

TOWNSHIP GOVERNMENT 101

A Township Government Primer

WHAT ARE TOWNSHIPS AND WHY WERE THEY ESTABLISHED?

Townships are the original form of local government in Minnesota, established as part of the Northwest Ordinance of 1787 which created the State of Minnesota. The township form of government, a carryover from Europe, served as a familiar building block to develop the State by dividing land areas into 36 square mile units known as congressional townships. Today, the term township generally refers to organized but unincorporated communities governed by a local board of supervisors and created to provide services to their residents. There are 1,790 townships across the State.

HOW HAS THE ROLE OF TOWNSHIP GOVERNMENT EVOLVED?

While congressional township boundaries still exist, current townships are actually the result of Article 12, Section 3 of the State Constitution and Minn. Stat Ch. 379 which governs the creation of new townships. The physical size of most townships no longer resembles the original 36 square mile divisions. Instead, boundaries reflect mergers, annexations into cities, and the organization of new townships in smaller but more densely populated areas of rural counties. Townships have historically been viewed as rural areas with agriculture as their primary industry. In reality, however, townships exist in every area of the state, including the metropolitan area. In recognition of changing times, the state legislature created an option for townships with populations of more than 1,000 or which are located close to a city of the first class, to adopt what are referred to as "urban powers." These urban towns function in much the same way as a small city. The role of all townships, however, is continually evolving. Thus while many townships remain rural agricultural centers, others host a variety of residential, light commercial, and industrial development.

HOW ARE TOWNSHIPS GOVERNED?

Like every local unit of government, township powers are derived from state statutes. The primary statutes directly governing townships are Minn. Stat. Chapters 365 – 368.

A town board of supervisors, elected to staggered three-year terms on an annual basis, make up the governing body for most townships. The annual elections are held on the second Tuesday of March each year in coordination with the township's annual meeting. The annual meeting is what really sets townships apart from other forms of local government. At this meeting, the residents of the township have a direct opportunity to have a voice in how the township will be run. They do this by voting on a variety of matters on which the town board must receive elector approval, and most importantly, by directly voting on and approving the township's tax levy for the next year. This means that, with very limited exception, the town board can only spend that which has been authorized by the voters.

Some townships have opted to hold their elections in November, in which case the board members are elected to four-year terms, and elections are held in either the even or odd year depending on the choice of the township at the time of the switch from March elections. These townships, however, must still conduct the annual meeting in March.

The board of supervisors are joined by a township clerk and a township treasurer, although a few townships have adopted the Option D form of township government which allows the two offices to be combined. Most townships elect these positions, with the clerk being elected in the even years and the treasurer being elected in the odd years. The offices can be made appointed positions under the Option B form of township government.

WHO MAKES UP THE BOARD OF SUPERVISORS?

The board of supervisors in most townships consist of three members elected by the residents. A few townships have adopted the optional five member board, known as Option A. Supervisors must be residents of the township.

ARE THE SUPERVISORS THE ONLY DECISION MAKERS IN TOWNSHIP GOVERNMENT?

While supervisors are the only ones with an official vote on most final decisions, as indicated above, the residents play an important role in the decision making process through the annual meeting. Townships must also comply with State mandates, and on some issues the township can be ordered to do things by the county or, in the case of planning and zoning, must be consistent with or more restrictive than county regulations.

HOW ARE TOWNSHIPS MANAGED?

While the Option C form of township government authorizes the hiring of a town administrator, few townships have adopted this option. Most townships have a less formal management style. Day-to-day paperwork is usually handled by the town clerk. The board of supervisors appoint one of their own to serve as the chairperson, although other than running the board meetings and being the person required to sign official documents and checks, the chairperson has no extra powers. In most townships the supervisors will divide up certain tasks, such as overseeing work by contractors, etc., that would be done by staff in other units of government. But only the board as a whole can make decisions binding on the entity.

DO TOWNSHIPS HAVE COMPLETE AUTONOMY IN BUDGETARY DECISIONS?

While exempt from statutory levy limits, townships have a self-imposed limit by virtue of the residents' authority to approve the township levy, which in turn controls most budget decisions. Statutory reporting requirements, debt limits, and, changes in state-aid, etc., further restrict the fiscal autonomy of townships.

DO ALL TOWNSHIPS PROVIDE THE SAME SERVICES?

The types of services offered by townships vary greatly from community to community. Townships control approximately 47 percent of the roads in Minnesota, which means all townships have to provide or contract out for road maintenance services. Many townships provide volunteer fire department services or participate in joint powers departments with other townships and small cities. Several townships provide park and recreational services, and many others coordinate such services with other entities. An increasingly popular service being offered by townships are optional wastewater treatment services. A number of townships also maintain cemeteries. Joint powers arrangement and service contracts are also popular for a variety of

services intended to benefit township residents and protect the public's health, safety and welfare.

WHERE DO TOWNSHIPS GET THEIR REVENUE?

According to a report by the Minnesota State Auditor's office on fiscal year 2000, local property taxes are the largest source of township revenues followed in order by state grants, county and local grants, special assessments, "other sources", interest on savings, service charges, license and permit fees, and federal grants. Most forms of direct state aid to townships have since been eliminated.

HOW DO TOWNSHIPS SPEND THEIR REVENUE?

The same State Auditor's report shows that road and bridge expenditures are by the far the largest expense for townships, followed in order by general government expenses, fire protection services, debt payments, "other expenditures", water and wastewater services, and public safety.

WHAT RIGHTS TO INFORMATION DO THE PUBLIC HAVE TO TOWNSHIP GOVERNMENT PROCEEDINGS?

While all townships except urban townships located in the seven county metropolitan area are exempt from the Minnesota Government Data Practices Act (a decision made by the legislature in recognition of the fact that most townships do not have the type of staffing required by the Act), members of the public can still obtain information in a number of ways. First, townships voluntarily provide access to public data upon reasonable requests.

Second, all townships are subject to the Minnesota Open Meeting Law, which means that all meetings of the town board and any official township committees must be accessible to members of the public and be preceded by proper notice. In addition, the Open Meeting Law requires that minutes be kept of the proceedings of the governing body and the minutes book must be available for review by members of the public.

Any ordinance adopted by the town board must be published in the designated official newspaper of general circulation within the township, so notice of all such regulations will always be provided.

Finally, the annual meeting affords residents the opportunity to guide much of the activities that will occur within the township through votes to authorize certain actions, and ultimately by authorizing the tax levy to be set, which in turns controls the total amount of expenditures that can be made by the board of supervisors.