

**From:** R. Todd Hunt [<mailto:rthunt@walterhav.com>]  
**Sent:** Saturday, April 13, 2013 7:56 PM  
**To:** Bales, Anthony  
**Subject:** Minutes and minute takers

Tony:

You had asked us to look at the issue of whether a video recording of a public meeting, including City Council meetings, could serve as minutes for the meeting, whether written minutes stating the general subject matter of what was discussed is proper, and whether a person needed to be present to take the minutes (including the Council Clerk for Council meetings).

My opinions are as follows:

1. Per the case law from the Ohio Supreme Court (see email info below), a video recording can be sufficient as minutes of a public meeting. However, the recording needs to be permanently kept so a DVD securely kept as a public record should be made of the recording and kept per the City's retention schedule (likely forever). I do not know what the life of a DVD is. Also, the City's Ordinances at Section 220.03 (d) requires the Clerk to supply each member of Council with a copy of the minutes and Section 220.03 (c)(4) requires approval of the previous meeting's minutes at each subsequent meeting. It would be good to amend these provisions to specify that the minutes will be the video recording stored on a DVD and dispense with the approval of the minutes. Since the Clerk, by Charter, is required to keep all records of the Council, she should be responsible for making sure the video is working properly and that a permanent record is established through a DVD. An electronic copy of the video could more easily be destroyed by a computer virus or some other cause. In the event the video is not working for a meeting, someone, whether it is the Clerk, President of Council, City Manager, Mayor, etc. should be responsible by codified ordinance to draft written minutes for the meeting.
2. Written minutes are not required but the minutes, if in video form, must reflect the discussions and reasons for actions of Council or the particular board, commission or committee.
3. As stated above, someone present at the meeting, whether the Clerk or otherwise, must be responsible to produce minutes in the event the video is not committed to some permanent form or does not work during the meeting. This designation of a person should be provided for by codified ordinance.

I hope this helps.

Todd

**R. Todd Hunt**  
Attorney