



COUNTY ADVISORY BULLETIN

CAB

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Bulletin 2025-08

April 2025

VIRTUAL MEETING AUTHORITY

APPLICABLE LEGISLATION: House Bill 257 (135th General Assembly)

REVISED CODE SECTIONS AMENDED: 715.693, 924.12, 3307.091, 5505.04, and 5543.06

REVISED CODE SECTIONS ENACTED: 121.221, 145.071, 742.071, and 3309.091

LEAD SPONSORS: Rep. Jim Hoops and Rep. Thaddeus Claggett

HOUSE COSPONSORS: Abdullahi, Brennan, Callender, Dobos, Forhan, Hillyer, Humphrey, Jones, Klopfenstein, Lightbody, Liston, Mathews, J. Miller, Mohamed, Robb Blasdel, Seitz, Somani, C. Thomas, Williams, Willis

SENATE COSPONSORS: Brenner, Cirino, Craig, Gavarone, Lang, Reynolds, Roegner, Smith

EFFECTIVE DATE: April 9, 2025

BACKGROUND

House Bill 257 allows certain public bodies to hold and attend meetings and hearings virtually. There are limits to which public bodies can meet virtually and what is allowed to be discussed or voted on at a virtual meeting. If the members of a public body are elected or are compensated for their position on the board, the public body is prohibited from meeting virtually. Multi-party meetings, comprised of multiple public bodies, are also generally eligible to meet virtually.

Eligible public bodies are prohibited from holding a virtual meeting for the purpose of discussing or conducting a vote to approve a major nonroutine expenditure, significant hiring decision, or a tax issue or increase.

Before holding any virtual meetings, an eligible public body must adopt policies and procedures that ensure, among other requirements, members of the public can observe and attend meetings and hearings that are held virtually.

The bill uses the definitions of “public body” and “meeting” from [R.C. 121.22](#) and creates a new definition of “hearing” by combining the definition in [R.C. 119.01](#) with other administrative hearings and other hearings at which a person may present testimony (written or in-person) testimony on a matter before a public body.

APPLICABILITY TO COUNTIES

For the purposes of counties, the definition of “public body” includes any legislative authority, board, commission, committee, council, agency, authority, or similar decision-making body of the county, as well as any committees or subcommittees of these bodies. The board of county commissioners and all the entities in [Directory of County Boards and Commissions](#) are public bodies.

As a reminder, a public body may not meet virtually if either of the following applies:

- The members of the body are elected to their position as members by vote of the general public.
 - An exception is made for multi-party meetings (where members of a public body and members of at least one other public body are participants), provided the meeting is not for a prohibited purpose as discussed above.
- Members of the body are compensated for their position on the board.
 - Reimbursement for actual expenses is not considered compensation for this purpose.

For example, even though the members are all elected county commissioners, a joint board of county commissioners for petition road improvement ([R.C. 5555.22](#)) is likely able to meet virtually under the multi-party meeting exception, provided the meeting is not to discuss or approve nonroutine spending or taxation.

Similarly, the board of directors for a watershed district ([R.C. 6105.07](#)) can likely meet virtually because the members are not elected officials and, while they can be reimbursed for actual expenses, they do not receive compensation for their position.

However, there is some ambiguity regarding what constitutes being “elected to their position as members” for elected officials. To contrast two possibilities, consider the county records commission ([R.C. 149.38](#)) and the aforementioned board of directors for a watershed district. The county records commission’s members are all county row officers. Since they are elected to their position by the general public, the records commission cannot meet virtually.

The members of the board of directors for a watershed district, on the other hand, must be a representative of the public, of agriculture, of industry, of public water, and of public recreation, as appointed by the president of the board of county commissioners. In a scenario where the president appoints one of their fellow commissioners who happens to be a farmer and thus eligible to be the representative of agriculture, can the board meet virtually? One of the members is an elected official, but was not inherently “elected to their position as [a] member[.]”

A similar question arises for boards and commissions that have an elected official as a voting member, but the Revised Code allows them to appoint a designee to attend nonvoting meetings. If a designee (not elected by the general public) attends a meeting that does not have any prohibited activities on the agenda, can the meeting be conducted virtually?

The only specific mention of county authority to hold a virtual meeting in the bill itself contains an ambiguity. The bill amends [R.C. 5543.06](#), which requires the county engineer to annually hold a meeting with township and county authorities involved with the construction and repair of roads and bridges to ensure a uniform system of highway work in the county. The bill adds the following to the end of the section:

The county engineer may conduct a meeting under this section through means of video conference or any other similar electronic technology in accordance with section 121.221 of the Revised Code.

