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## Motions, Resolutions, and Ordinances

Presented by:  
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Chief Legal Counsel



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## Rules of Ohio Public Bodies



- Board of Township Trustees determine rules (ORC 504.09)
  - Majority = Quorum
- Municipal Legislative Authority (ORC 731.44 and 705.15)
  - Judge of election and qualification of members
  - Majority = Quorum
    - Lesser number may adjourn from day to day and compel attendance of members
    - Affirmative Vote of all members to pass legislation
- Board of County Commissioners (ORC 305.08)
  - Majority = Quorum



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## Rules of Ohio Public Bodies (continued)

- Municipal Procedures (ORC 731.17)
  - Read by title only unless body requires full reading
  - Read on three separate days
    - May suspend this rule by ¾ vote
  - Passing ordinance or resolutions
    - Vote by yeas and nays
    - Majority of all members
  - Other actions by majority vote
- Establish own rules (ORC 731.45)




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## Motions



Formal proposal that proposes specific action

Placed to the body before debate and discussion





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## Classes of Motions

Main Motions

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Secondary Motions

Subsidiary

Privileged

Incidental



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## Precedence of Motions *(Pronounced Pre-Seed-Ins)*

- Priority of motions
- When a motion is pending
  - Any motion above is in order
  - Any motion below it is not



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## Main Motions

- Proposes specific action by the body
- Consider only one at a time
- One made and seconded must be disposed of
- Lowest ranking in order of preference for consideration



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## Secondary Motions

- Related to and takes preference over main
- Can be considered while main is pending
- Must be disposed of before acting on main



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## Types of Secondary Motions

- Incidental
- Subsidiary
- Privileged



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## Subsidiary Motions

*Assist in Disposing of Another Motion*

- Examples:
  - To amend
  - To postpone definitely
  - To lay on table



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## Incidental Motions

- Raise questions as to pending business or how to address pending business
- Examples:
  - Point of order
  - Point of information
  - Appeal the ruling of the chair
  - Suspend the rules
  - Consider by paragraph



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## Privileged Motions

- Matters of immediate importance which justify interruption
- Examples:
  - Orders of the day
  - Raise a question of privilege
  - Recess
  - Adjourn



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## Motions That Bring a Matter Back Before the Body

- Examples:
  - Take from the table
  - Reconsider
  - Rescind
  - Discharge a committee



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## Motions That Require Majority Vote

- Main motion
- Adjournment
- Recess
- Lay on the table
- Refer to committee
- Amend
- Reconsider
- Rescind (with prior notice)
- Postpone indefinitely
- Postpone definitely



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## Under Ohio Revised Code . . .

*The Majority Rules Most of the Time*



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## Motions That Require 2/3 Vote



- Previous question
- Limit or extend debate
- Object to consideration of a question
- Suspend the rules
- Rescind (without prior notice)
- Discharge committee (without prior notice)



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## Examples *Actions Requiring 2/3 Vote*

- City sell real estate to county without bid (ORC 721.29)
- Municipality certain conveyances to the U.S. Government (ORC 721.26)
- Municipal emergency no-bid contract (ORC 731.051)
- Disapproval of certain actions of city planning commission (ORC 713.02)
- Suspension or removal of village marshal (ORC 737.171)
- City override mayor's veto (ORC 731.27)
- Authorize absence of member (ORC 705.13)



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## Examples

### *Actions Requiring 2/3 Vote (continued)*

- Pass municipal legislation as emergency with immediate effect (ORC 731.30)
- Expel member of municipal legislative body for two months absence (ORC 731.45)
  - Requires 2/3 vote of all members
  - Requires notice and opportunity to be heard
- Removing village administrator without consent of mayor (ORC 735.271)
- Suspend rules requiring three readings (ORC 731.17)



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# Presenting a Motion



Maker should say:

- "I move that . . ." OR "I move to . . ."
- Never "I make a motion to . . ."
- " OR "I make a motion that . . ."

