

# Bob Mollette

## 3<sup>rd</sup> Ward Councilman

1705 Franklin Blvd.  
Portsmouth, Ohio 45662

Phone: 740-353-0099  
email: [mollette@mollette.info](mailto:mollette@mollette.info)  
website: [www.mollette.info](http://www.mollette.info)

Correspondence#: 08-013

April 17, 2008

Michael Jones, Solicitor  
728 Second Street  
Portsmouth, Ohio 45662

### **Re: Citizen Rights, Ohio Sunshine Laws, and Portsmouth Municipal Office Space**

At the April 14, 2008 City Council Meeting you were angered that I, as an elected official, had contacted the Ohio Attorney General concerning citizen rights, Ohio Sunshine Laws, and Portsmouth Municipal office space to request an investigation and appropriate actions.

Constituents question the legality of renovating the Marting Building for City offices. This is after a referendum petition was placed on the May 2006 ballot, which voters overwhelming said no to renovation. At the March 24, 2008 City Council meeting an ordinance was passed by a majority of Council, based on the recommendations to Council by an Advisory Building Committee (ABC) that consists of the Mayor, Auditor, Solicitor, and First Ward Councilman. This ordinance was passed in absence of any documentation and lack of open meetings supporting the ABC's recommendations. Constituents question the legality of the ABC not working within the guidelines of the Ohio Sunshine Laws public records and open meeting requirements.

Let us be clear, I have kept you informed of my concerns through letters March 7, 2008 [#08-008], March 18, 2008 [#08-009], and March 31, 2008 [#08-010]. Public records reflect my concerns that Council has not received one document from the ABC to justify their recommendations. Public records reflect citizen concerns on how the City could legally move forward with a plan to renovate the Marting Building as it relates to the May 2006 referendum vote. As a member of the ABC the recommendations by the committee established your legal opinion and your silence confirmed it.

I am also concerned improper communication may have occurred prior to the March 24, 2008 meeting. At your request I stopped by your 7th Street office on February 4, 2008. Your discussion immediately went to supporting the renovation of the Marting Building and indicated some information was available but not for public release yet. I simply stated I prefer any and all information be discussed in the public forum of Council. I cautioned you about the taxpayers' feeling violated by previous decisions involving the Marting Building behind closed doors and hoped City officials would be informed decision makers with open deliberations. I later discovered you had prearranged a meeting with the 6<sup>th</sup> Ward Councilman at a local restaurant in an effort to encourage his support for the Marting Building renovation for City offices. During this same time frame the 1<sup>st</sup> Ward Councilman arranged a meeting with the 6<sup>th</sup> Ward Councilman encouraging his support for the Marting Building renovation for City offices. Again, with a potential to violate the Ohio Sunshine Laws I recommend vigilance.

I have copied you on relevant letters dated February 4, 2008 [#08-001], February 6, 2008 [#08-002], February 14, 2008 [#08-003, #08-004, and #08-005], February 25, 2008 [#08-006], and March 3, 2008 [#08-007] on variety of subject matters in an effort to solicit your advice and support as the City Solicitor. These measures were taken to ensure a legal resolution to noted problem(s) facing our City and its taxpayers.

I will continue to solicit your advice as our City Solicitor even though you have not responded in the past to my correspondence.

*"When people fear the government there is tyranny. When the government fears the people there is liberty."*  
Thomas Jefferson

I fear a government when the expense or complexity of holding that government accountable is beyond the reach of the citizen.

If you should have any comments or additional questions contact me.

Respectfully,



Bob Mollette, 3<sup>rd</sup> Ward Advocate and Representative on City Council

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Letters #08-001, 08-002, 08-003, 08-004, 08-005, 08-006, 08-007, 08-008, 08-009, and 08-010 above may be found posted on my website @ [www.mollette.info](http://www.mollette.info) or [http://mollette.info/wst\\_page8.html](http://mollette.info/wst_page8.html)

cc: Honorable Ohio Governor Ted Strickland  
Ohio Attorney General Marc Dann  
Scioto County Prosecuting Attorney Mark Kuhn  
Honorable Council Members  
Jim Kalb, Mayor  
Trent Williams, Auditor  
Jo Ann Aeh, Clerk (Record)  
Press Release