



south euclid

COME TOGETHER & THRIVE

October 2021

Dear South Euclid Resident:

We are writing to provide you with an update regarding ongoing issues with the South Euclid Municipal Court.

As you're aware from our 2019 letter and news media reports, Municipal Court Judge Gayle Williams-Byers has been on a years-long campaign against the city her court serves. The Judge's reckless actions have included two baseless lawsuits against the city, false accusations aimed at city officials and now, a contempt citation for our new Police Chief Joe Mays, on his second day on the job. We have appealed Judge Williams-Byers' contempt ruling to the 8th District Court of Appeals.

For several years, we have made good-faith efforts to meet the Judge's unreasonable budget demands, settle the lawsuits and get back to the business of running our city and court – we even tried mediation through the Ohio Supreme Court. Unfortunately, the bottom line is Judge Williams-Byers doesn't want to work together or get things done. She'd rather speak through threats, orders and lawsuits.

We are out of ideas and patience, so we want you to know the facts behind these disputes and how the Judge's unreasonable demands and refusal to cooperate is threatening the very financial standing of our city.

The South Euclid Court's finances have been un-auditable by the State Auditor

While Judge Williams-Byers has spent time and effort fighting with the City, her court has not met the basic obligations required of all municipal courts.

To date, the Municipal Court has not complied with Ohio State Auditor reporting requirements – for 2019 – despite numerous attempts by the Auditor for over a year to get the Court to comply. Because of this, the state auditor has not been able to reconcile the Court's 2019 financial records.

Under state law, municipal governments must be audited every year. Because of the Court – and only because of the Court – the City cannot comply with state law and complete the 2019 audit. The City has thus far spent more than \$10,000 in taxpayer money to try to reconcile the Court's records.

As a direct result of the Judge's noncompliance, the City, which otherwise has been given a clean audit, faces a "non-auditable" finding, which puts the City's credit and bond ratings at risk.

If this audit issue is not cleared up, the City faces a couple of painful results: Needed projects will not get done or will be done at a higher cost. Why? Because the money the City must borrow for those projects will carry higher interest rates caused by the lack of a clean audit. That could cost city residents hundreds of thousands of dollars.

And this is all for 2019. We'll soon face the same problems with the 2020 audit.

Judge Williams-Byers wasted taxpayers' money by demanding an excessive budget and then suing the City when she didn't get it. The Ohio Supreme Court agreed with the City and ruled against her.

Judge Williams-Byers asked City Council to approve her exorbitant demand for a 2019 budget of \$920,385 – an approximate \$260,000 increase over her Court expenses in the previous year. The Judge sued the City in the Ohio Supreme Court and in December 2020 the Supreme Court issued its opinion, agreed with us and ruled in the City's favor.

In their decision, the Ohio Supreme Court ruled that City Council's budget allocation to the Court was reasonable, that Judge Williams-Byers accusations lack merit and the City's actions did not impede the "Court's ability to carry out its essential duties". In addition, the Supreme Court denied the Municipal Court's request that the City pay for the Court's legal expenses associated with the lawsuit filed by Judge Gayle Williams-Byers.

City resources were used to defend the City in this unnecessary lawsuit, as the City had already offered Judge Williams-Byers a substantial increase to her budget, which she rejected to pursue the lawsuit. To date, the City has spent over \$213,406 in legal and attorney's fees – and this does not include tax dollars being spent by the Judge for her own legal counsel. These are all taxpayer dollars.

Judge Williams-Byers held our new Police Chief in contempt of court on his second day on the job.

The legal action the Judge lodged against our new police chief stems from her mismanagement of, and refusal to provide basic accessibility to, her court. Truth and facts matter. Here they are:

The contempt citation stems directly from the Police Department's attempt to help our residents – actions that we fully supported. While we all have been dealing with the challenges of the coronavirus pandemic, Judge Williams-Byers for a lengthy period refused to open her court to the public and not otherwise providing basic court services remotely.

