

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**Am. Sub. S. B. No. 84**

**Senator Schaffer**

**Cosponsors: Senators Bocchieri, Cates, Amstutz, Fedor, Harris, Mason,  
Padgett, Seitz, Schuler, Schuring, Spada, Wilson, Smith, Stivers, Faber,  
Gardner, Niehaus, Sawyer**

**Representatives Combs, McGregor, J., Flowers, Mallory, Chandler, Adams,  
Blessing, Budish, DeBose, Domenick, Dyer, Evans, Hagan, R., Hughes,  
Patton, Schindel, Uecker**

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**A B I L L**

To amend sections 305.09, 305.10, 305.11, and 5502.31 1  
of the Revised Code to allow boards of county 2  
commissioners to maintain meeting records by 3  
electronic means and to specify an additional type 4  
of Emergency Management Agency for which a 5  
political subdivision may make an appropriation. 6  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 305.09, 305.10, 305.11, and 5502.31 8  
of the Revised Code be amended to read as follows: 9

**Sec. 305.09.** All the proceedings of the board of county 10  
commissioners shall be public, at the office provided for the 11  
board in the county seat, or at another location, as provided in 12  
division (B) of section 305.06 or division (B) of section 305.07 13  
of the Revised Code, and, as far as possible, shall be in 14

conformity with the rules of parliamentary law. 15

If the clerk of the board maintains the full record of the 16  
proceedings by electronic means, the chairperson of the board, 17  
prior to complying with section 305.11 of the Revised Code, shall 18  
announce that the record is being maintained in such a manner and, 19  
during the proceedings, shall ensure that each person 20  
self-identifies prior to speaking during the proceedings. 21

**Sec. 305.10.** The (A) Except as otherwise provided in division 22  
(B) of this section, the clerk of the board of county 23  
commissioners shall keep a full written record of the proceedings 24  
of the board, and a written general index of ~~such~~ those 25  
proceedings, entering each motion with the name of the person 26  
making it on the record. ~~He~~ The clerk shall call and record the 27  
yeas and nays on each motion ~~which involves the levying of taxes~~ 28  
~~or appropriation or payment of money.~~ The clerk shall state 29  
fully and clearly in the record any question relating to the 30  
powers and duties of the board which is raised for its 31  
consideration by any person having an interest therein, together 32  
with the decision on such question, and shall call and record the 33  
yeas and nays by which the decision is made. When requested by a 34  
party interested in the proceedings or by ~~his~~ a party's counsel, 35  
the clerk shall record any legal proposition decided by the board, 36  
the decision thereon, and the votes by which the decision is 37  
reached. If either party, in person or by counsel, ~~except~~ takes 38  
exception to such decision, the clerk shall record the exceptions 39  
with the record of the decision. 40

(B) A board of county commissioners may elect to maintain a 41  
full record of its proceedings by electronic means, including, but 42  
not limited to, those listed in section 9.01 of the Revised Code, 43  
by adopting a resolution that directs the clerk to maintain a full 44  
record of the proceedings by electronic means. The clerk also 45

shall maintain a general index of the electronic record in either 46  
a written form or by electronic means, as determined by the board 47  
in its resolution. The board's resolution also may authorize the 48  
clerk to maintain a written summary of the record of the 49  
proceedings, provided that the summary shall include a notation 50  
that the full record of proceedings is maintained by electronic 51  
means. If the electronic means malfunctions, the clerk shall 52  
create the full written record of the proceedings as described in 53  
division (A) of this section. 54

**Sec. 305.11.** Immediately upon the opening of each day's 55  
session of the board of county commissioners, the records of the 56  
proceedings of the session of the previous day shall be read, or 57  
provided to each commissioner in written form, by the clerk of the 58  
board and, if correct, approved and signed by the commissioners. 59  
In the alternative, if the clerk maintains the full record of the 60  
proceedings by electronic means as authorized by division (B) of 61  
section 305.10 of the Revised Code, the board shall orally approve 62  
the electronic record of proceedings at the previous meeting after 63  
the clerk certifies that the entire record of the proceedings at 64  
that meeting is completely and accurately captured in the 65  
electronic record of those proceedings. When the board is not in 66  
session, the record of proceedings shall be kept in the county 67  
auditor's office or, if the county has a full-time clerk, in the 68  
county commissioners' office, open at all proper times to public 69  
inspection. It shall be certified by the president and clerk of 70  
the board and shall be received as evidence in every court in the 71  
state. 72

**Sec. 5502.31.** Each political subdivision may make 73  
appropriations for the payment of the expenses of its local 74  
activities for emergency management ~~and for the payment of the~~ 75  
~~expenses~~ incurred by an agency established pursuant to section 76

5502.271 of the Revised Code or chargeable to that political 77  
subdivision by agreement in any county wherein a countywide agency 78  
~~or regional authority~~ for emergency management has been 79  
established pursuant to section 5502.26 of the Revised Code or a 80  
regional authority has been established pursuant to section 81  
5502.27 of the Revised Code, ~~respectively~~. 82

**Section 2.** That existing sections 305.09, 305.10, 305.11, and 83  
5502.31 of the Revised Code are hereby repealed. 84