Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

Am. S.B. 155*

130th General Assembly
(As Reported by H. State and Local Government)

Sens. Burke, LaRose, Bacon, Brown, Eklund, Gardner, Hite, Hughes, Manning, Peterson, Seitz, Uecker, Widener

BILL SUMMARY

- Authorizes a joint board of county commissioners to conduct hearings regarding existing joint county ditch improvements by teleconference or video conference.

CONTENT AND OPERATION

Teleconference or video conference proceedings

The bill authorizes a joint board of county commissioners, when practicable, to conduct proceedings regarding *existing* joint county ditch improvements by video conference or, if video conferencing is not available, by teleconference. The joint board must make provisions for public attendance at any location involved in the proceeding. The participation of any commissioner or board of county commissioners in a video conference or teleconference must occur at the location of the commissioner's main office or board room in an open public meeting.[1]

Before convening a meeting of a joint board of county commissioners by video conference or by teleconference, designated staff must send, by electronic mail, facsimile, or United States postal service, a copy of meeting-related documents to each member of the joint board. The minutes of each joint county ditch meeting must specify who was attending by teleconference, who was attending by video conference, and who

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* This analysis was prepared before the report of the House State and Local Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

[1] R.C. 6133.041(A).

was physically present. Any vote taken in a meeting held by teleconference that is not unanimous must be recorded as a roll call vote.[2]

The bill provides that nothing in the Open Meetings Act prohibits a joint board of county commissioners from conducting a proceeding about existing improvements by video conference or teleconference in the manner authorized by the bill. The Open Meetings Act mandates that all meetings of a public body are public meetings open to the public at all times. The Act states that it is to be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law. Under the Act, a member of a public body must "be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting."[3]

The bill limits the proceedings of a joint board of county commissioners that may be conducted by teleconference or video conference to proceedings regarding *existing* improvements. Continuing law defines an "improvement" as including:

(1) The location, construction, reconstruction, reconditioning, widening, deepening, straightening, altering, boxing, tiling, filling, walling, arching, or any change in the course, location, or terminus of any ditch, drain, watercourse, or floodway;

(2) The deepening, widening, or straightening, or any other change in the course, location, or terminus of, a river, creek, or run;

(3) A levee or any wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, holding basin, control gate, breakwater, or other structure for the protection of lands from the overflow from any stream, lake, or pond, or of any outlet, or for the storage or control of water;

(4) The removal of obstructions such as silt bars, log jams, debris, and drift from any ditch, drain, watercourse, floodway, river, creek, or run; and

(5) The vacating of a ditch or drain.[4]

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[2] R.C. 6133.041(B) and (C).

[3] R.C. 121.22, not in the bill.

[4] R.C. 6131.01, not in the bill.

Background: formation and purpose of a joint board of county commissioners

Under continuing law, when a proposed improvement crosses county lines, the members of the boards of county commissioners of the affected counties in which land may be benefited or damaged by the proposed improvement must form a joint board of county commissioners. A petition for the improvement is filed with the clerk of the board of county commissioners of the county in which the majority of the proposed improvement is located. On a date fixed by that clerk, the board of county commissioners from each of the counties affected by the proposed joint county improvement must meet in the county in which the petition was filed and organize a joint board of county commissioners by electing one of their number president.

All decisions of the joint board are made by a majority vote of the county commissioners constituting the joint board. The Director of Natural Resources is a member ex officio of the joint board and may participate, either in person or through a designated representative, in deliberations and proceedings of the joint board, but the Director does not have a vote, except in case of a tie, in which case the proceedings are adjourned for 30 days, during which time the Director must review the proceedings and cast the deciding vote. After the joint board views the improvement, all hearings must be held in the county in which the petition was filed.

The joint board of county commissioners may do all of the things that a board of county commissioners may do relating to a single county improvement. The proceedings for a joint county improvement must proceed before the joint board the same as if the joint board were a board of county commissioners representing a county that included all the territory of all the counties represented on the joint board.[5]

HISTORY

ACTION	DATE
Introduced	07-08-13
Reported, S. Public Safety, Local Gov't & Veterans Affairs	11-12-13
Passed Senate (32-0)	11-13-13
Reported, H. State & Local Gov't	---

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[5] R.C. 6133.02 to 6133.04, not in the bill.