

The Ohio General Assembly enacted legislation, which the Governor signed on February 17, 2022, that provides for the return of alternative means of holding public meetings.

This is substantially similar to the law passed in March 2020 that many public bodies took advantage of until its expiration in June 2021. Those public bodies that are normally subject to in-person open meeting and hearing requirements are authorized to hold meetings and hearings by teleconference, video conference or other similar electronic technology until June 30, 2022. Provisions of the legislation include the following:

Meetings – Public body and committee members “may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology.” Those members who attend meetings in such manner “shall be considered present as if in person at the meeting or hearing, shall be permitted to vote and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.” Resolutions, rules and formal actions taken under such circumstances will have the same effect as if they had occurred during an open meeting/hearing attended in person.

Notice – Public bodies and committees are to provide 24-hour notice of such meetings to the public, to the media that have requested notification of a meeting and to those required to be notified of a hearing, by “reasonable methods by which any person may determine the time, location and the manner by which the meeting or hearing will be conducted,” except in the event of an emergency requiring immediate action. In the event of an emergency, immediate notice of the time, place and purpose of the meeting/hearing is to be given to the news media that have requested notification or the parties required to be notified of a hearing.

Access – Access to such meetings that the public would otherwise be entitled to attend is to be “commensurate with the method in which the meeting or hearing is being conducted.” Specified examples of such methods include live-streaming over the internet, local radio, television, cable, public access channels, and call-in information for a teleconference. The public must be able to “observe, when applicable, and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.”

Hearings – A public body conducting a hearing as described above must establish a means “through the use of electronic equipment that is widely available to the general public” to converse with witnesses and to receive documentary testimony/physical evidence.

Public participation and other practicalities – Many public body policies permit limited public participation at meetings, which ought to be taken into account when establishing the means and methods of the meeting. Among other practical considerations, if meetings are to take place by teleconference, board and committee members ought to state their names so that members of the public know who is speaking, and roll-call votes will avoid confusion over which members voted and how they voted.

Effectiveness of provisions – These provisions are currently effective and expire on June 30, 2022. These are summaries of selected provisions only. As with any significant change in law or practice, a number of practical considerations are presented when holding meetings and hearings by electronic means or a combination of electronic and in-person means. Please contact your firm lawyer with whom you normally work for assistance in navigating your specific concerns under this new law.

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