

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 99

Senators Grendell, Seitz

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A B I L L

To amend sections 302.02, 302.03, 302.05, 302.081, 1
302.082, 302.09, 302.10, 302.11, 302.12, 302.13, 2
302.14, 302.17, 302.18, 302.19, 302.201, 302.202, 3
302.204, 302.21, 302.22, and 302.24 and to enact 4
sections 302.011, 302.012, 302.013, 302.014, and 5
302.015 of the Revised Code to permit an 6
alternative form of county government in a county 7
having a population of 1.2 million or more to have 8
a county council with at-large members and members 9
from districts and to have an elected fiscal 10
officer and an appointed county engineer, county 11
information officer, coroner, and sheriff. 12
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 302.02, 302.03, 302.05, 302.081, 14
302.082, 302.09, 302.10, 302.11, 302.12, 302.13, 302.14, 302.17, 15
302.18, 302.19, 302.201, 302.202, 302.204, 302.21, 302.22, and 16
302.24 be amended and sections 302.011, 302.012, 302.013, 302.014, 17
and 302.015 of the Revised Code be enacted to read as follows: 18
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Sec. 302.011. The board of elections of any county having a 20

population of 1,200,000 or more according to the 2000 federal 21
decennial census shall submit to the electors of the county, under 22
section 302.015 of the Revised Code, the question of adopting the 23
alternative form of county government known as the blended county 24
government plan as defined by sections 302.012, 302.013, and 25
302.014 of the Revised Code. The question shall be voted upon at 26
the next general election occurring not fewer than 75 days after 27
the effective date of this section. 28

Sec. 302.012. Under a blended county government plan, the 29
county council shall consist of seven members, two of whom shall 30
be elected at large and five of whom shall be elected by 31
districts. 32

In a county adopting the blended county government plan, 33
whenever the board of county commissioners is referred to in any 34
law, contract, or other document, the reference shall be deemed to 35
refer to the county council. 36

Sec. 302.013. Under the blended county government plan, the 37
chief executive officer shall be known as the county executive. 38
The county executive shall be elected at the first regular county 39
general election following adoption of the blended county 40
government plan and shall hold office for a term of four years. 41
Only an elector of the county is eligible to be elected as county 42
executive. A candidate for county executive shall be nominated and 43
elected in the manner provided by general law for officers of the 44
county. 45

If the office of county executive becomes vacant, the county 46
council shall appoint a replacement for the unexpired term. 47

The salary of the first individual elected county executive 48
shall be, for that individual's first term of office, one hundred 49
sixty per cent of the salary established by section 325.10 of the 50

Revised Code for a member of the board of county commissioners in 51
the county. Thereafter the county council shall fix the salary not 52
later than one year before a term of office commences. 53

Sec. 302.014. Under the blended county government plan, in 54
addition to other county officers elected or appointed under 55
general law, the formerly elected offices of county auditor, 56
county treasurer, county coroner, county recorder, county 57
engineer, and county sheriff are eliminated and are replaced by 58
the following officers: 59

(A) The offices of county auditor and county treasurer are 60
combined into a fiscal officer. The fiscal officer shall be 61
elected as provided in law for the county auditor. The fiscal 62
officer shall fulfill all the duties vested by law in county 63
auditors and county treasurers. 64

(B) The elected office of county coroner is replaced by an 65
appointed office of county coroner. The county executive shall 66
appoint the county coroner, subject to the approval of at least 67
five members of the county council. The appointed county coroner 68
shall have the same qualifications (except election) prescribed by 69
law for, and shall fulfill all the duties vested by law in, county 70
coroners. 71

(C) The elected office of county recorder is replaced by an 72
appointed office of county information officer. The county 73
executive shall appoint the county information officer, subject to 74
the approval of at least five members of the county council. The 75
appointed county information officer shall have the same 76
qualifications (except election) prescribed by law for, and shall 77
fulfill all the duties vested by law in, county recorders. 78

