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*Final Analysis*  
*Legislative Service Commission*

**Sub. S.B. 31**  
123rd General Assembly  
(As Passed by the General Assembly)

**Sens. Latta, Gardner, Spada, Drake**

**Reps. Schuler, Opfer, Sulzer, Jolivet, Olman, Taylor**

**Effective date: \***

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**ACT SUMMARY**

- Permits the appointing authorities that appoint members of district public works integrating committees to appoint alternates for those members to act in their absence.
- Changes the voting requirements for a board of county commissioners to declare that an emergency exists that does not require competitive bidding for a county contract, when only a quorum (two members) is present to a unanimous vote of those two commissioners, instead of requiring a unanimous vote of all commissioners (three members).
- Explicitly permits a county administrator to carry out functions of a board of county commissioners in disasters or emergencies, if the board delegates those functions to the administrator by resolution.

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**CONTENT AND OPERATION**

**District public works integrating committees**

**Background**

**Infrastructure improvement programs--financial assistance.** The Ohio Public Works Commission distributes financial assistance to political subdivisions for the improvement of their basic infrastructure systems through the State Capital

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

Improvements Program and the Local Transportation Improvement Program. Funding for the State Capital Improvements Program comes from the proceeds of general revenue bonds issued by the state. Eligible improvements for financial assistance from that program include roads, bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, flood control systems, and storm water and sanitary collection, storage, and treatment facilities. Funding for the Local Transportation Improvement Program comes from one cent per gallon of the state's motor vehicle fuel excise tax. Eligible improvements for financial assistance from that program include roads and bridges. (Secs. 164.01(A), 164.05, 164.08, and 164.14--not in the act.)

**Districts and their committees.** For the purpose of allocating the assistance available under these programs, the state is divided into 19 districts, each of which encompasses one or more counties. In each of the districts, there is a *district public works integrating committee*, and in 11 of the districts there is also an *executive committee*. (Sec. 164.03--not in the act; sec. 164.04--amended by the act.)

To apply for assistance under one of the infrastructure improvement programs, a county, municipal corporation, township, sanitary district, or regional water and sewer district applies to its district public works integrating committee. The committee evaluates the applications it receives and selects projects to submit to the Director of the Public Works Commission for approval. (Secs. 164.05, 164.06, and 164.14--not in the act.)

**Required affirmative votes.** The affirmative vote of at least five of the seven members of the district committee of district 1, and the affirmative vote of at least seven of the nine members of the district committee in districts 2, 3, 4, 6, 8, 12, and 19, generally is required for any action taken by the committee. Any decision of the district committee in district 5, 7, 9, 10, 11, 13, 14, 15, 16, 17, or 18 must be approved by its executive committee. In districts 5, 7, 9, 10, 11, 13, 14, 16, and 17, the affirmative vote of at least seven of the nine members of the executive committee is required; in districts 15 and 18, the affirmative vote of at least nine of the 11 members of the executive committee is required; however, any decision of an executive committee can be rejected by the vote of at least two-thirds of the full membership of the district committee within 30 days of the action of the executive committee. (Sec. 164.04--amended by the act.)

### **Changes made by the act**

The act provides that (1) whenever a member is appointed to a district public works integrating committee, an *alternate* may be appointed, and (2) whenever a district committee member is absent from a district or executive

committee or subcommittee meeting, that alternate may vote and participate in all proceedings and actions at the meeting (sec. 164.04(A) and (B)).

In general, the term of office for members of a district public works integrating committee and their alternates is three years under the act. However, if the member is an elected or appointed official of a township, county, or municipal corporation, the member *and* the alternate's term of office on the district committee generally is the same as that member's term of office for the member's elected or appointed office. But, if that member is appointed by a group of officials of more than one political subdivision or by the members of the district committee, the alternate appointed for that member will continue to serve for the full three-year term regardless of the expiration of the term of the township, county, or municipal corporation office of that member. (Sec. 164.04(C).)

### **County disaster and emergency actions**

#### **Board of county commissioners vote on emergency existence**

Under continuing law, a board of county commissioners, by a *unanimous vote*, can determine that a "real and present emergency" exists if (1) the estimated cost of a purchase, lease, or construction contract is less than \$50,000 or (2) there is actual physical "disaster" to structures, radio communications equipment, or computers. If the board determines such an emergency exists, competitive bidding for a county contract is not required. (Sec. 307.86(A).)

The act provides that, if only a quorum of the board is present (two of the three commissioners), then only a unanimous vote of that quorum is required for that purpose. However, if all commissioners are present, then all three members still must vote to determine that an emergency exists that does not require competitive bidding for a county contract. (Sec. 307.86(A).)

#### **County administrator to act in emergency and disaster situations**

Under "general language" in continuing law, a county administrator can perform any duties that the board of county commissioners determines, by resolution, that the administrator may perform. The act *explicitly provides* that a county administrator can perform any or all functions conferred or incumbent upon the board of county commissioners in the case of a disaster or emergency, provided that the board, by resolution, has delegated the specific functions or all of the functions to the administrator. In this situation, "disaster" means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of man, and an "emergency" means any period during which

the United States Congress or a chief executive has declared or proclaimed an emergency exists. (Sec. 305.30(J).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-26-99	p. 78
Reported, S. State & Local Gov't & Veterans Affairs	03-16-99	pp. 200-201
Passed Senate (32-1)	03-16-99	pp. 202-203
Reported, H. Local Gov't and Townships	05-13-99	pp. 662-663
Passed House (96-1)	05-19-99	p. 682
Concurrence (33-0)	05-25-99	pp. 477-478

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