



## **Sub. H.B. 148**

125th General Assembly

(As Reported by H. County & Township Government)

**Reps. Grendell, Wagner, Wolpert, Daniels, Collier, Walcher, Schlichter, Sferra, McGregor, C. Evans, Flowers**

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### **BILL SUMMARY**

- Requires the township clerk to generally personally attend one meeting of the board of township trustees on a quarterly basis.
- Sets a minimum amount for a township clerk's bond based upon the township's budget.
- Permits the board of township trustees, when township records are not kept at a public facility, to request the clerk on a quarterly basis to provide them with copies of those records for their review.

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### **CONTENT AND OPERATION**

The bill makes several changes in Township Law relating to the township clerk and township records.

#### **Clerk attendance of board meetings**

Currently, the Township Law simply requires a township clerk to keep an accurate record of the proceedings of the board of township trustees at all of its meetings and an accurate record of all of its accounts and transactions (e.g., the acceptance of township officers' bonds). The bill additionally requires the clerk to personally attend at least one meeting of the board during each quarter of every year, unless prevented by the occurrence of an emergency from attending. (Sec. 507.04(A).)

#### **Township clerk's bond**

The office of township clerk is an elected office. Current law requires that, before discharging official duties, the clerk give a bond conditioned for the faithful performance of those duties. It must be payable to the board of township trustees

and have sureties approved by the board. The board also determines the amount of the bond. (Sec. 507.03.)

The bill establishes a minimum sum for the clerk's bond that is based on a township's budget and that a board of township trustees must adhere to when determining the bond's amount, as follows (sec. 507.03):

- In a township with a budget of \$50,000 or less, \$10,000;
- In a township with a budget of more than \$50,000 but not more than \$100,000, \$35,000;
- In a township with a budget of more than \$100,000 but not more than \$250,000, \$60,000;
- In a township with a budget of more than \$250,000 but not more than \$500,000, \$85,000;
- In a township with a budget of more than \$500,000 but not more than \$750,000, \$110,000;
- In a township with a budget of more than \$750,000 but not more than \$1,500,000, \$135,000;
- In a township with a budget of more than \$1,500,000 but not more than \$3,500,000, \$160,000;
- In a township with a budget of more than \$3,500,000 but not more than \$6 million, \$195,000;
- In a township with a budget of more than \$6 million but not more than \$10 million, \$220,000;
- In a township with a budget of more than \$10 million, \$250,000.

### **Township records**

As noted previously, the township clerk is charged with keeping an accurate record of not only the proceedings of all board of township trustees meetings, but also of all the board's accounts and transactions, including the acceptance of the bonds of township officers. The bill requires that in any township where the clerk does not keep the township's records in a public facility, the board may request once every quarter of every year that the clerk provide it with copies of township records for its review. If the board so requests, it must tell

the clerk which records it wants copies of by indicating the dates or types of records it is requesting. (Sec. 507.04(B).)

These provisions do not diminish the right of any trustee to inspect township records following the procedures in the Public Records Law, which generally require that any public record be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. The Public Records Law requires that public offices maintain public records in a manner that they can be made available for such inspection. (Sec. 507.04(B); sec. 149.43(B)--not in the bill.)

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## HISTORY

| ACTION                                       | DATE     | JOURNAL ENTRY |
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| Introduced                                   | 03-26-03 | p. 290        |
| Reported, H. County &<br>Township Government | 10-15-03 | p. 1117       |

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