

# Townships 101

## A PRIMER FOR TOWNSHIP OFFICIALS

**W**hether you have been re-elected or are a newly elected township official, the OTA welcomes you to a new term of office. You are one of 5,232 elected officials, plus thousands of township employees and volunteers, who are a part of the most efficient and effective form of government - township government.

In Ohio, townships govern the unincorporated territory, while municipalities govern the incorporated area. Thirty-five percent of Ohioans live in townships. Over the past 50 years, the number of people living outside of municipal boundaries has increased 22 percent.

To best serve their residents, it is important that both veteran and newly elected township officials understand township government's potential to shape, protect, and support the character of their communities.

### Township Structure

Townships are statutory governments and may act only when specifically authorized by state law or as inherently implied by statute. Municipalities, on the other hand, are generally free to act in areas where townships may not. Several key chapters of the Ohio Revised Code (R.C.) contain essential information for townships: R.C. Title 5, and R.C. Chapters 3709, 4503, 5573, 5575, and 5705. In addition to the R.C., townships rely heavily on Ohio Attorney General Opinions, Auditor of State Bulletins, Ethics Commission Opinions, and court decisions.

The R.C. provides for two types of township government: statutory and limited home rule. Most townships fall under the statutory form of government. Limited home rule (R.C. Ch. 504), created in 1991, allows those townships that adopt it the ability to deal with the growing pains of development and related urban issues. If adopted, limited home rule townships may exercise "all powers of self-government," subject to certain exceptions. Today, 34 townships have adopted limited home rule.

Regardless of the type of township, three trustees (R.C. §505.01) and a fiscal officer (R.C. §507.01), each elected to a four-year term, run the township. Terms of the officials are staggered: two trustees run together, and the third trustee is on the ballot at the same time as the fiscal officer.

### Funding Townships

Townships rely almost exclusively on the local property tax (R.C. §5705.19) for their funding. They are not permitted to collect income taxes. Even so,



townships collect little of the total property tax in Ohio, accounting for 5.8 percent of collections. Examples of levy types include roads, cemeteries, greenspace, solid waste, senior services, and current expenses.

Pass along taxes, such as the motor vehicle license tax or hotel bed tax, may be implemented by a majority vote of the board of township trustees. Both taxes are subject to referendum by township residents.

For the purposes of this article, fixed funding is monies for which the R.C. provides the authority for townships to collect. They require a limited amount of work on the township's part. These funds include the Local Government Fund, motor vehicle license fees, gasoline tax, tangible personal property reimbursement, public utility taxes, solid waste and C&DD host community fees,



cigarette license, and liquor permit fees.

### Fiduciary Role

Both individually and collectively, trustees and fiscal officers have responsibility for the township's finances. Officials are responsible for protecting the township's assets and ensuring that taxpayer dollars are being used per Ohio law. It is imperative that a strong accounting and financial reporting system be in place.

Expenditures must serve a valid public purpose and be authorized by board action. Determining if an expenditure is lawful can be tricky. Essentially, a township may expend funds only if Ohio's Constitution or the Revised Code provides specific authorization for the township to make the expenditure.

### Conducting Business

Townships must follow Ohio's Open Meetings Act (R.C. §121.22). The Open Meetings Act requires all public bodies to take official action and conduct all business deliberations only in open meetings.

All action taken by the trustees must be in a regular or special meeting. Regular meetings must be conducted at a specific time fixed in advance. The board must comply with R.C. §121.22(F) public notice provisions.

Special meetings may be held as often as deemed necessary. The trustees may

take any action not restricted by law to a particular regular session.

A board of township trustees may enter into executive session for specific reasons listed in R.C. §121.22(G). The trustees must tell the public why it will enter into the executive session. Trustees may adopt a resolution or rule or take a formal action resulting from deliberations in executive session; however, a board must actually adopt this resolution or rule or take this formal action only in an open meeting.

Trustees must be present in person at the meeting to be considered present or to vote on an issue. Devices such as speakerphones may not be used by board members to be considered present and vote on matters.

Townships must also follow Ohio's Public Records Act, R.C. §149.43(A) (1). Elected officials, or their designee, shall take at least three hours of public records training during each term in office. The training is designed to enhance the elected officials' knowledge of providing access to public records and briefly covers the Ohio Open Meetings Act.

Additionally, all public offices must adopt a public records policy that describes how the public office will respond to public records requests.

### Motions vs. Resolutions

A frequent question received by members, particularly newer trustees, is,

"What is the difference between a motion and a resolution?"

According to Robert's Rules of Order, "a motion is a proposal that the assembly (i.e., board of township trustees) take certain action, or that it express itself as holding certain views." An example of this would be, "I move to accept the financial report."

Registered, certified professional parliamentarian Nancy Sylvester defines resolution as "a formal form of a motion that usually includes reasons as "whereas" clauses and the action as "resolved" clause(s)."

Robert's Rules of Order recommends that "(e)very resolution should be in writing and when a main motion is of such importance or length as to be in writing it is usually written in the form of a resolution." A resolution is always a main motion.

Resolutions generally begin with the words, "Resolved, That," the word "Resolved" being underscored and followed by a comma, and the word "That" starting with a capital "T." If it is desired to give the reasons for the resolution, they are usually stated in a preamble, each clause of which constitutes

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## DID YOU KNOW...

...that township sourcebooks are available to guide you as township elected officials? When used in combination with the Ohio Revised Code, these sourcebooks can be a very helpful tool. The sourcebooks are intended to provide information and resources about township governance and management, and the functions and duties of elected offices in a township.

