Executive Session

Ohio Public Meetings Law requires public officials take all official action and conduct all deliberations on public business in meetings that are open to the public. However, public bodies may deliberate on certain topics in private executive sessions that are closed to the public.

To go into executive session, a member should make a motion proposing the group go into executive session and explicitly stating one of the topics below, including the Ohio Revised Code Section. The public body must then hold a roll call vote and decide by a majority to go into executive session. The group may then discuss:

- Certain personnel matters, including appointment, promotion, dismissal and compensation of a public employee or official. However, the motion to adjourn into executive session must specify the particular personal matters, but need not include the name of the person involved (R. C. 121.22(G)(1))
- Purchase of any property (real, personal, etc.), and the sale of real property by public bid (R. C. 121.22(G)(2))
- Pending or imminent court action, but your attorney must attend (R. C. 121.22(G)(3))
- Collective bargaining matters (R.C. 121.22(G)(4))
- Matters required to be confidential by law (R.C. 121.22(G)(5))
- Details of security arrangements and emergency response protocols (R.C. 121.22(G)(6))
- Trade secrets of county, township, or municipal hospitals(R.C. 121.22(G)(7))
- Confidential business information about an application for economic development assistance; note the motion must contain specific language (R.C. 121.22(G)(8))
- Veterans Service Commission applications (R.C. 121.22(J))

Public bodies may not take any formal action during executive sessions and should restrict their discussion to the announced topic(s). NOTE: The privacy afforded to executive session discussions does not automatically impart confidentiality on any documents or discussion that is discussed.

For more information about executive session and open meetings law, contact Mark Landes mlandes@isaacwiles.com and/or Brian Zets bzets@isaacwiles.com, Public Sector Industry Chairs.
Timeline of a Typical Meeting

- Determine that there is a quorum (required minimum number of members)
- Meeting is called to order
- Reading and approval of minutes of previous meeting
- Reports of officers, boards, and standing committees
- Reports of special committees
- Present any special orders (important business designated for consideration at this meeting)
- Unfinished business and general orders (previously introduced matters)
- Present and discuss new business
- Meeting adjourns

More Robert’s Rules Facts

- Motions to reconsider must be made on the same day as the matter to be reconsidered.
- “A majority” means more than half of members present
- If relevant law or bylaws do not define a quorum, the default is a majority of all members
- All members, including chairs and ex officio members, have the same rights to vote or make motions, although chairs of larger boards may choose to abstain in order to remain impartial
- Members must be physically present to vote
- Any of Robert’s Rules can be superseded by state or local law or the bylaws of a public body