



May 17, 2019

TOWNSHIP GENERAL INFORMATION

Townships primarily provide a means of limited self-government in rural areas. They do not have home rule powers, and have only powers expressly granted to them by statute. (Heim, Michael R., *Kansas Local Government Law*, 6th Ed., The League of Kansas Municipalities, pg. 1-23.)

Township Officials' Functions and Duties

Voters in Kansas townships elect a township trustee, clerk, and treasurer. These three officials form the township board (board) and serve for a term of four years. The board is also sometimes referred to as the township board of highway commissioners.

Additionally, according to [KSA 80-302](#), the township board is also the township auditing board. In this capacity, the board is responsible for the general management and supervision of township finances and is required to make an annual report to the board of county commissioners.)

More detailed information about the responsibilities of a township's elected and appointed officers is below.

Township Trustee: Elected

The township trustee (trustee) is considered the chief officer of the township, and the general responsibilities of this office can be found in [KSA 80-301](#). Among these responsibilities are the following:

- Divide the township into road districts, and make such alterations as necessary;
- Ensure all moneys belonging to the township are properly spent for road or other purposes;
- Provide for the care and management of all property, real and personal, belonging to the township;
- Cause a record to be made accurately defining the boundaries and number of each road district, as well as the alterations made in such district or districts in the township;

- Superintend all the financial concerns of the township; and
- Levy a tax on the property in the township for township road and other purposes with the advice and approval of the board of county commissioners.

Additionally, the trustee has several responsibilities required by other laws. These include the following:

- [KSA 80-304](#) requires the trustee to make an annual report to the board of county commissioners regarding the audit of the township's financial affairs;
- [KSA 80-305](#) grants the trustee custody and disposition of the property of the township;
- [KSA 80-306](#) requires the trustee to prosecute violations of road laws in the name of the township (although the county attorney has the duty to act on behalf of the township);
- [KSA 80-307](#) requires the trustee to remove road obstructions where the road overseer refuses or fails to do so; and
- [KSA 80-406](#) requires the trustee to make a verified annual statement of all bills allowed by the township board each October, and the trustee must preserve that statement.

Township Treasurer: Elected

Township treasurers are responsible for receiving all moneys of the township and for disbursing moneys upon orders of the township trustee ([KSA 80-401](#)). The treasurer must keep either an electronic record or book of accounts of the township and file a copy of the verified duplicates of the accounts with the county clerk before January 31 of each year ([KSA 80-402](#), [80-403](#), and [80-405](#)). The records must include the verified receipts, expenditures, and liabilities for the preceding year. A verified statement of all receipts and disbursements must be made by the treasurer to the township board each October ([KSA 80-402](#)).

The treasurer also is responsible for the publication of a financial summary in a newspaper of general circulation in the township following the annual settlement in December if the budget exceeds \$25,000. ([KSA 80-410](#))

Township Clerk: Elected

Under [KSA 80-501 et seq.](#) the township clerk is responsible for the custody of the records, books, and papers of the township.

Road Overseer: Appointed

While the elected officers and their duties are common to all townships, a township in a county that has not adopted the county unit road system may appoint a road overseer. (Heim, pg. 1-24)

[KSA 68-530](#) authorizes each township board to appoint, on merit, an experienced road builder as road overseer; the county engineer must approve. A road overseer is responsible for the construction and maintenance of all township roads, bridges, and culverts under the supervision of the township board and county engineer. The road overseer may appoint assistants if the county engineer believes they are needed and the township board approves. Additionally, in certain townships the township board may designate any member of the township board to act as road overseer.

[KSA 68-538](#) requires the road overseer to keep an account of all labor and material used in construction, repair, and maintenance of township roads and culverts on forms provided by the county engineer. On the first of each month, the overseer must present a “careful, itemized, signed report” to the township board for all costs incurred the previous month.

Township Functions and Duties

Roads

In Kansas, townships are divided into two major categories: those that operate under a county-township road maintenance system and maintain their own roads, and those in counties that adopted the county unit road maintenance system and rely on the county to maintain their roads.

It should be noted a third system, the county rural road maintenance system, is very similar to the county unit system in that the county maintains township roads but the township road levy is separate from the county levy. However, only three counties in Kansas have adopted this system.

In *Kansas Local Government Law*, Mr. Heim states, “The most important function of townships now is the construction and maintenance of township roads if the township is located in a county which has not adopted the county unit road system or the general county rural highway system.” (Heim, pg.1-25.) [KSA 68-124](#) requires a township to “repair, place and keep in condition for travel such roads or highway,” and [KSA 68-115](#) requires each township trustee to “open or cause to be opened all mail routes and township roads which have been or may hereafter be laid out or established through any part of the . . . township.” The township also is responsible for traffic-control devices and signs on township roads ([KSA 68-526](#)). The township board may establish, by resolution, minimum standards for road beds and road drainage ([KSA 68-115a](#)).

According to the Kansas Department of Transportation (KDOT), as of 2017, 35 counties retain the township road system. [KDOT’s 2017 Summary of County Engineers’ Annual Reports](#) list each Kansas county and the road system it utilizes. [KSA 68-518c](#) gives townships the authority to levy a tax that does not exceed 5 mills for road purposes.

Bridges and Culverts

[KSA 68-1104](#) requires that all township culverts (defined in KSA 68-1107 as having required openings of less than 25 square feet each) be constructed, reconstructed, and maintained by the township's board of highway commissioners, and the cost of the work be paid from the road fund of the township. Additionally, the board of county commissioners must construct, reconstruct, repair, and maintain all bridges in the county and county culverts (larger than 25 square feet in required opening) located on county roads and township roads. The cost of this work must be paid from the bridge fund of the county.

Drainage and Levees

[KSA 24-201](#) grants a township trustee the authority to establish, construct, and provide for any ditch, drain, or watercourse within a township if it is, in the trustee's opinion, demanded by or conducive to public health, convenience, or welfare. [KSA 24-205](#) addresses how work to construct or maintain any ditch, drain, or watercourse within a township will be conducted and financed. Any ditch, drain, or watercourse established by the trustee is divided into suitable sections, not less than the number of land owners affected by the project. The trustee shall assess and allow all fees, costs, and expenses of locating and establishing these projects, and payment must be apportioned equitably among the parties benefiting from the project. Repair costs also must be apportioned equitably among the parties who benefit from the project.

[KSA 24-216](#) authorizes the township trustee to enlarge a ditch, drain, or watercourse by widening or deepening if the trustee is of the opinion it is demanded by, or conducive to, public health, convenience, or welfare. The cost of enlarging the ditch, drain, or watercourse will be assessed in the same manner as the original project.

Other

Other duties of Kansas townships include:

- Repairing, equipping, and maintaining a township hall or other facility ([KSA 80-104](#) and [KSA 80-115](#));
- Caring for any abandoned cemetery within the township ([KSA 80-916](#));
- Care and maintenance of cemeteries ([KSA 80-932](#));
- Establishing and maintaining recreational facilities ([KSA 80-939](#));
- Operating and maintaining a fire department ([KSA 80-1903](#));
- Holding in trust all property of a city that has become dormant by resignation or vacation of all city offices ([KSA 12-1613](#)); and
- Operation of emergency medical services ([KSA 65-6113](#)).