



RESOLUTION G2015-19

**Resolution Rescinding Resolution G-9416 and Adopting New Rules
in Compliance for Open Meetings, Ohio Revised Code Section 121.22**

WHEREAS, Ohio Revised Code Section 121.22 provides in part that every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings, and the time, place, and purpose of all special meetings; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, desires to rescind G-9416 adopted March 15, 1994; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, desires to update its policies consistent with Ohio Revised Code Section 121.22.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio (hereinafter, the "Board"):

Section 1: Previous Board Resolution G-9416 is hereby rescinded and replaced by this resolution.

Section 2: Public Notice of Meetings

- a. All meetings of the Board, committees established by the Board, and combined meetings of the Board and one or more committees shall be public meetings, except insofar as Executive Sessions are permitted as set forth below, and except for audit conferences conducted by the Auditor of the State or independent certified public accountants with officials of the Township.
- b. Accordingly, the rules established by Section 2(c) and following of this Resolution apply to meetings of:
 - i. The Board; and
 - ii. Each committee or task force legislatively created by this Board to make recommendations or provide advice to this Board about matters which the Board could discuss, pursuant to Ohio Revised Code § 121.22, only in a public meeting. Each such committee or task force shall be deemed to be a "public body" within the meaning of Ohio Revised Code § 121.22(B)(1).

c. The following rules are applicable to the meetings described in Section 2(a):

i. **Regular Meetings of the Board.** Regular meetings of the Board shall be conducted on the first Tuesday of each month at 7:00 P.M. at the Township Administration Building, 9323 Union Cemetery Road, Symmes Township, Ohio 45140-9312. All other meetings shall be considered special meetings.

ii. **Special Meetings of the Board.** A request to call a special meeting of the Board may be made by any public official of the Township. However, a special meeting of the Board may only be called by a Township Trustee after that Township Trustee has inquired, in writing or through electronic correspondence, of the Township Fiscal Officer or the Township Administrator as to the availability of the other Trustees. Such inquiry ought to describe the intended time, date, and purpose of said special meeting and notice of the meeting shall comply with the requirements of Section 2(c) (iv) below.

iii. **Posting of Notice of Regular and Special Meetings.** Notice of the date, time, and place of all regularly scheduled meetings, and of the date, time, place, and purpose of all special meetings shall:

1. be sent to a newspaper of general circulation for publication;
2. be posted on the Township website at www.symmestownship.org; and/or
3. be posted on the bulletin board in the Township Administration Building, or if not so posted, shall be available upon request by any person to the Township Fiscal Officer, or designee, in any event in advance of each such meeting.

Any such notice shall be replaced or revised in the event of a change in the date, time, or place of a meeting, and in the event of a change in the purpose of the special meeting.

iv. **Notice to Members of the Board of Special Meetings.**

1. Any Trustees shall notify either the Township Fiscal Officer or the Township Administrator of the time, date, place, and purpose(s) of the desired special
2. Upon receipt of such information, the Township Fiscal Officer, or in the Township Fiscal Officer's absence, the Township Administrator, shall immediately notify or cause notification to the remaining member(s) of the Board, and the Township Fiscal Officer or Township Administrator.
3. All reasonable efforts shall be made to notify the aforementioned officials no later than forty-eight (48) hours before such special meetings.
4. No special meeting shall be held if delivery of notice to all Trustees is not confirmed at least twenty-four (24) hours before the scheduled meeting, unless the meeting is deemed to be necessary in order to act on an emergency basis.

5. Notice shall be tendered in writing and attempted to be delivered by mail, email, facsimile or hand delivery.
 6. The Township Fiscal Officer or Township Administrator shall confirm the delivery of said notice, and document and acknowledge the delivery of said notice.
- v. **Notice to News Media of Special Meetings.** Except as provided in Paragraph (vi), oral, facsimile transmitted, or email notice of each special meeting shall be given by the Township Fiscal Officer, or designee, at least twenty-four (24) hours in advance of the special meeting, to the news media that have requested notification of special meetings. News media desiring notification of special meetings in advance must complete an application requesting advance notice from the Board.
- vi. **Notice of News Media of Emergency Special Meetings.** In the event of an emergency requiring immediate official action, the member or members of the Board, committee, or task force calling the special meeting shall immediately notify the news media that have requested notification of special meetings, by any reasonably convenient means, of the date, time, place, and purpose of the special meeting.
- vii. **Notice of Specific Business.** Any person, upon completion of an application, and payment to the Township for any calendar year (or part thereof) of \$5.00, shall be given reasonable advance notification of all meetings at which any specific type of public business (as specified by the person making the request) is to be discussed. No such request shall be valid beyond the calendar year for which it is made.

Section 3: Pursuant to Ohio Revised Code, Section 121.22(G), all of the Township's public bodies (referenced above in Section 2(a)) may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(A) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, the public body shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If the public body holds an executive session pursuant to division to this section, the motion and vote to hold that executive session shall state which one or more of the approved

purposes listed in this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(B) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(C) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(D) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(E) Matters required to be kept confidential by federal law or regulations or state statutes;

(F) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(G) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;

(H) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider any of the matters listed in this Section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

Section 4: It is hereby determined that all formal actions of the Board relating to the adoption of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code § 121.22.

BE IT FURTHER RESOLVED THAT, by a majority vote, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, hereby authorizes its passage. This Resolution shall be effective on the earliest date permitted by law.

ADOPTED JULY 28, 2015

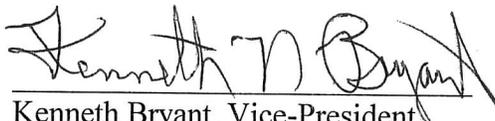
Vote Record: Mr. Beck Aye ; Mr. Bryant Aye ; Mrs. Leis Aye

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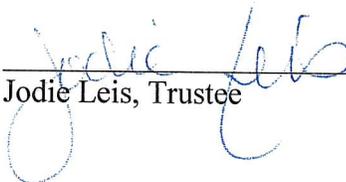
BOARD OF TRUSTEES:



Phil Beck, President



Kenneth Bryant, Vice-President



Jodie Leis, Trustee

ATTEST:



Carol A. Sims, Fiscal Officer

APPROVED AS TO FORM:



Robert Malloy, Acting Law Director