

SUPREME COURT OF OHIO

The State ex rel. Zimmerman et al. v. The City of Avon Lake et al.

2026-Ohio-1090 · No. 2024-1711 · Decided March 31, 2026

SUMMARY

The Supreme Court of Ohio granted a writ of mandamus requiring the respondents to prepare and produce minutes of previously held Brownfield Committee meetings at which a majority of the members discussed public business. The court held that Avon Lake Community Improvement Corporation and its Brownfield Committee were subject to Ohio’s open-meetings and public-records requirements. The court awarded court costs but denied attorney fees and statutory damages, and denied or found moot the parties’ additional motions.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice Kennedy; Justice Fischer; Justice DeWine; Justice Brunner; Justice Deters; Justice Hawkins; Justice Shanahan
JURISDICTION	Supreme Court of Ohio
DECIDED	March 31, 2026
DOCKET	2024-1711
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action in the Supreme Court of Ohio under the Ohio Open Meetings Act and Public Records Act seeking preparation and production of minutes for previously held meetings of the Brownfield Funding Committee.
STANDARD OF REVIEW	Mandamus claim under the Open Meetings Act required clear and convincing evidence of a clear legal right to relief, a clear legal duty to provide it, and no adequate remedy in the ordinary course of law. For the Public Records Act claim, the first two elements applied, but relators were not required to establish the absence of an adequate remedy.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio opinion
PARTIES	William Zimmerman, Ohio Citizens for Honesty, Integrity, and Openness in Government, Ltd., Taxpayers Coalition, Protect Our Lake and Environment, L.L.C. v. City of Avon Lake, Avon Lake

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether mandamus was a proper remedy for compelling preparation and production of minutes for previously held Brownfield committee meetings.
2. Whether R.C. 121.22(C) and R.C. 149.43 applied to the Avon Lake Community Improvement Corporation despite Avon Lake's charter and home-rule authority.
3. Whether the Avon Lake Community Improvement Corporation was a public body subject to the Ohio Open Meetings Act.
4. Whether the Brownfield Funding Committee was a committee of a public body and therefore subject to R.C. 121.22(C), even though it lacked delegated decision-making authority.
5. Whether relators were entitled to court costs, attorney fees, and statutory damages.

HOLDINGS

1. Mandamus is proper when the relator seeks to compel respondents to prepare and produce minutes for previously held public-body meetings; the requested relief was mandatory rather than declaratory or prohibitory.
2. R.C. 121.22(C) applied to Avon Lake and the Avon Lake Community Improvement Corporation because no charter provision or city ordinance expressly conflicted with or superseded the statute.
3. The Avon Lake Community Improvement Corporation was a public body subject to R.C. 121.22(C), and some of its records were subject to disclosure under R.C. 149.43.
4. The Brownfield Funding Committee was a committee of the Avon Lake Community Improvement Corporation and therefore a public body subject to R.C. 121.22(C), even though it was advisory and lacked delegated decision-making authority.
5. Relators were entitled to a writ requiring respondents to prepare and produce minutes for previously held Brownfield committee meetings attended by a majority of its members at which public business was discussed.
6. Relators were not entitled to attorney fees or statutory damages because they forfeited those claims by failing to support them with arguments in their merit brief.

KEY QUOTATIONS

“Mandamus is an appropriate remedy to compel a public body to prepare and produce full and accurate meeting minutes under R.C. 121.22 and 149.43.”” (§ 20)

“R.C. 121.22(B)(1)(b) does not require that a committee be a formal decision-making body.” (§ 40)

“Respondents are ordered to prepare and produce the requested minutes for previously held Brownfield committee meetings at which a majority of its members discussed public business.” (§ 48)

FACTUAL BACKGROUND

Avon Lake designated the Avon Lake Community Improvement Corporation as its agency and instrumentality for economic-development activities. The CIC created the Brownfield Funding Committee as an advisory committee to collect and evaluate redevelopment information, and committee members attended CIC meetings to provide updates and recommendations. Ohio Citizens requested the committee's meeting minutes, but the city stated that no minutes existed. The evidence did not establish that the committee had been formally disbanded or that no minutes could be prepared from the committee's prior meetings.

PROCEDURAL HISTORY

Relators requested Brownfield committee meeting minutes from the City of Avon Lake, which responded that it had no such minutes. Relators then filed a taxpayers' demand and initiated this mandamus action. The court dismissed Todd Davis as a respondent, denied the motion to dismiss as to the remaining respondents, issued an alternative writ, received evidence and briefs, and granted the writ as to meetings at which a majority of committee members discussed public business.

DISPOSITION

writ_granted

CASES CITED

- State ex rel. Howard v. Watson, 2023-Ohio-3399
- State ex rel. Ohio Gen. Assembly v. Brunner, 2007-Ohio-3780
- State ex rel. Mobley v. Powers, 2024-Ohio-104
- State v. McNeill, 1998-Ohio-293
- State ex rel. Ames v. Portage Cty. Bd. of Commrs., State ex rel. Ames v. Portage Cty. Bd. of Commrs., 2021-Ohio-2374
- State ex rel. Long v. Cardington Village Council, 2001-Ohio-130
- State ex rel. Gen. Motors Corp. v. Indus. Comm., 2008-Ohio-1593
- State ex rel. Ethics First—You Decide Ohio Political Action Commt. v. DeWine, 2016-Ohio-3144
- State ex rel. Gadell-Newton v. Husted, 2018-Ohio-1854
- State ex rel. Lightfield v. Indian Hill, 69 Ohio St.3d 441 (1994)
- Fox v. Lakewood, 39 Ohio St.3d 19 (1988)
- State ex rel. Cincinnati Post v. Cincinnati, 1996-Ohio-372

- State ex rel. Burton v. Greater Portsmouth Growth Corp., 7 Ohio St.2d 34 (1966)
- State ex rel. Am. Civ. Liberties Union of Ohio, Inc. v. Cuyahoga Cty. Bd. of Commrs., 2011-Ohio-625
- State ex rel. Mohr v. Colerain Twp., 2022-Ohio-1109
- Kanter v. Cleveland Hts., 2021-Ohio-4318
- Thomas v. White, 85 Ohio App.3d 410 (9th Dist. 1992)
- State ex rel. N. Olmsted v. Cuyahoga Cty. Bd. of Elections, 2001-Ohio-1626
- State ex rel. Meyers v. Columbus, 71 Ohio St.3d 603 (1995)
- State ex rel. Adkins v. Dept. of Rehab. & Corr. Legal Dept., 2024-Ohio-5154
- State ex rel. Fairfield Leader v. Ricketts, 56 Ohio St.3d 97 (1990)
- State ex rel. Data Trace Information Servs., L.L.C. v. Cuyahoga Cty. Fiscal Officer, 2012-Ohio-753

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