September 15, 2009

The Honorable Kevin J. Baxter
Erie County Prosecuting Attorney
247 Columbus Avenue, Suite 319
Sandusky, Ohio 44870-2636

SYLLABUS: 2009-034

1. Pursuant to R.C. 121.22(C), meetings of a public body of a township are public meetings that must be open to the public at all times and conducted in a location that is open to the public. In order to be considered present at a meeting of a public body of a township, and for the purpose of determining a quorum, R.C. 121.22(C) requires that a member of a public body be present in person at a public meeting. These requirements preclude the possibility of a public body of a township conducting a meeting by teleconference or by any other means that would limit the ability of the public or a majority of the members of a public body to attend the meeting in person.

2. A township may pay its employees by direct deposit of funds by electronic transfer provided the board of township trustees authorizes such automatic payments by resolution. However, pursuant to R.C. 5705.41(B), (C), and (D)(1), a township may not make any expenditure of money unless a warrant has been issued against a proper fund, moneys have been appropriated properly to fund such expenditure, and the township fiscal officer has certified the amount. Furthermore, pursuant to R.C. 507.11(B), a board of township trustees is required to approve each payroll and township financial obligation with an order signed by at least two of the township trustees and the township fiscal officer.

3. The provisions of law pertaining to (1) the authority of a township to limit public attendance at meetings of a public body and (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees are not repealed or otherwise affected as a result of whether a federal, state, or local governmental official declares a state of emergency in a township or as a result of the type of emergency a township is confronting.

RICHARD CORDRAY
OHIO ATTORNEY GENERAL

September 15, 2009

OPINION NO. 2009-034

The Honorable Kevin J. Baxter
Erie County Prosecuting Attorney
247 Columbus Avenue, Suite 319
Sandusky, Ohio 44870-2636

Dear Prosecutor Baxter:

You have requested an opinion concerning the authority of elected township officers to prepare in advance for pandemics and other emergencies. As background information, you have informed us that

> [t]he Erie County Health Department is working in conjunction with the Erie County Townships to create a master plan for continuation of services in cases of pandemics or other emergencies where serious infections or illnesses could impede the ability of each township to provide needed services. Since all townships are creatures of statute, we are unsure of what capacity we have to make alternative arrangements for such township functions as medical aid [paramedics/fire departments], road crews, meeting payroll, etc. Further, such emergencies are likely to arise with little or [no] warning. Advance preparation is critical and some of the suggested solutions, if permissible, take time to set in place particularly in smaller townships without technical expertise.

In order to help the elected township officers of Erie County prepare in advance for pandemics and other emergencies, you have asked us to address the following questions:[1]

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[1] Your letter requesting a formal opinion of the Attorney General set forth nine questions related to the authority of elected township officers to prepare in advance for pandemics. Several

1. Do townships have the right, in times of pandemics, to hold meetings by teleconference or some other means which would prohibit or limit the public from attending in person?

2. Do townships have the right to limit public attendance at meetings during a pandemic?

3. Do townships have a right to set up an emergency plan for paying wages, invoices, and other bills through an electronic system which would not require approval of bills prior to payment? If so, what authority would have to be in place prior to setting up such a system?

4. In the above case, would a plan component for subsequently authorizing payments of wages and payments meet the requirements of state law?

5. In answering the above questions, would the answers to the posed questions differ if the declaration of emergency is done by the local government, the State of Ohio, or the federal government?

6. In answering the above questions, does it matter whether the emergency is a medical one, i.e., pandemic, or armed forces conflict, or threat of terrorism or bioterrorism?

In response to your questions, we conclude as follows:

1. A township's public bodies do not have the right to hold their meetings by teleconference or any other means which prevent the public from attending in person.

2. A township's public bodies may not limit public attendance at their public meetings.

3. R.C. 5502.24(B) provides a limited exception to fulfilling the requirements of the open meetings law. This exception applies only to the "time-consuming procedures and formalities" required by the open meetings law, and the exception is applicable only when an emergency situation requires that public bodies meet to conduct public business at alternate, emergency locations, other than their normal meeting places, pre-designated pursuant to R.C. 5502.24(B). R.C. 5502.24(B) does not

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of your questions were answered in a previously-issued opinion, 2008 Op. Att'y Gen. No. 2008-038. This opinion will address the remainder of your questions concerning open meetings requirements and automated payroll and payment systems.

provide an exception to the "in person" requirement of R.C. 121.22(C) and thus does not permit a public body to meet by teleconference.

