

***Ohio Consortium of County Law Library Resources Boards  
Conference Call : Tuesday, March 22, 2016 11:00 a.m.- 12:00 p.m.***

I. Introduction

II. Overview of Topics That Will Be Covered

III. Individual Topics

A. Key Ohio Revised Code Provisions (<http://codes.ohio.gov/orc/>)

1. *Creation of CLLRB, Rules, Librarian, & Fees (ORC §307.51)*

ORC §307.51, effective in 2009, created a County Law Library Resources Board ("CLLRB") in every Ohio County. This generally means that CLLRBs operate as other county boards, agencies, and departments do. Although there are many different local practices throughout Ohio's 88 counties, several rules apply to all CLLRBs.

Each CLLRB has 5 board members and 2 major responsibilities:

- provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county
- and
- manage the coordination, acquisition, and utilization of legal resources.

Under the first responsibility, CLLRBs are required to provide services to local governments. That does not mean that CLLRBs have to pay for the other departments' resources, but they should try to maintain collections that serve the needs of these primary constituents. Some CLLRBs have interpreted the statutory language to require that they provide public access, but as a practical matter, all CLLRBs are open to the public for at least part of the week.

The second responsibility is a good idea, but it can be difficult to accomplish. CLLRBs should try to negotiate County-wide deals and contracts with legal research vendors in order to help their Counties save money. Courts do not have to participate but they may want to if they can realize significant savings. Good practice to achieve these results would include proactively advising county offices of their obligations by letter or email, explaining what resources the CLLRB has to offer, and recommending discounted materials that departments can purchase through Consortium deals with vendors.

To help enforce the second responsibility, the statute also states that all county offices must receive CLLRB permission before they buy, lease, rent, operate or contract for any legal reference or research materials in any medium (print, AV, online, etc.). This does not include courts. Many County offices do not know that they have to obtain this pre-approval. Nothing requires CLLRBs to pay for other offices' resources, but CLLRBs can purchase resources for other departments if they have the money. However, most CLLRBs just give other county offices permission to buy, lease, etc. the items on their own.

Every CLLRB is required to hire a "librarian" as a "chief administrator." A CLLRB may also hire additional staff as needed. All staff are in the "unclassified civil service," and the CLLRB board sets how much staff are paid.

CLLRBs can create "Rules" for spending money, public access, hours of operation, fees for services, and the receipt of gifts.

CLLRBs cannot charge anyone a fee for access to the Library. Although CLLRBs can charge fees for various kinds of services if they want, CLLRBs cannot charge service fees to members of the General Assembly or employees of county, municipal, or townships **when they are acting within the scope of their employment**. That means that CLLRB staff may charge service fees to County employees who use the CLLRB for personal legal research unrelated to work.

Service fees can include things like charges for copies or printing, forms, book sales, continuing legal education programs, document delivery, and research. All service fees have to be deposited into a CLLRBs "Special Revenue Fund." (See discussion below at section A5).

CLLRBs can enter into contracts with other CLLRBs, the Consortium, private entities, and public entities. However, CLLRBs have to obtain pre-approval for contracts from their County Commissioners. Each County has different processes in place for contract approvals, and a full discussion of this topic is beyond the scope of today's presentation. As a result, CLLRBs should check with their local fiscal agencies (e.g., Auditor) for assistance.

## 2. CLLRB Members (ORC §307.511)

Each CLLRB has 5 members, all of who must be residents of the County where they serve:

- 1 appointed by the local prosecuting attorney
- 1 appointed by a group composed of all the administrative/presiding judges of the municipal and county courts
- 1 appointed by the administrative/presiding judge of the local Common Pleas Court
- 2 appointed by the Board of County Commissioners

The appointments by the courts have to be Ohio lawyers in good standing, but the prosecutor and the Commissioners can appoint anyone they want. The terms of office for all of the initial appointments have expired, and all terms are now 5 years. Vacancies are to be filled by the original appointing authority within 60 days. When a CLLRB has a vacancy, it is good practice to be pro-active and recommend candidates.