(D) The elected office of county engineer is replaced by an 79
appointed office of county engineer. The county executive shall 80
appoint the county engineer, subject to the approval of at least 81

five members of the county council. The appointed county engineer shall have the same qualifications (except election) prescribed by law for, and shall fulfill all the duties vested by law in, county engineers. 82
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(E) The elected office of county sheriff is replaced by an appointed office of county sheriff. The county executive shall appoint the county sheriff, subject to the approval of at least five members of the county council. The appointed county sheriff shall have the same qualifications (except election) prescribed by law for, and shall fulfill all the duties vested by law in, county sheriffs. 86
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Sec. 302.015. In submitting to the electors of a county the question of adopting an alternative form of county government known as the blended county government plan whereby two members of the county council are elected at large and five are elected by districts, the board of elections shall submit the question in language substantially as follows: 93
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"Shall the county of adopt the form of county government known as the blended county government plan with an elected county executive and a county council of seven members some elected at large and some by districts, as provided for in sections 302.012, 302.013, and 302.014 of the Revised Code?" 99
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() For adoption of the blended county government plan. 104

() Against adoption of the blended county government plan." 105

The proposition for the blended county government plan shall establish the percentage of the annual compensation provided in section 325.10 of the Revised Code for county commissioners that each county council member shall receive as annual compensation in lieu of the amount provided in section 325.10 of the Revised Code. 106
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If the proposition for the blended county government plan 112
fails to divide the county into county council districts, the 113
board of elections shall divide the county into districts in the 114
manner provided in section 302.082 of the Revised Code within 115
forty-five days prior to the election on the question of adopting 116
the alternative form. 117

At least forty-five days prior to the election thereon, the 118
board of county commissioners shall cause a copy of the blended 119
county government plan to be distributed to each elector of the 120
county so far as may be reasonably possible. Immediately following 121
the canvass of the election returns, the board of elections shall 122
file a certificate of the results with the secretary of state. 123
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Sec. 302.02. An alternative form of county government shall 125
include ~~either~~ an elective county executive as provided for by 126
section 302.15 or 302.013 of the Revised Code or an appointive 127
county executive as provided by section 302.16 of the Revised 128
Code, and all those provisions of sections 302.01 to 302.24~~7~~ 129
~~inclusive~~, of the Revised Code, which have not been specifically 130
designated as applicable only to the elective county executive 131
plan ~~or~~, the appointive county executive plan, or the blended 132
county government plan. 133

The alternative form of county government providing for the 134
office of the elective county executive shall be known as the 135
elective executive plan, ~~and~~ the alternative form providing for 136
the office of appointive county executive shall be known as the 137
appointive executive plan, and the alternative form providing for 138
the office of the elective county executive and a county council 139
shall be known as the blended county government plan. 140

Sec. 302.03. (A) The board of county commissioners or county 141

council of any county may, by a two-thirds vote of the board or 142
council, as the case may be, or shall, upon petition by three per 143
cent of the electors of the county as determined by the number of 144
votes cast therein for the office of governor at the most recent 145
gubernatorial election, by resolution, cause the board of 146
elections in the county to submit to the electors of the county 147
the question of adopting one of the alternative forms of county 148
government authorized by sections 302.01 to 302.24 of the Revised 149
Code. The question shall be voted upon at the next general 150
election occurring not less than seventy-five days after the 151
certification of the resolution to the board of elections. 152

(B) If, in any county, a resolution is adopted by the board 153
of county commissioners or county council requiring that the 154
question of choosing a commission to frame a county charter be 155
submitted to the electors thereof prior to the resolution provided 156
for in this section, the proposition to adopt an alternative form 157
of county government provided in sections 302.01 to 302.24 of the 158
Revised Code, shall not be submitted in that county as long as the 159
question of choosing such commission or of adopting a charter 160
framed by such commission is pending therein. 161

(C) Any proposition for an alternative form of county 162
government shall specify the number of members of the board of 163
county commissioners or county council members, how many shall be 164
elected at large, ~~or~~ how many shall be elected by districts, or 165
how many shall be elected at large and by districts. 166

