

**Parliamentary Procedures 101**  
**How to Properly Run a Township Meeting**

---

Peter N. Griggs  
**Brosius, Johnson & Griggs, LLC**  
 1600 Dublin Road, Suite 100  
 Columbus, Ohio 43215  
 (614) 464-3563  
[pgriggs@bjglaw.net](mailto:pgriggs@bjglaw.net)

1

---

---

---

---

---

---

---

---

**Golden Rule of Township Law**

- “[i]t is settled that . . . the [township] trustees can exercise only those powers conferred by statute, or such others as are necessarily to be implied from those granted”

*Trustees of New London Twp. v. Miner*, 26 Ohio St. 452 (1875); *Drees Co. v. Hamilton Twp.*, 132 Ohio St.3d 186, 2012-Ohio-2370, 970 N.E.2d 916.

2

---

---

---

---

---

---

---

---

**Ohio Sunshine Law**

- R.C. 121.22(A) – public officials are required to “take official action and conduct all deliberations upon official business” only in open meetings unless there is a specific exception.
  - A public body is “any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any . . . township . . . .”
  - “‘Meeting’ means any prearranged discussion of the public business of the public body by a majority of its members.” (B)(2)
    - Includes via phone, video conference, email, text, tweet, or other form of communication. *White v. King* (OH Supreme Ct.)
  - No “round-robin” meetings.

3

---

---

---

---

---

---

---

---

- **Special meetings – R.C. 121.22(F)**
  - Any meeting at a different time than the regular meeting.
  - Purpose: transacting any Township business the Board wishes to transact.
  - Must be open to the public.
    - A public body must, by rule, establish a reasonable method whereby persons can determine the time and place of regular meetings and the time, place, and purpose of a special meeting.
    - Rule must 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."
      - Example: "mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person."
- Notice
  - Must state purpose of meeting.
  - All Trustees must be notified, preferably in writing.
  - Must give 24 hours' notice to media that have requested, of the time, place, and purpose.
  - Notifying public – give at least 24 hours' notice. Follow your rules for letting the public know. Some Townships post special meeting notices on front door of Township Hall, bulletin board, or Township website.
- "Stacking" meetings – back-to-back special and regular meetings.

- **Emergency meetings**
- When immediate official action is required.
- Immediately give notice to media (time, place, and purpose).
- No executive sessions.
- **Executive sessions...**

---

---

---

---

---

---

---

---

---

---

---

---

4

*EXAMPLE*

**TOWNSHIP BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETING**

The \_\_\_\_\_ Township Board of Trustees will hold a Special Meeting on \_\_\_\_\_, 201\_\_\_\_, at \_\_\_\_\_ a.m./p.m., to be held at \_\_\_\_\_. The purpose of the Special Meeting is to \_\_\_\_\_.

**TOWNSHIP BOARD OF TRUSTEES**  
\_\_\_\_\_, Trustee

---

---

---

---

---

---

---

---

---

---

---

---

5

### Executive Sessions:

Limited exceptions to the open meetings requirement (R.C. 121.22(G)(1))

1. **To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official..**
2. **To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 5925.10 of the Revised Code, 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.**
  - \*\*NEW; underlined language was effective September 28, 2016.
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.**

---

---

---

---

---

---

---

---

---

---

---

---

6

7. In the case of . . . a joint township hospital operated pursuant to Chapter 513, of the Revised Code, to consider trade secrets, as defined in section 1333-51 of the Revised Code.

8. To consider **confidential information** related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

- (a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of [specific R.C. sections], or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project. [and]
- (b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

7

---

---

---

---

---

---

---

---

---

---

### Executive Session Procedures

- Motion to go into executive session for permitted topic (need a second; majority of a quorum; roll call vote); note the time for the record.
  - Be specific, and don't get fancy. Quote the statutory language regarding the type of executive session you're using.
- "[T]he 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 exception matters.
- Motion to enter into executive session must state which one or more of the approved matters is to be considered.
- Do not need to take minutes of details of the executive session.
- Ohio Ethics laws and confidentiality concerns.
- Coming out of executive session; note the time for the record.