4. A township may pay its employees by direct deposit of funds by electronic transfer provided the board of township trustees authorizes such automatic payments by resolution.

5. The provisions of law pertaining to (1) the authority of a township to limit public attendance at meetings of a public body and (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees are not repealed or otherwise affected by federal and state law empowering federal, state, and local officials to declare a state of emergency in a township or the type of emergency the township is confronting.

Requirements of the Open Meetings Law

Your first two questions concern Ohio's open meetings laws, and you specifically ask whether a township has the right, during a pandemic, to hold meetings by teleconference or some other means that would prevent the public from attending in person, and whether a township has the right to limit public attendance at meetings during a pandemic.

The open meetings law "require[s] public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law." R.C. 121.22(A). The law explicitly states that it shall be liberally construed. Your question does not address a specific township division, department, or group. The requirements of the open meetings law apply only to public bodies, so any group not meeting the definition of a public body will not be held to the standards set forth by the open meetings law. A "[p]ublic body" includes "any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution" and any committee or subcommittee of such a body.[2] R.C. 121.22(B)(1)(a), (b).

"All meetings of any public body are declared to be public meetings *open to the public at all times*." R.C. 121.22(C) (emphasis added). In order to be considered present at a meeting, and for purposes of determining a quorum, a member of a public body "shall be present *in person* at a meeting open to the public." R.C. 121.22(C) (emphasis added). These requirements

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[2] The law provides several exceptions to the definition of public body. These include grand juries; audit conferences; certain Adult Parole Authority hearings; the Organized Crime Investigations Commission; meetings of a child fatality review board; certain meetings of the State Medical Board, Board of Nursing, State Board of Pharmacy, and State Chiropractic Board; and the executive committee of the Emergency Response Commission. R.C. 121.22(D).

preclude the possibility of a public body conducting a meeting by teleconference or other means that prevent the public, or a majority of the members of the public body, from attending the meeting in person.[3]

A public body may not expressly limit public attendance at its meetings. Public bodies must conduct their meetings in venues that are open to the public; if physical space in the venue cannot accommodate all members of the public interested in attending the meeting, closed circuit television has been used as an alternative. *Wyse v. Rupp*, No. F-94-19, 1995 Ohio App. LEXIS 4008, at *13 (Fulton County Sept. 15, 1995). While the public has the right to be present at meetings of a public body, the public is not guaranteed a right to participate in meetings of public bodies. A board of township trustees may limit the amount of time allotted for public participation or, if necessary at a particular meeting because of time constraints or exigent circumstances, disallow public participation altogether. 2007 Op. Att'y Gen. No. 2007-019 (syllabus paragraphs 1-4).

Exception Pursuant to R.C. 5502.24

While there are few alternatives to the means by which public bodies may meet, there is a statutory provision allowing for alternate locations for government in emergency situations.[4] R.C. 5502.24 authorizes the governing body of a political subdivision of Ohio to "establish and designate, by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency location, or locations, of government and … make any necessary arrangements for the use of those sites or places." R.C. 5502.24(B) provides further:

> Whenever due to an emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place or places

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[3] Members of a public body must not attempt to circumvent the intent of the open meetings law by conducting a conference call and claiming it does not meet the definition of a "meeting" of the public body because a majority of the members are not "present in person." *See generally State ex rel. Cincinnati Post v. City of Cincinnati*, 76 Ohio St. 3d 540, 668 N.E.2d 903 (1996) (holding that a public body may not circumvent the requirements of the open meetings law by setting up back-to-back meetings of less than a majority of its members and that the statute prevents such maneuvering to avoid its clear intent).