For counties that still have a private law library association, trustees from that association can serve on the CLLRB with full disclosure of their dual role.

3. CLLRB Meetings (ORC §307.512)

Under ORC §307.512, CLLRBs are supposed to meet 4 times a year. They can have additional meetings if a majority of the CLLRB board members agree. It takes a majority of the CLLRB board (3 members) for a meeting quorum. That does not mean that a quorum is a majority of those present at a meeting.

4. CLLRB Annual Budget; Vouchers (ORC §307.513)

Like other agencies, departments, and boards, CLLRBs participate in their local County budget processes. Pursuant to ORC §307.513, each CLLRB is required to prepare an annual budget of revenues and expenses. Local custom and practice will govern, but typical line items in CLLRB budgets could include some or all of the following: salaries/wages; benefits (e.g., health insurance); personal/personnel services (e.g., employment and unemployment taxes); commodities; other operating (e.g., books, databases) ; controlled outlays (e.g., equipment or computer purchases); and capital expenditures (e.g., renovations, construction).

Importantly, ORC §307.513 indicates that CLLRBs should ask their Counties for general revenue funds to supplement their income. However, as a practical matter, there are at best 1 or 2 CLLRBs that are actually receiving general revenue funds. This means that CLLRBs have to rely on fines and penalties from traffic citations as their primary revenue and supplement it as necessary with fees for services (see discussion above at section A1).

CLLRBs can spend their money by submitting vouchers to their County auditors, who then issue checks to vendors and suppliers. Many counties use "Index Codes" and "Object Codes" to classify types of purchases (e.g., books, databases, contracts). Some request vendors to register to do business with their Counties, and some use online procurement software systems. However, every County processes payments differently so CLLRBs should check with their local fiscal offices (e.g., Auditor) for specific forms and guidance.

5. CLLRB Special Revenue Fund (ORC §307.514); Auditor Bulletin 2009-09

Pursuant to ORC §307.514, each CLLRB has its own "fund" within its County's treasury for CLLRB revenues and expenses. According to Auditor of State Bulletin 2009-09, this "fund" is specifically called a "Special Revenue Fund." Although a County may have a separate bank account for its "Special Revenue Fund, a County may just aggregate all County funds, including CLLRB funds, in a single bank account. However, the County cannot spend CLLRB funds, and a CLLRB cannot spend more than what has been appropriated to it through the budget process.<sup>1</sup> If a CLLRB needs more money beyond what has been appropriated for a fiscal year, it can request additional appropriations and hope for approval.

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<sup>1</sup> There are limited exceptions which would allow a CLLRB to transfer surplus funds to its County. See ORC 5705.15-16 and Ohio Attorney General Opinion 2011-36: <http://cocll.ohio.gov/Portals/0/legislation/OAG%20Opinion%202011-036.pdf>

All CLLRB income must go into its Special Revenue Fund. That includes: fees for services; fines and penalties; general revenue funds from the County; and gifts or bequests; grants; and other revenue.

6. *CLLRB Fines and Penalties (ORC § 307.515)*

A CLLRB's main source of revenue comes from fines and penalties for certain traffic citations and liquor fines. The types of fines and penalties each CLLRB receives are outlined in ORC § 307.515. A thorough discussion of this topic would take an entire training session and is thus beyond the scope of today's program. However, Ohio's Auditor has issued a lengthy document which summarizes the distribution of fines and penalties under the Ohio Revised Code:

<http://cocll.ohio.gov/Portals/0/legislation/Court%20Fund%20Distribution%20Chart%20Revision.pdf>

The first few pages of this document contain a brief summary and a chart, both of which can serve as cheat sheets to explain the statutory revenue to which each CLLRB is entitled. Generally, some categories of revenue contain maximum caps, some are based on County population, and some have no limits. There are many variations in the software programs and ways courts report their fines and penalties, and there are many different ways Counties collect and distribute fines and penalties to CLLRBs. Some guidance was provided at a previous Consortium training session called LLRB 101 which was held on 3/26/14 in Delaware County. The materials from this program are available upon request.

