

## TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 2.13

### THE MINUTE RECORD BOOK

The Trumbull County Board DD is a body created by the Ohio State Legislature. Its power and authority is granted it through laws enacted by the Ohio State Legislature. Although the Trumbull County Board DD has no power to create law, it does have the power to make such rules and regulations as are necessary for its government.

Board members are representatives of the people. All board employees are servants of the public. The actions of the Trumbull County Board DD are public record. Public records belong to the people, and while the Trumbull County Board DD is entitled to the custody of our records, we are merely trustees for the people in this respect.

Minutes of a particular meeting do not come into existence as official minutes until approved and entered into the public records of the board at the next meeting. At such time, they are open to inspection by anyone at all proper times, for all proper purposes, subject to the limitation that such inspection does not endanger the safety of the records, or unreasonably interfere with the discharge of the duties of the officer having custody of the record. The right to inspect carries with it the right to make copies. However, in making such copies, the right to make reasonable rules for the purpose of inspecting or copying is up to the person responsible for the records. Such records should not normally be removed from the custody of the person charged with custody.

It is a general rule that public records denote absolute verity. Thus it would seem that the Recording Secretary, the officer charged with the duty of recording the proceedings of each meeting, must personally write the minutes and when such officer inserts, either by posting, affixing by fasteners or staples, matters; i.e., contracts, letters, etc., into the minute record, the officer is not complying with the law and might invalidate all of the proceedings. (Beck v. Board of Education 9 O.C.C. NS 551, 29 O.C.C. 717).

The law (Section 3313.26 of the Revised Code) provides that the minutes shall be public record; that the record of proceedings of each meeting of the board shall be read at its next succeeding meeting, corrected, and approved; and that such approval shall be noted in the proceedings. After such approval, the Chairman shall sign the record and the Recording Secretary attest it.

By resolution, a board may waive the reading of the record of proceedings at its next succeeding meeting, provided that such record has been distributed to the members of the board at least two (2) days prior to the date of such succeeding meeting. Such regulation shall be in full force and effect until such time as amended or rescinded by said board.

The Recording Secretary should never sign the minutes until the Chair has signed. The Recording Secretary is merely an attestation that the Chair has signed the minutes after they have been read and approved by the Board.

The Bureau of Inspection requires that the minutes of proceedings be recorded in a permanent book. While the pages of such book might be of the loose-leaf type, so that they might be taken out and the minutes typed thereon, each page should be numbered.

Each resolution passed by the board must be numbered. A satisfactory method shall be to start with number one each fiscal year and follow the resolution number by the last two digits of the current calendar year, as No. 1-93, which would indicate resolution number one was acted upon by the board during the calendar year 1993.

The Recording Secretary shall index all of the actions of the board under proper headings so that if occasion required the necessity for referring to matters previously voted upon, the Recording Secretary can have the means at hand to readily locate and make available a resolution or act previously dealt with by the board.

Rules and regulations should define the business policies and procedures of the board, especially as they relate to internal accounting matters to develop costs, etc.; to formulate instructional policies; the use of buildings and properties by both the Board and other organizations; pupils, their attendance at school, discipline, transportation and records, etc.; contracts between the board and the professional personnel; vacations and sick leave; salary schedule; substitute teachers and non-instructional personnel, together with many other items upon which the board may want to adopt a continuing policy. The rules and regulations shall be adopted by formal resolution and any changes, modifications, additions, or deletions to same must be made by resolution of the board. A sufficient number of copies of the rules and regulations, properly indexed, shall be printed for the guidance of the board members and staff. In order to insure the board members as well as the staff, of a uniformity of operation throughout the entire program, the rules and regulations should be followed with little, if any, deviation.

The rules and regulations should be divided into chapters and coded into sections. Each rule or regulation should show the date of its adoption and its resolution number.

A board speaks only through its minutes and if it is to speak clearly and correctly, the minutes must be written so as to properly express the wishes of the board.

To effect its expression of opinion in carrying out its wishes or orders relative to the government of its buildings, its employees, and its pupils and adults, the board shall incorporate same into any resolution which it adopts. It would be well to have all resolutions, upon which the board is required to act, written out before submission at the meetings at which they are to be presented.

All resolutions should have three (3) distinct parts: 1) the title; 2) the preamble; and 3) the resolving parts, which may contain as many sections or separate parts as are necessary. While a resolution may contain not more than one subject, it may contain as many sections relative to that one subject as are needed. It may, in its first section,

authorize and empower the board Chair and Superintendent to sign a certain contract; in its second section, it may appropriate the money out of a particular fund to pay the consideration; and, in its third section, it may declare the existence of an emergency requiring waiving of the necessity to advertise for bids, for example.

The name of the member who initiates the motion and also the name of the member who seconds the motion must be recorded. If no changes are made in the resolution, as offered, those voting "aye" and those voting "nay" must be shown in the minutes. If changes are made in the resolution, the matter to be added, deleted, or modified must be submitted by motion, duly made and seconded, with a vote on same. Again, the names must be recorded and, after the change is made, the resolution, as amended, is voted upon with the "aye" and "nay" votes on the resolution, as amended, shown in the record. If the majority of the board approve, the presiding officer must declare the motion passed and the resolution adopted. If the majority disapproves, the presiding officer declares the motion lost. Failure to properly record resolutions or motions submitted will void same. Resolutions or motions which are defeated should also be included with the results of the vote which defeated same.

When the regularly appointed Recording Secretary of the board is absent from any of the meetings of the board, the members present shall choose one of their number to serve in his/her place pro tempore and such Recording Secretary pro tempore must call the roll of the members and record, by name, those voting "aye" and those voting "nay".

It should be remembered that one of the most important records, insofar as the board members of a Board are concerned, is the minute record of proceedings. If it is properly maintained, the voice of the board, on all matters, will be presented clearly, correctly, and within the authority granted it by statute.

Adopted 04/28/93  
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**Reference:**  
ORC 121.22  
ORC 117.05  
ORC 121.21  
ORC 3313.26