

Members of the Community Center Task Force;

The attached document is intended to provide an overview of the public records and open meeting laws pertaining to a public body. We thank you for your service to the community. This document is intended to be used as an educational tool.

I. Public Records and Open Meetings

Community Center Task Force is a public body and subject to Open Meetings laws and Public Records laws.

a. Public Records and Open Meetings

i. A frequent challenge for new Board members is adjusting to the requirements of the Public Records and Open Meetings Laws.

ii. Board Members are required to keep all public records in accordance with the City's retention schedule. (This is the official record of how long the city is required to keep records) Any questions on this send to the City Attorney or City Clerk.

1. We recommend that Board Members segregate emails or texts for all City business to enable staff to timely respond to public record requests.

2. If contacted on your private email, you can forward the email or your response to the City Clerk. This way you don't have to worry about keeping the records.

3. We have a legal obligation to respond and provide these correspondences.

4. If you are communicating by email, texts, or voice mail messages, about your work on this Task force, those are records subject to Ohio Public records laws.

5. There are some texts or emails that may not be of administrative value and you don't have to keep it. When in doubt, check with the City Attorney. My phone number is 1645950099.

iii. Certain correspondences are not considered public records because exceptions apply. For example, the City Attorney corresponding to the Board on a legal matter is covered on privilege communication and is not a public record. You still need to maintain these emails or records as explained above, but the record may not be released in response to a public records request. You may see the following often added to a group correspondence:

Do not reply all on any Board email. Use your Chairs to address correspondences. In other words, instead of emailing Board members, email the Chairs your thoughts or

concerns, let them figure out the transmission – do not cc the other Board members on those emails. Remember this is still a public record.

Remember, just adding the attorney to your email does not make the email subject to attorney client privilege. Always address your email to the attorney in the body and in the To: part. Make sure your question is related to a legal matter or about seeking legal advice.

- iv. Board Members are not permitted to engage in discussions regarding city business with a majority of the Board when not in an open meeting.
 - 1. This may include email discussions where more than the majority of any subcommittee or the majority of the Task Force is copied.
 - 2. Board Members should not hold a series of Board Member meetings with smaller members, or a series of emails, calls or texts on the same topic involving city business. This is often referred to as “round robin discussions” and are disallowed.
 - 3. Use of social media sites by Board Members may inadvertently create an open meeting issue if a majority of Board Members engage on a particular site.

II. SUNSHINE LAW – OPEN MEETING/PUBLIC RECORDS

a. Upper Arlington City Charter

i. Section XI: Council Meetings

- 1. “All Meetings of Council or its committees shall be open to the public, except executive sessions which may be held pursuant to City ordinance or state law.” Executive sessions are closed discussions on specific allowed topics and are not public.
- 2. City Charter requires all items to be considered to be listed on the agenda. The notice for all Council meetings shall state the subjects to be considered and such meetings shall be limited to a consideration of such subjects, except by unanimous consent of all Members. This Charter provision applies to the City's Boards which are created by City Council. Chairs have been advised as to the agenda process. You may hear the Chairs state, “we can't discuss this now since we haven't listed it on the agenda.”

b. R.C. 121.22(G)

- i. Under state law, all meetings concerning public business shall be open to the public, except certain executive sessions authorized and listed under R.C. 121.22(G)(1)-(8).
- ii. Council Rules which are adopted by ordinance also list allowed subjects for executive session.
- iii. Executive sessions must start in an open meeting.
- iv. An executive session requires a motion approved by a majority of the Public Body taken by roll call vote.

- v. The general categories of permitted executive sessions include:
 - 1. Personnel Matters, Real Estate, Legal Matters, Labor Negotiations, Security Matters, and Economic Development Matters.
 - vi. All votes must occur in the open meeting – no votes or straw polls are allowed in executive session.
- c. Documents distributed in executive session may be a public record. The fact that they're used or discussed in an executive session does not give them protection from disclosure in a public records request; records are only confidential if there is a separate statutory or legal reason to protect them from release.
- d. Conversations in executive session are confidential.