This appears to give the decision on whether or not to hold the meeting virtually to the county engineer. However, the section begins with the following language (emphasis added):

The county engineer shall annually call a meeting, within the county, ***at a time and place approved by the board of county commissioners***, of all the township and county authorities having directly to do with the construction and repair of roads and bridges within the county.

While the bill clearly allows this meeting to be held virtually, it could be read in a way that gives the discretion over if it is held virtually to the county engineer as opposed to the board of county commissioners.

CCAO recommends that counties consult with their county prosecutor or other legal counsel on whether or not a board can meet virtually or a meeting/hearing can be held virtually.

Further clarity on the scope of covered entities and meetings will come from the Attorney General's Sunshine Law Manual, any potential Attorney General Opinions, any potential litigation, and any potential future legislation. The Association will keep this CAB updated and inform members of any updates.

VIRTUAL MEETING POLICY ([R.C. 121.221](#))

HB 257 specifies that the Open Meetings Law and the Administrative Procedure Act, as well as other provisions of the Revised Code, still apply to meetings or hearings that are held virtually.

Under the Open Meetings Law, public bodies generally are required to take official action and deliberate official business only in open meetings where the public may attend and observe, and members of the public body must be present in person at a meeting to be considered present, vote, or be counted as part of a quorum.

Before a public body can meet virtually, it must adopt a formal policy outlining how it will conduct virtual meetings. There are three main provisions that the policy must include: public notice, public access, and voting procedure.

Public Notice (R.C. 121.221(B)(3)(a))

The policy must give provide at least 72 hours in advance of the meeting or hearing. The notice must be provided to the general public, any news media organization that has requested inclusion in public notice circulations, and any specific parties necessary for the meeting.

The notice must include the time, location, and agenda of the meeting or hearing and how the meeting or hearing will be conducted. In the case of an emergency requiring immediate official action, the public body immediately must notify the news media, or parties required to be notified, of the time, place, and purpose of the meeting or hearing. The public body's policy defines what constitutes an "emergency requiring immediate official action."

The policy must also include language that requires any member of the public body to notify the chair of their intent to attend the meeting or hearing virtually within 48 hours before the meeting or hearing takes place, except in case of an emergency.

Public Access (R.C. 121.221(B)(3)(b), (B)(4), and (C))

The policy must provide the public access to a virtual meeting or hearing that the public is entitled to attend, commensurate with the method used to conduct the meeting or hearing. Examples of public access include streaming or broadcasting the meeting via the internet, television, cable, or public access networks.

The public body must ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically. Members of the public body will be required to have sufficient internet or other electronic connections to allow the member to be seen and heard clearly, and shall be visible at all times.

Practically speaking, this means that cameras capturing video of in-person meeting attendees must be positioned in a location that includes all members of the body in frame, and members who are attending the meeting through virtual means are not allowed to move away from or disable their camera. The bill requires that members of the public body “shall have a sufficient internet or other electronic connection” but does not provide a definition for “sufficient.”

The policy must also enumerate how, for applicable meetings, the public can participate. This includes means through which the public can provide comment, submit documentary testimony, and potentially converse with witnesses who attend virtually.

Finally, the policy cannot require a meeting or hearing be held virtually without the consent of all parties. For example, if the members of the public body want to hold a hearing virtually, but one of the parties involved wants an in-person hearing, the hearing must be held in-person. **NOTE:** “consent of all parties” does not mean that all parties will attend virtually; rather, simply that all parties are okay with the virtual attendance option.

Voting Procedure (R.C. 121.221(B)(3)(c))

All votes taken at a meeting or hearing held virtually must be by roll call vote, unless there is a motion for unanimous consent, and the motion is not objected to by a member of the public body. If a vote is taken unanimously, the public body must provide the public with information on how the members voted, including any members who abstained from voting.

Attendance Notification (R.C. 121.221(B)(3)(d))

The policy requires members of the public body to provide the chairperson with at least 48 hours’ notice when they intend to attend a meeting virtually. This requirement is waived when the meeting is called for an emergency.

