



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

125th General Assembly  
(As Passed by the House)

**Reps. Grendell, Wagner, Wolpert, Daniels, Collier, Walcher, Schlichter, Sferra, McGregor, C. Evans, Flowers, Allen, Aslanides, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, DeBose, Domenick, Fessler, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hollister, Hughes, Jerse, Key, Latta, Martin, Miller, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Reidelbach, Schaffer, Schmidt, Seaver, Setzer, D. Stewart, Strahorn, Taylor, Trakas, Yates, Young**

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### **BILL SUMMARY**

- Establishes a minimum amount for a township clerk's bond based upon the township's budget.
- Generally requires the township clerk to personally attend one meeting of the board of township trustees on a quarterly basis.
- 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 it with copies of those records for review.

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### **CONTENT AND OPERATION**

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

#### **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. The bond 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. A board of township trustees, when determining the bond's amount, must impose a bond of no less than the following amounts (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.

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

Current law 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 attendance is prevented by the occurrence of an emergency. (Sec. 507.04(A).)

#### **Township records**

As noted above, the township clerk must keep an accurate record of not only the proceedings of all board 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).) (See **COMMENT**.)

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## COMMENT

The bill states that its "*Township records*" provisions do not diminish the right of any trustee to inspect township records following the procedures in the Public Records Law. That law generally requires that any public record be promptly prepared and made available for inspection *to any person at all reasonable times during regular business hours*. And, it also 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.)

The Attorney General, in construing the Public Records Law and the rights of township trustees to inspect records kept by a township clerk, noted "that the right of the township trustees to inspect the township books is at least as great as that of the general public and that, at a minimum, the books must be maintained in such a manner that they can be made available for inspection by the trustees in accordance with R.C. 149.43(B)." 1986 Op. Att'y Gen. No. 86-057. See generally *State ex rel. Beacon Journal Pub. Co. v. Andrews* (1976), 48 Ohio St.2d 283, 289 (an official who has charge of public records "is under a statutory duty to organize his office and employ his staff in such a way that his office will be able to make . . . [the] records available for inspection and to provide copies when requested within a reasonable time. This is the public's business, not the . . . [official's] private record").

The bill's authorization for township trustees to request records *quarterly* and its requirement for that request to include *specified information* is more limiting, then, the Public Records Law.

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## HISTORY

| ACTION                                       | DATE     | JOURNAL ENTRY |
|--|----------|---------------|
| Introduced                                   | 03-26-03 | p. 290        |
| Reported, H. County &<br>Township Government | 10-15-03 | p. 1117       |
| Passed House (90-0)                          | 12-03-03 | pp. 1250-1251 |

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