

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 148

**Representatives 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**

A B I L L

To amend sections 505.48, 505.50, 507.021, 507.03,	1
and 507.04 and to enact sections 505.482 and	2
505.721 of the Revised Code to require that the	3
township clerk personally attend certain meetings	4
of the board of township trustees, to set minimum	5
amounts for township clerk bonds, to permit	6
certain boards of township trustees to request	7
copies of township records, to authorize a	8
township clerk to hire one or more assistants, to	9
provide for the expansion by ballot measure of	10
certain township police districts into	11
township-wide police districts with authority to	12
levy a tax for the newly created police districts,	13
and to authorize joint ambulance districts to	14
establish reasonable user charges for their	15
services that may vary among resident and	16
nonresident users.	17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 505.48, 505.50, 507.021, 507.03, and 18
507.04 be amended and sections 505.482 and 505.721 of the Revised 19
Code be enacted to read as follows: 20

Sec. 505.48. (A) The board of township trustees of any 21
township may, by resolution adopted by two-thirds of the members 22
of the board, create a township police district comprised of all 23
or a portion of the unincorporated territory of the township as 24
the resolution may specify. If the township police district does 25
not include all of the unincorporated territory of the township, 26
the resolution creating the ~~township police~~ district shall contain 27
a complete and accurate description of the territory of the 28
district and a separate and distinct name for the district. ~~The~~ 29

At any time not less than one hundred twenty days after a 30
township police district is created and operative, the territorial 31
limits of the district may be altered in the manner provided in 32
division (B) of this section or, if applicable, as provided in 33
section 505.482 of the Revised Code. 34

(B) Except as otherwise provided in section 505.482 of the 35
Revised Code, the territorial limits of ~~the~~ a township police 36
district may be altered by a resolution adopted by a two-thirds 37
vote of the board of township trustees ~~at any time one hundred 38
twenty days or more after the district has been created and is 39
operative.~~ If the township police district imposes a tax, any 40
territory proposed for addition to the district shall become part 41
of the district only after all of the following have occurred: 42

(1) Adoption by two-thirds vote of the board of township 43
trustees of a resolution approving the expansion of the 44
territorial limits of the district; 45

(2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division ~~(A)~~(B)(2) of this section shall state the name of the township police district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the ~~police~~ district.

~~(B)~~ The board of trustees shall certify each resolution adopted under division ~~(A)~~(B)(2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division ~~(A)~~(B)(3) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within
(description of the proposed territory to be added) be added to (name) township police district, and a property tax at a rate of taxation not exceeding (here insert tax rate) be in effect for (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?" ~~If~~

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of January of the year following approval, and, on that date, the township police district tax shall be extended to the taxable property within the territory that has been added.

~~A township police district comprising only a part of the~~

~~unincorporated territory of the township shall be given a separate
and distinct name in the resolution authorizing its creation.~~

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Sec. 505.482. (A) If a township police district does not
include all the unincorporated territory of the township, the
remaining unincorporated territory of the township may be added to
the district by a resolution adopted by a unanimous vote of the
board of township trustees to place the issue of expansion of the
district on the ballot for the electors of the entire
unincorporated territory of the township. The resolution shall
state whether the proposed township police district initially will
hire personnel as provided in section 505.49 of the Revised Code
or contract for the provision of police protection services or
additional police protection services as provided in section
505.43 or 505.50 of the Revised Code.

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The ballot measure shall provide for the addition into a new
district of all 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 the
unincorporated territory of the township. The measure shall state
the rate of the tax, if any, to be imposed in the district
resulting from approval of the measure, which need not be the same
rate of any tax imposed by the existing district, and the last
year in which the tax will be levied or that it will be levied for
a continuous period of time.

