

As Reported by the House Education Committee

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Sub. S. B. No. 187

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A B I L L

To amend sections 505.71, 733.08, 733.31, 3311.19, and 1
3313.12 of the Revised Code to increase the maximum 2
compensation for members of school district boards 3
of education and educational service center 4
governing boards, to permit compensation to school 5
district board and educational service center 6
governing board members for attendance at training 7
programs, to increase the maximum number of 8
meetings for which the board of trustees of a joint 9
ambulance district may be compensated each year, to 10
increase the maximum amount of compensation that a 11
joint ambulance district board member may be paid 12
for those meetings, and to have the president of 13
the legislative authority fill a vacancy under 14
specified circumstances in the office of the mayor 15
in a statutory city. 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 505.71, 733.08, 733.31, 3311.19, and 17
3313.12 of the Revised Code be amended to read as follows: 18

Sec. 505.71. The boards of township trustees of one or more townships and the legislative authorities of any one or more municipal corporations within or adjoining ~~such~~ those townships, or the boards of township trustees of two or more townships, or the legislative ~~authority~~ authorities of two or more municipal corporations, may, by adoption of a joint resolution by a majority of the members of each board of township trustees and by a majority of the members of the legislative authority of each municipal corporation, create a joint ambulance district comprising the municipal corporations and all or any portions of the townships as are mutually agreed upon, except that no portion of a township or municipal corporation being served by a joint emergency medical services district shall be part of a joint ambulance district. A district so created shall be given a name different from the name of any participating township or municipal corporation.

The governing body of a district shall be a board of trustees, which shall 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 not to exceed ~~twenty~~ seventy-five dollars per meeting, not to exceed ~~twelve~~ fifteen meetings per year, and may be reimbursed for all necessary expenses incurred. The board shall employ a clerk. Before entering upon ~~the~~ official duties ~~of his office~~, the clerk ~~of the board of trustees of a joint ambulance district~~ shall execute a bond, in the amount and with surety to be approved by the board, payable to the state, and conditioned for the faithful performance of all ~~the~~ official duties required of ~~him~~ the clerk. ~~Such~~ The bond shall be deposited with the presiding officer of the board, and copies ~~thereof~~ of it, certified by ~~him~~ the presiding officer, shall be filed with the county auditor of each county

with a subdivision included in the district. 51

To provide the services and equipment it considers necessary 52
for the district, the board may levy taxes, subject to Chapter 53
5705. of the Revised Code, and issue bonds and other evidences of 54
indebtedness, subject to Chapter 133. of the Revised Code, after 55
submitting the question of ~~such~~ that issuance to the electors of 56
the district in the manner provided by Chapter 133. of the Revised 57
Code. The district may purchase, lease, maintain, and use all 58
materials, equipment, vehicles, buildings, and land necessary to 59
perform its duties. 60

Any municipal corporation or township may join an existing 61
district by the adoption of a resolution requesting ~~such~~ 62
membership and upon approval of the board of the district. Any 63
municipal corporation or township may withdraw from a district by 64
the adoption of a resolution ordering withdrawal. On or after the 65
first day of January of the year following the adoption of the 66
resolution of withdrawal, the municipal corporation or township 67
withdrawing ceases to be a part of ~~such~~ the district, and the 68
power of the district to levy a tax upon taxable property in the 69
withdrawing township or municipal corporation terminates, except 70
that the district shall continue to levy and collect taxes for the 71
payment of indebtedness within the territory of the district as it 72
was comprised at the time the indebtedness was incurred. 73

Upon the withdrawal of any township or municipal corporation 74
from a district, the county auditor shall ascertain, apportion, 75
and order a division of the funds on hand, moneys and taxes in the 76
process of collection, except for taxes levied for the payment of 77
indebtedness, credits, and real and personal property, either in 78
money or in kind, on the basis of the valuation of the respective 79
tax duplicates of the withdrawing municipal corporation or 80
township and the remaining territory of the district. 81

When the number of townships and municipal corporations 82

constituting a district is reduced to one, the district ceases to
exist by operation of law, and the funds, credits, and property
remaining after apportionments to withdrawing municipal
corporations or townships, shall be assumed by the one remaining
township or municipal corporation. When a district ceases to exist
and an indebtedness remains unpaid, the board of county
commissioners shall continue to levy and collect taxes for the
payment of ~~such~~ that indebtedness within the territory of the
district as it was comprised at the time the indebtedness was
incurred.

