VIOLET TOWNSHIP
BOARD OF ZONING APPEALS

RULES OF PROCEDURE

Adopted ____________, 2005

ARTICLE I

Meetings of Board

Section 1. Organization of Meetings.

At each meeting of the Board, the chairperson, or in the absence of the chairperson, the vice chairperson, or the appropriate alternate, shall act as chairperson. The person designated by the Board as its secretary shall act as, and perform the duties of, secretary of the meeting. If no such person is present at a meeting, any person who the chairperson of the meeting appoints shall act as secretary of the meeting.

Section 2. Place of Meetings.

All regular and special meetings of the Board shall be held at the Violet Township Hall commencing at 7:30 p.m. or at such other time and place, as may from time to time be fixed by the Board, or as shall be specified or fixed in the notice of the particular meeting.

Section 3. Regular Meetings.

Unless otherwise postponed or cancelled, regular meetings of the Board shall be held on the third Thursday of every month, if not a legal holiday, but if that day is a legal holiday under Ohio law, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a Saturday or Sunday, or on such other day as the Board may determine. Regular meetings may be postponed or cancelled in advance by or at the direction of the chairperson, vice chairperson or any two Board members for reasons of either an anticipated lack of a quorum or a lack of business.
Section 4. Special Meetings.

Special meetings of the Board shall be held whenever called by the chairperson, vice chairperson or any two Board members. Every Board member shall furnish the secretary of the Board with a telephone number and an address (and, if available, a facsimile number and e-mail address) at which notice of meetings and all other Board notices may be served on or mailed to such member. Unless waived before, at, or after the meeting as hereinafter provided, notice of each such meeting shall be given by the chairperson, the vice chairperson, the persons calling such meeting, or the secretary to each member in any of the following ways:

(a) By orally informing the member of the meeting in person or by telephone at least twenty-four (24) hours before the date of the meeting.

(b) By personal delivery of written notice to the member at least twenty-four (24) hours before the date of the meeting.

(c) By mailing written notice to the member, or by sending notice to the member by facsimile transmission, e-mail, telegram or cablegram, postage or other costs prepaid, addressed to the member at the address furnished by such member to the secretary of the Board, or to such other address as the person sending the notice shall know to be correct. Such notice shall be posted or dispatched a sufficient length of time before the meeting so that in the ordinary course of the mail or the transmission of facsimiles, e-mails, telegrams or cablegrams, delivery thereof would normally be made to a member not later than twenty-four (24) hours before the date of the meeting.

The notice to Board members for a special meeting shall specify the date, time, location and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings. Unless otherwise required by the laws of the State of Ohio, notice of any meeting of the Board may be waived by any member, either before, at, or after the meeting, in writing, or by facsimile, e-mail, telegram or cablegram.

Section 5. Quorum.

Three (3) members of the Board shall constitute a quorum. In the absence of a quorum at any meeting or any adjournment thereof, any member may adjourn the meeting from time to time. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.
Section 6. **Order of Business.**

The order of business at meetings of the Board shall be such as the chairperson may prescribe or follow; subject, however, to the chairperson being overruled with respect thereto by a majority of the members of the Board present.

Section 7. **Voting.**

Each member present at a meeting shall be entitled to one vote. Votes shall be made orally. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or assistant; to approve any variance or conditional use permit; or to decide in favor of an applicant on any matter which the Board is required to hear under the Violet Township Zoning Resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and an affirmation of the decision of the zoning officer. No member of the Board shall take a seat at the Board table to participate or vote on any issue that they have not been present for the entire hearing. The same procedure will apply to any issue that has been continued from a previous meeting. In the case of a lack of a quorum if the previous absent member is not allowed to be seated the issue will either be continued to another date or the entire issue will be presented from the start so that the previously absent member is aware of the entire issue. The decision on which way to proceed will be made by the chairperson, or vice chairperson in the absence of the chairperson.

