

OPEN MEETINGS

Board of Zoning Commissions

Open Meetings Act

- ▶ The Open Meetings Act requires public bodies in Ohio to take official action and conduct all deliberations upon official business only in open meetings where the public may attend and observe.

Meeting

- ▶ Meeting is defined as (1) a prearranged gathering of (2) a majority of the members of a public body (3) for the purpose of discussing public business. R.C. §121.22(B)(2)
 - A member of a public body must be present in person at a meeting in order to be considered present, vote, or be counted as part of a quorum.

Duties of a Public Body

- ▶ The Open Meetings Act requires public bodies to provide:
 - (1) openness;
 - (2) notice; and
 - (3) minutes

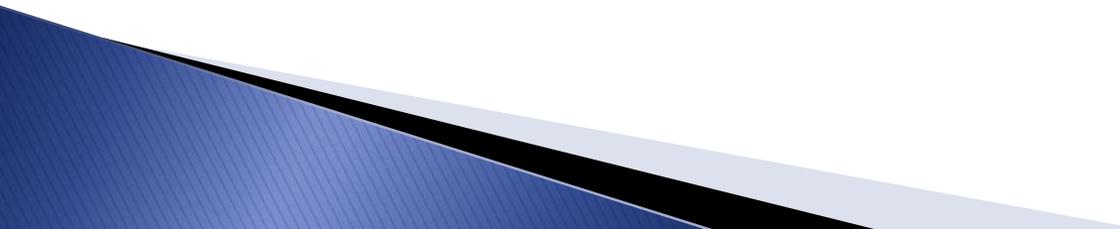
Openness

- ▶ A public body must conduct its meeting in a venue that is open to the public.
- ▶ The public body may use its own discretion in determining the method it will use to vote on issues, but may not use secret ballot.
- ▶ All meetings of a public body are declared to be public meetings open to the public at all times.

Openness

- ▶ The Open Meetings Act does not provide attendees the right to be heard at meetings.
 - A public body may place limitations on the time, place and manner of access to its meetings, as long as the restrictions are content neutral and are in a written policy passed by the public body.
- ▶ A public body cannot prohibit the public from audio or video recording a public meeting.
 - A public body may establish reasonable rules regulating the use of recording equipment.

Notice

- ▶ Public Bodies must provide advance notice to the public indicating when and where each meeting will take place.
 - ▶ Every public body must establish, by rule, a reasonable method for notifying the public in advance of its meetings,
 - ▶ The requirements for proper notice vary depending on the type of meeting.
- 

Types of Meetings and Notice

- ▶ Regular Meetings – those meetings held at prescheduled intervals, such a monthly or annual meetings.
 - Notice for Regular Meetings is a reasonable method that allows the public to determine the time and place of regular meetings.
- ▶ Special Meetings – any meeting other than a regular meeting, i.e. meeting to discuss a proposed amendment to the zoning text.
 - A public body must establish, by rule, a reasonable method that allows the public to determine the time, place and purpose of the special meeting.

Types of Meetings and Notice

- ▶ For notice of Special Meetings, a public body must provide at least 24 hours advance notice to all media outlets that have requested such notification.
 - ▶ When a public body holds a special meeting to discuss particular issues, the statement of the meeting's purpose must specifically indicate those issues and the public body may only discuss those specified issues at the meeting.
- 

Meeting Rules

- ▶ The Open Meeting Act requires every public body to adopt rules establishing reasonable methods for the public to determine the time and place of all regularly scheduled meetings, and the time, place and purpose of special meetings.
- ▶ These rules must provide for any person, upon request and payment of a reasonable fee, to obtain reasonable advance notification of all meetings of which a specific type of public business is to be discussed.
 - Advanced notification can be by simply mailing the agenda to the person or entity.

Minutes

- ▶ The public body must take full and accurate minutes of all meetings and make these minutes available to the public.
 - ▶ Minutes must include enough facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions.
 - ▶ A public body cannot rely on sources other than their approved minutes to argue that their minutes contain a full and accurate record of the proceedings.
- 

Minutes

- ▶ A public body must promptly prepare, file and make available its minutes for public inspection.
 - ▶ The final version of the official minutes approved by members of the public body are a public record.
- 