7. *Multi-County Law Library Resources Commission (ORC §307.516)*

Under ORC §307.516, two (2) or more adjacent county CLLRBs that want to collaborate may get together and sign a 3-5 year contract to form a "Multi-County Law Library Resources Commission." At present, no CLLRBs have utilized this device, but CLLRBs may want to collaborate in order to provide joint services or share the time and services of a Librarian/Chief Administrator.

8. *Prosecutor Represents CLLRBs (ORC §309.09); OAG Op. 2009-49*

Since CLLRBs qualify as County boards under ORC §309.09, CLLRBs are entitled to legal counsel and representation by their local prosecutors. Ohio Attorney General Op. 2009-49 (footnote 5) also states that Prosecutors' offices represent CLLRBs. That means that Prosecutors' office represent CLLRBs when CLLRBs receive public records requests or subpoenas, need a contract reviewed, or need other legal advice.

9. *Consortium of County Law Library Resources Boards (ORC §3375.481)*

The Consortium of County Law Library Resources Boards that is conducting this training was created under ORC §3375.481. By law, every CLLRB is automatically a member. Every member is also required to pay yearly dues to the Consortium by February 15th. Dues are calculated at the rate of 2% of the total fines and penalties a CLLRB received the prior year. Dues are not paid on other types of revenue a CLLRB may receive from service fees, gifts, or grants.

The Consortium has 5 voting Board members, an Advisory Council, and staff members, as follows:

	<b><i>Board Members</i></b>	
	<b><i>Appointing Authority</i></b>	<b><i>Currently Serving</i></b>
1	The Ohio Supreme Court Librarian or the Chief Justice's designee	Ken Kozlowski
2	The Ohio Judicial Conference	Judge Charles A. Schneider, Chair
3	The CCAO (has to be a CLLRB Librarian)	Shara H. Parkomaki
4	The CCAO	John Leutz
5	The Ohio State Bar Association	Kathleen M. Dugan, Secy.

	<b><i>Advisory Council</i></b>	<b><i>Currently Serving</i></b>
1	Voluntary position	Vacant-Member retired
2	Voluntary position	Richard A. Baker
3	Voluntary position	Susan M. Boland
4	Voluntary position	Mary Jenkins
5	Voluntary position	Judge James A. Shriver

	<b><i>Staff</i></b>	<b><i>Currently Serving</i></b>
1	Executive Director	Judith R. Maxwell
2	Webmaster with other responsibilities	Angela T. Baldree
3	Union cataloger	Clermont County

In addition to issuing an annual report, the Consortium has the following statutory duties:

- negotiate contracts for legal research and reference materials that the CLLRBs can use
- catalog CLLRB holdings and facilitate resource sharing between CLLRBs
- develop and recommend collection development and access guidelines
- provide consultation and assistance to CLLRBs

The Consortium may also provide grants to CLLRBs. As further described below, the Consortium has achieved all of its statutory mandates and created various grant programs.

*Negotiating Contracts:* The Consortium has negotiated many deals with legal research vendors, including contracts related to Free Casemaker for all CLLRBs; discounted access to Ohio Capital Connection; the Lexis Digital Library platform of ebooks; Wolters Kluwer databases; OJI; LibraryWorld; court rule books; and other book purchases. Information about many of these programs is available on the Consortium's home page: <http://cocll.ohio.gov/Home.aspx>. For additional information, contact the Consortium's Executive Director, Judith R. Maxwell.

*Cataloging Resources:* The Consortium has contracted with a company called LibraryWorld, a cloud-based integrated library system, to provide a "Union" catalog of all of the holdings of participating CLLRBs. This catalog can be located at the following link:  
<http://opac.libraryworld.com/opac/union.php>.

