

OFFICE OF THE CITY ATTORNEY

OPINION NO. 91-05

TO: Arlene Stevens, Vice Mayor
FROM: Stephen M. Kemp, City Attorney
DATE: September 11, 1991
SUBJECT: Resolutions and Ordinances

QUESTION:

You have inquired as to the differences between a resolution and ordinance.

OPINION:

Basically, a resolution denotes an act less formal than an ordinance. McQuillin Municipal Corporations, 3rd ed., §15.02 at 55. The City Charter also impacts on the title, as it may dictate whether it is a resolution or ordinance.

An ordinance is distinctively a legislative act, while a resolution is simply an expression of policy concerning some particular item of business coming before the City Council. Certain items must be done by ordinance, such as imposition of penalties, establishing violations, granting and modifying zoning, and any other legislative acts such as imposing taxes, transfer of property, acquisition of property, granting franchises and imposing fees and charges, unless provided otherwise.

In conclusion, legislative acts of the City Council should be done by ordinance, while expressions of policy may be done by resolution. If you should have any questions, please do not hesitate to contact me.

SMK:ei