

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 2.20

BOARD MEETING PROCEDURES AND TYPES

A. Regular Meetings:

Under the Ohio Revised Code, all regular meetings of the Board are open to the public at all times. These meetings are scheduled at the annual organizational meeting. All regular and special meetings of the Board shall be open to the public.

B. The Board Meeting:

The board meeting is the only place and occasion on which business can be conducted. Board meetings are open to the public and shall be conducted in accordance with the "Sunshine Law." (ORC 121.22)

The Board shall meet in regular session a minimum of ten (10) times per year.

A majority of the Board constitutes a quorum for the purpose of conducting a Board meeting.

C. Annual Organizational Meeting:

This meeting, by law, must be held on or before January 31st of each year for the following purposes:

1. To swear in new members who must first file their letters of appointment, or copy thereof, with the Chairperson of the Board of Developmental Disabilities. New members are also required to sign an Oath of Office Statement.
2. To elect officers for the ensuing year.
3. To set date, location, time and number of regular board meetings for the year.
4. Establish desired working committees.
5. To receive suggestions for the good of the board and its functions.

D. Special Meetings:

The Chairperson or Superintendent shall call a special meeting of the Board when requested by two members of the Board to do so. The Chairperson may call a special meeting of the Board whenever the Chair or the Executive head considers such a meeting desirable, by serving written notice of time and place of each meeting upon each member 48 hours before the date of the meeting.

The purpose and items to be considered must be stated. Minutes of all Board action must be kept.

E. Executive Session:

Executive Session may be held, but only at regular and/or special meetings and only for the following reasons and conditions:

1. A majority of a quorum determines by roll call vote to hold such a session, and
2. To consider:
 - a. The appointment, employment, dismissal, discipline, promotion, demotion, or compensation of an employee, or the investigation of charges or complaints against an employee, unless the employee requests a public hearing.

If an Executive Session is held for any personnel reason listed above, the motion and the vote shall state which one or more of the approved purposes listed above 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 the Board shall use this division 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 the Board 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 Board concerning disputes involving the Board 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 rules or state statutes;

- f. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for a violation of the law.

If the Board holds an Executive Session to consider any of the matters listed above of 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.

A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the Board. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized above and conducted at an Executive Session held in compliance with this section.

Any person may bring an action to enforce the provisions of this section. Upon proof of a violation or threatened violation of this section in an action brought by any person, the Court of Common Pleas shall issue an injunction to compel the members of the Board to comply with its provisions.

If the Court of Common Pleas issues an injunction pursuant to this section, the Court may award to the party that sought the injunction all court costs and reasonable Attorney's fees and also shall order the public body that it enjoins to pay a civil forfeiture of one hundred dollars. If the Court of Common Pleas does not issue an injunction pursuant to this section and the Court determines at that time that the bringing of the action was frivolous conduct as defined in Division (A) of Section 2323.51 of the Revised, the Court may award to the public body all court costs and reasonable attorney's fees.

Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrefutably presumed upon proof of a violation or threatened violation of this section.

A member of the Board who knowingly violates an injunction issued pursuant to this division may be removed from office by an action brought in the Court of Common Pleas for that purpose by the Prosecuting Attorney or the Attorney General.

Adopted 6/24/85
Revised 3/24/93
10/27/97
Updated 7/24/2012

Reference:
ORC 121.22
ORC 2323.51