



**Sub. H.B. 148\***

125th General Assembly

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

**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**

---

**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.
- Authorizes the township clerk to hire one or more assistants.
- Authorizes expansion of township police districts into township-wide districts upon adoption of a resolution by unanimous vote of the board of township trustees and a favorable vote by the electors on a ballot measure pertaining to the expansion.
- Authorizes the board of trustees of a joint ambulance district to establish reasonable user charges for ambulance or emergency medical services.

---

*\* 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.*

---

## CONTENT AND OPERATION

### Township Law changes

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

#### 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 at 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 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).) (See **COMMENT**.)

### **Authorization for township clerk to hire one or more clerk assistants**

Under continuing law, when a township clerk is unable to carry out the duties of the office because of illness, entrance into military service, or other incapacity or disqualification, the board of township trustees must appoint a deputy clerk to discharge the duties of the office. The deputy clerk serves for the period the clerk is absent or incapacitated, or until a successor clerk is elected and qualified. The board, by resolution, must adjust and determine the compensation of the clerk and deputy clerk. The total compensation of both cannot exceed, in any one year, the amount of compensation set forth by law for the clerk. (Sec. 507.02--not in the bill.)

Under current law, the board also may employ the number of persons it finds necessary to provide stenographic and clerical assistance to the township clerk or deputy clerk. The bill instead authorizes a township clerk to hire and appoint for the clerk or deputy clerk one or more assistants who are to serve at the pleasure of the clerk or deputy clerk. (Sec. 507.021(A).)

The clerk may delegate to an assistant any of the duties the clerk is otherwise required to perform, but the appointment of assistants under the bill does not relieve the clerk of the responsibility to discharge the duties of the office.

An assistant serves to provide assistance to the clerk in performing the duties of the office. (Sec. 507.021(A).)

Under the bill, the compensation of a clerk assistant must be determined by the township clerk, subject to prior approval of the board. It also must be included in the estimate of contemplated expenditures for the clerk's office that is submitted to the board during the existing budgetary process. (Sec. 507.021(B).)

An assistant must give a bond for the faithful discharge of the delegated duties. The bond must be payable to the board, be for the same sum as required under statutory law for the clerk, have sureties approved by the board, and be conditioned for the faithful performance of the delegated duties. The bond must be recorded by the clerk, filed with the county treasurer, and carefully preserved. (Sec. 507.021(C).)

**Expansion, by ballot measure, of certain township police districts**

Under current law, a township police district may serve all or a portion of the unincorporated territory of a township. If a district serves only a portion and the board of township trustees later wishes to expand the district's territory, current law allows for the expansion of the territorial limits by a *resolution of the board* adopted at any time 120 days or more after the district has been created and is operative. The resolution must be approved by two-thirds of the board. If that district levied a tax, the tax can be levied on the residents of the proposed expanded territory only after the board additionally adopts a resolution recommending the extension of the tax to the proposed expanded territory and the electors of that territory approve the tax; if the electors of that territory do not approve the tax, the expansion of the territorial limits also does not occur. (Sec. 505.48.)

The bill authorizes an alternative method for achieving expansion if the expansion will encompass the *entire* unincorporated territory of the township. In that situation, the board must adopt a resolution by unanimous vote to place the issue of expansion on the ballot for the electors of the entire unincorporated territory of the township. The resolution must state whether the proposed township police district initially will hire its own personnel as authorized by continuing law or contract for the provision of police protection services or additional police protection services as provided by continuing law. (Secs. 505.48(A), 505.482(A), and 505.50; secs. 505.43 and 505.49--not in the bill.)

The ballot measure must provide for the addition of all of the unincorporated territory of the township not already included in the township police district and for the levy of any tax then imposed by the district throughout that unincorporated territory. The measure must state the rate of any such tax to

be imposed in the district resulting from approval of the measure; that rate need not be the same rate as that imposed by the existing district. And, the measure also must state the last year in which any such tax will be levied or that it will be levied for a continuous period of time. (Sec. 505.482(A) and (B).)

If the measure is approved, the previous township police district ceases to exist, and a new district, with a separate and distinct name from the previous district, is created. (Sec. 505.482(B).)

### **User charges for joint ambulance district services**

The bill authorizes a board of trustees of a joint ambulance district to establish reasonable charges for the use of ambulance or emergency medical services. The board may establish different charges for district residents and nonresidents, and, in its discretion, may waive all or part of the charge for any district resident. The charge for nonresidents must be an amount that is not less than the authorized Medicare reimbursement rate, except that, if before the bill's effective date, the board had different charges for residents and nonresidents and the charge for nonresidents was less than that authorized rate, the board may charge nonresidents less than that authorized rate. (Sec. 505.721.)

The charges collected under the bill must be kept in a separate fund designated as the ambulance and emergency medical services fund, and must be appropriated and administered by the board. The moneys in the fund must be used for the payment of the costs of the management, maintenance, and operation of ambulance and emergency medical services in the district. If those services are discontinued in the district, any balance remaining in the fund must be allocated in amounts proportionate to the percentage of the district's total population served and be paid accordingly into the general funds of the participating political subdivisions. (Sec. 505.721.)

---

## **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 than the Public Records Law.

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-26-03	p. 290
Reported, H. County & Township Government	10-15-03	p. 1117
Passed House (90-0)	12-03-03	pp. 1250-1251
Reported, S. State & Local Gov't & Veterans Affairs	---	---

H0148-RS-125.doc/jc