Section 8. **Public Notice of Regular and Special Meetings.**

The Board hereby establishes the following methods whereby any person may determine the date, time and place of regular meetings of the Board, and the date, time, place and purpose(s) of special and emergency meetings of the Board:

(a) Regular Meetings – The secretary shall give notice of the Board’s Meeting schedule by posting either a copy of this Section 8 or a notice on the Violet Township Division of Communications bulletin board located at the Township Hall which states, in effect, that unless otherwise changed or cancelled, all regular meetings of the Violet Township Board of Zoning Appeals will be held on the third Thursday of each month at 7:30 p.m. at the Violet Township Hall located at 12970 Rustic Drive N.W., Pickerington, Ohio 43147, unless that day is a legal holiday under Ohio Law, in which case, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a Saturday or Sunday, or on such other day as the Board may determine. If the
date, time or location of a regular meeting is changed or cancelled, notice of the change or cancellation shall be posted on the Violet Township Division of Communications bulletin board at least twenty-four (24) hours prior to the meeting.

(b) Special and Emergency Meetings – The secretary shall give notice of the date, time, location and purpose(s) of a special meeting (other than an emergency meeting) by posting a notice in the same location as provided for posting notice of the Board’s regular meeting schedule. The notice shall be posted at least twenty-four (24) hours in advance of the meeting. In the case of an emergency meeting, the secretary shall, if sufficient time allows, give notice of an emergency meeting in the same manner as provided for non-emergency special meetings. Otherwise, notice of an emergency meeting is not required, except as provided below.

(c) Notice to News Media of Special and Emergency Meetings – News Media who have requested notice of special meetings shall be notified by the secretary of the date, time, location and purpose(s) of any such meeting at least twenty-four (24) hours in advance of the meeting. If the meeting is an emergency meeting, the secretary or the Board member or members calling it shall immediately notify the media who have requested such notification. News media wishing to receive such advance notification shall provide the secretary, in writing, with a mailing address, telephone number and facsimile number (and, if available, an e-mail address) for purposes of giving such notification.

(d) Notice of Meetings to Discuss Particular Business – The secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed to any person who has requested such notice. Persons wishing to receive such advance notification shall make such request in writing to the Board at 12970 Rustic Drive N. W., Pickerington, Ohio 43147 and shall list the requestor’s name, mailing address, telephone number and facsimile number (and, if available, an e-mail address), and the specific type of public business in which the requestor has a particular interest and desires notice. In addition, the requestor shall furnish the secretary of the Board with a sufficient number of stamped, self-addressed envelopes for mailing such notice. If time permits, the requestor will be notified of such meetings by mail. Otherwise, notice shall be by telephone, facsimile or e-mail. Any such request shall remain in force for twelve (12) months.
(e) Special Notice Required by Law — When a particular form or method of notice is required by statute for a public hearing or meeting of the Board, notice of the hearing or meeting shall be given in the form or manner prescribed by statute, in addition to notice otherwise required under this Section.

Section 9. Attendance of the Applicant.

The applicant or an authorized representative shall attend the hearing scheduled by the Board on such application. The failure of the applicant or the authorized representative to attend the hearing shall result in the Board continuing the hearing until the next regular meeting of the Board, or returning a negative vote to the applicant, whichever is decided by a majority vote of the Board. If extraordinary circumstances beyond such person’s control would prevent the applicant from attending the scheduled hearing, the applicant may submit, in writing, a request to table the application and reschedule the hearing. If extraordinary circumstances beyond such person’s control prevented the applicant from appearing or notifying the Board, in writing, prior to action taken by the Board, the applicant may based on the circumstances make a written request that the Board reconsider the application again at a subsequent regular meeting. This request shall be accompanied by any required tabling fee and shall be filed with the Zoning Inspector or secretary prior to the hearing and such request shall constitute a waiver of the time period within which such hearing would otherwise be required to be held. The Board may, in its discretion, grant such request and reschedule the hearing for such time or times as determined by the Board. Once a hearing is commenced, nothing herein shall prevent the Board from conducting the hearing on multiple days until its conclusion.

ARTICLE II

Members of the Board

Section 1. Purpose and Composition of the Board.

