's assets at great risk ...," said Amid-Hummer in a written statement.

"In addition to paying Inland contract damages, (the petition) could cost the city significant tax dollars and result in increased service costs to residents to return to the former method of delivery."

The position statement goes on to label the initiative "poorly drafted," "financially irresponsible" and "flawed."

It also goes on to defend Inland's progress as the primary

collection service in the city saying, "the new Solid Waste service approach is successful ... monitoring of Inland's performance clearly indicates that collection is consistently occurring on time, with an exceptionally high success rate in achieving an efficient, comprehensive and neat delivery of service."

The position statement also points out that the petition language requires the city to repay Inland contract damages without any limit to the dollar amount and that the petition does not specifically mention the issuing of refunds regarding a \$30 annual fee that accompanied the switch.

Hummer said the city obtained the services of McTigue Law Group, which specializes in election law, to review the city's analysis of the petition's language as well as provide its own independent determination.

"I think it was made clear that at some point this initiative would be challenged," said Hummer.

"We chose at this time to challenge the initiative at the beginning. It was the appropriate legal challenge to take."

Schadek said the city administration has overstepped its bounds with regards to the Constitutional rights of voters by filing the protest.

"We have our City Council and city attorney trying to use taxpayer dollars to keep taxpayers from voting," said Schadek. "That's about as serious as it gets."

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--Mike Schadek