



**Sub. S.B. 36**

127th General Assembly  
(As Passed by the General Assembly)

**Sens. Schuler, Clancy, Mumper, Schaffer, Cates, Wilson, Kearney**

**Reps. Combs, Chandler, Fende, Mallory, Yuko, Uecker, Wolpert, J. McGregor, Adams, Bacon, Daniels, Dodd, Domenick, Dyer, Evans, Flowers, Hughes, Koziura, Luckie, Lundy, Otterman, Sayre, Schindel, Schneider, Setzer, B. Williams, Yates**

**Effective date:** \*

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**ACT SUMMARY**

- Authorizes townships with a population of at least 3,500, but less than 5,000 in the unincorporated territory of the township to adopt a limited home rule government if the electors petition the board of township trustees for an election on the issue, the board appoints a township administrator, and the township's budget for the most recently concluded fiscal year is at least \$3.5 million.
- Extends authority for transportation improvement districts and two or more governmental agencies to enter into agreements for the joint financing of projects from on or before December 31, 2007, to on or before May 1, 2008.
- Clarifies that joint financing projects undertaken pursuant to H.B. 67 of the 127th General Assembly by transportation improvement districts and two or more governmental agencies are not to be considered when calculating the net indebtedness of townships.

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\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

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## CONTENT AND OPERATION

### *Law authorizing township home rule: small townships ineligible*

The Revised Code provides for the adoption of a statutory form of home rule government that generally authorizes a township, by resolution, to "exercise all powers of local self-government within the unincorporated area of the township other than powers that are in conflict with general laws" and to "adopt and enforce within the unincorporated area of the township local police, sanitary, and other similar regulations that are not in conflict with general laws."

Under law revised by the act, small townships having a population of less than 5,000 in the unincorporated territory of the township are prohibited from adopting a limited home rule government. (Former R.C. 504.01(C).) Under ongoing law, townships having a population of 15,000 or more in the unincorporated territory ("urban townships") may adopt limited home rule government either by a unanimous vote of the board of township trustees or as a result of an election initiated by a petition of the electors or a majority vote of the board of township trustees. (R.C. 504.01(A)(3) and (4).) And townships having a population of at least 5,000 but less than 15,000 in the unincorporated territory may adopt limited home rule government in an election initiated by a resolution adopted by a majority vote of the board of township trustees or by a petition of the electors followed by the board's adoption of a resolution causing the board of elections to submit the question to the electors. (R.C. 504.01(A)(2) and (4).)

Continuing law authorizes a board of township trustees to appoint a township administrator to serve as the administrative head of the township subject to the direction and supervision of the board. The administrator holds office at the pleasure of the board. The board establishes the salary of the administrator. (R.C. 505.031(A)(1).) The township administrator generally assists in the administration, enforcement, and execution of the policies and resolutions of the board, attends board meetings, reports to the board, and supervises and directs the divisions of township government under the control or jurisdiction of the board. (R.C. 505.032, not in the act.)

### *Small townships authorized to adopt home rule*

The act authorizes a township having a population of at least 3,500 but less than 5,000 in the unincorporated territory of the township to adopt a limited home rule government if the electors of the unincorporated territory petition<sup>1</sup> the board

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<sup>1</sup> The petition must be signed by 10% of the electors of the unincorporated territory of the township, as determined by the total number of votes cast in that territory for Governor at the most recent general election for that office.

to adopt limited home rule government, the board appoints a township administrator, and the budget of the township as provided in the official certificate of estimated resources or amended official certificate is at least \$3.5 million for the most recently concluded fiscal year. If these conditions are satisfied, the board of township trustees must adopt and certify to the board of elections a resolution directing the board of elections to submit to the electors of the unincorporated territory the question whether the township should adopt a limited home rule government. The question must be voted on at the next general election occurring at least 75 days after certification of the resolution to the board of elections. A township with a population of less than 5,000 is not otherwise permitted to adopt limited home rule government (R.C. 504.01(A)(1) and (C).)

The appointment of a township administrator is generally permissive for townships. The act, however, makes it mandatory for any township having a population of at least 3,500 but less than 5,000 in its unincorporated territory to appoint a township administrator before adopting a resolution directing the board of elections to submit the question of adopting limited home rule government to the electors. (R.C. 505.031(A)(2).)

### **Joint financing of transportation projects**

Law revised in part by the act authorizes transportation improvement districts and two or more other governmental agencies to enter into an agreement on or before December 31, 2007, providing for the joint financing of any street, highway, interchange, or other transportation project. The agreement must be approved by resolution or ordinance passed by the legislative authority of each of the parties to the agreement, and the resolution or ordinance must authorize the execution of the agreement by a designated official or officials of each of the parties to the agreement. The agreement, when so approved and executed, is in full force and effect. (Section 555.10 of H.B. 67 of the 127th General Assembly.)

The act states that obligations incurred in connection with such a joint financing project are not to be considered when calculating the net indebtedness of a township (R.C. 133.09(C)). The act also extends the authority to enter into such a joint financing agreement, from on or before December 31, 2007, to on or before May 1, 2008 (Section 3).

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## HISTORY

| ACTION  | DATE     |
|---|----------|
| Introduced  | 02-20-07 |
| Reported, S. State & Local Gov't & Veterans Affairs                 | 05-15-07 |
| Passed Senate (33-0)  | 05-23-07 |
| Reported, H. Local & Municipal Government &<br>Urban Revitalization | 11-07-07 |
| Passed House (96-0)   | 11-07-07 |
| Senate concurred in House amendments (30-0)                         | 11-14-07 |

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