



65 East State Street, Suite 312, Columbus, Ohio 43215

Commission Chair Patrick Ginnetti Director Linda S. Bailiff

Commissioners Kimberly Marshall Dean C. Ringle
Sandra Tunnell Randy Riley

October 9, 2019

Nicole Salinas
Ohio Attorney General
c/o Opinions Section
30 East Broad Street, 15th Floor
Columbus, OH 43215

Re: Formal Opinion Request

Dear Ms. Salinas:

In my capacity as Director of the Ohio Public Works Commission ("OPWC"), I am requesting a formal opinion of the Attorney General as follows:

Regarding the Natural Resources Assistance Councils (NRACs) created under Ohio Revised Code 164.21:

Are NRACs, collectively or on an individual member basis, subject to the Ohio Public Records law (ORC 149.43) and the Open Meetings Act (ORC 122.21)?

Are NRACs, collectively or on an individual basis, shielded from liability arising from the NRAC's decisions (1) recommending approval or disapproval of grant applications pursuant to ORC 164.29, or (2) adopting scoring methodologies for approval by the OPWC?

If an NRAC and/or its individual members are named as defendants in litigation to enforce the Publics Records law or Open Meetings Act, or in litigation based on the above decisions of the NRAC, who is responsible for providing legal representation to them?

Regarding District Public Works Integrating Committees ("Committees") created under Ohio Revised Code 164.04:

Are such Committees, collectively or on an individual member basis, subject to the Ohio Public Records law (ORC 149.43) and the Open Meetings Act (ORC 122.21)?

Are such Committees, collectively or on an individual basis, shielded from liability arising from the Committee's decisions (1) recommending approval or disapproval of grant applications pertaining to the State Capital Improvement Program or Local Transportation Improvement Program, or (2) adopting scoring methodologies for approval by the OPWC?

If a Committee and/or its individual members are named as defendants in litigation to enforce the Publics Records law or Open Meetings Act, or in litigation based on the above decisions of the Committee, who is responsible for providing legal representation to them?

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Linda S. Bailiff". The signature is written in a cursive style with a large, stylized "L" and "B".

Linda S. Bailiff
Director