

OPINION NO. 69-132

Syllabus:

1. If a township building is to be constructed or enlarged, the major portion of the cost of which is allocated to the meeting hall therein, the same would be considered a town hall and subject to the provisions of Section 511.01, Revised Code.

2. If a township building is to be constructed or enlarged, the major portion of the cost of which is allocated to the office space designed therein, the same would be considered an office

building and subject to the provisions of Section 505.25, Revised Code.

To: David M. Griffith, Trumbull County Pros. Atty., Warren, Ohio
By: Paul W. Brown, Attorney General, October 6, 1969

Your request for my opinion reads as follows:

"Must the Trustees of a Township, under Sections ORC 505.26 and 511.01 through 511.04, submit to the electorate the question of the construction of a town hall where there are sufficient funds in the treasury therefor."

An excerpt from Opinion No. 2408, Opinions of the Attorney General for 1951, states that:

"It was the general interpretation prior to September 9, 1957, that a township hall could not be purchased, built, removed, or enlarged at a cost over \$2000.00 without submitting the question of purchase etc., to the electors. Opinion No. 330, Opinions of the Attorney General for 1929, Volume I, page 517; Opinion No. 1103, Opinions of the Attorney General for 1949, page 753; Opinion No. 2404, Opinions of the Attorney General for 1934, Volume I, page 341."

In 1961, Section 505.26, Revised Code, was enacted, and with a 1965 amendment it reads as follows:

"The board of township trustees may purchase, appropriate, construct, enlarge, improve, rebuild, repair, furnish, and equip a township hall, a township park, and bridges and viaducts over streets, streams, railroads, or other places where an overhead roadway or footway is necessary, and such board may acquire sites by lease or otherwise for any of such improvements, including lands and buildings for recreational purposes.

"If sufficient space for township offices is not available, the board of township trustees may purchase, lease, or construct, and furnish, equip, and maintain office space. When such offices are to be provided by construction, a site upon which to erect such offices may be acquired by purchase, lease for twenty-five years or longer, or otherwise. The cost of providing such office space shall be

paid out of funds in the township treasury. If sufficient funds are not available the board shall proceed as provided in sections 511.01 to 511.04, inclusive, of the Revised Code." (Emphasis added.)

Section 511.01, Revised Code, as amended in 1967, reads as follows:

"If, in a township, a town hall is to be built, improved, enlarged, or removed at a cost greater than ten thousand dollars, the board of township trustees shall submit the question to the electors of such township, shall certify their resolution to the board of elections not later than four p.m. of the ninetieth day before the day of the election, and shall cause the township clerk to give notice of an election on such question and of the estimated cost of the improvement, by written notices, posted, at least forty days prior to such election, in not less than three public places within the township."

The amendment changed the cost limitation from \$2,000 to \$10,000.

The annual budgets of the townships of Ohio range from less than \$7,000 to over \$640,000. There are eight or ten under \$10,000, and three over one half million dollars.

The conventional town hall in Ohio will range from a single room building, costing less than \$10,000 to a modern office building adequate to accommodate the administration of a half million dollar business. If a distinction is not made between a town hall and a town office building, there would appear to be an implied repeal of paragraph two of Section 505.26, Revised Code, by the later enactment of Section 511.01, Revised Code, which places the monetary limitation on the cost of a town hall. I do not think that was intended. Section 511.01, Revised Code, provides for a vote of the people if a town hall is to be enlarged at a cost exceeding \$10,000. The General Assembly certainly did not intend to require a vote of the electorate if office space was being added to the township building because that would be in direct conflict with the provisions of Section 505.26, Revised Code.

Webster's Third New International Dictionary defines town hall as follows:

"Town Hall - (A) The chief public building of a town used for public office and for meetings (as of the town council and the courts). (B) A large hall for public assemblies."

Part (A) of the definition is a village building as the council meets in it. Part (B) more nearly describes a town (township) hall which is the subject of your request. For well over a century, this typical town hall has been, with few exceptions, a one room building for public meetings and election purposes. The fact that the General Assembly has treated the construction of town halls and office space differently and separately requires the recognition by this office.

To give a satisfactory answer to your question, it is incumbent upon the Attorney General to define or distinguish between types of structures constituting a town hall or a township office building.

It is, therefore, my opinion and you are accordingly advised that if a township building is to be constructed or enlarged, the major portion of the cost of which is allocated to the meeting hall therein, the same would be considered a town hall and subject to the provisions of Section 511.01, Revised Code.

Conversely, if a township building is to be constructed or enlarged, the major portion of the cost of which is allocated to the office space designed therein, the same would be considered an office building and subject to the provisions of Section 505.26, Revised Code.