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**Village of Boston Heights  
Board of Zoning Appeals  
45 E. Boston Mills Road • Boston Heights, Ohio 44236  
Phone 330.650.4111 • Fax 330.655.9578**

## **RESOLUTION C-2004**

### **A RESOLUTION ESTABLISHING A RULE FOR NOTIFICATION OF MEETINGS OF THE BOARD OF ZONING APPEALS OF THE VILLAGE OF BOSTON HEIGHTS, OH.**

WHEREAS, the Board of Zoning Appeals (“Board”) of the Village of Boston Heights OH must comply with the requirements of the Ohio Revised Code (“ORC”) Section 121.22 titled “Meetings of Public Bodies to be Public”, also known as the "Ohio Sunshine Law" or "Ohio Open Meetings Law"; and;

WHEREAS, under Section 121.22(F) of that Code, the Board must, by rule, meet certain requirements for notice, and notification upon request, of all regularly scheduled meetings, and the time, place and purpose of all special meetings; and

WHEREAS, Section 121.22(F) of the ORC further requires that the rule must provide for twenty-four hours advance notice to the news media that have requested notification, immediate notification of news media in the event of an emergency meeting, and reasonable advanced notice to any person upon request and payment of a reasonable fee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the Village of Boston Heights, County of Summit and State of Ohio:

Section 1: That the Board of Zoning Appeals, as permitted by Section 1145.02 of the Planning and Zoning Code within the Codified Ordinances of the Village of Boston Heights, and in accordance with the Board’s Rules of Procedure II-2, establishes a rule for notice of Board meetings, and for notification to news media upon their request, and to persons upon their request and payment of a reasonable fee;

Section 2: That notification under this rule be in addition to all statutory, usual or customary methods of public notification already in use;

Section 3: That the Chairman of the Board of Zoning Appeals communicate, to the Mayor of the Village of Boston Heights, the request of the Board that this rule be implemented as follows: to direct the Village Office Clerk, per Section 131.04(c)(5) of the Codified Ordinances, to carry out notification in accordance with this rule.

Section 4: That this rule shall be as follows:

**Notice and Individual Notification of Meetings of the Board of Zoning Appeals**

A. This rule shall be implemented in accordance with the requirements and provisions of the Ohio Revised Code, Section ORC 121.22(F).

B. Any person, upon request and payment of an annual fee, shall be entitled to receive individual notification of every meeting of the Board of Zoning Appeals of the Village of Boston Heights, OH ("Board") insofar as required by the Ohio Revised Code (ORC). This notification will consist of a printed copy of that agenda or notification issued to the members of the Board.

C. Any news media entity, upon request and without fee, shall be entitled to received that same notification and the Board shall hold no special meeting without providing at least twenty-four hours advance notice of such meeting to those news media, except in the event of an emergency requiring immediate official action. In the event of an emergency, the Chairman, 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.

D. Notification will specify, at least, the time and place of each regular meeting, and the time, place and purpose of each special meeting.

E. Notification shall be reasonably in advance of the meeting, construed to mean that such notification can be reasonably expected to be received within the Village of Boston Heights before the meeting, except as provided above for emergencies, but notification of persons shall be carried out in any case.

F. In accordance with Codified Ordinances 121.02(b)(3), notification shall be sent by the Village Office Clerk ("Clerk"), and shall be transmitted via U.S. First Class Mail, or by such means as is necessary to cause the notification to be received reasonably in advance of the meeting, or in accordance with Section C.

G. By mutual agreement of the Clerk and such person or news media, notification may instead be carried out by transmission of the same information via facsimile, electronic mail, voice mail, or other agreed methods.

H. In no case will the Clerk, the Board, its Chairman or its members, be responsible for successful delivery of such notification, where the mailing or transmission of that notification has been carried out in good faith and in accordance with this rule. The Clerk will maintain such records as reasonably necessary to show compliance.

I. In no case will any resolution, ordinance, rule or formal action of the Board be made invalid by failure of such notification where attempted in good faith, except as allowed by law.

J. The annual fee for such notification shall be established by the Clerk-Treasurer of the Village of Boston Heights OH, except that such fee will not exceed \$9.00 (nine dollars) per annum. Any such fee will be waived for notification of news media. All such fees will be assigned to the General Fund of the Village of Boston Heights to allay the costs of notification.

K. Notice of each regular and special meeting of the Board of Zoning Appeals, consisting of the same agenda or notification issued to the members of the Board, shall be posted on the bulletin board at the Boston Heights Village Hall at least 24 hours before such any meeting, except as allowed by law for emergency meetings.

Section 5: That the Board of Zoning Appeals of the Village of Boston Heights, Ohio, hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board which resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

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PASSED:

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William J. Hinkle  
Chairman, Board of Zoning Appeals

ATTEST:

I, Maryann Bode, Clerk of the Board of Zoning Appeals of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution C-2004 was duly passed by the Board of Zoning Appeals of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of the Board on the 6th day of October, 2004.

\_\_\_\_\_, Clerk of the Board of Zoning Appeals, Village of Boston Heights