



JAMES D. KALB
MAYOR

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PORTSMOUTH, OHIO 45662

February 22, 2008

Councilman Robert Mollette
1705 Franklin Avenue
Portsmouth, Ohio 45662

RE: "Sunshine Laws and Deliberations in Public Meetings"
(Mollette correspondence #08-005 dated February 14, 2008)

Dear Councilman Mollette,

First, allow me to address your concern of possible violations of any "Sunshine Laws".

Although you write proficiently, quote more than necessary, and profess superiority in your quest for "sunshine", your correspondence 08-005 seems extremely hypocritical to me.

Neither the City Auditor nor I implied that City Council should not publicly discuss the budget, nor did we suggest that Council be involved in any type of round-robin sessions. I do believe that all conversation concerning the answering of questions was suggesting that City Council members have questions answered prior to a legislative meeting so that they would be able to publicly discuss the budget in an informed and educated manner. I am not aware of any law that prohibits any elected official from requesting information from another elected official. Your insinuation that this would be violating the Ohio Revised Code, or any other law, is absurd.

Per your own descriptions and interpretations of the "Sunshine Laws", you would also be in violation of these laws by your December 27, 2007 correspondence #07-061, in which you wrote, "I documented the following questions and comments for resolution:..." This is the very same method suggested to other Council Members by the City Auditor and me.

Did you consider yourself in violation of any laws when you spent approximately an hour and a half in my office with me, the City Auditor, and my assistants? We not only discussed the budget, we also discussed many other City government and non-government issues. This is the same procedure that I suggested publicly to other Council Members for the informational enlightenment.



February 25, 2008
Councilman Robert Mollette
Page Two

Finally, in closing, I offer your own statement which concludes nearly every one of your hundreds of correspondences, and in particular, correspondence #08-005 (to which this letter replies). Your closing statement is, *"As always, I welcome your thoughts on these and any matters discussed here. Contact me should you have any comments or questions."*

Is this not exactly what was offered to call other City Council Members at the meeting in question?

Once again, at no time during the Council Meeting did I, nor anyone else, suggest usurping the "Open Meetings Act" or attempt to discourage open dialogue on the budget or any other issue.

I will leave it to you to differentiate between your actions and your implications that others acting in the same manner are bordering on violations of the law.

Respectfully,

A handwritten signature in black ink that reads "James D. Kalb". The signature is stylized and cursive.

James D. Kalb, Mayor
City of Portsmouth

cc: Honorable Council Members
Trent Williams, Auditor
Jo Ann Aeh, Clerk
Michael Jones, Solicitor

JDK/wjj