

Note from the Attorney General's Office:

1959 Op. Att'y Gen. No. 59-670 was overruled by 1965 Op. Att'y Gen. No. 65-087.

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TOWNSHIP TRUSTEES—BONDS FOR—MAY BE “BLANKET”
OTHER THAN INDIVIDUAL—§§3.06, 505.02, R.C.

SYLLABUS :

The bond required of township trustees by Section 505.02, Revised Code, does not require an individual official bond but may be furnished in a blanket bond authorized by Section 3.06, Revised Code, if approved as required by Section 505.02, Revised Code.

Columbus, Ohio, July 10, 1959

Hon. James A. Rhodes, Auditor of State
Columbus 16, Ohio

Dear Sir :

I have before me your request for my opinion, reading as follows :

“The question of who may or may not be included in a Blanket Position Bond covering public officers, their deputies and clerks, has again arisen.

“Section 3.06 of the Revised Code, which was amended effective September 7, 1957, provided answers for many questions which were ruled upon in the opinion of your office, No. 546 in 1951.

“It will be noted that in stating exceptions to the officers, appointees, etc., which may be included in a Blanket Bond, the amended law excepts :

“ ‘(b) Any officer, clerk or employee required by law to execute or file an individual bond to qualify for office or employment.’

“The specific question now raised is with relation to the bond which is required by law to be given by township trustees.

“Section 505.02 of the Revised Code. provides in part :

“ ‘Each township trustee, before entering upon the discharge of his duty, shall give bond to the State for the use of the township, in the sum of five hundred dollars, * * *.’

“(1) Does Section 505.02 of the Revised Code, require that the bond given be an individual bond, or

“(2) Would there be a compliance with law should the three trustees of a township secure bond coverage in a blanket bond, which blanket bond might also include other employees of such township?”

Section 505.02, Revised Code, reads as follows :

“Each township trustee, before entering upon the discharge of his duty, shall give bond to the state for the use of the township, in the sum of five hundred dollars, *conditioned for the faithful performance of his duty as trustee*, with at least two sureties, who shall be residents of the same township with the trustee. Such bond shall be approved by a justice of the peace of the township in which the bond is given. Wherever, in any township, a municipal court has replaced the justices of the peace, the municipal judge, or the presiding municipal judge if there is more than one may approve such bonds. In those townships in which there are no justices of the peace or municipal judges the probate judge may approve such bonds.”

(Emphasis added)

From the foregoing section it will be noted that a bond given by a township trustee is *conditioned for the faithful performance of his duty as trustee*, and could not be considered a bond to qualify for office or employment, which would require an individual official bond.

Paragraph 2, Section 3.06, Revised Code, reads in part as follows:

“* * *

“Notwithstanding the provisions of any other law requiring an official bond to be *conditioned substantially to the effect that an officer, clerk or employee will faithfully perform his duties*, it shall be permissible in lieu thereof, with the consent and approval of the officer or governing body authorized to require the bond, for any department or instrumentality of the state or any county, township, municipal corporation, or other subdivision or board of education or department or instrumentality thereof, to procure a blanket bond from any duly authorized corporate surety covering officers, clerks and employees, other than (a) treasurers or tax collectors by whatever title known and (b) any officer, clerk or employee required by law to execute or file an individual official bond to qualify for office or employment. * * *”
(Emphasis added)

This section provides that an official bond conditioned substantially for faithful performance of duty for practically any public position, including township officers, clerks and employees, may be by blanket bond, with several exceptions which do not seem to have application here. In my opinion this would apply to the position of township trustee.

Section 505.02, Revised Code, also requires the bond of a township trustee be approved by a municipal judge or, if there is no municipal court, then by the probate judge.

Accordingly, it is my opinion and you are advised that the bond required of township trustees by Section 505.02, Revised Code, does not require an individual official bond but may be furnished in a blanket bond authorized by Section 3.06, Revised Code, if approved as required by Section 505.02, Revised Code.

Respectfully,

MARK McELROY

Attorney General