At present, the catalog records of 32 CLLRBs are included in this joint effort. In addition to providing the option to search the records of all 32 libraries, LibraryWorld allows each CLLRB to search its own holdings separately. The chief purposes of this Union catalog are to allow CLLRBs to display searchable records for their patrons and facilitate resource sharing between CLLRBs through the process of Interlibrary Loan. A guide to searching records in LibraryWorld is located at the following link:

<http://cocll.ohio.gov/Portals/0/Documents/Searching%20the%20Library%20World%20Union%20Catalog.pdf>

LibraryWorld also supports other modules for a patron database, circulation, serials, inventory and reports. Any CLLRB that is interested in participating in LibraryWorld should contact the Consortium's Executive Director, Judith R. Maxwell.

*Facilitating Resource Sharing between CLLRBs:* The Consortium maintains an email listserv for communication, and every CLLRB is automatically a member. Many CLLRB librarians use this listserv to request items they do not have but which their patrons need. Electronic documents should always be shared "off list," and CLLRBs may choose to share print resources, with the recipients paying all delivery fees (e.g., costs of mailing). Recipients that receive the items they need are asked to complete a brief form for statistical purposes. That form is located on the Consortium's web site at this link:

[https://docs.google.com/forms/d/1e\\_iKmYTXyu9w7HJnMMAs1PYIeDKe9-LSjvcWukgf8\\_k/viewform](https://docs.google.com/forms/d/1e_iKmYTXyu9w7HJnMMAs1PYIeDKe9-LSjvcWukgf8_k/viewform)

Any CLLRB that has questions about the operation of the listserv should contact Angela T. Baldree.

The Consortium also provides a "Pocket Part Exchange" where CLLRBs share pocket parts from their bound books with other CLLRBs that have had to cancel subscriptions to the same resources. All assignments have already been made for 2016, but new participants will be welcome in 2017.

*Developing Collection Development and Access Guidelines:* As part of a larger, multi-state initiative, the Ohio Regional Association of Law Libraries has appointed a small group of Ohio librarians to prepare collection development recommendations for Ohio law libraries of all types. That group is still working on specific guidelines for court and county law libraries. Pending their report, CLLRBs will want to review the County Public Law Library Standards that were created by the American Association of Law Libraries. These Standards were updated in April of 2015 and can be located on the Internet at the following link:

<http://www.aallnet.org/mm/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>

In addition, AALL's Government Law Libraries Special Interest Section has also created a Collection Development Toolkit which contains links to additional resources and many sample collection development policies. This Toolkit can be accessed at the following link:  
<http://www.aallnet.org/sections/sccll/toolkit/Collection-Development-Toolkit.html>

*Providing Consultation and Assistance:* From time to time, the Consortium provides information for the benefit of all CLLRBs. Recent examples of this include the 3 training teleconferences the Consortium has held this year (including today), and the upcoming Cool Tools training session that will be held in Columbus on April 22, 2016. When requested, the Consortium also provides consultation to individual CLLRBs that need particular assistance.

*Grant Programs:* The Consortium has created several optional grant programs through which many CLLRBs have received funding for staff training or career development, programming for patrons, technology, or multi-agency collaborations. Applications for grant funding for the current grant cycle were due on February 29, 2016, and award recipients will be notified in late April. The Consortium will probably offer additional grant programs with similar parameters in the future.

In addition, the Consortium has offered other types of grants to help offset Consortium dues or expenses CLLRB staff would otherwise incur to attend meetings and training sessions. The Consortium is not offering any dues rebates this year, but it has not yet determined whether it will offer any other types of grants. If it does, information will be distributed at Consortium meetings and on the Consortium listserv.

10. *Session Laws (ORC §149.091)*

ORC §149.091 states that the Ohio Secretary of State may distribute print or electronic copies of session laws to Ohio CLLRBs. However, the Secretary of State no longer publishes print session laws. As a result, CLLRBs can access current and selected archival session laws at the following links:

<http://www.sos.state.oh.us/SOS/historicaldocuments/LawsofOhio/historical.aspx>  
<https://www.legislature.ohio.gov/legislation/acts>

11. *County Records Commission/Document Retention (ORC § 149.38)*

Pursuant to ORC § 149.38, each County has a County Records Commission. This Commission is required to provide rules for the retention and disposal of county records and review applications by county offices for 1-time disposals of records. For CLLRBs, this statute and applicable laws on public records (see discussion below in section E) mean that CLLRBs cannot dispose of any public records unless they either have a Records Retention Policy (also called an RC-2) that allows for destruction OR they obtain permission for special 1-time disposals.