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(B) The election on the measure shall be held, canvassed, and
certified in the manner provided for the submission of tax levies
under section 5705.25 of the Revised Code, except that the
question appearing on the ballot shall read substantially as
follows:

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"Shall the unincorporated territory within (name
of the township) not already included within the (name

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of township police district) be added to the township police 108
district to create the (name of new township police 109
district) township police district?" 110

The name of the proposed township police district shall be 111
separate and distinct from the name of the existing township 112
police district. 113

If a tax is imposed in the existing township police district, 114
the question shall be modified by adding, at the end of the 115
question, the following: ", and shall a property tax be levied in 116
the new township police district, replacing the tax in the 117
existing township police district, at a rate not exceeding 118
..... mills per dollar of taxable valuation, which amounts to 119
..... (rate expressed in dollars and cents per one thousand 120
dollars in taxable valuation), for (number of years the 121
tax will be levied, or "a continuing period of time")." 122

If the measure is not approved by a majority of the electors 123
voting on it, the township police district shall continue to 124
occupy its existing territory until altered as provided in this 125
section or section 505.48 of the Revised Code, and any existing 126
tax imposed under section 505.51 of the Revised Code shall remain 127
in effect in the existing district at the existing rate and for as 128
long as provided in the resolution under the authority of which 129
the tax is levied. 130

Sec. 505.50. The board of township trustees of a township or 131
a township police district may purchase, lease, lease with an 132
option to purchase, or otherwise acquire any police apparatus, 133
equipment, including a public communications system, or materials 134
that the township or township police district requires and may 135
build, purchase, lease, or lease with an option to purchase any 136
building or buildings and site of the building or buildings that 137
are necessary for the police operations of the township or 138

district. 139

The boards of trustees of any two or more contiguous 140
townships, may, by joint agreement, unite in the joint purchase, 141
lease, lease with an option to purchase, maintenance, use, and 142
operation of police equipment for any other police purpose 143
designated in sections 505.48 to 505.55 of the Revised Code, and 144
to prorate the expense of that joint action on terms mutually 145
agreed upon by the trustees in each affected township. 146

The board of trustees of ~~any~~ a township or a township police 147
district may enter into a contract with one or more townships, a 148
municipal corporation, a park district created pursuant to section 149
511.18 or 1545.01 of the Revised Code, or the county sheriff upon 150
any terms that are mutually agreed upon for the provision of 151
police protection services or additional police protection 152
services either on a regular basis or for additional protection in 153
times of emergency. The contract shall be agreed to in each 154
instance by the respective board or boards of township trustees, 155
the board of county commissioners, the board of park 156
commissioners, or the legislative authority of the municipal 157
corporation involved. The contract may provide for a fixed annual 158
charge to be paid at the time agreed upon in the contract. 159

Chapter 2744. of the Revised Code, insofar as it is 160
applicable to the operation of police departments, applies to the 161
contracting political subdivisions and police department members 162
when the members are serving outside their own political 163
subdivision pursuant to such a contract. Police department members 164
acting outside the political subdivision in which they are 165
employed may participate in any pension or indemnity fund 166
established by their employer and are entitled to all the rights 167
and benefits of Chapter 4123. of the Revised Code, to the same 168
extent as while performing services within the political 169

subdivision. 170

Sec. 505.721. As used in this section, "authorized medicare 171
reimbursement rate" means such rate established for the locality 172
under Title XVIII of the "Social Security Act," 49 Stat. 620 173
(1935), 42 U.S.C.A. 301, as amended. 174

A board of trustees of a joint ambulance district may 175
establish reasonable charges for the use of ambulance or emergency 176
medical services. The board may establish different charges for 177
district residents and nonresidents, and, in its discretion, may 178
waive all or part of the charge for any district resident. The 179
charge for nonresidents shall be an amount not less than the 180
authorized medicare reimbursement rate, except that, if prior to 181
the effective date of this section, the board had different 182
charges for residents and nonresidents and the charge for 183
nonresidents was less than the authorized medicare reimbursement 184
rate, the board may charge nonresidents less than the authorized 185
medicare reimbursement rate. 186

Charges collected under this section shall be kept in a 187
separate fund designated as the ambulance and emergency medical 188
services fund, and shall be appropriated and administered by the 189
board. The moneys in the fund shall be used for the payment of the 190
costs of the management, maintenance, and operation of ambulance 191
and emergency medical services in the district. If ambulance and 192
emergency medical services are discontinued in the district, any 193
balance remaining in the fund shall be allocated in amounts 194
proportionate to the percentage of the district's total population 195
served and paid accordingly into the general funds of the 196
participating political subdivisions. 197

Sec. 507.021. (A) The board of township trustees may employ 198
such number of persons as it finds necessary to provide 199

