



Overview of New R.C. 121.221

135th General Assembly

House Bill 257 | Authorize certain public bodies to meet virtually

Effective April 9, 2025

Legislative History

House Bill 257 (HB 257) was passed by the General Assembly on December 18, 2024, and signed by Governor DeWine on January 8, 2025. HB 257 creates new R.C. 121.221, which authorizes certain public bodies to hold virtual meetings.

Applicability

R.C. 121.221 adopts the R.C. 121.22 definitions of both “public body” and “meeting”.

R.C. 121.22(B)(1)(a) defines a “public body” as:

“Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;”

R.C. 121.22(B)(2) defines a “meeting” as “any prearranged discussion of the public business of the public body by a majority of its members.”

Effect of Actions and Attendance at a Virtual Meeting

R.C. 121.221(B): “Except as otherwise provided in the Revised Code, members of a public body may hold and attend meetings and may conduct and attend hearings by means of video conference or any other similar electronic technology, and all of the following apply:

(1) Any resolution, rule, or formal action of any kind has the same effect as if it occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of video conference or any other similar electronic technology shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.”



Adoption of Policy Prior to Meeting Virtually

R.C. 121.221(B)(3) provides that “The public body shall not hold hearings or meetings by means of video conference or any other similar electronic technology until the public body has adopted a policy that specifies at least all of the following:”

The delineated policy conditions under R.C. 121.221(B)(3)(a) through (f) are extensive and include items such as public notice requirements¹ and public access requirements².

Exclusions

R.C. 121.221(B)(3)(e):

“No public body may hold, and no member of a public body may attend meetings or conduct and attend hearings by means of video conference or other similar electronic technology if any of the following apply:

- (i) The meeting or hearing involves a vote to approve a major nonroutine expenditure as defined in the policy adopted by the public body under this section;
- (ii) The meeting or hearing involves a vote to approve a significant hiring decision as defined by that policy;
- (iii) The meeting or hearing involves a purpose to propose, approve, or vote on a tax issue or tax increase;
- (iv) Excluding expense reimbursements to members for actual expenses incurred while fulfilling their duties, the members of the public body are compensated for their position as members of the public body, except when members are participating in a multi-party meeting if the multiparty meeting does not involve a vote to approve a major nonroutine expenditure or significant hiring decision or involve a purpose to propose, approve, or vote on a tax issue or tax increase;
- (v) The members of the public body are elected by vote of the general public to their positions as members, except when members are participating in a multi-party meeting if the multi-party meeting does not involve a vote to approve a major nonroutine expenditure or significant hiring decision or involve a purpose to propose, approve, or vote on a tax issue or tax increase.”

¹ R.C. 121.221(B)(3)(a)

² R.C. 121.221(B)(3)(b)