



## Using recordings as part of your meeting minutes

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The Open Meetings Act (OMA) requires that public bodies keep minutes of their meetings. The OMA, however, does not set forth what the minutes must include or how they must be recorded. Fortunately, the courts have provided some standards by which minutes can be judged.

To begin, your minutes cannot be a simple listing of the resolutions that the board considered, showing the votes that were cast on each issue. Instead, the minutes must provide sufficient detail that the public can, “understand and appreciate the rationale behind the relevant public body’s decision.” [White v. Clinton Cty. Comm.](#), 76 Ohio St. 3d 416 (1996). One of the fundamental reasons for requiring public bodies to create and maintain minutes is to allow the public to examine the actions that are taken by government officials. A mere listing of the resolutions and votes does not allow for the required scrutiny.

In many respects, the easiest way to meet this requirement is to use some type of recording system. Such an approach is permissible. In the *White* case, the court said that public bodies could meet their duty to provide minutes by using, “[a]udio- or videotape recordings, word-for-word transcripts, even abstracts of the discussions indicating the identity of the speakers and the chronology and substance of their statements.”

There has been continuing confusion over this point for many years, seemingly caused by a later case in which the Supreme Court said that a village council’s audio recordings were not sufficient as minutes. However, the problem in

that case was that the audio recordings in many parts were inaudible and incomplete, recordings were not made of all meetings, recordings were not kept, etc. *State ex rel. Long v. Council of Cardington*, 92 Ohio St. 3d 54, 57 (2001). The point of this case is that if you choose to use some type of recording as your minutes or to supplement your minutes, you must handle them accordingly.

More recently, the Supreme Court indicated that an audio recording of a township trustees meeting was a sufficient record of the proceedings for public information purposes. *State ex rel. Edwards Land Co. v. Delaware County Bd. of Elections*, 129 Ohio St. 3d 580, 587 (2011). The court cited a paragraph used by the township as a regular introduction to its minutes, which stated:

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Liberty Township Trustee Proceedings at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a road map to the audio recording.

If you use recordings as part of your minutes, you should consider using similar language. The value of such a paragraph is that it puts everyone, including the public, the board and your staff, on notice that the recordings are part of the minutes. You might also want to make sure your policies are clear that the recordings will be made at each meeting, that they will be reviewed and approved, just like any other media used to record the minutes, and that they must be maintained under the requirements of your records retention schedules.

When deciding what role recordings will play in fulfilling your duties to prepare and maintain your minutes, you should consider the issue of technology migration. Most records retention schedules require that the meeting minutes be kept permanently. With the speed at which technology and software evolve, however, this may become difficult to accomplish. Just as reel-to-reel tapes, eight-tracks and VHS have become obsolete, today's technology will also eventually be replaced by something else. As your office moves onto other methods of record keeping, you need to consider bringing your minutes over to the new medium. If you don't, not only will you find it problematic to respond to public records requests, but your district will lose important historical information about what it did in the past and why.

So, while technology provides opportunities to meet the district's obligations under the OMA, it can also lead to problems down the road. These can be avoided with proper planning.

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