



John Rau

Bill Analysis
Legislative Service Commission

Sub. S.B. 187

124th General Assembly
(As Reported by H. Education)

Sens. Nein, Randy Gardner, DiDonato, Brady, Prentiss, Herington, Robert Gardner, Harris, Mumper, Ryan, Blessing, Espy, Spada

Reps. Callender, Calvert, Carano, Webster, Hartnett, Setzer, Barrett, Hoops, Roman

BILL SUMMARY

- Increases the maximum allowable compensation for members of school district boards of education and educational service center governing boards to \$125 per meeting.
- Allows members of school district boards and educational service center governing boards to receive compensation up to specified limits for attendance at a training program.
- Increases to \$75 per meeting the maximum amount of compensation that a board member of a joint ambulance district may be paid each year.
- Provides that a vacancy in the office of mayor in a statutory city be filled by the president of the city's legislative authority.

CONTENT AND OPERATION

Compensation for school district board members

Under continuing law, the board of education of a city, local, exempted village, or joint vocational school district or the governing board of an educational service center may adopt a resolution to provide compensation for its members. Currently, that compensation cannot exceed \$80 for each meeting a member attends.¹ The bill increases the maximum compensation district boards and

¹ *Members of an educational service center governing board may also be reimbursed for the cost of travelling to and from meetings at a mileage rate determined by the governing board (sec. 3313.12).*

educational service center governing boards may pay their members to \$125 per meeting attended. If, however, a district board or a governing board votes to raise its members' compensation, an individual member cannot receive the higher pay until he or she begins a new term on the board (see **COMMENT**).

In addition, the bill allows district boards and educational service center governing boards to compensate their members for attendance at approved training programs.² Each board may set its own rate of compensation within the limits established by the bill. Under the bill, the maximum reimbursement a member may receive for attendance at a training program is \$60 per day if the program is three hours or less in length or \$125 per day if the program is longer than three hours. (Secs. 3311.19 and 3313.12.)

Compensation of joint ambulance board members

Under current law, townships and municipal corporations may create joint ambulance districts. The governing body of a district is a board of trustees that must include one representative appointed by each board of township trustees and one representative appointed by the legislative authority of each municipal corporation in the district. Members of the board of trustees may be compensated at a rate of up to \$20 per meeting for up to 12 meetings per year, plus reimbursement for necessary expenses. The bill increases the "per meeting" maximum compensation from \$20 to \$75 and increases the number of meetings for which compensation may be paid annually from 12 to 15 (sec. 505.71).

Filling a vacancy in a statutory city mayor's office

Currently in cities that follow the statutory form of government, if there is a vacancy in the office of mayor or mayor-elect due to death, resignation, or removal, the vacancy is filled by members of the city central committee or, if none, the county central committee, of the political party with which the last mayor was affiliated. This person holds office until a successor is elected and qualified, which can occur at the next municipal election that is held after appointment.

The bill instead fills a vacancy in the office of city mayor in a statutory city by directing that the president of the city's legislative authority becomes the mayor, and the president pro tempore becomes president of the legislative

² *Under continuing law, school district boards and educational service center governing boards may by resolution set aside each year from the general fund \$2 per pupil or \$20,000, whichever is greater. This set aside amount must be placed in the "service fund" which may be used only to pay the expenses of board members incurred in the performance of their duties. (Sec. 3315.15, not in the bill.)*

authority. Remaining vacancies in the legislative authority are filled as under current law, by the city controlling committee or county central committee, as applicable, of the appropriate political party.

COMMENT

Article II, § 20 of the Ohio Constitution provides that the General Assembly "shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term." According to an Ohio Attorney General opinion, school board members are public "officers" and, thus, they are subject to the constitutional limitations on changes in compensation (Ohio Op. Atty. Gen. No. 80-050 (1980)). Consequently, a school district board or the governing board of an educational service center may pass a resolution at any time to increase (or decrease) its members' compensation, but all sitting members must continue to be paid at the rate in effect prior to passage of the resolution for the remainder of their current terms. However, if a member serves a subsequent term, that member must receive the new level of compensation beginning the first day of the subsequent term.

Because members' terms are staggered, the effect of this constitutional provision is that some members of the board may receive more (or less) compensation than other members of the same board. The different levels of compensation will continue until all members who voted to increase compensation are either reelected or replaced by a new member.

The board may not authorize the payment of retroactive compensation for a reelected member.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-30-01	p. 1020
Reported, S. Education	01-23-02	p. 1343
Passed Senate (33-0)	01-23-02	pp. 1352-1353
Reported, H. Education	03-13-02	pp. 1546-1547

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