Published in cooperation with Miami University's Center for Public Management and Regional Affairs, sourcebooks are available for purchase online or by mailed order form. For more information, go to [www.ohiotownships.org/products/](http://www.ohiotownships.org/products/), and select your sourcebook/s. Once a sourcebook is selected, you'll have the option to print a form instead of purchasing online.

*Note: Sourcebooks are available individually or in combination sets.*

Updated in 2018  
Trustee Sourcebook

Updated in 2020  
Fiscal Officer  
Sourcebook

Updated in 2012  
Personnel Management



# How the OTA Can Help You



## Guidance and Support

Members have direct access to OTA staff to ask questions by calling 614-863-0045. Members may also visit our website, [ohiotownships.org](http://ohiotownships.org), to access online resources, including publications, training opportunities, sample policies, and other documents.

## Educational Opportunities

The OTA offers many educational opportunities, such as training webinars and the OTA Leadership Academy. The annual Winter Conference offers members a chance to network with fellow township officials, learn about important issues, and share ideas.

## Publications

Each issue of the *Ohio Township News*, the bi-monthly magazine, features in-depth articles on a myriad of issues and important dates for townships. Be sure to check out the *Grassroots Clippings*, a monthly newsletter, and the "Did You Know" included, as well as the legislative alert.

## Resources

The OTA offers a variety of other helpful resources, such as compensation charts, sample policies, sourcebooks, and informative brochures. Member townships have an opportunity to participate in OTA endorsed programs, like BWC group rating and risk management.

## Advocacy

Townships are heavily impacted by the actions of the Ohio General Assembly. The OTA provides advocacy on behalf of members about legislation and rules impacting township government. In addition, the OTA works to generate awareness about why townships matter.

decision-making boards, all public servants are required to comply with these laws.

Additionally, R.C. §511.13 prohibits any officer or employee of a township from being interested in a contract entered into by the township. For example, a trustee, officer, or employee of a township who is employed by an entity with which the township enters into a contract has an interest in the contract for purposes of R.C. §511.13 per Ohio Attorney General Opinion 2008-002.

Township officials need to become well informed on the details of the law. It is also essential to know that differences exist between acceptable private sector practices (like exchanges of gifts or business incentives or family favoritism) in contrast to the expectation of Ohio law that there be no personal conflict when public monies are expended. The best advice is that if a question exists as to whether particular action or conduct is ethical, ask before and not after moving forward.

## Services & Operations

Townships are mandated to maintain township roads, protect cemeteries, settle line fence disputes, and control noxious weeds. Townships across Ohio maintain 41,683 centerline miles of roadway and preserve and care for nearly 2,700 cemeteries.

Townships have permissive authority to provide police, fire & emergency medical services. Across Ohio, there are over 400 township fire departments, 350 EMS units, and nearly 100 police departments.

Additionally, townships have permissive authority to establish parks and recreational facilities, regulate land use and development, dispose of waste, offer senior services, program community events, and create economic development.

For any service offered, mandated or permissive, a township may provide, contract for, or collaborate with other political subdivisions.

## Township Zoning

Ohio townships' zoning authority doesn't come from the Ohio Constitution but rather R.C. Ch. 519, which provides the power for Ohio townships to regulate zoning in the unincorporated territory of the township.

Ultimately, the question of whether or not zoning shall be adopted must be submitted to the electorate. Counties also have the authority to enact zoning in the unincorporated area of the county. Township zoning takes precedence over county zoning unless township voters approve its replacement with county zoning (R.C. 303.22). Conversely, county zoning can be replaced by township zoning by a vote of the electors.

The power to enact zoning is commonly referred to as "police power," an action taken by the government to protect its residents' health, safety, and general welfare. Often controversial, zoning places restrictions on the use of land and places restrictions on the location, height, bulk, and size of buildings; the percentage of lot coverage, set back requirements; and the purposes for which buildings and land may be used.

Primary administration of the zoning resolution involves the township zoning commission (appointed by the board of trustees), the board of zoning appeals (also appointed by the trustees), and a zoning inspector.

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a paragraph beginning with "Whereas."

## Ethics

The Ohio Ethics Law, enacted in 1973, created standards that require personal financial disclosure, restrictions upon unethical conduct with criminal sanctions, prohibits public officials and employees from being involved in certain conflicts of interest and establishes a procedure by which citizens may participate in the enforcement of the law (R.C. Ch. 102, R.C. §§2921.42, 2921.43).

The Ethics Law applies to all public officials and employees in the state. Whether they are full-time or part-time compensated employees, elected officials, or uncompensated members of



### An Employer

Townships are not only public entities but are also public employers. According to R.C. §511.10, a board of township trustees may employ superintendents, architects, clerks, laborers, and other employees as are necessary to assist in running the township. Many townships have no formal department structure and zero or only a few full or part-time employees.

Depending on its size and the services offered, a township may employ and fix the compensation of individuals (R.C. §511.10). Township employees must be paid, at least the state minimum wage per Article II, Section 34 of the Ohio Constitution.

Some townships appoint an administrator, whose duties are defined by R.C. §505.032, and the individual township. The township administrator typically helps plan, coordinate, and implement township goals on behalf of the Board of

Trustees.

All township officials must be aware of both state and federal employment law, including the Americans with Disabilities Act, Veteran's Preference Act, and the Fair Labor Standards Act. The Ohio Public Employees Collective Bargaining Act (R.C. §4117.01) applies to townships with a population of 5,000 or more in the unincorporated territory. All public employees in such townships are permitted to engage in collective bargaining under the Act.

For more information about township government in Ohio, please

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