Prohibited Meetings (R.C. 121.221(B)(3)(e) and (f))

The policy must list the types of meetings or actions that the public body is not permitted to hold or take virtually. These include the following:

- Meetings to approve a major nonroutine expenditure.
 - The policy must define what constitutes a “major nonroutine expenditure.”
- Meetings to approve a significant hiring decision.
 - The policy must define what constitutes a “significant hiring decision.”
- Meetings to purpose, approve, or vote on a tax issue or tax increase.

If, before 48 hours of the meeting’s start, at least 10% of the members of the public body (or, for bodies with less than 20 total members, two members) notify the chair that an item on the agenda is prohibited from being discussed or acted upon at a virtual meeting, the chair must acknowledge receipt of the notification and defer the item to a later meeting conducted fully in-person. If there were other items on the agenda, the meeting can still be conducted virtually as long as the prohibited item is removed from the agenda.

Additionally, as applies throughout the general provisions of the bill, the policy must state that if the members of a public body are elected to their position by the general public and/or are

compensated for their position on the body, the body cannot meet virtually unless the meeting is a multi-party meeting that does not involve a vote on a major nonroutine expenditure, significant hiring decision, or tax issues or increases.

SUPERSEDING PROVISIONS ([R.C. 121.221\(D\)](#))

The provisions of the bill do not negate any provision of [R.C. 121.22](#), [Chapter 119 of the Revised Code](#), or any other conflicting section of the Revised Code. If a different section of the Revised Code provides particular public bodies with virtual meeting authorities, the provisions of those sections supersede the provisions of the bill.

For example, [R.C. 5126.0223](#), enacted by H.B. 33 of the 135th General Assembly, outlines virtual meeting authority for county boards of developmental disabilities. R.C. 5126.0223 supersedes R.C. 121.221, so anywhere that a conflict between the two sections is present, R.C. 5126.0223 applies. The applies for joint county petition ditch meetings, as authorized by [R.C. 6133.041](#) and further discussed in [CAB 2021-01 Petition Ditch Reform](#).

JOINT ECONOMIC DEVELOPMENT DISTRICTS VIRTUAL MEETINGS ([R.C. 715.693](#))

The bill allows a member of a board of directors of a Joint Economic Development District (JEDD) who attends a meeting virtually to be part of a quorum and to vote if the JEDD board holds a virtual meeting. This authority already exists for board of directors members of a Joint Economic Development Zone and a Joint Economic Review Council. Like these other two bodies, JEDDs must adopt rules that meet certain minimums contained in R.C. 715.693.

VIRTUAL MEETINGS FOR RETIREMENT BOARDS ([R.C. 145.071](#), [742.071](#), [3307.091](#), [3309.091](#), and [5505.04](#))

The bill specifically permits members of certain retirement boards to attend meetings virtually after the board adopts a policy on virtual meetings. The relevant provisions of the act are similar to continuing law that governs the State Teacher's Retirement Board (STRB), except the act's provisions do not permit attending meetings by teleconference. The STRB statute is amended accordingly.

The bill also specifically allows the following retirement boards to hold a virtually meeting:

- The Public Employees Retirement System;
- The Board of Trustees of the Ohio Police and Fire Pension Fund;
- The School Employees Retirement Board; and
- The State Highway Patrol Retirement Board.

For the listed retirement boards to meet virtually, they are required to include the following items within their policy:

- The number of regular in-person meetings (a meeting in which no virtual attendance is allowed) must be at least 75% of the board's annual meetings.
- A majority of the board members attending the meeting must be present in person.
- All votes taken must be by roll call vote.
- A board member must notify the chairperson of the intent to attend a meeting virtually no less than 48 hours before the meeting, except in the case of an emergency as defined in the board's policy.

A board member who attends a meeting virtually is considered present in person at the meeting for purposes of determining a quorum and may vote at the meeting. The board must ensure that the public can hear and observe the discussions and deliberations of all members of the board, whether the person is participating in person or virtually, for any meeting in which a board member attends virtually.

Additionally, other than the limits imposed by the bill's provisions, no person may limit the number of board members who attend virtually, the total number of meetings in which the board may allow members to attend virtually, or the number of meetings at which any one board member may attend virtually, or impose other limits or obligations on a board member because the board member attends a meeting virtually.

DEPARTMENT OF AGRICULTURE MARKETING PROGRAM SUSPENSION MEETINGS ([R.C. 924.12](#))

The bill allows the Director of Agriculture to hold meetings concerning suspending or continuing marketing programs virtually in accordance with the requirements outlined in R.C. 121.221.