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Question how does the township fill the trustee position because of the death of a trustee?

First, the vacancy occurred immediately upon the death of the trustee. The township government should fill the vacancy at its next regular meeting within 30 days of the death. If there is not any regular meeting within 30 days of the death, then a special meeting should be held with notice to a newspaper of general circulation within the county 24 hours in advance of the special meeting date. The purpose of the special meeting should be the filling of the vacancy of the trustee position and so stated in the newspaper.

Such vacancy must be filled in accordance with O.R.C. 503.24. Under this section, the board of township trustees shall appoint a person having the qualifications of an elector (resides in the township) to fill such vacancy for the unexpired term or until a successor is elected. If a township is without a board or if no appointment is made within 30 days after the occurrence of a vacancy, a majority of the persons designated as the committee of five on the last-filed nominating petition of the township officer whose vacancy is to be filled who are residents of the township shall appoint a person having the qualifications of an elector to fill the vacancy for the unexpired term or until a successor is elected. If at least three of the committee members who are residents of the township cannot be found, or if that number of such members fails to make an appointment within ten days after the 30-day period in which the board of township trustees is authorized to make an appointment, then the presiding probate judge of the county shall appoint a suitable person having the qualifications of an elector in the township to fill the vacancy for the unexpired term or until a successor is elected.

Second, in filling the vacancy of the deceased trustee the appointed person is permitted to hold the office for only so long. The period of time this appointment is for is determined upon how much time was left on the deceased trustee's term. If a vacancy occurs in a township elective office more than 40 days before the next general election for municipal and township officers, a successor shall be **chosen at "that" election** to fill the unexpired term provided the term **does not expire** within one year from the day of the election. If the term **expires within one year** from the day of the next general election for municipal and township officers, and appointed successor shall serve out the unexpired term (and there is **not ANY** election). You may want to check with the board of elections to confirm when Mr. Boecher's term expired.

Question: does it need be advertised in newspaper? Yes for a special meeting. If you are holding a special meeting and not a regular scheduled meeting, you have to meet sunshine law notice requirements for the special meeting. I have addressed that earlier in this letter.

Question: does filling the vacancy take place at a regular or special meeting depends when next is your regular meeting time and if it falls within 30 days of the death! The election of a trustee is not a matter for executive session as the person is not employee or personnel matter.

Question: what is the wording to be put in the newspaper for special meeting? Any wording that states the special meeting is to fill the vacancy of the death of the trustee and to appoint his successor is legally sufficient.

The procedure steps to complete the filling of the vacancy are as follows:

- 1) Call a special meeting or use the regular scheduled meeting time
- 2) Either meeting should be held within 30 days of the date of death.
- 3) A regular scheduled meeting needs no special notice as any business can be conducted at this type of meeting
- 4) A special meeting needs 24-hour notice with the purpose of the meeting so stated.
- 5) Determine how much time was left on the deceased trustee's term to determine the length of the appointment.

Sincerely yours,

Bradford W. Bailey