

SUPREME COURT OF OHIO

State ex rel. Beavercreek Township Fiscal Officer v. Graff

154 Ohio St. 3d 166 (2018) · No. 2016-0747 · Decided September 20, 2018

SUMMARY

The Supreme Court of Ohio held that R.C. 507.021(A) requires a township fiscal officer to obtain prior board approval for compensation offered to assistants. The board could approve or reject the proposed salaries but lacked authority to set the assistants' salaries itself. The court denied mandamus compelling approval of the specific proposed salaries but ordered the board to rescind the resolutions setting the salaries and consider a new compensation proposal.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; Judith L. French, Justice; Pat DeWine, Justice; William M. O'Neill, Justice; Patrick F. Fischer, Justice; Mary DeGenaro, Justice
JURISDICTION	Ohio
DECIDED	September 20, 2018
DOCKET	2016-0747
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original action in mandamus brought by a township fiscal officer seeking to compel the township trustees to approve and fund proposed salaries for two fiscal-officer assistants.
STANDARD OF REVIEW	Mandamus requires clear and convincing proof of a clear legal right, a clear legal duty, and the absence of an adequate remedy in the ordinary course of law. The board's rejection of the proposed salaries was reviewed for abuse of discretion, meaning arbitrary, unreasonable, or unconscionable conduct.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential
PARTIES	Beavercreek Township Fiscal Officer Christy L. Ahrens v. Board of Beavercreek Township Trustees, Carol Graff, Jeffrey Roberts, Thomas Kretz

TOPICS

municipal law

statutory interpretation

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PRACTICE AREAS

municipal law

mandamus

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QUESTIONS PRESENTED

1. Whether R.C. 507.021(A) authorizes a township fiscal officer to hire assistants and propose their compensation subject to prior approval by the township trustees.
2. Whether the township trustees may set the salaries of assistants hired by the fiscal officer under R.C. 507.021(A).
3. Whether the fiscal officer was entitled to mandamus compelling the board to approve and fund her specific salary proposals because the board abused its discretion in rejecting them.

HOLDINGS

1. R.C. 507.021(A) authorizes the township fiscal officer to decide whether assistants are needed, whom to hire, and what compensation to propose, but the proposed compensation is subject to the township trustees' prior approval.
2. The township trustees may approve or deny the fiscal officer's compensation proposal, but R.C. 507.021(A) does not authorize them to set the salaries of the fiscal officer's assistants.
3. The fiscal officer was not entitled to mandamus compelling the board to approve and fund her specific salary proposals because she failed to prove by clear and convincing evidence that the board abused its discretion in rejecting them.

KEY QUOTATIONS

“Thus, we hold that R.C. 507.021(A) unambiguously requires a fiscal officer to obtain board approval for the salary offered to any assistant hired under this section and it allows the board to either approve or deny the salary proposal. However, the board does not have authority under R.C. 507.021(A) to set the salaries for the fiscal officer’s assistants.” (¶ 17)

“But we also hold that the board exceeded its authority under R.C. 507.021(A) when it set the salaries for Ahrens’s assistants.” (¶ 30)

FACTUAL BACKGROUND

Christy Ahrens, the Beaver Creek Township fiscal officer, proposed hiring two assistants under R.C. 507.021(A) with salaries ranging from \$75,000 to \$92,000 for a lead assistant and \$50,000 to \$65,000 for an accounts-payable/payroll assistant. The township board eliminated existing finance-office positions and adopted resolutions authorizing the two new positions at substantially lower salaries, later increasing each by \$5,000. The board relied on salary surveys, job-description comparisons, and the township's financial condition in rejecting Ahrens's proposed compensation.

PROCEDURAL HISTORY

The fiscal officer filed an original mandamus action in the Supreme Court of Ohio against the township trustees and individual trustees. She sought an order requiring approval and funding of the specific salaries she proposed. The Supreme Court denied that requested relief because she failed to prove an abuse of discretion, but granted mandamus in part by ordering the board to rescind the resolutions setting the assistants' salaries and to consider a new compensation proposal.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The board of township trustees must rescind Resolutions 2016-158 and 2016-159 and consider a new compensation proposal submitted by the fiscal officer. The writ does not require approval or funding of the specific salaries originally proposed.

CASES CITED

- State ex rel. Waters v. Spaeth, 131 Ohio St. 3d 55, 2012-Ohio-69, 960 N.E.2d 452, ¶ 6
- State ex rel. Doner v. Zody, 130 Ohio St. 3d 446, 2011-Ohio-6117, 958 N.E.2d 1235, paragraph three of the syllabus
- Jacobson v. Kaforey, 149 Ohio St. 3d 398, 2016-Ohio-8434, 75 N.E.3d 203, ¶ 8
- Wingate v. Hordge, 60 Ohio St. 2d 55, 58, 396 N.E.2d 770 (1979)
- Wilson v. Lawrence, 150 Ohio St. 3d 368, 2017-Ohio-1410, 81 N.E.3d 1242, ¶ 11
- Lynch v. Gallia Cty. Bd. of Commrs., 79 Ohio St. 3d 251, 257-258, 680 N.E.2d 1222 (1997)
- Columbia Gas Transm. Corp. v. Levin, 117 Ohio St. 3d 122, 2008-Ohio-511, 882 N.E.2d 400, ¶ 19
- State ex rel. Veterans Serv. Office of Pickaway Cty. v. Pickaway Cty. Bd. of Commrs., 61 Ohio St. 3d 461, 463, 575 N.E.2d 206 (1991)
- State ex rel. Trussell v. Meigs Cty. Bd. of Commrs., 155 Ohio App. 3d 230, 2003-Ohio-6084, 800 N.E.2d 381 (4th Dist.)
- State ex rel. Wilke v. Hamilton Cty. Bd. of Commrs., 90 Ohio St. 3d 55, 61, 734 N.E.2d 811 (2000)