

Nita Hanson

From: Mark Evans
Sent: Friday, April 28, 2023 2:00 PM
To: Lecklider, Austin
Cc: Altier, Mark; Jeff Johnson; Rozland McKee; Nita Hanson
Subject: Re: Pond Clinic & Public Records

Austin,

Thank you.

Regarding the report. It appeared to be a multi page report read from verbatim to the board and public. Would you advise that this be released as a public record. I'm trying to keep us out of court as this could easily be challenged as a failure to release records.

The report referenced is that of the administrator. The report was requested by a resident and denied. That resident is contemplating court action.

I am providing you with a copy of the report for your review to determine if it is notes or a report would be advised.

I have copied Nita Hanson on this email and attached a copy of the report to you for consideration. Thank you.

Sincerely,

Mark Evans
Etna Township Board of Trustees

Committed to Serving Residents and Restoring Proper Administration to the Township

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On Apr 28, 2023, at 1:47 PM, Lecklider, Austin <ALEcklider@lickingcounty.gov> wrote:

Trustee Evans,

As to the attendance at the meeting/presentation, the Open Meetings Act is applicable to prearranged gatherings of a majority of the members (quorum) of a public body at which the members of the body engage in discussions and deliberations among themselves on matters of the public business of the entity. The presence of two trustees in the

same venue for any other purpose or as to any other activity does not constitute a meeting to which the law applies, and the members of the body are not prohibited from posing questions or engaging in discussions with other attendees. There are no concerns with the upcoming Pond Clinic as you have relayed the circumstances.

In general, Ohio courts have held that notes prepared by a public employee or officer which are utilized by that individual in the context of his or her performance of public duties and responsibilities, and are not shared with any other person, are not records which are subject to disclosure under the public records act.

A report prepared for the Board, would seem to fall outside of 'personal notes.' If, however, the presenter was using personal notes in the course of presenting a report, the exception may still apply to such notes.

Austin

From: Mark Evans <mevans@etnatownship.com>
Sent: Thursday, April 27, 2023 12:28 AM
To: Lecklider, Austin <ALecklider@LickingCounty.gov>; Altier, Mark <MAltier@LickingCounty.gov>
Subject: Pond Clinic & Public Records

Austin or Mark,

There is an event being held by the Licking County Soil & Water department. It's a pond clinic.

I was planning to attend as this has been something I have pushed for, preserving ponds.

I did notice that our administrator then Mrs. McKee also stated they would be attending.

<https://lickingswcd.com/news-events/event-calendar.html/event/2023/05/01/pond-clinic/423785>

Since this is an educational presentation and not a meeting, it appears it would be okay if two trustees happen to attend. **Is this correct?**

Is it permissible, without violating the Open Meetings Act, if either or both trustees ask general questions on ponds if needed? Nothing township specific about our ponds.

As communicated numerous times in the past and although Mrs. McKee doesn't hold the Open Meetings requirements in high regard, I want to ensure there are no violations here.

Second topic is public records. If there is a report given by a township employee that was prepared for the meeting and read from, **is this a public record that should be provided if asked for? Or can an employee claim it is their personal notes and claim an exemption?** This document was created outside the meeting, read from directly and was not simply "notes" I believe. I thought the note exemption covered minor notes written down during a meeting. Please advise. Thank you.

Sincerely,

Mark Evans
Etna Township Board of Trustees

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