

# Lake County readers testify on courthouse flooding issue

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Lake County commissioners each appeared Friday in Lake County Probate Court to provide testimony relating to the issue of flooding at the county courthouse in Painesville.

Probate Judge Ted Klammer did not preside over the hearing. Instead, Magistrate Lora Lynne Stalnaker heard the testimony.

The legal battle began last week when Klammer issued a court order requiring the Board of Commissioners to submit plans to fix draining problems that have led to multiple flooding incidents in the Courthouse West Annex, most recently on Nov.

Commissioners were required to appear in court after they were served subpoena on Wednesday.

Commissioners had tried to quash the subpoena, but the hearing went forward Friday under the objection of their attorney Dale E. Markworth, who represented them during the proceeding because the attorney commissioners hired Thursday wasn't available.

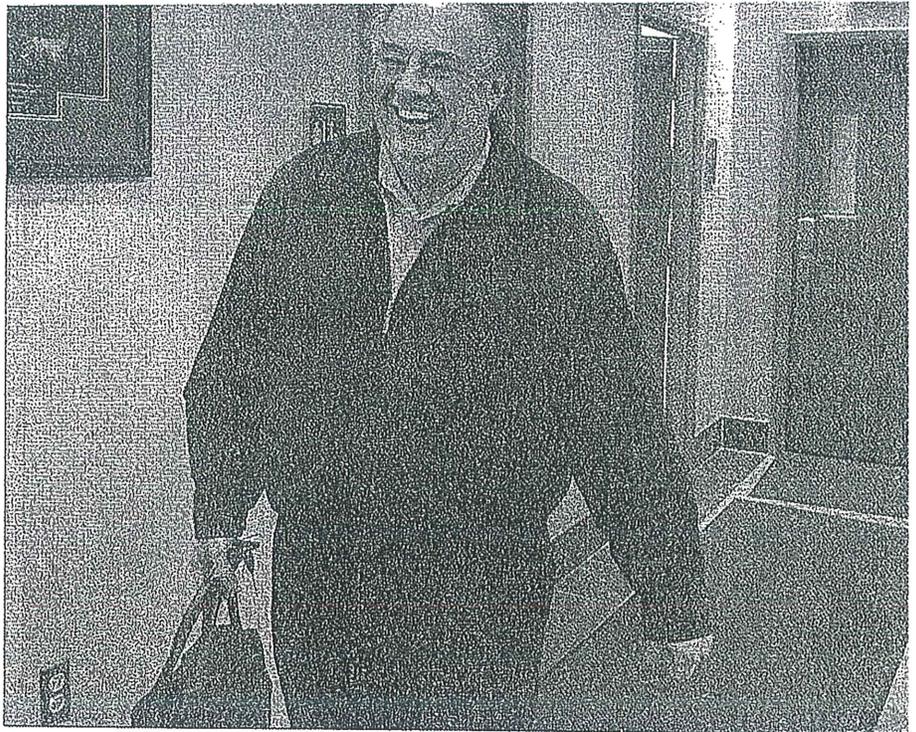
Testimony by each commissioner was fairly brief and they were individually asked if all information regarding what commissioners planned to do to fix the problem had been given to the court.

"We'll make every effort to make sure these problems are taken care of," said Commissioner Raymond E. Lines, who testified first and said he believed all information had been presented to the court.

Commissioner Daniel P. Troy said the commissioners are the stewards of county property and are typically responsible for the maintenance and repairs of county buildings.

Without naming Klammer specifically, Troy said it seems to him like the judge wants to pick a different contractor to do part of the work.

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**Lake County Commissioner Daniel P. Troy is all smiles as he arrives for a hearing Friday before Probate Judge Ted Klammer.**

## Testify

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"The one thing that bothers me a little bit is that someone who I don't think is responsible for these type of activities is telling me that I think you should use this person instead," Troy said. "I have a problem with that."

Troy said that prior to receiving the court order regarding turning over the project plans, commissioners had met with Klammer to discuss the situation.

"He said, 'I don't know what your plan is' and we explained our plans and all that," Troy said. "Very honestly, it was very hard to determine what Judge Klammer wanted."

Troy also testified that he had been contacted by Klammer on the morning of Dec. 10 and was asked to tell the county Buildings and Grounds Department not to do any more work until he had an opportunity to meet with the other judges on Dec. 13.

"In the interest of peace and discussion with the administrator, we held off on everything and cost the taxpayers a lot of money paying for equipment rental that was

sitting out there in the parking lots here to basically await a meeting that took place with the judges Dec. 13," Troy said. "I have not received anything back from the judges."

Troy said dealing with the legal matter has taken time away from dealing with the problem and making sure it gets fixed correctly.

Stalnaker listened to testimony of others, including Commissioner Robert E. Aufuldish, Building and Grounds Superintendent Charles Klco, county Administrator Jason Boyd, Painesville City Manager Doug Lewis and county Chief Deputy Engineer Bruce Landeg.

Stalnaker concluded the hearing Friday without rendering a decision.

In related court action, Klammer filed a motion Friday to dismiss a writ of prohibition filed Dec. 21 by the commissioners in the 11th District Court of Appeals that aims to take away his jurisdiction of the matter.

Klammer argued several points in his motion.

They included that the prohibition should only be used when necessary and was not appropriate in this

case, that he has general subject matter jurisdiction over the court facilities maintenance and his exercise of authority was permissible and that commissioners did not hire counsel or authorize filing their writ of prohibition until after it was filed.

"For the foregoing reason a writ of prohibition is not an appropriate remedy," Klammer wrote. "This Court should dismiss this action with prohibition."