8

---

---

---

---

---

---

---

---

---

---

### Sunshine Law Resources

- *White v. King*, 147 Ohio St.3d 74, 2016-Ohio-2770  
(holding that R.C. 121.22 prohibits any prearranged discussion of public business by a majority of the members of the public body regardless of whether the discussion occurs face-to-face, via email, etc.).
- Ohio Attorney General's "Yellow Book" - <http://www.ohioattorneygeneral.gov/yellowbook>
  - FAQs - <http://www.ohioattorneygeneral.gov/FAQ/Sunshine-laws-FAQs>
- Ohio State Bar Association FAQs - <https://www.ohioabar.org/ForPublic/Resources/LawYouCanUse/Pages/LawYouCanUse-191.aspx>

9

---

---

---

---

---

---

---

---

---

---

### Video Clip



- [“Parks & Recreation” Meetings](#)

10

---

---

---

---

---

---

---

---

### Board of Trustees

- Generally acting in legislative capacity.
- R.C. 505.01 – Election of Chair at first meeting of the year
  - Chairman's Role
    - > Maintain order
    - > Enforce the rules
    - > Operate in an expedient and impartial manner
    - > Conduct business in a calm and objective manner
    - > Focus the group and not allow irrelevant discussion
    - > Provide clarification
  - Chairman's Responsibilities
    - > Arrive early and start meetings on time
    - > Develop a well prepared agenda and stick to it
    - > Contact those with reports prior to the meeting
    - > To be familiar with procedural rules of the by-laws, the standing rules and the customs of the group and parliamentary procedure
    - > Clarify motions and votes

11

---

---

---

---

---

---

---

---

### Board of Trustees - (continued)

- Quorum
- Notices
  - Public Hearings – publication in newspaper(s) of general circulation in the Township at least (#) days before the hearing date.
- Documents Provided to Trustees

12

---

---

---

---

---

---

---

---

**Board of Trustees - (continued)**

- **Agenda**
  - Call to Order
  - Roll call of members present
  - Reading of minutes of last meeting
  - Office reports
  - Committee reports
  - Special orders
  - Unfinished business
  - Announcements
  - Adjournment
  - Providing agenda to public – Ohio Atty.Gen.Ops. No. 2007-019.

13

---

---

---

---

---

---

---

---

**Board of Trustees - (continued)**

- **Motions**
  - Main Motions
  - Subsidiary Motions
  - Privileged Motions
  - Incidental Motions
- **Types of Motions**
  - Main Motions – a main motion brings business before the assembly. It can only be made when no other motion is pending and ranks lowest in the order of precedence of motions.
  - Subsidiary Motions – subsidiary motions assist the assembly in considering or disposing of a main motion (and sometimes other motions). Subsidiary motions fall into the order of precedence.
  - Privileged Motions – privileged motions do not relate to the pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. Like subsidiary motions, the privileged motions fit into an order of precedence.
  - Incidental Motions – incidental motions deal with questions of procedure arising out of other motions or business. They have no order of precedence among themselves. Instead, they arise incidentally and are decided as they arise.

14

---

---

---

---

---

---

---

---

**Board of Trustees - (continued)**

- **Subsidiary Motion**
  - Postpone indefinitely
  - Amend
  - Refer
  - Postpone to a certain time
  - Limit or extend limits of debate
  - Previous question
  - Table
- **Privileged Motions**
  - Orders of the Day
  - Question (point) of privilege
  - Recess
  - Adjourn
  - Fix time to which to adjourn

15

---

---

---

---

---

---

---

---

**Board of Trustees - (continued)**

- **Incidental Motions**
  - Point of order
  - Suspension of the rules
  - Objection to consideration
  - Consideration seriatim
  - Division of the meeting
  - Motions related to methods of voting
  - Motions related to nominations
  - Requests and inquires
- **Precedence of Motions**
  - **Privileged Motions**
    - > Adjourn
    - > Recess
    - > Question of privilege

---

---

---

---

---

---

---

---

---

---

16

**Board of Trustees - (continued)**

- **Subsidiary Motions**
  - > Lay on the table
  - > Previous question (end debate)
  - > Limit or extend debate
  - > Postpone to a certain time (or "postpone" definitely)
  - > Commit or refer (to committee)
  - > Amend
  - > Postpone indefinitely
- **Main Motion**
- **Resolutions vs. Motions**
  - Check if statute, rule, or regulation requires a resolution.

---

---

---

---

---

---

---

---

---

---

17

**Board of Trustees - (continued)**

- **Minutes**
  - Fiscal Officer must keep an accurate record of the proceedings of the Board of Trustees. R.C. 507.04.
  - Minutes must be "promptly recorded" and "open to public inspection." R.C. 121.22.
  - Fiscal Officer must have previous meeting minutes ready for signature.
  - Contents of minutes
- **Meeting Rules & Procedures – R.C. 505.09**
  - Adopt rules
  - Be consistent