Sec. 302.05. If a majority of the votes cast on the 167
proposition of adopting an alternative form of county government 168
is in the affirmative, then such form shall thereby be adopted and 169
become the form of government of the county. If more than one 170
alternative form receives a majority of votes cast on the 171
proposition in an election, the form receiving the largest number 172

of votes shall be adopted. The provisions of sections 302.01 to 173
302.24, ~~inclusive~~, of the Revised Code, as they apply to the 174
nomination and election of county officers, shall be in effect 175
immediately. All other provisions of sections 302.01 to 302.24, 176
~~inclusive~~, of the Revised Code, shall take effect on the first 177
Monday in January following the next regular state election. 178

Under an alternative form whereby any members of the board of 179
county commissioners or the county council are elected by 180
districts, each ~~county commissioner~~ member shall receive, in lieu 181
of the annual compensation provided by section 325.10 of the 182
Revised Code, the percentage thereof specified in the adopted 183
plan. 184

Sec. 302.081. An alternative form of county government shall 185
include a board of county commissioners, elected either at large 186
as provided in sections 302.04 and 302.08 of the Revised Code, or 187
by districts as provided in sections 302.041 and 302.082 of the 188
Revised Code, or a county council elected at large and by 189
districts as provided in section 302.012 of the Revised Code, and 190
~~in~~ all those provisions of sections 302.01 to 302.24 of the 191
Revised Code, which have not been specifically designated as 192
applicable only in the case whereby the entire board is elected at 193
large, ~~or~~ in the case whereby any of the members are elected by 194
districts, or in the case whereby the members are elected at large 195
and by districts. 196

Sec. 302.082. (A) Under all alternative forms of county 197
government whereby any members of the board of county 198
commissioners or county council are elected by districts there 199
shall be a board of county commissioners or county council, as the 200
case may be, who shall have the qualifications and shall be 201
nominated and elected as provided by general law for boards of 202
county commissioners, except as otherwise provided for in this 203

section. 204

(B) The For an alternative form of county government whereby 205
any members of the board of county commissioners are elected by 206
districts, the board shall consist of such odd number of members, 207
not less than three nor more than twenty-one members, as is 208
provided in the proposition for the alternative form that has been 209
adopted. If the proposition provides for seven or more members, no 210
more than half shall be elected at large. 211

Any or all districts for county commissioners or county 212
council members may be multi-member districts, but the division of 213
the county into districts for county commissioners or county 214
council members shall conform to the constitutional standards for 215
division of the state into districts for election of members of 216
the general assembly. If the proposition for the alternative form 217
adopted provides that any county commissioners or county council 218
members shall be elected by districts, the board of county 219
commissioners or county council shall, every ten years, ~~commencing~~ 220
~~in 1971 and every ten years thereafter,~~ divide the county into 221
county commissioner districts or county council districts, as the 222
case may be, using the most recent decennial federal census. 223

(C) The term of office of county commissioners or county 224
council members, as the case may be shall be four years, except as 225
provided in division (C) of this section. If the proposition for 226
the alternative form adopted changes the number of county 227
commissioners or county council members, or changes the number of 228
~~commissioners~~ members who are elected by districts, the total 229
number of ~~commissioners~~ members shall be elected at the first 230
regular state election following the adoption of the alternative 231
form. The board of elections shall assign a number to each county 232
commissioner or county council position established by the 233
provisions of the alternative form. Candidates shall file for and 234
be elected to a specifically numbered position. The odd-numbered 235

positions shall be filled for a term of four years, and the 236
even-numbered positions shall be filled for a term of two years at 237
the first election and for four years thereafter. 238

Sec. 302.09. ~~When~~ (A) In an alternative form of county 239
government with a board of county commissioners, when a vacancy 240
occurs in the board of county commissioners or in the office of 241
county auditor, county treasurer, prosecuting attorney, clerk of 242
the court of common pleas, sheriff, county recorder, county 243
engineer, or coroner more than forty days before the next general 244
election for state and county officers, the vacancy shall be 245
filled as provided for in divisions (A) and (B) of section 305.02 246
of the Revised Code. 247