[4] R.C. 5502.24 was first enacted in 1963 as R.C. 5915.041 to "insure continuity of legally constituted government in the event of a nuclear attack or threat of nuclear attack." 1963 Ohio Laws 1495 (Am. S.B. 204, eff. July 1, 1963). In 1988, the General Assembly amended the statute to apply to a broader definition of "emergency." The words "resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack," which had modified "emergency" in the previous version of the statute, were stricken, and the statute thereby became applicable during any situation meeting the definition of "emergency." 1987-1988 Ohio Laws, Part II, 2066 (Am. Sub. H.B. 131, eff. June 29, 1988).

> thereof, the governing bodies may meet at those previously designated sites or places, or at any other convenient site or place, on the call of the presiding officer or any two members of the governing bodies. The sites or places may be within or without the territorial limits of the political subdivisions and shall be within this state. All, or any part, of the public business may be transacted and conducted at the sites or places during the emergency situation. During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this state have and possess and shall exercise, at the location, or locations, all of the executive, legislative, and judicial powers and functions conferred upon that body and officers by or under the laws of this state. Such powers and functions may be exercised in the light of the exigencies of the emergency without regard to or compliance with time-consuming procedures and formalities prescribed by law pertaining thereto, and all acts of that body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

R.C. 5502.24(B) thus authorizes a township's public bodies to meet other than at their normal meeting places, and, if necessary, outside the geographical limits of the township in the case of a pandemic or other emergency.[5] Furthermore, R.C. 5502.24(B) indicates that a public body may disregard compliance with "time-consuming procedures and formalities prescribed by law pertaining thereto." This language has not been interpreted by the courts with respect to Ohio's open meetings laws, but it may give a township some leeway in the exigent circumstances of a pandemic or other emergency.

The provisions of R.C. 5502.24(B) directly rely on geographical requirements. Specifically, the leeway granted by R.C. 5502.24(B) to exercise the "powers and functions conferred upon [a] body … without regard to or compliance with time-consuming procedures and formalities prescribed by law pertaining thereto" depends on and is only available "[d]uring the period when the public business is being conducted at the emergency temporary location." R.C. 5502.24(B). Thus, R.C. 5502.24(B) may provide an exception to the open meetings law requirements only when an emergency dictates that public business be conducted at designated, alternative or substitute, emergency locations. Even when the geographical requirement is met, it then must be determined what constitutes "time-consuming procedures and formalities" that may be disregarded "in the light of the exigencies of the emergency." R.C. 5502.24(B). For

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[5] For purposes of R.C. 5502.24, an "[e]mergency" is defined by R.C. 5502.21(F) as "any period during which the congress of the United States or a chief executive has declared or proclaimed that an emergency exists." R.C. 5502.21(F). Further, "[c]hief executive" means "the president of the United States, the governor of this state, the board of county commissioners of any county, the board of township trustees of any township, or the mayor or city manager of any municipal corporation within this state." R.C. 5502.21(C). Pursuant to these definitions, a board of township trustees may declare a pandemic outbreak to be an emergency.

example, the mechanics of the competitive bidding process may be cumbersome and require lengthy waiting periods that cannot be afforded in the event of an emergency.[6] Finally, because R.C. 5502.24(B) assumes public officials are in attendance at the alternate location, the statute does not appear to consider meeting by teleconference as a viable substitute for an in-person meeting of a public body, even during a declared emergency.

In summary, R.C. 5502.24(B) provides a limited exception to fulfilling the requirements of the open meetings law. This exception applies only to the "time-consuming procedures and formalities" required by the open meetings law, and the exception is applicable only when an emergency situation requires that public bodies meet to conduct public business at alternate, emergency locations, other than their normal meeting places, pre-designated pursuant to R.C. 5502.24(B). R.C. 5502.24(B) does not provide an exception to the "in person" requirement of R.C. 121.22(C) and thus does not permit a public body to meet by teleconference.[7]

Township Requirements for Meeting Financial Obligations during Emergencies

Your third and fourth questions concern ways in which a township may pay its bills and meet its other financial obligations during an emergency. You specifically ask whether townships have a right to set up an emergency plan for paying wages, invoices, and other bills

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[6] With regard to competitive bidding in particular, R.C. 505.08 allows a board of township trustees, "[a]fter adopting by a unanimous vote a resolution declaring a real and present emergency in connection with the administration of township services or the execution of duties assigned by law to any officer of a township," to enter into a contract "for the purchase of services, materials, equipment, or supplies needed to meet the emergency" without bidding or advertising, if the estimated cost of the contract is less than fifty thousand dollars. R.C. 505.08.