The purpose of the Board is to hear and decide appeals, variances, conditional uses and other matters, and to otherwise exercise those powers and duties conferred by law and the Violet Township Zoning Resolution, all of which shall be performed in compliance with Ohio Revised Code Chapter 519. The members of the Board shall consist of those five (5) individuals who are, from time to time, duly appointed and serving as members of the Violet Township Board of Zoning Appeals. The Violet Township Board of Trustees may appoint alternate(s) to the Board who, if so appointed, may take the place of an absent member at a Board meeting in accordance with the procedures prescribed by the Trustees. Unless a member (or alternate, if so appointed) earlier resigns, dies, is removed from the Board by the Violet Township Board of Trustees, or ceases to
reside inside of the unincorporated area of Violet Township, then each member shall serve on the Board until the member's successor is appointed and qualified.

Section 2. **Board Officers.**

The officers of the Board to be elected from among its members shall be a Chairperson and one vice chairperson.

Section 3. **Election of Officers.**

At the regular meeting held during the month of January in each calendar year at which a quorum is present, officers shall be nominated for election, with the person(s) receiving the greatest number of votes being deemed so elected. Each shall hold the status of such an officer at the pleasure of the Board.

Section 4. **Term of Office.**

Unless a member earlier resigns, is removed as hereinafter provided, or ceases to be a member of the Board, each officer shall hold office until January 31st of the next succeeding calendar year following such officer's election, or if the election is not held at the next succeeding January meeting following such officer's election or any adjournment thereof, until such time as an election of officers is held, and until a successor is duly elected and qualified.

Section 5. **Removal of an Officer.**

Any officer may be removed, without cause and at any time, by the Board at any regular meeting or special meeting; provided, however, that in the case of a special meeting, the notices (or waivers of notices) of the special meeting shall specify that such removal action is to be considered. In any case in which an officer is removed, such officer shall still remain and be a member of the Board unless removed as a member of the Board pursuant to Ohio Revised Code Chapter 519.

Section 6. **Resignation of an Officer.**

Any officer may resign such office at any time by giving written notice to the chairperson, vice chairperson, or secretary of the Board. Any such resignation shall take effect at the time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Notwithstanding the previous, no such resignation shall be construed as resigning one's status as a member of the Board unless such resignation so specifies therein and is delivered to the Violet Township Board of Trustees by or on behalf of such member.
Section 7. Powers, Authority, and Duties of the Board.

The Board shall have the powers and authority conferred and the duties prescribed by law, in addition to those specified or provided in the Violet Township Zoning Resolution and these Rules, unless otherwise conflicting with applicable law, in which case, applicable law shall prevail.

Section 8. The Chairperson of the Board.

The chairperson of the Board, if and while there an incumbent of the office, shall preside at all meetings of the Board at which the chairperson is present. The chairperson shall have and exercise general supervision over the conduct of the Board's affairs, its order of business and over its other officers and appointees; subject, however, to any contrary law. The chairperson shall see that all orders and directives of the Board are carried into effect. The chairperson or the chairperson's designee may administer oaths. Upon authorization of the Board and subject to applicable law, the chairperson or designee may compel the attendance of witnesses.

Section 9. The Vice Chairperson.

If and while there is no incumbent of the office of the chairperson of the Board, and during the absence of the chairperson of the Board, the vice chairperson shall have the duties and authority specified for the office of chairperson, and shall perform such other duties as may be assigned by the Board or by the chairperson. In the absence of the chairperson and vice chairperson, the member of the Board having the longest tenure on the Board present at the meeting will assume the position of interim chairperson, unless the senior person wishes to relinquish that responsibility to other member. The interim chairperson shall carry out all or any portion of the duties of the chairperson.

ARTICLE III

The Secretary

The Board shall designate an individual to serve as secretary of the Board. The person designated as secretary is not required to be a Board member; provided, however, that only those individuals duly appointed and serving as members of the Board shall be entitled to vote on matters coming before the Board. The person designated as secretary shall serve in the position at the pleasure of the Board. The duties of the secretary shall include the following:

(a) Tape record the proceedings of all meetings of the Board.
(b) Make a written record of the meeting in the form of minutes.

