



Ohio Administrative Code Rule 4981-1-01 Open-meeting notice rule.

Effective: August 31, 2023

(A) Definitions. As used in this rule:

(1) "Day" means calendar day.

(2) "Meeting" means any prearranged discussion of the public business of the commission by a majority of the members of the commission or by a majority of the members of any committee or subcommittee of the commission.

(3) "Oral notification" means notification given orally, either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the secretary-treasurer under this rule.

(4) "Post" means to publish on the commission's website located at www.rail.ohio.gov.

(5) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular meeting to another time or day to consider items specifically stated on the original agenda of such regular meeting.

(6) "Written notification" means notification in writing which is mailed, or delivered to the address or sent by electronic mail to the electronic mail address, of the person for whom such notification is intended, as shown on the records kept by the secretary-treasurer under this rule, or in any way delivered to such person. If mailed, such notification has to be mailed by first class mail, deposited in a U.S. postal service mailbox not later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

(B) Notice of regular and organizational meetings.



(1) The secretary-treasurer shall post a statement of the times and places of regular meetings of the commission of each calendar year not later than the second day preceding the day of the first regular meeting of the calendar year. If at any time during the calendar year the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings will be so posted by the secretary-treasurer at least twenty-four hours before the time of the first changed regular meeting.

(2) The secretary-treasurer shall post a statement of time and place of the annual meeting of the commission at least twenty-four hours before the time of such annual meeting.

(3) In addition to consulting the notice posted pursuant to paragraph (B)(1) of this rule, any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:

(a) Writing to the following address: "Ohio Rail Development Commission, 1980 West Broad Street, Mailstop 3140, Columbus, Ohio 43223."

(b) Calling the following telephone number during normal business hours: 614.644.0306.

(4) Upon the adjournment of any regular or special meeting to another day, the secretary-treasurer will promptly post notice of the time and place of such adjourned meeting.

(C) Notice of special meetings.

(1) Except in the case of a special meeting referred to in paragraph (D)(4) of this rule, the secretary-treasurer shall, not later than twenty-four hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting.

(2) The statement provided for in this subsection and the notifications provided for in paragraph (D)(4) of this rule shall state such specific or general purposes then known to the secretary-treasurer that are intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before the commission at such meeting may



be considered and acted upon.

(D) Notice to news media of special meetings.

(1) Any news medium organization that desires to be given advance notification of special meetings shall file with the secretary-treasurer a written request therefor, on a standard form to be provided by the secretary-treasurer. Except in the event of an emergency requiring immediate official action; as referred to in paragraph (D)(4) of this rule, a special meeting shall not be held unless at least twenty-four hours' advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with paragraph (D)(2) of this rule.

(2) News media requests for such advance notification of special meetings shall specify the name of the medium; the name, address, and electronic mail address of the person to whom written notifications to the medium may be mailed, delivered or sent by electronic transmission; the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given; and at least one telephone number that the request identifies as being manned, and that can be called at any hour for the purpose of giving oral notification to such medium; and may include a telephone number that may be used for electronic facsimile transmission of written material.

Any such requests will be effective for one year from the date of filing with the secretary-treasurer or until the secretary-treasurer receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium will be informed of such period of effectiveness at the time it files its request. Such request may be modified or extended only by filing a complete request with the secretary-treasurer. A request is not deemed to be made unless it is complete in all respects and unless such request may be conclusively relied on by the commission and the secretary-treasurer.

(3) The secretary-treasurer shall give such oral or written notification, or both, as he or she determines, to the news media that have requested such advanced notification, in accordance with paragraph (D)(2) of this rule, of the time, place and purposes of each special meeting, at least



twenty-four hours prior to such special meeting.

(4) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons or the secretary-treasurer on their behalf, shall immediately give oral or written notification, or both, as the person giving such notification determines, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance with paragraph (D)(2) of this rule. The minutes or the call, or both, of any special meeting shall state the general nature of the emergency requiring immediate official action.

(E) Notification of discussion of special types of public business.

(1) Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

Such person shall file a written request with the secretary-treasurer, specifying the person's name and the address(es), electronic mail address, and telephone number(s) at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification; and the number of calendar months (not to exceed twelve) which the request covers. Such request may be canceled by request for such person to the secretary-treasurer.

Such requests may be modified or extended only by filing a complete new request with the secretary-treasurer. A request is not deemed to be made unless it is complete in all respects and unless such request may be conclusively relied on by the commission and the secretary-treasurer.

(2) The secretary-treasurer will give such advance notification under this subsection by written, electronic, or oral notification, or all, as he or she determines. The contents of written or electronic notification under this paragraph may be a copy of the agenda of the meeting. Written or electronic notification under this paragraph may be accomplished by giving advance written notification, by copies of the agendas, of all meetings of the commission that are the subject of such request.



(F) Notification generally.

(1) Any person may visit or telephone the office of the secretary-treasurer during regular office hours to determine, based on information available at that office, the time and place of regular meetings; the time, place and purposes of any then known special meetings; and whether or not the available agenda of any such future meeting states that a specific type of public business, identified by such person, is to be discussed at such meeting.

(2) Any notification provided herein to be given by the secretary-treasurer may be given by any person acting in behalf of or under the authority of the secretary-treasurer.

(3) A reasonable attempt at notification constitutes notification in compliance with this rule.

(4) A certificate by the secretary-treasurer as to compliance with this rule is conclusive upon the commission.

(G) Executive sessions.

(1) Executive sessions of the commission or of any committee or subcommittee thereof may be held only at a regular or special meeting for the sole consideration of any of the matters authorized by division (G) of section 121.22 of the Revised Code, as the same may be amended or substituted for from time to time.

(2) A motion to hold an executive session shall state which of the one or more matters approved by division (G) of section 121.22 of the Revised Code will be considered at the executive session. The vote on the motion shall be by roll-call vote and in the case of the commission requires at least five affirmative votes for adoption; and, in the case of a committee or subcommittee requires the affirmative vote of a majority of a quorum of the committee or subcommittee.