



## **Sub. S.B. 84**

127th General Assembly

(As Reported by H. Local and Municipal Government and Urban Revitalization)

**Sens. Schaffer, Boccieri, Cates, Amstutz, Fedor, Harris, Mason, Padgett, Seitz, Schuler, Schuring, Spada, Wilson, Smith, Stivers, Faber, Gardner, Niehaus, Sawyer**

**Reps. Combs, J. McGregor, Flowers, Mallory, Chandler**

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### **BILL SUMMARY**

- Clarifies that a political subdivision may make appropriations for the payment of its expenses under its own program for emergency management as well as for the payment of expenses chargeable to it by agreement for a countywide or regional emergency management agency.
- Allows a board of county commissioners to maintain records of its proceedings by electronic means.

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### **CONTENT AND OPERATION**

#### **Emergency management and its financing in current law**

There are three ways in which a political subdivision may provide for emergency management. The board of county commissioners of a county and the chief executives of all or a majority of the other political subdivisions within the county may enter into a written agreement establishing a countywide emergency management agency (R.C. 5502.26, not in the bill). In lieu of establishing a countywide agency, the boards of county commissioners of two or more counties, with the consent of the chief executives of a majority of the participating political subdivisions of each county involved, may enter into a written agreement establishing a regional authority for emergency management (R.C. 5502.27, not in the bill). Each of the resulting entities is to be financially supported by the political subdivisions entering into the agreement. If the chief executive of any political subdivision has not entered into an agreement for a countywide or regional authority, the chief executive of that political subdivision must establish its own program for emergency management that satisfies the same criteria as the other two types of agencies (R.C. 5502.271, not in the bill).

Each political subdivision may make appropriations for the payment of the expenses of its local activities for emergency management and for the payment of the expenses chargeable to that political subdivision by agreement in any county wherein a countywide emergency management agency or regional authority for emergency management has been established (R.C. 5502.31).

**Financing emergency management clarified by the bill**

The bill clarifies the appropriations authority by specifying that each political subdivision may make appropriations for the payment of the expenses of its local activities for emergency management when they are incurred by an emergency management agency established by the sole action of a political subdivision that is not included in a countywide or regional agency or are chargeable to that political subdivision by agreement in any county wherein a countywide emergency management agency has been established or a regional emergency management authority has been established (R.C. 5502.31).

**Board of county commissioners record of proceedings**

**Electronic record of proceedings**

(R.C. 305.10)

The clerk of a board of county commissioners has several duties related to maintaining of a record of board proceedings. Generally, the clerk must keep a full record of the board's proceedings, and a general index of the proceedings, entering each motion with the name of the person making it on the record. The clerk must call and record the yeas and nays on each motion that involves the levying of taxes or the appropriation or payment of money. More specifically, the clerk must state fully and clearly in the record of proceedings any question relating to the powers and duties of the board which is raised for its consideration by any interested person, together with the decision on the question, and must call and record the yeas and nays by which the decision is made. When requested by an interested party or by such a party's counsel, the clerk must record any legal proposition decided by the board, the decision thereon, and the votes by which the decision is reached. If either party, in person or by counsel, takes exception to the decision, the clerk must record the exceptions with the record of the decision.

The bill allows a board of county commissioners to keep a record of its proceedings in one of two manners. First, similarly to current law, the clerk must keep a full written record of the proceedings of the board, and a written general index of those proceedings, entering each motion with the name of the person making it on the record. The clerk must call and record the yeas and nays on each motion. Second, the board may elect to maintain a full record of its proceedings

by electronic means<sup>1</sup> by adopting a resolution that directs the clerk to maintain a full record of the proceedings by electronic means. The clerk also must maintain a general index of the electronic record in either a written form or by electronic means, as determined by the board in its resolution. The board's resolution also may authorize the clerk to maintain a written summary of the record of the proceedings, so long as the summary includes a notation that the full record of the proceedings is maintained by electronic means. If the electronic means malfunctions, the clerk must create the full written record of the proceedings as described in the first alternative.

**Approving electronic record of previous proceedings**

(R.C. 305.11)

Immediately upon the opening of each day's session of the board of county commissioners, the records of the proceedings of the session of the previous day must be read, or provided to each commissioner in written form, by the clerk, and, if correct, must be approved and signed by the commissioners. Alternatively, if the clerk maintains the full record of the proceedings by electronic means, the bill requires the board to orally approve the electronic record of proceedings at the previous meeting after the clerk certifies that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings.

**Announcement of electronic recording; self-identification of speakers**

(R.C. 305.09)

Generally, all the proceedings of the board of county commissioners are to be public, and, as far as possible, are to be in conformity with the rules of parliamentary law. The bill states that if the clerk of the board maintains the full record of the proceedings by electronic means, the chairperson of the board, at the beginning of each session, must announce that the record is being maintained in such a manner and, during the proceedings, must ensure that each person self-identifies before speaking during the proceedings.

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<sup>1</sup> Electronic means includes, but is not limited to, any photostatic, photographic, miniature photographic, film, microfilm, or microphotographic process, or perforated tape, magnetic tape, other magnetic means, electronic data processing, machine readable means, or graphic or video display, or any combination of those processes, means, or displays, which correctly and accurately copies, records, or reproduces, or provides a medium of copying, recording, or reproducing, the original record (R.C. 9.01, referenced in the bill).

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## HISTORY

ACTION	DATE
Introduced	02-27-07
Reported, S. State & Local Gov't & Veterans Affairs	10-09-07
Passed Senate (33-0)	10-16-07
Reported, H. Local & Municipal Gov't & Urban Revitalization	02-21-08

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