[7] The General Assembly has granted select public bodies an exception to the "in person" requirement of R.C. 121.22(C), permitting those bodies to meet virtually via teleconference or other means. *See, e.g.*, R.C. 3333.02 (permitting Ohio Board of Regents meetings conducted by interactive video teleconference); Sub. H.B. 129, 127th Gen. A. (2008) (eff. April 7, 2009) (authorizing a pilot program allowing "members of the Ohio Developmental Disabilities Council, the Ohio Statewide Independent Living Council, the Governor's Council on People with Disabilities, and the facility governing board and judicial advisory board that govern or advise on the STAR Community Justice Center … to be present at board meetings by teleconference or interactive video teleconference"). Because the General Assembly has explicitly authorized meetings via teleconference in some circumstances, we conclude that the failure to do so in the case of emergencies or in the context of R.C. 5502.24(B) indicates a lack of intent to permit such exception to R.C. 121.22(C). *See Haverkos v. Northwest Local Sch. Dist. Bd. of Educ.*, Hamilton App. Nos. C-040578, C-040589, 2005-Ohio-3489, 2005 Ohio App. LEXIS 7298 (July 8, 2005) (holding that Ohio's open meetings law does not include e-mail exchanges as potential "meetings" because during the statute's 2002 revision, the legislature did not amend the definition of a "meeting" to include "electronic communication").

through an electronic system that would not require approval of bills prior to payment. And, if so, you ask what authority would have to be in place prior to setting up such a system, and whether an emergency plan component for subsequently authorizing payments would meet the requirements of state law.

We begin with a brief review of the powers of township officers, those persons holding the positions of township trustees and township fiscal officer, as iterated in R.C. 505.01 and R.C. 507.01, respectively. It is well established that, in order to perform the duties imposed upon them, township trustees may exercise only those powers conferred by statute or implied by those expressly granted.[8] *Trustees of New London Twp. v. Miner*, 26 Ohio St. 452, 456 (1875); *Hopple v. Trustees of Brown Twp.*, 13 Ohio St. 311, 324-25 (1862). *See also State ex rel. Locher v. Menning*, 95 Ohio St. 97, 99, 115 N.E. 571 (1916) ("[t]he [statutory] authority [of a statutorily created board] to act in financial transactions must be clear and distinctly granted"); 1988 Op. Att'y Gen. No. 88-088 ("[a] board of township trustees may disburse township funds only by clear authority of law"). In sum, township officers may not exercise a power or undertake an activity, particularly with regard to township finances, absent express or implied statutory authority to do so.

The focus of your concern appears to be whether R.C. 507.11(B), which governs the payment of township funds and includes a signature requirement, precludes a township from making payments to employees and third parties during an emergency, when the township trustees presumably cannot meet to explicitly approve such expenditures. R.C. 507.11(B) requires that, in order for any "money belonging to the township [to] be paid out," there must be "an order signed by at least two of the township trustees, and countersigned by the township fiscal officer."

Additionally, any appropriation or expenditure of money by a township also must comply with R.C. 5705.41, which provides in part:

> No subdivision or taxing unit shall:
>
> (A) Make any appropriation of money except as provided in Chapter 5705. of the Revised Code; provided, that the authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the bond issue for the purpose for which such bonds were issued, but no expenditure shall be made from any bond fund until first authorized by the taxing authority;

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[8] R.C. Chapter 504 authorizes townships to adopt a limited home rule government. Because there are no townships in Erie County that have adopted the limited home rule government, this opinion does not consider the powers of the elected officers of townships that have adopted a limited home rule government. *See, e.g.*, R.C. 504.04; 2007 Op. Att'y Gen. No. 2007-036, at 2-373 nn.9-10.

> (B) Make any expenditure of money unless it has been appropriated as provided in such chapter;
>
> (C) Make any expenditure of money except by a proper warrant drawn against an appropriate fund;
>
> (D)(1) Except as otherwise provided in division (D)(2) of this section and section 5705.44 of the Revised Code, make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days after the taxing authority receives such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or three thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid.

