

TEXAS VS OHIO

When the U.S. Congress began to address the issue of lands beyond the original thirteen states, it passed the Northwest Ordinance. In 1785, as part of that law, the territory that would become the state of Ohio was surveyed. The survey was used to set aside plots of land six miles by six miles, for a total of thirty-six square miles per plot, and each plot of land became a township.ⁱ Variations on this standard size were allowed when the survey encountered a natural land feature, such as Lake Erie, or a political boundary, such as the border with Pennsylvania. Each township was subdivided into sections, with one section per township set aside for public schools and four set aside as payment to veterans of the American Revolution. These townships sat as a level of governmental administration between the county government and municipal governments, such as cities and towns. The remnants of these townships are the school districts in rural parts of Ohio.ⁱⁱ

The concept of the township later became used in Ohio for another type of local government entity: the civil township. Civil townships provide a number of services to residents in Ohio, including cemetery maintenance, trash collection, road and bridge maintenance, and snow removal.ⁱⁱⁱ These townships in Ohio are created by county governments, and all areas of the county not in a city or town are part of a township. A county's board of commissioners may divide or consolidate any township within the county. However, voters may also, through a home rule provision, consolidate or divide a township.^{iv} Any new township created by voters can only include land that is not in an existing city or town. When an area of a township is incorporated, or annexed, into a city or town, the township may be dissolved. If only part of the township is incorporated, the area of the township not incorporated may consolidate with another township, or the township may continue to function within the city.

A civil township is governed by an elected board of trustees comprising three members who serve four-year terms in office.^v The trustees may hire an administrator to oversee day-to-day operations of the township. Trustees have the power to levy taxes to pay for township government and services,^{vi} and the township may provide services above and beyond those listed previously. Some additional services include demolition of

derelict property, solid waste disposal, the hiring of a resident physician, the operation of airports, the development of harbors and port facilities, the provision of public libraries, and the creation of township parks. Interestingly, in Ohio, when services provided by a county government conflict with or duplicate those of a township government, by law the township continues to provide the services, while the county must stop the activities.^{vii} Townships may consolidate or transfer their powers to a county government after a vote of the residents of the township.^{viii}

Currently, a total of 1,308 township governments exist in Ohio. These townships account for 35 percent of all local governments in the state. In contrast, Texas lacks township governments. Services typically provided by Ohio townships are often provided in Texas by cities. If a person does not live in a city in Texas, the county government may provide such services. However, municipal utility districts (MUDs) in Texas can be created to provide these services, or individuals may contract with private companies to provide them.

THINKING Critically

- ★ What is the advantage of creating township governments in Ohio?
- ★ Does this additional level of government in Ohio better serve residents? Why or why not?
- ★ How are MUDs in Texas similar to townships in Ohio?
- ★ How do MUDs in Texas differ from townships in Ohio?

- i. Ohio History Central, "Township," www.ohiohistorycentral.org/entry.php?rec=2190 (accessed July 1, 2016).
- ii. Ohio Revised Statutes (2012), chap. 501.
- iii. Ohio Revised Code (2012), chap. 503, sec. 02.
- iv. Ohio Historical Society, "Township."
- v. Ohio Revised Statutes (2012), chap. 505, sec. 03.
- vi. Ohio Constitution (1851), art. 10, sec. 2.
- vii. Ohio Constitution (1851), art. 10, sec. 3.
- viii. Ohio Constitution (1851), art. 10, sec. 1.