The Court's refusal to provide any in-person court services or remotely answer repeated phone calls to the court (especially while the Court's website was down for weeks) is not in line with other municipal courts across our region that were providing these services. This led to a huge backlog in cases and frustration for the people who needed to pay their tickets, clear their outstanding warrants, and address other matters that are not otherwise being handled remotely by the Court.



Over a thousand frustrated citizens have flooded our police department, which is in the same building as the Court, to ask for our help and a contact to express their concerns about the Court. That prompted the City to create small informational cards providing basic contact information directing citizens to contact the Ohio Supreme Court, which governs municipal courts, with their concerns.

In response, Judge Williams-Byers ordered Chief Mays to stop handing out the cards. In another effort of good faith, Chief Mays stopped handing out the cards, even as citizens to this day continue to go to the police department to ask for help.

Even though the cards were no longer being handed out, the Judge's response was to still hold our Police Chief in contempt of court, order him to spend time in jail and pay a fine. And now more taxpayer money and time will be spent defending Chief Mays against the Judge's rash and reckless action in the Cuyahoga County Court of Appeals. This is not acceptable to us and should not be acceptable to you.

The Court has not submitted a 2021 Budget to the City - and it is now October.

City Council approved the fiscal year budget back in March, however Judge Williams-Byers, to this day, has never submitted a line-item budget or appeared before City Council to explain her budget request. In good faith, City Council allocated nearly \$800,000 for the Municipal Court in 2021 to make sure the Judge could operate her court, pay her employees and purchase whatever protective equipment she needs to reopen the Court safely during the pandemic. The Court's failure to submit a line-item budget is not a sound financial practice and could negatively impact our audit.

In addition, the Court has not released its 2020 Annual Report as required by the Legislative Authority and Cuyahoga County.

Racism is not tolerated in any form in South Euclid.

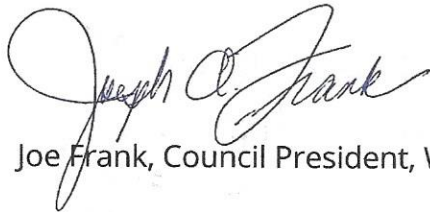
It is hurtful that Judge Williams-Byers has made, and continues to make, sweeping and incendiary generalizations regarding racism, especially when we have worked so hard to implement diversity and inclusion programs at City Hall and throughout the community. Over the last decade we have passed some of the most comprehensive fair housing and non-discrimination laws in Northeast Ohio and we are proud to promote South Euclid as a progressive and diverse place to live, work and play.

Racism is never acceptable and as your elected officials we denounce racism in all forms. We need to speak out against systemic racism, and when we see or hear of racism, we need to act. Like all communities and institutions, we have more work to do to address systemic and structural racism and discrimination, and we are committed to continuing that important work in constructive, meaningful and impactful ways.

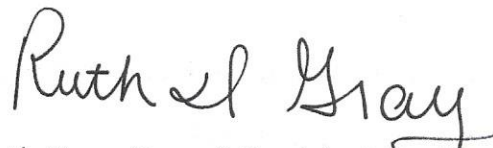
We expect media coverage of these issues to continue and, in an effort to be fully transparent, we wanted you to know, from us, what really is going on. If you have any questions regarding this matter, we encourage you to reach out to us at citycouncil@seuclid.com. As we strive to maintain transparency and openness about this issue, additional information will be posted as it becomes available on the City's homepage at www.cityofsoutheuclid.com.

The actions of the court have cost the community hundreds of thousands of dollars, and we cannot continue to justify wasting your taxpayer dollars on a municipal court that is not being managed responsibly. The bottom line is that Judge Williams-Byers continues to make unreasonable demands on the City's taxpayers while not fulfilling the Court's basic duties. We all need to demand better.

Respectfully your public servants,



Joe Frank, Council President, Ward 2



Ruth Gray, Council President Pro Tem, Ward 1



Sara Continenza, Ward 3



Jane Goodman, Ward 4



Chanell Elston, Council-at-Large



Susan Hardy, Council-at-Large



Justin Tisdale, Council-at-Large