Sec. 733.08. ~~(A) In case of the death, resignation, or
removal of the mayor, the vacancy in the office of mayor shall be
filled, until a successor is elected and qualified, by a person
chosen by the residents of that city who are members of the city
central committee if there is one, or if not then of the county
central committee, of the political party with which the last
occupant of the office was affiliated. If the vacancy occurs
because of the death, resignation, or inability to take office of
a mayor-elect, an appointment to take the office at the beginning
of the term shall be made by the members of the central committee
who reside in the city where the vacancy occurs.~~

~~Not less than five nor more than forty-five days after the
vacancy occurs, the specified members of the city or county
committee shall meet to make an appointment to fill the vacancy.
Not less than four days before the date of the meeting the
committee chairperson or secretary shall send, by mail to every
member eligible to vote on filling the vacancy, a written notice
stating the date, time, and place of the meeting and its purpose.
A majority of the eligible members present at the meeting may make
the appointment.~~

~~If the last occupant of the office of mayor or the~~

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~~mayor elect was elected as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority.~~

~~(B) If a vacancy in the office of mayor occurs more than forty days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under division (A) of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or elected by the legislative authority under division (A) of this section shall hold the office until a successor is elected and qualified under this division~~
president of the legislative authority of the city shall become the mayor and shall hold the office for the unexpired term. Thereupon, the president pro tempore of the legislative authority shall become president of the legislative authority for the unexpired term and shall have the same rights, duties, and powers as the predecessor to that office. The vacancy in the legislative authority created by these changes shall be filled for the unexpired term as provided in section 731.43 of the Revised Code, and the legislative authority shall elect another president pro tempore to hold that office.

Sec. 733.31. (A) Unless otherwise provided by law, vacancies arising in appointive and elective offices of villages shall be filled by appointment by the mayor for the remainder of the unexpired term, provided that:

(1) Vacancies in the office of mayor shall be filled in the manner provided by section 733.25 of the Revised Code;

(2) Vacancies in the membership of the legislative authority

shall be filled in the manner provided by section 731.43 of the
Revised Code; and

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(3) Vacancies in the office of president pro tempore of a
village legislative authority shall be filled in the manner
provided by section 731.11 of the Revised Code.

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In the event of a vacancy in the office of village clerk or
treasurer, the mayor may appoint a person to serve as an acting
officer to perform the duties of the office until a permanent
officer is appointed to fill the vacancy.

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(B) Unless otherwise provided by law, vacancies arising in
appointive offices of cities shall be filled by appointment by the
mayor for the remainder of the unexpired term.

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(C) ~~A~~ Except under the circumstances described in section
733.08 of the Revised Code when the president pro tempore becomes
president of the legislative authority of a city, a vacancy in the
office of president of the legislative authority of a city shall
be filled in the same manner as provided in division (D) of this
section. Vacancies in the office of mayor of a city shall be
filled in the manner provided in section 733.08 of the Revised
Code. Vacancies in the membership of the legislative authority of
a city shall be filled in the manner provided in section 731.43 of
the Revised Code.

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(D) In case of the death, resignation, removal, or disability
of the director of law, auditor, or treasurer of a city ~~and such
vacancy occurs~~ more than forty days before the next general
election for ~~such~~ that office, a successor shall be elected at
~~such~~ that election for the unexpired term unless ~~such~~ that term
expires within one year immediately following the date of ~~such~~
that general election. In either event, the vacancy shall be
filled as provided in this section, and the appointee shall hold
~~his~~ office until a successor is elected and qualified.

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(1) The county central committee of the political party with which the last occupant of the office was affiliated, acting through its members who reside in the city where the vacancy occurs, shall appoint a person to hold the office and to perform ~~the its~~ duties ~~thereof~~ until a successor is elected and ~~has~~ qualified, except that if ~~such the~~ vacancy occurs because of the death, resignation, or inability to take the office of an officer-elect whose term has not yet begun, an appointment to take ~~such that~~ office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

(2) Not less than five nor more than forty-five days after a vacancy occurs, the county central committee, acting through its members who reside in the city where the vacancy occurs, shall meet for the purpose of making an appointment. Not less than four days before the date of the meeting the ~~chairman~~ chairperson or secretary of the central committee shall send by first class mail to every member of ~~such the county~~ central committee who resides in the city where the vacancy occurs a written notice ~~which that~~ shall state the time and place of ~~such the~~ meeting and ~~the its~~ purpose ~~thereof~~. A majority of the members of the central committee present at ~~such the~~ meeting may make the appointment.

(E) If the last occupant of the office or the officer-elect, as provided in division (D) of this section, was elected as an independent candidate, the mayor of the city shall make the appointment at the time the vacancy occurs.

(F) Appointments made under this section shall be certified by the appointing county central committee or by the mayor of the municipal corporation to the county board of elections and to the secretary of state. The persons so appointed and certified shall be entitled to all remuneration provided by law for the offices to which they are appointed.

(G) The mayor of the city may appoint a person to hold the city office of director of law, auditor, or treasurer as an acting officer and to perform the duties ~~thereof~~ of the applicable office between the occurrence of the vacancy and the time when the person appointed by the county central committee qualifies and takes the office.

