MINUTES, MOTIONS AND RESOLUTIONS:
WHY, WHEN AND HOW

I. MINUTES

A. Minutes of Board of Trustees’ Meetings

1. Minutes are the record of Board actions, not actions themselves.


      (i) Conclusive presumption that Board took no action with no action reflected in the minutes. Bd. of Twp. Trustees v. Spring Creek Gravel Co., Inc. 1975, 45 Ohio App2d 288, 74 Oh OP2d 409, 410

2. Mandatory

   a. Ohio Revised Code §507.04 – Township Fiscal Officer prepares or in absence of the Fiscal Officer, someone appointed by the President of the Board of Trustees as clerk pro tem.

   b. Accurate proceedings of the Board of Trustees’ meeting

   c. Ohio Revised Code §121.22(C)
(i) promptly prepared, filed and maintained

(ii) open for public inspection

(iii) executive session minutes need only reflect general subject matter of discussions


e. All public bodies are subject to requirements of minutes.

(i) Boards of Zoning Appeals

(ii) Zoning Commissions

(iii) Ad hoc committees

3. White v. Clinton Cty. Bd. of Commrs. (1996), 76 Ohio St.3d 416

a. Must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the public body’s decision.

b. Accurately reflect decision making process leading up to the vote, including debate and/or discussion of the subject
4. Items to be included:

a. Date of the meeting and time the meeting was called to order

b. Name of the Trustees present or absent and who is presiding

c. All motions which call for action by the Board: minutes include the motion, name of the person proposing it and name of the person seconding it

d. Amendments to the motion must be recorded

e. Trustee action recording the vote of each trustee

f. Procedural motions (refer an item to committee, postpone a motion, adjournment, etc.) need only indicate if the motion was passed or defeated (no roll call vote required)

g. Summarize discussion on the motion, including statements of each Trustee, especially if issue is controversial

h. Summarization of statements made by members of the public and name of speaker
i. Record all communications received by Trustees, record all announcements made at meetings

j. Time of adjournment

5. Form of minutes

a. White v. Clinton Cty. Bd. of Commrs., supra

   (i) Audio or videotaped recordings

   (ii) Word-for-word transcripts

   (iii) Abstracts of discussions including identity of speaker, chronology and substance of statements

II. MOTIONS AND RESOLUTIONS

A. Motion: A proposal that the Trustees take action on an issue

   1. Must be presented, seconded and accepted by majority of vote for the action to be taken

   2. Vote on motion by roll call unless a procedural motion

B. Resolution: The action proposed to be taken in a motion
1. A resolution is accepted if a majority of the Board of Trustees votes in favor of the motion to adopt the resolution (unless a unanimous vote is required)

2. Should be limited to one subject

3. Preamble (“whereas”)
   
   b. Facts, background information, legal basis for action, reasons for resolution

4. Certain basic procedural motions do not require a formal resolution
   
   a. Pay bills, accept minutes, adjourn, etc.