

Bond Case Briefs

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OPEN MEETINGS - OHIO

State ex rel. Zimmerman v. City of Avon Lake

Supreme Court of Ohio - March 31, 2026 - N.E.3d - 2026 WL 872727 - 2026-Ohio-1090

City resident, nonprofit promoting transparency in government, nonprofit that monitored government activity, and nonprofit concerned with environmental issues filed mandamus action under the Open Meetings Act and Public Records Act against city, city's community improvement corporation, an economic development corporation, committee created by corporation, current and past members of corporation, and current and past members of city government seeking to order respondents to prepare the minutes from previously held committee meetings and produce those minutes in response to a public-records request, and seeking an award of court costs, attorney fees, and statutory damages.

The Supreme Court held that:

- Motion for a protective order filed by respondents would be denied as moot;
- Petitioners were not entitled to leave to file rebuttal evidence;
- Petitioners request for a writ of mandamus was proper request for mandamus relief, and not a request for a declaration that committee was subject to open-meeting and minute-keeping requirements or a request for a prohibitory injunction;
- Open Meeting Act's requirement that a public body prepare, file, and maintain minutes of its meetings applied to city's community improvement corporation, an economic development corporation;
- City's community improvement corporation constituted a "public body" subject to the Act;
- Committee created by city's community improvement corporation was subject to the Act's requirement that a public body prepare, file, and maintain minutes of its meetings;
- Petitioners were entitled to writ of mandamus compelling committee to prepare and produce minutes for previously held committee meetings attended by a majority of its members at which public business was discussed; and
- Petitioners were entitled to an award of court costs.

City was asking Supreme Court for an "advisory opinion," which the Court would decline to provide, in asking the Court to determine whether statute, which authorized municipalities to exercise full jurisdiction in the matter of streets and to repair, maintain, pave, and light them, created a mandatory duty for city to maintain its streets, on Court's review of judgment in negligence action in favor of motorcyclist injured when she rode into pothole in city street that city failed to warn of or repair after receiving notice of it