As a result, each CLLRB should create a Records Retention Policy to facilitate orderly and efficient document retention and destruction. Having an approved Records Retention Policy can

also help CLLRBs comply with public records requests and subpoenas. (See discussion below at section E). To start, CLLRBs should ask their local Records Commission for help, samples, and information about local practices.

In addition, CLLRBs should review the information and samples posted on the Ohio History Center's web site:

<https://www.ohiohistory.org/learn/archives-library/state-archives/local-government-records-program/local-government-records-publications-amp-forms>

There is also an article in the March 2012 ORALL Newsletter about creating an Ohio County Law Library Records Retention policy: <http://orall.org/wp-content/uploads/2010/08/2012-March-Newsletter.pdf>

The Consortium's Records Retention Policy can also serve as a model: <http://cocll.ohio.gov/Documents.aspx>

In addition, various CLLRBs are willing to share their sample policies.

12. *Annual Inventory (ORC § 305.18)*

ORC § 305.18 requires every county office or department to prepare an annual inventory of its materials, machines, tools, and supplies every January. Counties may include CLLRBs in this statutory responsibility, and inventories should be sent to both County Commissioners and County Auditors. Preparing an annual inventory can be very important for both insuring a CLLRB's library contents (including books) and substantiating insurance claims CLLRBs may need to make in the event of damage or loss. Some things CLLRBs should list on their annual inventories would include: computers and accessories; copy machines; furniture; and books purchased with CLLRB funds. Miscellaneous supplies such as pens and legal pads should not be included, and Counties may have local rules for monetary thresholds as guidance for what to list and what to exclude (e.g., only items \$1,000.00 or more).

13. *Accepting Credit Cards (ORC § 301.28)*

Brand new for 2015, CLLRBs may accept credit cards for service fees and gifts IF they create written rules that allow them to do so. (See discussion above at section A1). Under the same new law, CLLRBs can accept other types of revenue (defined as "fees, costs, taxes, assessments, fines, penalties," other expenses a person can owe to a County, and confiscated funds) IF counties authorize those types of payments to be made by credit cards. Since this law is relatively new, only a few CLLRBs are considering accepting credit cards for service fees.

14. *Using Procurement Cards (P-cards) (ORC §301.29)*

IF their counties use them, and IF they allow CLLRBs to have them, CLLRBs can get Procurement Cards, also known as P-Cards. P-Cards are basically credit cards for government entities to use to make purchases. However, P-Cards can only be used for "work-related

expenses," and they come with monetary restrictions and limits on what types of goods may be purchased.

15. Automatic Data Processing Boards (ADPs) (ORC §307.842)

All Ohio Counties process technology purchases differently, and some counties may have created Automatic Data Processing Boards (also called ADP Boards) under ORC§307.842. If they have, ORC §307.842 provides that ADP boards are supposed to coordinate the use of all technology, including electronic data processing and record-keeping equipment, software, and services. In reality, this means that ADP boards may be in charge of IT services that CLLRBs receive from their Counties, and CLLRBs may have to obtain permission from ADP boards prior to purchasing computers, software, and even legal research databases. As a result, CLLRBs should check with their Counties to determine what requirements apply for making these types of purchases.

B. Attorney General Opinions (<http://cocll.ohio.gov/Documents.aspx>)

The Ohio Attorney General has issued 7 Opinions that are relevant to CLLRBs. They are all linked on the Consortium's Documents page at the link above. Although Attorney General Opinions do not carry the same weight as Ohio statutes or cases do, they can be very persuasive authority for CLLRBs to use in dealing with their Counties. For today's training, the following 3 Opinions are particularly relevant:

1. Prosecutors: (Op. 2009-049): This opinion states that although a County Prosecutor cannot appoint himself/herself to a CLLRB, an Assistant Prosecutor can serve on a CLLRB under certain conditions.<sup>2</sup> This Opinion also states that Assistant Prosecutors must use vacation, personal leave, or leave without pay for CLLRB responsibilities.

