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Bill Analysis
Legislative Service Commission

S.B. 36*

127th General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Sens. Schuler, Clancy, Mumper, Schaffer

BILL SUMMARY

- Authorizes townships with a population of 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.

CONTENT AND OPERATION

Existing law authorizing township home rule: small townships ineligible

Chapter 504. of 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."

Small townships with a population of less than 5,000 in the unincorporated territory of the township are prohibited from adopting a limited home rule government. (R.C. 504.01(C).) Townships with a population of 15,000 or more in the unincorporated territory ("urban townships") may adopt that form of 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(B)(1) and (2) and (D).) And townships with a population of at least 5,000 but less than 15,000 in the unincorporated

* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

territory may adopt the 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) and (D).)

Current 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.) 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 bill).)

Small townships authorized to adopt home rule

The bill authorizes a township with a population of more than 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 petition¹ the board to adopt this form of 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. (R.C. 504.01(A)(1).)

The bill specifically requires a township seeking to adopt a limited home rule government to appoint an administrator before adopting a resolution directing the board of elections to submit the question of adopting limited home rule to the electors. (R.C. 505.031(A)(2).) Accordingly, although the appointment of an administrator is otherwise permissive for townships, it is mandatory for any township with a population of more than 3,500, but less than 5,000 in the unincorporated territory seeking to adopt a limited home rule government.

¹ 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.

HISTORY

ACTION

DATE

Introduced

02-20-07

Reported, S. State & Local Gov't & Veterans Affairs

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