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August 29, 2008

Franklin County Board of Elections  
280 E. Broad Street  
Room 100  
Columbus, Ohio 43215

FILED  
08 AUG 29 PM 12: 25  
FRANKLIN COUNTY  
BOARD OF ELECTIONS

Re: City of Upper Arlington Initiative Petition on Solid Waste

To the Board of Elections:

On behalf of the City of Upper Arlington ("City") and Margaret Concilla of 4041 Fairfax, Upper Arlington, Ohio 43220, a qualified elector of the City, I am hereby filing a protest against the initiative petition filed with the City on July 25, 2008 with respect to solid waste collection. The grounds for this protest are:

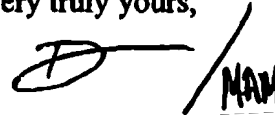
1. The petition fails to name a committee of at least three petitioners.
2. The initiative does not propose a measure that is legislative in nature.
3. The language of the proposed ordinance is too indefinite to constitute or accomplish an actual legislative action.
4. The initiative, as worded, proposes an action, namely repeal of an ordinance and payment of damages to a contractor, tied to a contingency occurring prior to adoption of the initiated ordinance, the effect of which is that the action will never be able to be taken.
5. The petition does not contain sufficient valid signatures based on 10% of the total vote by electors of the City for the office of Governor.
6. The following part-petitions appear to contain instances of persons signing another person's name, disqualifying the part-petitions: 10 (lines 17&18 and 19&20), 34 (lines 17&18), 99 (lines 20&21), 100 (lines 11&12), 108 (lines 6&7), and 113 (lines 5&6 and 13&14).
7. The part-petitions circulated by Michael Schadek list two different cities as his permanent residence. Some list Upper Arlington and others Columbus. Those listing Columbus are not correct and are invalid.
8. Part-petitions 25 and 26 list the circulator, Debbie Schadek's, city of permanent residence to be Columbus. This is not correct, making the part-petitions invalid.
9. Part-petition 39, line 7 fails to list the signer's apartment number.
10. On part-petitions 6 and 91, the circulators signed their on petitions, which they are not permitted to do, thus knowing permitting an unqualified person to sign the part-petitions and making the part-petitions invalid.
11. On part-petition 32, lines 16-20, the signatures are not dated.
12. On part-petition, line 5 is signed by a power of attorney.

13. On part-petitions 6, 7 and 8, the circulator's statements appear to have been completed by a different person than who signed the statement.  
The petition does not meet the legal requirements for validity and sufficiency.

Protestors reserve the right to amend the protest to include additional grounds that may become known.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D' followed by a long horizontal stroke and a diagonal slash, with the letters 'NAM' written in block letters below the slash.

Donald J. McTigue  
Special Counsel for the City  
of Upper Arlington and  
Counsel for Margaret Concilla

And

Jeanine Hummer, Law Director  
On behalf of the City of Upper  
Arlington