~~stenographic and clerical assistance to the township clerk or~~ 200
~~deputy clerk may hire and appoint one or more persons as the clerk~~ 201
~~finds necessary to provide assistance to the township clerk or~~ 202
~~deputy clerk. The township clerk may set the compensation of those~~ 203
~~persons subject to the prior approval of the board of township~~ 204
~~trustees. Those persons shall serve at the pleasure of the~~ 205
~~township clerk or, in the absence of the clerk, the deputy clerk.~~ 206
~~The township clerk may delegate to an assistant any of the duties~~ 207
~~the clerk is otherwise required to perform. The appointment of~~ 208
~~assistants under this section does not relieve the township clerk~~ 209
~~of responsibility to discharge the duties of the office but shall~~ 210
~~serve to provide assistance to the clerk in performing those~~ 211
~~duties.~~ 212

(B) The compensation of an assistant appointed under this 213
section shall be included in the estimate of contemplated 214
expenditures for the township clerk's office that is submitted to 215
the board of township trustees for approval as provided in section 216
5705.28 of the Revised Code. 217

(C) Before serving, an assistant to the township clerk shall 218
give bond for the faithful discharge of the duties of the office 219
as may be delegated by the clerk. The bond shall be payable to the 220
board of township trustees and shall be for the same sum as 221
required under section 507.03 of the Revised Code for the township 222
clerk, with sureties approved by the board, and conditioned for 223
the faithful performance of duties delegated by the clerk. The 224
bond shall be recorded by the township clerk, filed with the 225
county treasurer, and carefully preserved. 226

Sec. 507.03. The township clerk, before entering upon the 227
discharge of ~~his~~ official duties, shall give a bond, payable to 228
the board of township trustees, with sureties approved by ~~such~~ the 229
board ~~and,~~ in ~~such~~ the sum as ~~it determines~~ determined by the 230

board but not less than the sum provided in this section, and 231
conditioned for the faithful performance of his the duties as of 232
the office of township clerk. Such This bond shall be recorded by 233
the clerk, filed with the county treasurer, and carefully 234
preserved. 235

The minimum sum of the township clerk's bond shall be as 236
follows: 237

(A) In a township with a budget of fifty thousand dollars or 238
less, ten thousand dollars; 239

(B) In a township with a budget of more than fifty thousand 240
dollars but not more than one hundred thousand dollars, 241
thirty-five thousand dollars; 242

(C) In a township with a budget of more than one hundred 243
thousand dollars but not more than two hundred fifty thousand 244
dollars, sixty thousand dollars; 245

(D) In a township with a budget of more than two hundred 246
fifty thousand dollars but not more than five hundred thousand 247
dollars, eighty-five thousand dollars; 248

(E) In a township with a budget of more than five hundred 249
thousand dollars but not more than seven hundred fifty thousand 250
dollars, one hundred ten thousand dollars; 251

(F) In a township with a budget of more than seven hundred 252
fifty thousand dollars but not more than one million five hundred 253
thousand dollars, one hundred thirty-five thousand dollars; 254

(G) In a township with a budget of more than one million five 255
hundred thousand dollars but not more than three million five 256
hundred thousand dollars, one hundred sixty thousand dollars; 257

(H) In a township with a budget of more than three million 258
five hundred thousand dollars but not more than six million 259
dollars, one hundred ninety-five thousand dollars; 260

(I) In a township with a budget of more than six million 261
dollars but not more than ten million dollars, two hundred twenty 262
thousand dollars; 263

(J) In a township with a budget of more than ten million 264
dollars, two hundred fifty thousand dollars. 265

Sec. 507.04. (A) The township clerk shall keep an accurate 266
record of the proceedings of the board of township trustees at all 267
of its meetings, and of all its accounts and transactions, 268
including the acceptance of the bonds of township officers. The 269
clerk shall personally attend at least one meeting of the board 270
during each quarter of every year, unless prevented by the 271
occurrence of an emergency from attending. 272

(B) In any township where the clerk does not keep the 273
township's records in a public facility, the board of township 274
trustees, once each quarter of each year, may request the clerk to 275
provide the board with copies of township records for its review. 276
If the board makes such a request, it shall tell the clerk which 277
records it wants copies of by indicating the dates or types of the 278
records it is requesting. A request made under this section does 279
not diminish any trustee's right to inspect township records under 280
division (B) of section 149.43 of the Revised Code. 281

Section 2. That existing sections 505.48, 505.50, 507.021, 282
507.03, and 507.04 of the Revised Code are hereby repealed. 283