



COALITION of LARGE OHIO URBAN TOWNSHIPS
Executive Committee Meeting
Monday, June 27, 2022
10:30 am

MINUTES

- I. Welcome (10:30 am) - Chair Tiffany called the meeting to order at 10:32 a.m. The following members were in attendance in-person: Jamie Fisher (Central), Rozland McKee (Central), Barry Tiffany (Southwest), and Paul Wise (Central). The following members were in attendance virtually: Gary Boyle (Northwest), Jeff Ferrell (Northwest), Brook Harless (East), Shannon Hartkemeyer (Southwest), Jeff Markley (East), Andy Rose (East), Oliver Turner (Northwest), Cheryl Sieve (Southwest), Dee Stone (Southwest), and Michael Vaccaro (East). A quorum was present. OTA staff Executive Director Heidi M. Fought was also present.
- II. Old Business
- A. Approval of May 2, 2022 Minutes - **Wise moved, seconded by Rose, to approve the May 2 minutes as presented. Without objection, motion carried.**
 - B. Membership Update - Fought reported that there are 61 CLOUT members as of the meeting. She noted that there are five new CLOUT members and nine former members that have yet to renew. She encouraged Executive Committee members to check in with townships that had not renewed in their area.
 - C. Review of Financials - Fought reported on the current financials of the Committee. As of June 27, the CLOUT fund had a balance of \$118,000.13.
 - D. Review of Amicus Curiae Briefs - Fought shared that the Supreme Court has yet to issue their opinion in *State of Ohio ex rel. Christopher Hicks v. Clermont County Board of Commissioners*, pertaining to the Open Meetings Act. Fought reported that in the matter of *Willow Grove, Ltd. V. Olmsted Township Board of Zoning*, which deals with (1) whether column headings and/or sub-headings in a local zoning code are to be read strictly and substantively, and (2) whether RC. § 519.17 requires townships to parse out and issue piecemeal zoning certificates as to a multi-building property development application for every single principal building or use within that development that complies with the local zoning code's text, regardless of whether the other structures and uses remaining throughout the development on that property are non-compliant, that the Supreme Court heard oral arguments on June 15. Finally, Fought updated the Committee on *Brian M. Ames v. Rootstown Township Board of Trustees*, which also relates to the Open Meetings Act and the issuance of civil forfeitures when a public body has violated the OMA. The Supreme Court has yet to issue their opinion on the matter. Vaccaro informed the Committee about a recent mandamus action granted by the Ohio Supreme Court regarding disclosure of police records as public records. In *Slip Opinion No. 2022-Ohio-1915 The State Ex Rel. Myers V. Meyers et al*, the Supreme Court stated that the time at which a law-enforcement officer creates a record or the police department's method for maintaining such a record determines whether the exemption to disclosure under R.C. 149.43(A)(2)(c) applies. The Court addressed the issue whether an offense-and-incident report, which initiates a police investigation and is a public record under Ohio's Public Records Act, R.C. 149.43, is limited to the form that police officers fill out in order to report the incident or whether it also includes contemporaneous reports created by the investigating officers that document the officers' observations and the statements of witnesses at the scene. The plaintiff asked the Court to require a police

department to disclose the “supplement narratives” that the city withheld when he had requested the public-record incident reports. The city asserts that it properly withheld the supplement narratives on the ground that such a narrative constitutes a confidential law-enforcement investigatory record (“CLEIR”) - specifically, “investigatory work product” under R.C. 149.43(A)(2)(c). In addition to the writ of mandamus, Myers also requested awards of statutory damages, attorney fees, and court costs. The Court granted the writ with respect to a limited number of supplement narratives but denied it as to the majority of the supplement narratives. The Court also granted Myers an award of statutory damages for the city’s delayed production of certain incident-report forms but denied in part Myers’s claim for statutory damages on the ground that the Court does not “stack” statutory damages. Finally, the mandamus awarded court costs to Myers, but denied his request for an award of attorney fees. Tiffany provided an update on *Oberer Land Developers Ltd. v. Sugarcreek Twp., Ohio, No. 21-3834*. The plaintiffs appealed the US District Court’s order granting summary judgment in favor of Sugarcreek Township and the Board of Trustees on the plaintiffs’ claims that the defendants violated the Equal Protection Clause of the Fourteenth Amendment and Takings Clause of the Fifth Amendment. The plaintiffs also appealed the District Court’s order dismissing their state-law claim without prejudice after declining to exercise supplemental jurisdiction. The 6th District Court of Appeals affirmed the District Court’s ruling.

III. New Business

- A. Legislative Update - Fought provided the Committee with a legislative status sheet of bills pending before the General Assembly that have or may have an impact on townships. Specifically, she reviewed the following bills: HB 206 (township police), HB 377 (ARPA distribution), HB 463 (health districts), HB 501 (township omnibus), and HB 563 (short-term rentals).
- B. CLOUT engagement
 1. Approval of regional meeting lunch expenses - For record keeping, Tiffany reported that on May 13 via email, **Rose moved, seconded by Fisher, that the Coalition authorize payment of food expenses up to \$15/person for regional CLOUT meetings. Without objection, motion carried.**
 2. Annual meeting speaker ideas - The Committee discussed several options for a speaker at the annual CLOUT meeting to be held during the 2023 OTA Winter Conference. Suggestions included: Rep. Bill Seitz, a round table discussion regarding fire/emergency services, and a presentation on unique ways of providing health care, including mental health.
 3. CLOUT conference workshop - The Committee recommended holding round tables for the CLOUT workshop in 2023.
 4. CLOUT Breakfast Legislative Reception - The Committee discussed alternative options to the CLOUT Breakfast Legislative Reception but ultimately agreed to continue with the current format.

IV. Items for the Good of the Organization - Tiffany asked if any townships have enacted fireworks regulation pursuant to the new law. Stone asked if other townships were aware of the language change in R.C. §507.021 that makes the employees of the fiscal officer responsible to the fiscal officer, as opposed to the trustees. Fought shared that the language was included in the budget bill in 2021 and was suggested by Jackson Township in Stark County. Stone shared concerns that the language in the Code could be interpreted to mean the employee(s) of the fiscal officer would not have to follow the township’s handbook adopted by the trustees for all other employees. Hartkemeyer informed the Committee about a recent shooting in her township and encouraged support for an upcoming constitutional amendment that gives judges more flexibility with bail of accused persons. Vaccaro asked that OTA set a meeting with the State Fire Marshal to inquire about a proposal to regulate hotel enforcement issues through licensure, similar to how liquor permits are handled in the state.

V. Next Meeting Date: Monday, October 3 at 10:30 am

VI. Adjournment - Moved by Vaccaro, seconded by Rose, the Committee adjourned at 12:16 p.m.