Thus, a township may not make any expenditure of money unless a warrant has been issued against a proper fund, moneys have been appropriated properly to fund such expenditure, and the township fiscal officer has certified the amount of such appropriation as available for the expenditure. R.C. 5705.41(B), (C), (D)(1). *See generally* 1984 Op. Att'y Gen. No. 84-050 (providing an in-depth analysis of R.C. 5705.41). Neither R.C. 507.11(B) nor R.C. 5705.41 provides explicit exceptions to its requirements in the event of emergencies or pandemics.

You ask about the authority of a township to set up an electronic system that would not require approval of wages, invoices, and other bills prior to their payment. R.C. 9.37 governs the direct deposit of funds by electronic transfer. R.C. 9.37(B) provides that "any public official may make by direct deposit of funds by electronic transfer … any payment such public official is

permitted or required by law in the performance of official duties to make by issuing a check or warrant."[9] The statute further requires,

> [i]f the issuance of checks and warrants by a public official requires authorization by a governing board, commission, bureau, or other public body having jurisdiction over the public official, the public official may only make direct deposits and contracts under this section pursuant to a resolution of authorization duly adopted by such governing board, commission, bureau, or other public body.

R.C. 9.37(E). Thus, a township may pay its employees by direct deposit of funds by electronic transfer provided the board of township trustees authorizes such automatic payments by resolution. *See* 1997 Op. Att'y Gen. No. 97-053 (syllabus). R.C. 9.37(E) also requires a board of township trustees to adopt a resolution authorizing payment by direct deposit of funds by electronic transfer for the purpose of paying other financial obligations of the township.

Under the directive of R.C. 507.11(B), however, a board of township trustees is still required to approve each payroll with an order signed by at least two of the township trustees and the township fiscal officer. The same requirement applies to the other payments made by a township to satisfy other financial obligations. There are no exceptions to this approval requirement in the event of an emergency such as a pandemic.[10]

In response to your specific questions, we find no legal authority by which the township may set up an emergency plan to pay wages that would not require approval of the payroll prior to payment. Although, once the payroll has been approved by the board of township trustees, the payroll may be met by direct deposit of funds by electronic transfer if a board of township trustees previously adopted a resolution as required by R.C. 9.37(E). Finally, in light of R.C. 507.11(B), we find no legal authority by which a township may create a blanket emergency plan component for subsequently authorizing payments of wages and other payments.

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[9] The payee of such an electronic transfer must provide a "written authorization designating a financial institution and an account number to which the payment is to be credited." R.C. 9.37(B). For purposes of this section, a "public official" includes "any elected or appointed officer, employee, or agent of the state, … any political subdivision, board, commission, bureau, or other public body established by law." R.C. 9.37(A).

[10] While there are provisions that allow a township officer to incur financial obligations or use a credit card to pay for work-related expenses on behalf of the township, these provisions do not speak to the satisfaction of such financial obligations or expenses. R.C. 507.11(A), R.C. 505.64. They merely authorize a township officer to *incur* the debt on behalf of the township, but R.C. 5705.41 and R.C. 507.11(B) still apply to require appropriate certification and subsequent approval of the expenses. *See* 1984 Op. Att'y Gen. No. 84-050.

Flexibility Pursuant to R.C. 5502.24

The laws regarding township requirements for meeting financial obligations are clear; however, turning again to R.C. 5502.24, a township may find exception to the strict constructs of R.C. 507.11(B), R.C. 5705.41, and R.C. 9.37. While these statutes do not offer alternatives to their requirements in the case of an emergency or pandemic, R.C. 5502.24, allowing for alternate locations for government in emergency situations, again may apply to give a township some leeway in meeting its obligations. R.C. 5502.24(B) authorizes a township's public bodies to meet other than at their normal meeting places, and, if necessary, outside the geographical limits of the township in the case of a pandemic or other emergency. This allowance may enable a board of township trustees to find a place to hold its public meetings even during an emergency situation and therefore continue to fulfill its financial obligations in an ordinary manner. While R.C. 5502.24(B) further declares that a public body may disregard compliance with "time-consuming procedures and formalities prescribed by law pertaining thereto," the act of approving a payroll or meeting any other financial obligation of the township with "an order signed by at least two of the township trustees, and countersigned by the township fiscal officer," R.C. 507.11(B), should not be particularly time-consuming once the board has found a way to hold a meeting, even if at an alternate location pursuant to R.C. 5502.24(B). The language of R.C. 5502.24(B) has not been interpreted by the courts with respect to a township's financial obligations, but it may give a township some leeway in the exigent circumstances of a pandemic or other emergency.

