

Local Emergency Planning Committee (LEPC) Meetings and the Open Meetings Act

ORC Section 3750.03 requires that each LEPC must meet at least annually. LEPC are considered public bodies and are subject to Ohio's Open Meeting requirement. This fact sheet outlines the Ohio Open Meeting requirements that apply to the Ohio LEPCs.

What is a "meeting"?

- A meeting is (1) a prearranged gathering, (2) of a majority of the members of the public body, (3) who are discussing or deliberating public business.
 - "Discussion" is an exchange of words, comments, or ideas.
 - "Deliberation" is the weighing and examination of reasons for and against taking a course of action.
 - This does not generally include information-gathering, attending presentations, or isolated conversations between employees.
- A meeting does not have to be called a "meeting" for the Open Meetings Act (OMA) requirements to apply—if the three elements above are present, the OMA requirements apply even if the gathering is called a "work session," "retreat," etc.
- The OMA applies to the committees or subcommittees of a public body, even if these committees do not make the final decisions of the public body

What are the duties of a public body if the OMA applies?

- NOTICE: A public body must give appropriate notice of its meetings.
 - For regular meetings, notice must include the time and place of the meeting. For all other meetings—special and emergency meetings—notice must include the time, place, and purpose of the meeting.
 - A public body must adopt rules establishing reasonable methods for notifying the public of regular, special and emergency meetings.
- OPENNESS: A public body must make all of its meetings open to the public at all times.
 - Secret ballots and whispering of public business are all prohibited under the openness requirement.
- MINUTES: A public body must keep and maintain meeting minutes.
 - Minutes must be (1) promptly prepared, (2) filed, (3) maintained, and (4) open to the public. Meeting minutes do not need to be verbatim transcripts but must have enough detail to allow the public to understand and appreciate the rationale behind a public body's decisions.

What is an "executive session"?

- An executive session is a portion of an open meeting from which the public can be excluded
- Proper procedure is required to move into executive session:
 - Meeting must always begin and end in open session, where public may be present
 - Motion on the record to move into executive session, followed by a second
 - Specific reason for executive session must be put in the motion and recorded
 - Roll call vote, which must be approved by the majority of a quorum of the public body
 - Motion and vote recorded in the meeting minutes
- Executive session can only be held for one of the following reasons:
 - Certain personnel matters
 - Purchase or sale of property
 - Pending or imminent court action
 - Collective bargaining matters
 - Matters required to be kept confidential
 - Security matters

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- Hospital trade secrets
- Confidential business information of an applicant for economic development assistance
- Veterans Service Commission applications
- Discussion in executive session should be limited to the specific, statutory reason for the executive session.
- The public body can invite non-members to be present in an executive session, but cannot exclude other members of the public body from the executive session.
- Discussions in executive session are not automatically confidential, but other confidentiality rules may apply; public records considered in the executive session may still be accessible through the Public Records Act.
- The public body may not vote or make any decisions in executive session.

Additional Resources

- Ohio Sunshine Laws Manual: www.ohioattorneygeneral.gov/YellowBook
- Short videos on OMA topics: www.ohioattorneygeneral.gov/Media/Videos/Sunshine-Law-Videos