(c) Transcribe all tape recordings of all meetings into written form, and be the custodian of the original signed copy. After approval and signed authorization of the minutes in written form, the tape recording of the meeting shall be erased for further use.

(d) Confirm with the Zoning Inspector that all notices are duly given in accordance with these Rules or as required by law;

(e) See that all documents, reports, and records required by law are properly kept and filed; and

(f) In general, perform all duties incident to the office of secretary and Such other duties as from time to time may be assigned by the Board or the chairperson.

In the absence of the secretary, the chairperson may designate an interim secretary to carry out all or any portion of such duties.

ARTICLE IV

Amendment of Rules of Procedure

At any meeting of the Board, these Rules may be amended or repealed in whole or in part, or new Rules added thereto and adopted, by the affirmative vote of a majority of all of the members of the Board.

ARTICLE V

Repeal of Previous Rules

All Rules of Procedure previously adopted by the Board of Zoning Appeals are hereby repealed and declared to be void and of no further force or effect from and after the date these Rules are adopted by the Board.

(End of Rules of Procedure)
PERRY TOWNSHIP
BOARD OF ZONING APPEALS
(the "Board")

RULES OF PROCEDURE

Adopted ______________, 2003

ARTICLE I

Meetings of Board

Section 1. Organization of Meetings.

At each meeting of the Board, the chairperson, or in the absence of the chairperson, the vice chairperson, shall act as chairperson. The person designated by the Board as its secretary shall act as, and perform the duties of, secretary of the meeting. If no such person is present at a meeting, any person who the chairperson of the meeting appoints shall act as secretary of the meeting.

Section 2. Place of Meetings.

All regular and special meetings of the Board shall be held at the Perry Township Hall commencing at 7:00 p.m. or at such other time and place, as may from time to time be fixed by the Board, or as shall be specified or fixed in the notice of the particular meeting.

Section 3. Regular Meetings.

Unless otherwise postponed or cancelled, regular meetings of the Board shall be held on the second Tuesday of every month, if not a legal holiday, but if that day is a legal holiday under Ohio law, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a Saturday or Sunday, or on such other day as the Board may determine. Regular meetings may be postponed or cancelled in advance by or at the direction of the chairperson, vice chairperson or any two Board members for reasons of either an anticipated lack of a quorum or a lack of business.

Section 4. Special Meetings.

Special meetings of the Board shall be held whenever called by the chairperson, vice chairperson or any two Board members. Every Board member shall furnish the secretary of the Board with a telephone number and an address (and, if available, a facsimile number and e-mail address) at which notice of meetings and all other Board notices may be served on or mailed to such member. Unless waived before, at, or after the meeting as hereinafter provided, notice of each such meeting shall be given by the chairperson, the vice chairperson, the persons calling such meeting, or the secretary to each member in any of the following ways:

(a) By orally informing the member of the meeting in person or by telephone at least twenty-four (24) hours before the date of the meeting.
(b) By personal delivery of written notice to the member at least twenty-four (24) hours before the date of the meeting.

(c) By mailing written notice to the member, or by sending notice to the member by facsimile transmission, e-mail, telegram or cablegram, postage or other costs prepaid, addressed to the member at the address furnished by such member to the secretary of the Board, or to such other address as the person sending the notice shall know to be correct. Such notice shall be posted or dispatched a sufficient length of time before the meeting so that in the ordinary course of the mail or the transmission of facsimiles, e-mails, telegrams or cablegrams, delivery thereof would normally be made to a member not later than twenty-four (24) hours before the date of the meeting.

The notice to Board members for a special meeting shall specify the date, time, location and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings. Unless otherwise required by the laws of the State of Ohio, notice of any meeting of the Board may be waived by any member, either before, at, or after the meeting, in writing, or by facsimile, e-mail, telegram or cablegram.

Section 5. **Quorum.**

Three (3) members of the Board shall constitute a quorum. In the absence of a quorum at any meeting or any adjournment thereof, any member may adjourn the meeting from time to time. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 6. **Order of Business.**

The order of business at meetings of the Board shall be such as the chairperson may prescribe or follow; subject, however, to the chairperson being overruled with respect thereto by a majority of the members of the Board present.