In summary, R.C. 5502.24(B) provides an avenue by which townships may establish alternate meeting places for their public bodies to meet in the case of an emergency, and it thus makes it possible for a board of township trustees to meet in person in order to lawfully satisfy a township's financial obligations. R.C. 5502.24(B) does not provide an exception to the "in person" requirement of R.C. 121.22(C) and thus does not permit a public body to meet or conduct its township business by teleconference.

Township Authority Does Not Depend on Which Governmental Official Issues a Declaration of Emergency

Your fifth question asks whether the answers to the first four questions change depending on whether a declaration of emergency is issued by federal, state, or local officials. Various federal and state laws authorize federal, state, and local officials to declare a state of emergency in a township. *See, e.g.*, 50 U.S.C. § 1621; 50 U.S.C. § 1631; 44 C.F.R. § 206.38; R.C. 3701.13; R.C. 3707.04; R.C. 3707.05; R.C. 5502.41(F)(1); *see* note 5, *supra*. None of these laws materially affects (1) the authority of a township to limit public attendance at meetings of a public body or (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees.

Furthermore, operation of the laws and legal principles used to analyze your first four questions is not contingent upon which governmental official or entity declares a state of

emergency in a township. These laws and legal principles apply whenever an emergency is declared by officials at the federal, state, or local level.

Township Authority Is Not Affected by the Type of Emergency

Your final question asks whether our answers to the first four questions change depending on whether the emergency is caused by a pandemic, an armed forces conflict, or a threat of terrorism or bioterrorism. We are not aware of a federal or state law that materially affects (1) the authority of a township to limit public attendance at meetings of a public body or (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees as a result of the type of emergency a township is confronting. Accordingly, with regard to your last question, we conclude that the provisions of law pertaining to (1) the authority of a township to limit public attendance at meetings of a public body and (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees are not repealed or otherwise affected as a result of the type of emergency a township is confronting.

We understand that you have submitted these questions as part of your efforts to create a master plan for continuation of services in cases of pandemics or other emergencies. Of course, if any of these provisions are regarded as unsatisfactory from a practical standpoint as you proceed with your efforts, it is always available to you to pursue changes in those laws through the legislative process.

Conclusions

In sum, it is my opinion, and you are hereby advised as follows:

1. Pursuant to R.C. 121.22(C), meetings of a public body of a township are public meetings that must be open to the public at all times and conducted in a location that is open to the public. In order to be considered present at a meeting of a public body of a township, and for the purpose of determining a quorum, R.C. 121.22(C) requires that a member of a public body be present in person at a public meeting. These requirements preclude the possibility of a public body of a township conducting a meeting by teleconference or by any other means that would limit the ability of the public or a majority of the members of a public body to attend the meeting in person.

2. A township may pay its employees by direct deposit of funds by electronic transfer provided the board of township trustees authorizes such automatic payments by resolution. However, pursuant to R.C. 5705.41(B), (C), and (D)(1), a township may not make any expenditure of money unless a warrant has been issued against a proper fund, moneys have been appropriated properly to fund such expenditure, and the township fiscal officer has certified the amount. Furthermore, pursuant to R.C. 507.11(B),

a board of township trustees is required to approve each payroll and township financial obligation with an order signed by at least two of the township trustees and the township fiscal officer.

3. The provisions of law pertaining to (1) the authority of a township to limit public attendance at meetings of a public body and (2) the authority of a township to meet financial obligations without prior approval by the board of township trustees are not repealed or otherwise affected as a result of whether a federal, state, or local governmental official declares a state of emergency in a township or as a result of the type of emergency a township is confronting.

Respectfully,

RICHARD CORDRAY
Ohio Attorney General