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education. Where a joint vocational school district is composed only of two or more local school districts located in one county, or when all the participating districts are in one county and the boards of such participating districts so choose, the educational service center governing board of the county in which the joint vocational school district is located shall serve as the joint vocational school district board of education. Where a joint vocational school district is composed of local school districts of more than one county, or of any combination of city, local, or exempted village school districts or educational service centers, unless administration by the educational service center governing board has been chosen by all the participating districts in one county pursuant to this section, the board of education of the joint vocational school district shall be composed of one or more persons who are members of the boards of education from each of the city or exempted village school districts or members of the educational service centers' governing boards affected to be appointed by the boards of education or governing boards of such school districts and educational service centers. In such joint vocational school districts the number and terms of members of the joint vocational school district board of education and the allocation of a given number of members to each of the city and exempted village districts and educational service centers shall be determined in

the plan for such district, provided that each such joint 240
vocational school district board of education shall be composed of 241
an odd number of members. 242

(B) Notwithstanding division (A) of this section, a governing 243
board of an educational service center that has members of its 244
governing board serving on a joint vocational school district 245
board of education may make a request to the joint vocational 246
district board that the joint vocational school district plan be 247
revised to provide for one or more members of boards of education 248
of local school districts that are within the territory of the 249
educational service district and within the joint vocational 250
school district to serve in the place of or in addition to its 251
educational service center governing board members. If agreement 252
is obtained among a majority of the boards of education and 253
governing boards that have a member serving on the joint 254
vocational school district board of education and among a majority 255
of the local school district boards of education included in the 256
district and located within the territory of the educational 257
service center whose board requests the substitution or addition, 258
the state board of education may revise the joint vocational 259
school district plan to conform with such agreement. 260

(C) If the board of education of any school district or 261
educational service center governing board included within a joint 262
vocational district that has had its board or governing board 263
membership revised under division (B) of this section requests the 264
joint vocational school district board to submit to the state 265
board of education a revised plan under which one or more joint 266
vocational board members chosen in accordance with a plan revised 267
under such division would again be chosen in the manner prescribed 268
by division (A) of this section, the joint vocational board shall 269
submit the revised plan to the state board of education, provided 270
the plan is agreed to by a majority of the boards of education 271

represented on the joint vocational board, a majority of the local
school district boards included within the joint vocational
district, and each educational service center governing board
affected by such plan. The state board of education may revise the
joint vocational school district plan to conform with the revised
plan.

(D) The vocational schools in such joint vocational school
district shall be available to all youth of school age within the
joint vocational school district subject to the rules adopted by
the joint vocational school district board of education in regard
to the standards requisite to admission. A joint vocational school
district board of education shall have the same powers, duties,
and authority for the management and operation of such joint
vocational school district as is granted by law, except by this
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised
Code, to a board of education of a city school district, and shall
be subject to all the provisions of law that apply to a city
school district, except such provisions in this chapter and
Chapters 124., 3317., 3323., and 3331. of the Revised Code.

(E) Where a governing board of an educational service center
has been designated to serve as the joint vocational school
district board of education, the educational service center
superintendent shall be the executive officer for the joint
vocational school district, and the governing board may provide
for additional compensation to be paid to the educational service
center superintendent by the joint vocational school district, but
the educational service center superintendent shall have no
continuing tenure other than that of educational service center
superintendent. The superintendent of schools of a joint
vocational school district shall exercise the duties and authority
vested by law in a superintendent of schools pertaining to the
operation of a school district and the employment and supervision

of its personnel. The joint vocational school district board of
education shall appoint a treasurer of the joint vocational school
district who shall be the fiscal officer for such district and who
shall have all the powers, duties, and authority vested by law in
a treasurer of a board of education. Where a governing board of an
educational service center has been designated to serve as the
joint vocational school district board of education, such board
may appoint the educational service center superintendent as the
treasurer of the joint vocational school district.

(F) Each member of a joint vocational school district board
of education may be paid such compensation as the board provides
by resolution, but it shall not exceed eighty one hundred
twenty-five dollars per member for each meeting attended plus
mileage, at the rate per mile provided by resolution of the board,
to and from meetings of the board.

The board may provide by resolution for the deduction of
amounts payable for benefits under division (D) of section
3313.202 of the Revised Code. No member of a board of a joint
vocational school district who is purchasing any category of
benefits under such section offered by a city, local, or exempted
village school board or educational service center governing
board, shall purchase the same category of benefits as a member of
the joint vocational school board.

Each member of a joint vocational school district board may
be paid such compensation as the board provides by resolution for
attendance at an approved training program, provided that such
compensation shall not exceed sixty dollars per day for attendance
at a training program three hours or fewer in length and one
hundred twenty-five dollars a day for attendance at a training
program longer than three hours in length. However, no board
member shall be compensated for the same training program under
this section and section 3313.12 of the Revised Code.

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Sec. 3313.12. Each member of the educational service center governing board may be paid such compensation as the governing board provides by resolution, provided that any such compensation shall not exceed eighty one hundred twenty-five dollars a day plus mileage both ways, at the rate per mile provided by resolution of the governing board, ~~to cover the actual and necessary expenses incurred during for~~ attendance ~~upon~~ at any meeting of the board. Such ~~expenses~~ compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

The board of education of any city, local, or exempted village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed eighty one hundred twenty-five dollars per member for meetings attended. The

~~The~~ board may provide by resolution for the deduction of amounts payable for benefits under division (D) of section 3313.202 of the Revised Code.

Each member of a district board or educational service center governing board may be paid such compensation as the respective board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

Section 2. That existing sections 505.71, 733.08, 733.31, 3311.19, and 3313.12 of the Revised Code are hereby repealed.