Section 7. **Voting.**

Each member present at a meeting shall be entitled to one vote. Votes shall be made orally. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or assistant; to approve any variance or conditional use permit; or to decide in favor of an applicant on any matter which the Board is required to hear under the Perry Township Zoning Resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and an affirmation of the decision of the zoning officer.

Section 8. **Public Notice of Regular and Special Meetings.**

The Board hereby establishes the following methods whereby any person may determine the date, time and place of regular meetings of the Board, and the date, time, place and purpose(s) of special and emergency meetings of the Board:
(a) **Regular Meetings** – The secretary shall give notice of the Board's regular meeting schedule by posting either a copy of this Section 8 or a notice on the Perry Township Division of Communications bulletin board located at the Township Hall which states, in effect, that unless otherwise changed or cancelled, all regular meetings of the Perry Township Board of Zoning Appeals will be held on the second Tuesday of each month at 7:00 p.m. at the Perry Township Hall located at 7125 Sawmill Road, Dublin, Ohio 43017, unless that day is a legal holiday under Ohio Law, in which case, the regular meeting for that month shall be held on the next succeeding weekday which is not a legal holiday or a Saturday or Sunday, or on such other day as the Board may determine. If the date, time or location of a regular meeting is changed or cancelled, notice of the change or cancellation shall be posted on the Perry Township Division of Communications bulletin board at least twenty-four (24) hours prior to the meeting.

(b) **Special and Emergency Meetings** – The secretary shall give notice of the date, time, location and purpose(s) of a special meeting (other than an emergency meeting) by posting a notice in the same location as provided for posting notice of the Board's regular meeting schedule. The notice shall be posted at least twenty-four (24) hours prior to the meeting. In the case of an emergency meeting, the secretary shall, if sufficient time allows, give notice of an emergency meeting in the same manner as provided for non-emergency special meetings. Otherwise, notice of an emergency meeting is not required, except as provided below.

(c) **Notice to News Media of Special and Emergency Meetings** – News media who have requested notice of special meetings shall be notified by the secretary of the date, time, location and purpose(s) of any such meeting at least twenty-four (24) hours in advance of the meeting. If the meeting is an emergency meeting, the secretary or the Board member or members calling it shall immediately notify the media who have requested such notification. News media wishing to receive such advance notification shall provide the secretary, in writing, with a mailing address, telephone number and facsimile number (and, if available, an e-mail address) for purposes of giving such notification.

(d) **Notice of Meetings to Discuss Particular Business** – The secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed to any person who has requested such notice. Persons wishing to receive such advance notification shall make such request in writing to the Board at 7125 Sawmill Road, Dublin, Ohio 43017 and shall list the requestor's name, mailing address, telephone number and facsimile number (and, if available, an e-mail address), and the specific type of public business in which the requestor has a particular interest and desires notice. In
addition, the requestor shall furnish the secretary of the Board with a sufficient number of stamped, self-addressed envelopes for mailing such notice. If time permits, the requestor will be notified of such meetings by mail. Otherwise, notice shall be by telephone, facsimile or e-mail. Any such request shall remain in force for twelve (12) months.

(e) Special Notice Required by Law – When a particular form or method of notice is required by statute for a public hearing or meeting of the Board, notice of the hearing or meeting shall be given in the form or manner prescribe by statute, in addition to notice otherwise required under this Section.

Section 9. Attendance of the Applicant.

The applicant or an authorized representative shall attend the hearing scheduled by the Board on such application. The failure of the applicant or the authorized representative to attend the hearing shall result in the Board proceeding to conduct the hearing in his or her absence. If extraordinary circumstances beyond such person’s control would prevent the applicant from attending the scheduled hearing, the applicant may submit, in writing, a request to table the application and reschedule the hearing. This request shall be accompanied by any required tabling fee and shall be filed with the Zoning Inspector or secretary prior to the hearing, and such request shall constitute a waiver of the time period within which such hearing would otherwise be required to be held. The Board may, in its discretion, grant such request and reschedule the hearing for such time or times as determined by the Board. Once a hearing is commenced, nothing herein shall prevent the Board from conducting the hearing on multiple days until its conclusion.

