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Klammer to abide by order

Judge says he will not issue further orders in Lake County courthouse flooding dispute

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Lake County Probate Court Judge Ted Klammer said Friday he will abide by the 11th District Court of

Appeals decision on Wednesday for him not to issue further orders in the courthouse flooding dispute with county commissioners.

Klammer also anticipates a decision to be made within a month by the Court of Appeals regarding

whether he would have jurisdiction on the matter. He doesn't plan to file anything new in the legal case.

"Nothing will happen until the Court of Appeals makes a decision," he said.

Klammer said what he wants to

see happen is the Courthouse West Annex restored to where it was before multiple flooding incidents occurred, most recently on Nov. 3, and to ensure there would be no further flooding.

The judge said after he met with

commissioners in mid-December, he wasn't satisfied with their thought process or plan to fix the building so he decided to file a court order requiring the commissioners to submit plans to fix draining problems.

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"Their point was do it our way or forget it," Klammer said. "So I filed the order in my court ... It was assigned to one of the magistrates and one (special master) commissioner was hired."

Attorney Richard T. Spatz was appointed by Klammer to serve that role to gather information about plans to fix the courthouse. Spatz asked the commissioners questions when they were subpoenaed to appear Dec. 28 in Probate Court.

Also on Wednesday the

appellate court granted commissioners a stay of Klammer's order during which he appointed Spatz.

"He was going to give me some recommendations," Klammer said. "What he comes up with I can accept, reject or do what I see fit. It was to try to get a handle on this."

Klammer said as part of the dispute with commissioners he wants to make sure the insurance company in the flooding claim handles what it is supposed to do and the city of Painesville's utility department also does what it should do to fix the problems.

"The right thing here is to do what I suggested to them to do," the judge said. "Whatever reason they chose not to do it."

Commissioners believe they are the stewards of county property and are typically responsible for the maintenance and repairs of county buildings.

Commissioner Daniel P. Troy has said it has been hard to determine what the judge wants.

Troy said that Klammer asked him Dec. 10 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.

The next day Klammer filed his order for the commissioners to submit their plans by Dec. 21, Troy noted.

Klammer's order further specified that by no later than Dec. 28, the commissioners would permit him to "select the appropriate plan" for repairs.

Commissioners then filed their own legal action Dec. 21 asking the Court of Appeals to take away Klammer's jurisdiction.

When the commissioners testified in Probate Court each said all the plans they have to fix the courthouse were given

to the judge.

"All we're doing is trying to do our job," Troy said during an interview Thursday. "We've met with insurance adjusters as to what they will cover. We have an indication on what they'll cover and all that."

The commissioner said now they are unable to have work done in the Probate Court and the dispute is costing the county money.

Troy said it's a question of when their attorney Timothy Reid, who is representing commissioners in the legal dispute, can talk with the judge about when contractors can get to work.