Must be seconded:

- Indicates only agreement to allow debate



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# Statutory References – Township Resolutions



*Not exhaustive*



- 505.10 . . . . Acceptance or disposal of property
- 505.1010 . . . Purchase of property at auction
- 505.48 . . . . Creation of police district
- 505.871 . . . Removal of junk motor vehicles
- 505.89 . . . . Imposition of curfew
- 505.94 . . . . Control of transient vendors



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# Statutory References – Township Resolutions (continued)



- 505.95 . . . Regulation of resale of tickets
- 511.18 . . . Action on petition for township park
- 511.28 . . . Submission of township park levy
- 515.08 . . . Payment of interest on lighting assessment
- 515.16 . . . Assessment for removal of overhead lines
- 519.02 . . . Zoning resolution



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RESOLUTIONS REVISING OR AMENDING-  
ORC 502.12  
LIMITED HOME RULE TOWNSHIPS

- Contain entire resolution or affected section or division
- May amend before final passage by majority vote
- May revise, codify, and publish resolutions in book form
  - 731 process



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RESOLUTIONS, FORM, READING  
ORC 504.10  
LIMITED HOME RULE TOWNSHIPS

- Resolutions
  - Written form
  - Introduced by a member
- Form and style determined by board
- One subject only
  - Expressed in title
  - Except appropriations
  - Except codification
- Read by title only
  - Majority motion to read in full
- Two separate days
  - Waive by majority vote



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RESOLUTIONS, VOTING, EFFECTIVE  
DATE, RECORDING - ORC 504.11  
LIMITED HOME RULE TOWNSHIPS

- Yea and nay vote
  - Recorded on journal
  - Majority vote
  - Effective thirty days after passage
    - Emergency/Unanimous vote
    - Immediate preservation public peace, health, safety or welfare
    - Statement of necessity
- Authenticated by fiscal officer
  - Failure not invalidate
- Immediate or designated effect
  - Question to electorate; proceed with election; revision, codification, recodification, or publication of resolutions,
- Record resolutions
  - Fiscal officer or deputy authenticate



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## Municipal Resolutions

- Formal expression of opinion or intention
- Censure Commendation
- Temporary or transitory



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## Municipal Ordinances

- Law
- Permanent enactment
- Statutes



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## Statutory References – Municipal Resolutions

*Not exhaustive*

- 703.10 . . . Resolution to take census
- 703.16 . . . Surrendering of city to village
- 709.50 . . . Removing territory from township
- 719.04 . . . Intent to appropriate property
- 727.171 . . . Off-street parking assessments
- 729.02 . . . Resolution of necessary for sidewalks



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## CHARTER MUNICIPALITY- ORC 701.05

- Charter Municipality
  - Alternative method of passage and publication
    - Legislation
    - Making of improvements
    - Levying of assessments
  - May utilize:
    - ORC procedures or
    - Charter procedures



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## PUBLICATION OF ORDINANCES, RESOLUTIONS, OR SUMMARIES - ORC 705.16

- Ordinances and Resolutions
  - Effective after thirty days
  - Except under ORC 705.75-Mayor's veto
- Succinct summary promptly published
  - Rate set under Section 7.10
  - Newspaper of general circulation
  - Headline-Eighteen point type
  - Specify the nature of legislation
  - Complete text available
    - Clerk and other location council designates
  - Reviewed by legal counsel
- Complete text copy provided upon request
  - Charge reasonable cost
- Post copy of text
  - Clerk's office
  - Other places as council designates



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## PUBLICATION RATE - ORC 7.10

- Publication of advertisements, notices or proclamations
  - Required to be published by law
  - County, municipal corporation, township, school, other subdivision
- Government rate
  - Not exceed lowest classified advertising rate and lowest insert rate
- Set in compact form without unnecessary spaces, blanks, or headlines
- Not less than six point type
  - Body of capital M no wider than high and others in proportion
- Posted on newspapers website at no charge



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## TIMES OF ORC 721.21 PUBLICATION - ORC 721.22

- Summaries of ordinances, resolutions, and proclamations of elections
  - Once a week for two consecutive weeks or
  - ORC Section 7.16 alternative
- Notices
  - Not less than two nor more than four consecutive weeks or
  - ORC Section 7.16 alternative



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## PROCEDURE FOR LEGISLATION ORC 731.17

All ordinances and resolutions

1. Read by title only  
Read in full by majority vote of its members
2. Read on three separate days  
Dispense on ¾ vote of its members
3. Passed by majority vote of all members
4. Vote by yeas and nays and enter on journal

Other actions  
Not required to be by ordinance or resolution  
Majority vote of quorum present



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## STYLE OF ORDINANCES ORC 731.18

“Be it ordained by the \_\_\_\_\_ of the legislative authority of the city or village of \_\_\_\_\_, State of Ohio...”