ARTICLE II

Members of the Board

Section 1. Purpose and Composition of the Board.

The purpose of the Board is to hear and decide appeals, variances, conditional uses and other matters, and to otherwise exercise those powers and duties conferred by law and the Perry Township Zoning Resolution, all of which shall be performed in compliance with Ohio Revised Code Chapter 519. The members of the Board shall consist of those five (5) individuals who are, from time to time, duly appointed and serving as the members of the Perry Township Board of Zoning Appeals. The Perry Township Board of Trustees may appoint an alternate(s) to the Board who, if so appointed, may take the place of an absent member at a Board meeting in accordance with the procedures prescribed by the Trustees. Unless a member (or alternate, if so appointed) earlier resigns, dies, is removed from the Board by the Perry Township Board of Trustees, or ceases to reside outside of the unincorporated area of Perry Township, then each member shall serve on the Board until the member’s successor is appointed and qualified.

Section 2. Board Officers.

The officers of the Board to be elected from among its members shall be a chairperson and one vice chairperson.

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Section 3.  Election of Officers.

At the regular meeting held during the month of January in each calendar year at which a quorum is present, officers shall be nominated for election, with the person(s) receiving the greatest number of votes being deemed so elected. Each shall hold the status of such an officer at the pleasure of the Board.

Section 4.  Term of Office.

Unless a member earlier resigns, is removed as hereinafter provided, or ceases to be a member of the Board, each officer shall hold office until January 31 of the next succeeding calendar year following such officer's election, or if the election is not held at the next succeeding January meeting following such officer's election or any adjournment thereof, until such time as an election of officers is held, and until a successor is duly elected and qualified.

Section 5.  Removal.

Any officer may be removed, without cause and at any time, by the Board at any regular meeting or special meeting; provided, however, that in the case of a special meeting, the notices (or waivers of notices) of the special meeting shall specify that such removal action was to be considered. In any case in which an officer is removed, such officer shall still remain and be a member of the Board unless removed as a member of the Board pursuant to Ohio Revised Code Chapter 519.

Section 6.  Resignations.

Any officer may resign such office at any time by giving written notice to the chairperson, vice chairperson, or secretary of the Board. Any such resignation shall take effect at the time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Notwithstanding the previous, no such resignation shall be construed as resigning one's status as a member of the Board unless such resignation so specifies therein and is delivered to the Perry Township Board of Trustees by or on behalf of such member.

Section 7.  Powers, Authority, and Duties of the Board.

The Board shall have the powers and authority conferred and the duties prescribed by law, in addition to those specified or provided in the Perry Township Zoning Resolution and these Rules, unless otherwise conflicting with applicable law, in which case, applicable law shall prevail.

Section 8.  The Chairperson of the Board.

The chairperson of the Board, if and while there be an incumbent of the office, shall preside at all meetings of the Board at which the chairperson is present. The chairperson shall have and exercise general supervision over the conduct of the Board’s affairs, its order of business and over its other officers and appointees; subject, however, to any contrary law. The chairperson shall see that all orders and directives of the Board are carried into effect. The chairperson or the chairperson’s designee may administer oaths. Upon authorization of the Board and subject to applicable law, the chairperson or designee may compel the attendance of witnesses.
Section 9. **The Vice Chairperson.**

If and while there is no incumbent of the office of the chairperson of the Board, and during the absence of the chairperson of the Board, the vice chairperson shall have the duties and authority specified for the office of chairperson, and shall perform such other duties as may be assigned by the Board or by the chairperson. In the absence of the chairperson and vice chairperson, the Board may designate an interim chairperson to carry out all or any portion of such duties.

