

Legal and Ethical Guidelines for Ohio Township Trustees - What Every Community Member Should Know

In Ohio, township trustees play a vital role in local governance, with responsibilities ranging from managing township resources to overseeing development projects. Recent discussions have raised questions about the conduct of some trustees, specifically regarding instances where a trustee leases property to renewable energy developers and manages township business connected to these developments. Additionally, there have been reports of trustees and commissioners holding executive sessions to discuss renewable energy projects, prompting further inquiries into the legality of these actions.

To address these concerns, this article will cover essential topics related to Ohio Township Boards of Trustees, focusing on the ethical and legal standards they are expected to uphold. We will examine Ohio Ethics Laws, the Sunshine Laws, guidelines for Executive Sessions, and the Freedom of Information Act (FOIA) to help clarify what trustees can and cannot do. However, it's important to note that I am not a lawyer, and this information is for general guidance only. If you believe a violation has occurred or have specific legal questions, you should seek counsel from your own attorney, the Ohio Secretary of State, or the Ohio Ethics Commission.



Ohio Ethics Laws and How They Apply to Trustees - Conflicts of Interest

Ohio's ethics laws are designed to prevent conflicts of interest and ensure that officials act in the community's best interest. For example, trustees must avoid involvement in decisions where they or their immediate family members have a direct financial interest. Ohio law extends the definition of "conflict of interest" to include financial interests not only of the trustee but also of their immediate family members. For example, if a trustee leases land to a renewable energy developer, and their family stands to benefit financially, that trustee should abstain from participating in township business related to that development. The Ohio Revised Code and guidance from the Ohio Ethics Commission outline that any financial stake in a township-related transaction should preclude a trustee from involvement in those related decisions.

Abstaining from Votes - To avoid potential conflicts, trustees are required to abstain from voting or discussing issues where they have a personal financial interest. This means stepping back from discussions or votes about projects involving land leases or development agreements that benefit them directly or indirectly. By abstaining, trustees help ensure decisions remain objective, upholding the public's trust.

Ohio Sunshine Laws: Open Meetings and Transparency

Ohio's Sunshine Laws mandate that public bodies, including township boards, conduct their business transparently. These laws require township board meetings to be open to the public, and all decisions and actions taken must be recorded in minutes accessible to residents. By following Sunshine Laws, township boards allow community members to stay informed about decisions affecting them.

Transparency is critical to building trust with the community. Decisions made privately or outside public sessions can be problematic. For example, if two trustees meet and discuss township business informally without notifying the public, it may constitute a violation of the Sunshine Laws. Ohio law treats any gathering where a majority of a public body (two out of three trustees) discusses public business as a "meeting," which must be open to the public and properly noticed.

Executive Sessions: Acceptable Reasons for Closed Meetings

Ohio law allows township boards to hold Executive Sessions—meetings closed to the public—under limited circumstances, including personnel matters, property acquisition, litigation, and security matters. Trustees must publicly announce the reason for entering an Executive Session and can't take official action, like voting, in closed sessions.

Recent concerns about trustees using Executive Sessions to discuss renewable energy projects underscore the importance of transparency. In general, closed-door discussions are meant for issues directly related to township personnel, property negotiations, and legal concerns. Renewable energy projects, with widespread community impact, should ideally be discussed openly to respect the public's right to information.

The Freedom of Information Act (FOIA) and Ohio Public Records Act

Ohio's Public Records Act and the federal Freedom of Information Act (FOIA) empower citizens to access government records. These laws mean township records, meeting minutes, and financial documents must be made available upon request. Community members seeking information on trustees' actions concerning renewable energy projects can submit FOIA requests to access relevant documents.

Submitting a FOIA Request - To request information, submit a FOIA or public records request to the township office, specifying the records you're interested in, such as meeting minutes or related documents. Trustees are legally obligated to provide these records promptly unless exempt due to legal protections or privacy concerns.

Public Recourse for Holding Trustees Accountable

If a trustee is suspected of violating Ohio's Ethics Laws or Sunshine Laws, residents have several avenues to pursue accountability and ensure compliance with legal standards:

- **Ohio Ethics Commission:** Community members can file a complaint with the Ohio Ethics Commission if they believe a trustee has engaged in unethical conduct, such as conflicts of interest or personal gain from township decisions. The Ethics Commission has the authority to investigate allegations, enforce compliance, and, if warranted, issue disciplinary actions or fines.
- **County Prosecutor's Office:** For possible Sunshine Law violations, such as holding unannounced meetings or failing to disclose public records, residents can contact the county prosecutor's office. The prosecutor has the power to investigate potential breaches of transparency laws and enforce corrective measures, ensuring trustees uphold the public's right to access information.
- **Ohio Attorney General's Office:** If a public records request is denied or delayed without adequate explanation, residents may file a complaint with the Ohio Attorney General's office. The Attorney General's office oversees public records compliance and can mediate disputes between residents and township boards, helping resolve issues around public access.

Wrapping Up...

Ohio township trustees hold significant responsibility in their communities, and understanding the ethical and legal guidelines governing their actions helps both trustees and community members ensure local governance remains transparent and accountable. If you have questions about specific situations or need further clarification, you can reach out to the Ohio Township Association, the Ohio Secretary of State, or the Ohio Ethics Commission.

Ohio Township Association

- Phone: (614) 863-0045
- Email: info@ohiotownships.org

Ohio Secretary of State

- Phone: (614) 466-2655
- Email: info@ohiosos.gov
- Website: www.ohiosos.gov

Ohio Ethics Commission

- Phone: (614) 466-7090
- Email: ethics@ethics.ohio.gov
- Website: ethics.ohio.gov