

Bond Case Briefs

Municipal Finance Law Since 1971

OPEN MEETINGS - OHIO

State ex rel. More Bratenahl v. Village of Bratenahl

Supreme Court of Ohio - August 14, 2019 - N.E.3d - 2019 WL 3806295 - 2019 -Ohio- 3233

A village resident and a community news publication brought an action against the village, its mayor, and various councilmembers, alleging the defendants violated or threatened to violate the Open Meetings Act (OMA) by, among other things, casting secret ballots at an open meeting when selecting the village council president pro tempore, and seeking a declaratory judgment, an injunction, civil forfeiture fees, and court and attorney fees.

The Court of Common Pleas granted the defendants summary judgment. Plaintiffs appealed. The Court of Appeals affirmed. Plaintiffs appealed.

The Supreme Court held that:

- Defendants violated provision of OMA requiring public meetings to be open to the public at all times by electing council president pro tempore by secret ballot;
- Violation of OMA arising from use of secret ballot to elect council president pro tempore was not cured by fact that secret ballot slips were maintained as public records; and
- Question as to whether defendants violated OMA by using secret ballot to elect council's president pro tempore was not rendered moot by fact that president's term had expired.