**ARTICLE III**

**The Secretary**

The Board shall designate an individual to serve as secretary of the Board. The person designated as secretary is not required to be a Board member; provided, however, that only those individuals duly appointed and serving as members of the Board shall be entitled to vote on matters coming before the Board. The person designated as secretary shall serve in this position at the pleasure of the Board. The duties of the secretary shall include the following:

(a) Keep the minutes of all meetings of the Board in a written or taped form, and be custodian of the Board’s records;

(b) See that all notices are duly given in accordance with these Rules or as required by law;

(c) Exhibit at all reasonable times the aforesaid records of the Board;

(d) See that all documents, reports, and records required by law are properly kept and filed; and

(e) In general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the Board or the chairperson.

In the absence of the secretary, the chairperson may designate an interim secretary to carry out all or any portion of such duties.

**ARTICLE IV**

**Amendment of Rules of Procedure**

At any meeting of the Board, these Rules may be amended or repealed in whole or in part, or new Rules added thereto and adopted, by the affirmative vote of a majority of all of the members of the Board.
ARTICLE V

Repeal of Previous Rules

All Rules of Procedure previously adopted by the Board are hereby repealed and declared to be void and of no further force or effect from and after the date these Rules are adopted by the Board.

(End of Rules of Procedure)
§ 121.22. Meetings of public bodies to be public; exceptions.

(A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 [149.01.1] of the Revised Code.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (I) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;


(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 [4723.28.1] of the Revised Code;

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code.

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750, of the Revised Code.

(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122, or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the authority, council, or board not subject to this division, shall be open to the public and governed by this section.
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

1. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

2. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

3. Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (I) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I) (1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2) (a) If the court of common pleas issues an injunction pursuant to division (I)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I)(2) of this section, reasonable attorney’s fees. The court, in its discretion, may reduce an award of attorney’s fees to the party that sought the injunction or not award attorney’s fees to that party if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney’s fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

HISTORY: 125 v 534 (Eff 1-31-54); 126 v 303 (Eff 9-30-55); 129 v 582 (Eff 1-10-61); 136 v S 74 (Eff 11-28-75); 138 v H 440 (Eff 3-13-81); 140 v S 227 (Eff 7-14-83); 141 v H 201 (Eff 7-1-85); 141 v S 279 (Eff 7-24-86); 141 v S 74 (Eff 9-3-86); 141 v H 769 (Eff 3-17-87); 142 v H 529 (Eff 6-14-88); 142 v S 150 (Eff 6-29-88); 142 v S 367 (Eff 12-14-88); 144 v S 326 (Eff 4-16-93); 145 v H 111 (Eff 2-9-94); 145 v S 238 (Eff 4-19-94); 145 v H 571 (Eff 10-6-94); 146 v H 98 (Eff 11-9-95); 146 v H 670 (Eff 12-2-96); 147 v H 26 (Eff 5-6-98); 147 v H 606 (Eff 3-9-99); 148 v S 55 (Eff 10-26-99); 148 v H 448, § 1 (Eff 10-5-2000); 148 v S 111 (Eff 12-24-2000); 148 v H 448, § 3 (Eff 12-24-2000); 148 v S 172, §§ 1, 3 (Eff 2-12-2001); 148 v H 506 (Eff 4-10-2001); 149 v S 184. Eff 5-15-2002; 150 v S 222, § 1, eff. 4-27-05.

Effect of Amendments

150 v S 222, effective April 27, 2005, in the first paragraph of (G)(7), inserted "or a municipal hospital operated pursuant to Chapter 749, of the Revised Code".

COURT OF APPEALS
DELaware county, Ohio
fifth appellate district

LAURIE SUE GROFF-KNIGHT, ET AL.

Plaintiffs-Appellants

vs.

BOARD OF ZONING APPEALS OF
LIBERTY TOWNSHIP

Defendant-Appellee

JUDGES:
Hon. William B. Hoffman, P.J.
Hon. Sheila G. Farmer, J.
Hon. John F. Boggins, J.

Case No. 03CAH08042

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Court of Common Pleas,
Case No. 03CVF03215

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

APPEARANCES:

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Court of Appeals
Delaware Co., Ohio
I hereby certify the within be a true copy of the original on file in this office.
Jan Antohoplos, Clerk of Courts
By: Collins Deputy