2. Commissioner Responsibilities: (Op. 2010-01): This opinion is extremely important for CLLRBs. First, it states that Commissioners have a duty to provide their CLLRB with "offices and necessary facilities." Under the Opinion, a CLLRB is supposed to be treated just like any other County office and receive "such facilities as will result in expeditious and economical administration" of the CLLRB. This Opinion also states that Commissioners cannot charge their CLLRB for space, utilities, indirect costs, overhead, centralized services, or support services because there is no statutory authority for imposing those expenses. There are many variations state-wide about what some of these categories include, and there is a specific exception in the Opinion that allows County ADP boards to charge CLLRBs for IT-related services. In addition, this Opinion states that Commissioners may, but are not required to, give CLLRBs general revenue funds to support their operations.

3. Compensation of CLLRB Board Member : (Op. 2010-014): This Opinion states that CLLRB Board members cannot receive any "compensation" for serving on the

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<sup>2</sup> Assistant Prosecutors who accept CLLRB positions cannot participate in civil or criminal proceedings against CLLRB members; they cannot represent or provide legal advice to CLLRBs; they cannot assist in preparing CLLRB County budgets; they cannot substitute for the Prosecutor on the County Budget Commission; and they must abstain from all deliberations, discussions, negotiations and voting on Prosecutor requests for legal resources.

CLLRB board. Although neither the Attorney General nor statutes governing CLLRBs define the term "compensation," the Opinion suggest that it could include per diem rates, costs per meeting, and other types of remuneration under ORC sections or as determined by the Commissioners or the CLLRB Board itself. The Opinion is silent on whether CLLRB board members can get reimbursed for expenses, but it does say that board service is "gratuitous."

C. Ohio Auditor of State Information

1. *Fines and Penalties Income Structure*

As already discussed in section A6 above, CLLRBs are entitled to fines and penalties under ORC §307.515. The Auditor of State has provided guidelines for interpreting this complex structure at the following link:

<http://cocll.ohio.gov/Portals/0/legislation/Court%20Fund%20Distribution%20Chart%20Revision.pdf>

2. *Auditor Bulletin 2009-09 regarding transition to CLLRBs under HB420*

When CLLRBs were created in 2009, the Ohio Auditor of State issued Bulletin 2009-09. Although much of that Bulletin related to a transition from pre-existing private law library associations to CLLRBs, there are two items that are important. First, the Bulletin states that effective with fiscal years ending 12/31/2009, CLLRBs will not be separately audited as they were in the past. Instead, CLLRB transactions will be included within State audits of counties. Second, the Bulletin also indicates that all interest that accrues on funds in CLLRB Special Revenue Funds is payable to County general funds.

D. County Prosecutor Opinions

The Consortium is aware of 4 County Prosecutor opinions that pertain to CLLRBs:

1. Bonds (Delaware, 2/7/14)
2. Various topics (Union, 9/3/09)
3. Managing Resources (Summit, 9/28/09)
4. Pro Se Litigants (Scioto, 4/22/13)

All of these opinions are posted to the Consortium's website at the following link:  
<http://cocll.ohio.gov/Documents.aspx>

These opinions are only binding in the Counties that issued them and are posted solely for guidance for other CLLRBs.

E. Public Records & Library Records and Patron Information (ORC 149)

The Ohio Revised Code contains detailed laws relating to the disclosure of public records. This training will provide only a general overview and recommend resources for additional training.

ORC § 149.011 defines a "public office" to include "any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government." Arguably, this includes CLLRBs.

ORC § 149.011 defines the term "records" to include: "any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section [1306.01](#) of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office."

