

OPINION NO. 92-078**Syllabus:**

The board of directors of a county agricultural society is a public body subject to the open meeting requirements of R.C. 121.22.

To: Anthony L. Gretick, Williams County Prosecuting Attorney, Bryan, Ohio
By: Lee Fisher, Attorney General, December 30, 1992

You have requested an opinion on the following question: "Is a county agricultural society such a public body and are its directors such public officials so that Ohio Revised Code §121.22 applies to meetings of the county agricultural society?"

The Open Meeting Requirements of R.C. 121.22

R.C. 121.22(C) sets forth the basic requirement of the Open Meetings Act as follows: "All meetings of any *public body* are declared to be public meetings open to the public at all times" (emphasis added). The term "public body" is defined in R.C. 121.22(B)(1) as meaning, "any board, commission, committee, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or *board*, commission, committee, agency, authority, or *similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution*" (emphasis added). Thus, if a county agricultural society is a public body, as defined in R.C. 121.22(B)(1), it is subject to the open meeting requirements of R.C. 121.22. See generally *State ex rel. Toledo Blade Co. v. University of Toledo Foundation*, 65 Ohio St. 3d 258, ___ N.E.2d ___ (1992) (concluding that the term "public body," as used in R.C. 149.43, a related statute governing public records, should be read broadly to ensure a comprehensive application of that statute).

County Agricultural Societies

The formation and operation of county agricultural societies is governed by R.C. Chapter 1711. Pursuant to R.C. 1711.01, thirty or more residents within a single county may organize themselves into a county agricultural society, governed by a board of directors as provided for in R.C. 1711.07. The court in *State ex rel.*

Leaverton v. Kerns, 104 Ohio St. 550, 554-55, 136 N.E. 217, 218 (1922), described a county agricultural society as, "a public institution designed for public instruction, the advancement of learning and the dissemination of useful public knowledge." One of the primary means by which a county agricultural society serves these purposes is through its annual agricultural exhibition or "county fair." *See generally* R.C. 1711.04-.05.

Application of R.C. 121.22(B) to A County Agricultural Society

1988 Op. Att'y Gen. No. 88-034 examined the formation and operation of county agricultural societies, and determined that, for purposes of R.C. Chapter 2744, a county agricultural society is a political subdivision. The opinion began by noting, at 2-153, that each county agricultural society is a body corporate and politic, R.C. 1711.13, and that "a county agricultural society may exist only in a single county, and only one society may exist in each county," both characteristics suggesting status as a political subdivision. The opinion then stated that, "the primary purpose of county agricultural societies has repeatedly been identified as education" and that, "[t]he promotion of educational goals traditionally has been regarded as an appropriate governmental activity." *Id.* at 2-153 through 2-154. Accordingly, Op. No. 88-034 concluded that, for purposes of R.C. Chapter 2744, a county agricultural society is a political subdivision.

As noted above, the governing body of a county agricultural society is its board of directors. Thus, as the board of a political subdivision, the board of directors of a county agricultural society constitutes a "public body," as defined in R.C. 121.22(B)(1).¹

Conclusion

It is, therefore, my opinion, and you are hereby advised that, the board of directors of a county agricultural society is a public body subject to the open meeting requirements of R.C. 121.22.

¹ Recently, in considering the significance of an entity's decision-making authority for purposes of qualifying as a public body under R.C. 121.22, 1992 Op. Att'y Gen. No. 92-0__, slip op. at 2 n.2, concluded in part: "The extent to which an entity that otherwise falls within the plain language of the definition of "public body" must exercise decision-making authority in order to qualify as a public body for purposes of R.C. 121.22...is unclear." In any event, a board of directors of a county agricultural society is clearly a decision-making body. *See, e.g.*, R.C. 1711.08 (election of officers); R.C. 1711.25 (sale, lease, purchase, and exchange of sites for agricultural exhibitions).