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## SUBJECT AND AMENDMENT ORC 731.19

- Single subject
  - All ordinances, resolutions, and bylaws
  - Clearly stated in title
- Amended only if entire revived or amended text
- Each by separate vote
  - Yeas and nays recorded in journal



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## AUTHENTICATION AND RECORDING ORC 731.20

- Ordinances, resolutions, and bylaws
  - Authenticated
    - Signature of presiding officer and clerk
  - Succinct summary published under ORC 731.21 and 731.22
    - Effective ten days after publication
  - Recorded by clerk in book provided by legislative authority



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## PUBLICATION OF SUCCINCT SUMMARY, COPIES ON REQUEST - ORC 731.21

- Publish succinct summary
  - All ordinances, resolutions, statements, orders, proclamation notices and reports required by law to be published
  - Newspaper of general circulation
- Proof of publication
  - Affidavit of proprietor of newspaper
  - Filed with clerk
- Notice that complete text
  - Available from clerk
  - View at clerk's office or other locations designated by council
- Legal review
- Supply copy of text upon request
- Copy of text available at clerk's office and other locations council designates



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## PUBLICATION OF ORDINANCES IN BOOK FORM - ORC 731.23

- When ordinances revised, codified, rearranged, published in book form, and certified as correct by clerk and mayor
  - Such publication sufficient
- New ordinance no prior summary publication
  - Entirely new material
  - Publish under 731.21 and 731.22
- Revision with new matter
  - Publish notice of codification
  - Summary of new matter



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## ADOPTION OF TECHNICAL ORDINANCES AND CODES BY REFERENCE - ORC 731.231

- Adopt standards ordinances and codes
  - State, state department, board, or agency
  - Public or private organization/model standard code
    - Including
      - Fire, fire hazards, and fire prevention
      - Plumbing codes
      - Electrical codes
      - Building codes
      - Refrigeration machinery codes
      - Piping codes
      - Boiler codes
      - Heating codes
      - Air conditioning codes
- Adopt by reference

### Notice

- Identify code and purpose
- Complete copy with clerk or county law library or libraries
- Copies available at cost
- Summary of any amendments or deletions



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## CERTIFICATION OF CLERK AS TO PUBLICATION-ORC 731.24

- Clerk certify publication of ordinance summary
  - Immediately after publication period
  - Blank on record of ordinance
  - In which newspaper published
  - Sign
  - Prima facie evidence of compliance



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## PUBLICATION WHEN NO NEWSPAPER OF GENERAL CIRCULATION - ORC 731.25

- Municipality no newspaper generally circulated
  - Summaries of ordinances and resolutions
  - All statements, orders, proclamations, notices, and reports
- Post copies in the five most public places in municipality
  - Determined by council
  - Not less than fifteen days prior to effective date
- Clerk certify times and places
  - Prima facie evidence of compliance



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## EFFECT OF NOT MAKING PUBLICATION - ORC 731.26

- No publication or posting made under ORC 731.21 to 731.25
  - Sufficient defense to any suit or prosecution
    - Under an ordinance



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## MAYOR'S VETO IN CITIES ORC 731.27

- City ordinance or resolution
  - Before effect present to mayor for approval
  - Approve
  - Sign and return forthwith
- Not approve
  - Ten days to return with objections
    - Failure to return approved unless adjournment prevents return
  - Next meeting note objections on journal
- Line item veto as to any term of an appropriating ordinance
- Council may override veto on reconsideration
  - Two-third vote of all members elected



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ADVERTISING NOTICE OF PROPOSED CHARTER AMENDMENTS  
ORC 731.211

- Proposed charter amendment mailed to each elector
  - Thirty days prior to election
  - Polls or registration at last regular or general election
- Publish full text
  - Once a week for two consecutive weeks
  - Newspaper of general circulation
    - First not less than fifteen days prior to election
- ORC 7.16 Abbreviated publication process permitted
  - Second abbreviated publication
    - Published in same newspaper
    - Posted without cost on ORC 125.182 web site
    - Clear summary and notice of entirety on web site
      - ✦ May post on subdivision's web site
    - Name, address, telephone number, and electronic address
- SEE: Ohio Constitution, Article XVIII, Section 8; and Article XVIII, Section 9.



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THIRTY DAY EFFECTIVE/REFERENDUM PERIOD - ORC 731.29, and 731.30  
MUNICIPALITIES

Exceptions

1. Appropriations for current expenditures
2. More than one for improvement-After first
3. Street improvements on petition of owners
4. Waive thirty day period by 2/3 vote (yea or nay) of all members.



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Home Rule – Township Resolutions  
ORC § 504.10

- Written form
- Introduced by member
- Only one subject expressed in title
  - Exceptions:
    - Appropriations
    - Codified or recodified
- Read by title only
  - Unless majority requests full reading
- Read two separate days
  - Dispense by majority vote



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**Home Rule – Township Resolutions  
ORC § 504.11**

- Effective after thirty (30) days
- Emergency – Unanimous vote
  - Immediate effect
  - Immediate preservation
    - Public peace, health, safety or welfare
    - Statute necessity



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