Not all "records" are "public records." ORC § 149.43 defines "public records" as "records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units..."

However, "public records" do not include a long list of things. CLLRBs should independently review the statute, but the key exceptions that actually apply to CLLRBs are that "trial preparation records," charges of discrimination, intellectual property records, and "records the release of which is prohibited by state or federal law" are **not** considered public records. The last catch-all provision can include a lot that is not specified in the statute so good practice is to check with the local Prosecutor for any necessary clarifications.

Any person can make an anonymous request for public records under ORC § 149.43. These requests are called "Public Records Requests." They are different than subpoenas issued in cases and administrative proceedings. Requesters can make oral requests and do not have to put their requests in writing. A "public office" can ask for the requester to disclose his or her identity and put the request in writing, but the "public office" cannot refuse to disclose "public records" if the requester refuses.

Unless a request is ambiguous or overly broad or a "public office" needs clarification, the office is required to respond promptly and produce applicable "public records" for inspection within a reasonable period of time. If a "public office" refuses to disclose any records, it has to provide an explanation.

Upon request, a "public office" has to make copies "at cost."

Best practices for CLLRBs include making sure to have a Document Retention Policy already in place and contacting both CLLRB board members and the local Prosecutor's office before responding to a Public Records Request.

*Library Records and Patron Information:* If a CLLRB is open to the public, ORC §149.432 may apply to protect certain library records and patron information from disclosure. CLLRBs should review this statute in detail before disclosing any information pursuant to a Public Records Request or subpoena.

There is much more to Ohio public records law than can be taught in this training session. However, the Ohio Attorney General provides an online Sunshine Laws Manual 2015 (The

Yellowbook) which provides much greater detail:  
<http://www.ohioattorneygeneral.gov/yellowbook>

The Ohio Attorney General also provides in-person training sessions about Ohio's public records laws during Sunshine Laws Training programs. The AG's office has already scheduled programs for 2016, and a schedule can be found at the following link:

<http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws/Sunshine-Law-Training>

#### F. Open Meetings

The Ohio Revised Code contains open meetings laws, most of which are contained in ORC § 121.22. This statute defines public bodies to include County boards, such as CLLRBs. A meeting is defined as "any prearranged discussion of the public business of the public body by a majority of its members." This would include regular CLLRB quarterly meetings under ORC §307.512, as well as other any other types of meetings, including committee meetings or special meetings, at which a majority of CLLRB board members (3) are present.

Under the statute, all applicable CLLRB meetings must be open to the public. The only exception is when a majority of the CLLRB (3) vote by roll call to go into an "executive session." However, no voting is allowed during an "executive session."

With some specific provisos, the statute includes an exclusive list of 8 permissible topics which can be discussed during an "executive session," 7 of which apply to CLLRBs. Generally, these topics include:

1. 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;
2. 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;
3. conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;
4. preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
5. matters required to be kept confidential by federal law or regulations or state statutes;

6. 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;

7. N/A to CLLRBs; and

8. considering 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.

CLLRB members must attend meetings in person to count toward a quorum (3), participate, and vote. Unfortunately, that means that CLLRBs cannot hold public meetings (as defined by the statute) online.

CLLRBs are required to promulgate rules or methods by which they provide notice of the time and place of all regularly scheduled meetings and the time, place, and purpose(s) of all special meetings. There are also requirements for notifying those who have specifically requested notice.

CLLRBs have to prepare minutes and make them available for public inspection. Minutes should only reflect the general subject matter of executive sessions.

There is much more to Ohio open meetings laws than can be taught in this training session. However, the Ohio Attorney General provides an online Sunshine Laws Manual 2015 (The Yellowbook) which provides much greater detail:  
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<http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws/Sunshine-Law-Training>

**\*\*NB:** Next Consortium Training: Friday, April 22, 2016 in Columbus from 8:30-3:30. Coffee at 8:30, Consortium meeting 9-11, SIG meeting 11-11:45, Brown County presentation 11:45-12:00, lunch 12-1:30, and Cool Tools 1:30-3:30.