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Bill Analysis
Legislative Service Commission

S.B. 391

127th General Assembly
(As Reported by S. Finance and Financial Institutions)

Sen. Grendell

BILL SUMMARY

- Authorizes a county with a population of 1.2 million or more according to the 2000 federal decennial census to adopt a form of county government known as the blended board of county commissioners plan.
- Requires some members of the blended board of county commissioners to be elected at large and some to be elected by district.
- Requires one at large member of the blended board of county commissioners to be specifically elected as chairperson of the board.
- Provides that no county executive is to be elected or appointed under the blended board of county commissioners plan.

CONTENT AND OPERATION

Organization and governance of counties--background

Article X, section 1 of the Ohio Constitution requires the General Assembly to provide by general law for the organization and government of counties, and also authorizes it to provide by general law for alternative forms of county government. Under this constitutional authority, the General Assembly has adopted a general statutory regime for county government and a separate statutory regime providing for alternative forms of county government. (See **COMMENT 1.**)

All counties in Ohio organized under the general statutory regime have three county commissioners--two being elected at the time of the presidential election and one at the time of the gubernatorial election. Each county organized under the general statutory scheme has 11 elected officials, which include the three county commissioners, an auditor, treasurer, prosecuting attorney, clerk of

the court of common pleas, engineer, coroner, recorder, and sheriff. There is no chief executive officer, but rather, each elected official possesses some executive authority.

Under the statutory regime governing alternative forms of county government (R.C. Chapter 302.), no alternative form may become operative in any county until submitted to and approved by a majority of the electors. Chapter 302. authorizes the electors of any county to adopt an alternative form of county government to replace its existing form. The electors may petition the board of county commissioners to adopt an alternative form or the board may vote to have the question submitted to the electors.

Current law requires an alternative form to include either an elective county executive or an appointive county executive who serves as the administrative head of the county. In general, the alternative form may authorize an increase in the number of county commissioners and provides for the establishment of a series of county departments. Under this form of government, the county commissioners are the policy-making and legislative body while the executive performs the administrative and executive functions that are vested in the county commissioners in a county governed under the general statutory regime. No county currently operates under an alternative form of county government. (See **COMMENT 2.**)

Blended board of county commissioners plan

(R.C. 302.02, 302.03, 302.042, 302.081, 302.11, 302.13, 302.14, 302.161, 302.17, 302.18, 302.19, and 302.201; 302.082 (not in the bill))

Following the general scheme and generally subject to the requirements set out in the statutory regime governing alternative forms of county government (R.C. Chapter 302.), the bill authorizes a county with a population of 1.2 million or more according to the 2000 federal decennial census to adopt an alternative form of county government known as the blended board of county commissioners plan (only Cuyahoga County meets the population threshold). Under this plan, some members of the board of county commissioners are elected at large and some are elected by district. In a county adopting this plan, one at large member of the board must specifically be elected as chairperson of the board. The chairperson must preside at all regular and special sessions of the board.

Under the blended board of county commissioners plan, the board must consist of an odd number of members, not less than three nor more than 21, as provided in the proposition for the alternative form that has been adopted. If the proposition provides for seven or more members, no more than half must be elected at large.

The division of the county into districts must conform to the constitutional standards for division of the state into districts for election of members of the General Assembly. The board of county commissioners must divide the county into county commissioner districts every ten years. Generally, the term of office of county commissioners is four years, except in the period of transition to the new alternative form of government. During the transition, some members are elected to two year terms in order to create staggered terms.

The bill also specifies that for a blended board of county commissioners plan, no county executive shall be elected or appointed. Therefore, the duties in current law given to the county executive do not apply with the blended board of county commissioners plan.

COMMENT

1. Article X, section 3 of the Ohio Constitution offers another option for alternative forms of county government. It authorizes the people of the county to adopt or amend a charter to provide for an alternative form of government. The charter may provide for the appointment of county officials who otherwise would be elected under the general statutory scheme. And every charter must provide for "the exercise of all powers vested in, and the performance of all duties imposed upon counties and county officers by law." Summit County is the only Ohio county currently operating under such a charter.

2. There appear to be two primary differences between county charter governments and the statutory regime governing alternative forms of county government provided for in Chapter 302. of the Revised Code. The statutory alternative form does not permit the elimination of any county elected official, as is possible under a charter. The charter also affords greater flexibility to the structure of the county government while the statutory regime governing alternative forms includes specific requirements.

HISTORY

ACTION	DATE
Introduced	12-16-08
Reported, S. Finance & Financial Institutions	12-17-08

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