---

---

---

---

---

---

---

---

---

---

18

## Zoning Commission

- **Generally legislative capacity.**
  - EXCEPT, for example – overlay zoning districts (R.C. 519.021 – initial rezoning is referendable; later approvals are appealable under R.C. 2506)
- **Quorum**
- **Organization & Meetings**
  - Zoning Commission is required to organize and adopt rules in accordance with Zoning Resolution.
  - Must keep records of its actions and determinations.
  - R.C. 519.12 – “a trap for the unwary”
    - Watch notice and timing requirements!
  - Hearings
    - Establish ground rules – order of presentation, number of speakers and time limits, sign-in sheet, recording, speaking at podium, etc.
    - The motion – engage in discussion, articulate a legitimate basis, and beware of “conditions.”
- **Sunshine Law**
  - No executive session.
  - A public body must, by rule, establish a reasonable method whereby persons can determine the time and place of regular meetings and the time, place, and purpose of a special meeting.

---

---

---

---

---

---

---

---

---

---

19

## Board of Zoning Appeals (BZA)

- BZA has three primary functions: hearing appeals, authorizing variances, and granting conditional uses. R.C. 519.14.
- **Quasi-judicial capacity.**
  - Requires the formalities of a hearing:
    - Witnesses must be sworn, but beware of mass swearing-in of witnesses. *But see John P. Raich, Inc. v. BZA, City of Moraine*, 2d Dist. Montgomery No. 17561, 1999 WL 397347 (June 18, 1999).
  - Applicant is entitled to submit evidence and a BZA must provide for examination and cross-examination of witnesses. *See Set Products, Inc. v. Bainbridge Township Board of Zoning Appeals* (1987), 31 Ohio St.3d 260.
  - BZA must base its decision upon the evidence presented. Objections of a large number of residents of an affected neighborhood are not, alone, a sound basis for the denial of an application. *Pinnacle Woods Survival Game, Inc. v. Hamblen Twp. Zoning Inspector*, 33 Ohio App.3d 139 (11th Dist.1986).
  - BZA must issue a written decision which should contain specific findings of fact upon which the decision is based. Otherwise, the common pleas court may hear additional evidence. BZA has authority to attach conditions to the granting of a variance or conditional use permit. *Families Against Reilly/Morgan Sites v. Butler County Board of Zoning Appeals* (1986), 56 Ohio App.3d 96. However, BZA may not place conditions on a permitted use. *BP Oil Co. v. Dayton BZA*, 109 Ohio App.3d 423 (2d Dist.1996).
  - BZA may deliberate privately; R.C. 121.22 does not apply. Ohio Atty.Gen.Ops. No. 00-035.
  - BZA should not discuss the case, whether among BZA members or with applicants/opponents, outside of official proceedings.
- **Quorum**
- **Decisions are not subject to referendum but are appealable.**

---

---

---

---

---

---

---

---

---

---

20

- **Appeals from determinations of Zoning Inspector (R.C. 519.15)**
  - Appeal must be taken within 20 days of administrative officer’s decision.
  - File notice of appeal with officer and BZA, specifying grounds of appeal.
  - By anyone “aggrieved.”
  - Decision within a reasonable period of time.
  - Notice of hearing to “parties in interest.” Also - what does your Zoning Resolution require?
- **Reconsideration**
  - BZA has the inherent authority to reconsider its own decision. *State, ex rel. Borsuk v. Cleveland*, 28 Ohio St.2d 224, 277 N.E.2d 419 (1972). However, the ability to reconsider a decision only exists until the actual institution of a court appeal or until expiration of the time for appeal. *Holmes, Inc. v. Board of Zoning Appeals*, 35 Ohio. App.3d 161 (1987). Make decision within reasonable period of time.

---

---

---

---

---

---

---

---

---

---

21

### Other Public Bodies

**Architectural Review Board** (R.C. 519.171).

- Permits the Trustees to adopt landscaping and architectural compliance standards and procedures.
- In lieu of an architectural review board, the Trustees may delegate this enforcement authority to the Zoning Inspector or Zoning Commission.
- An architectural review board must consist of no more than five residents and at least one must be a licensed architect or engineer.

---

---

---

---

---

---

---

---

22

### Other Considerations

- Member(s) of one public body attending meeting of another public body.
- Recusal/Abstention
  - Be cautious – failure to recuse, if you should have done so, can result in significant issues.
  - Ask your legal counsel.

---

---

---

---

---

---

---

---

23

### Questions?

---

---

---

---

---

---

---

---

24

**Contact Information**

Peter N. Griggs  
**Brosius, Johnson & Griggs, LLC**  
1600 Dublin Road, Suite 100  
Columbus, Ohio 43215  
(614) 464-3563  
[pgriggs@bjglaw.net](mailto:pgriggs@bjglaw.net)

---

---

---

---

---

---

---

---