

**Court of Appeals of Ohio, Eleventh District, Portage County.
CARVER, Appellant, v. DEERFIELD TOWNSHIP et al., Appellees.**

EXHIBIT I

No. 99-P-0015.

Decided: October 02, 2000

In general, R.C. 121.22 requires public officials to conduct meetings in public when the meetings concern official business. *TBC Westlake, Inc. v. Hamilton Cty. Bd. of Revision* (1998), 81 Ohio St.3d 58, 61, 689 N.E.2d 32, 34-35.

“[T]he Sunshine Law is not intended to prevent a majority of a board from being in the same room and answering questions or making statements to other persons who are not public officials, even if those statements relate to the public business. The Sunshine Law is instead intended to prohibit the majority of a board from meeting and discussing public business with one another.” (Emphasis sic.) *Holeski v. Lawrence* (1993), 85 Ohio App.3d 824, 830, 621 N.E.2d 802, 806.

In pertinent part, R.C. 121.22(C) provides that “[a]ll meetings of any public body are declared to be public meetings open to the public at all times.” R.C. 121.22(B)(2) defines “meeting” as “any prearranged discussion of the public business of the public body by a majority of its members.” Furthermore, R.C. 121.22(H) states that “[a] resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body.”

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[Cite as *Cincinnati Enquirer v. Cincinnati Bd. of Edn.*, 192 Ohio App.3d 566, 2011-Ohio-703.] IN THE COURT OF APPEALS FIRST APPELLATE DISTRICT OF OHIO HAMILTON COUNTY, OHIO THE CINCINNATI ENQUIRER, Appellant and Cross-Appellee, v. THE CINCINNATI BOARD OF EDUCATION ET AL., Appellees and Cross-Appellants. : : : : : APPEAL NOS. C-100404 C-100409 TRIAL NO. A-0909406

{¶ 10} Under R.C. 121.22(C), “[a]ll meetings of any public body are declared to be public meetings open to the public at all times.” A resolution, rule, or formal action by a public body is invalid unless (1) it was adopted in an open meeting and (2) it did not result from nonpublic deliberations “unless the deliberations were for a purpose specifically authorized” by the act.⁵ {¶ 11}

To violate the OMA, a public body must simultaneously (1) conduct a “meeting” and (2) “deliberate” over “public business.”⁶

The act defines a meeting as “any prearranged discussion of the public business of the public body by a majority of its members.”⁷ A discussion entails “ ‘an exchange of words, comments or ideas’ ” by members of the public body with one another.⁸ {¶ 12} The OMA does not define the term “deliberations,” but this court has held that a public body deliberates “by thoroughly discussing all of the factors involved [in a decision], carefully weighing the positive factors against the negative factors, cautiously considering the ramifications of its proposed action, and gradually arriving at a proper decision which reflects th[e] legislative process.”⁹ Deliberations involve “more than information-gathering, investigation, or fact-finding,”¹⁰ which are essential functions of any board.¹¹ For example, the act does not prevent board members from participating in question-and-answer sessions with other persons who are not public officials.