(B) In an alternative form of county government with a county 248
council, if a vacancy occurs in the county council or in the 249
offices of prosecuting attorney, clerk of the court of common 250
pleas, or fiscal officer more than forty days before the next 251
general election for state and county officers, the vacancy shall 252
be filled as provided for in divisions (A) and (B) of section 253
305.02 of the Revised Code. If a vacancy occurs in the offices of 254
county engineer, county information officer, coroner, or sheriff 255
the vacancy shall be filled in the same manner as is provided for 256
the appointment of those officers. 257

Sec. 302.10. The board of county commissioners or county 258
council, as the case may be shall determine its own rules and 259
order of business and cause a journal of its proceedings to be 260
kept. A majority of the members elected to the board or council 261
shall constitute a quorum to do business. No action of the board 262
or council shall be valid or binding unless adopted by the 263
affirmative vote of a majority of the members elected to the board 264
or council. 265

Sec. 302.11. The board of county commissioners or county 266
council, as the case may be, shall organize on the first Monday of 267
each year, by the election of one of its members as president and 268
one other member as vice-president for terms of one year. The 269
president shall preside at all regular and special sessions of the 270
board. 271

Notwithstanding section 305.05 of the Revised Code, when the 272
president of the board is absent from the county or unable to 273
perform ~~his~~ the official duties of president, or in case of death, 274
resignation, or removal, the vice-president shall act as president 275
pending any future meeting of the board at which it may select one 276
of its members to become the president. 277

Except as provided by sections 302.01 to 302.24, ~~inclusive,~~ 278
of the Revised Code, the president of the board shall have all 279
powers and duties vested in or imposed upon the president of the 280
board by general law. 281

Sec. 302.12. The board of county commissioners or the county 282
council, as the case may be, is the policy-determining body of the 283
county. Except as otherwise provided by sections 302.01 to 302.24, ~~284
inclusive,~~ of the Revised Code, it has all the powers and duties 285
vested by law in boards of county commissioners. All powers and 286
duties which may be vested by law in counties or in county 287
officers or agencies, or which may be transferred to the county by 288
action of a township or municipality under authority of Section 1 289
of Article X, Ohio Constitution, and which are not assigned by law 290
to any department, office, or body existing under the alternative 291
form of government in force, shall be exercised or performed by 292
the board or council or by the department, office, or body 293
designated by resolution of the board or council. 294

Sec. 302.13. Pursuant to and in conformity with the 295

Constitution of Ohio and without limiting the powers and duties 296
otherwise vested in the board of county commissioners, the board 297
or county council may: 298

(A) Establish a department of finance, a department of human 299
services, a department of health which shall exercise the powers 300
and perform the duties of the general health district according to 301
policies established by the board of county commissioners or 302
county council notwithstanding Chapter 3709. of the Revised Code, 303
a purchasing department, a department of public works, a 304
department of law, a department of personnel, a department of 305
detention and correction, a department of water and sewers, and 306
such other departments, divisions, and sections under the 307
supervision of the county executive, as it determines to be 308
necessary for the efficient administration of the county's 309
business, and may provide for the merger of such departments, 310
divisions, and sections; 311

(B) Determine the compensation of appointive heads of 312
departments and divisions under the supervision of the board of 313
county commissioners or county council and adopt by resolution a 314
classification plan and schedule fixing the rates of compensation 315
of all classes and grades in the county service. Such schedule 316
shall provide uniform compensation for like service, and may 317
establish minimum and maximum rates for any grade of position 318
within which the compensation shall be fixed by the appointing 319
authority. 320

(C) Determine what officers and employees shall file bond, 321
and fix the amount and form thereof and approve the surety of the 322
bond given; 323

(D) Provide for the borrowing of money in anticipation of the 324
collection of taxes and revenues for the current fiscal year; 325

(E) Acquire, construct, maintain, administer, rent, and lease 326

property including buildings and other public improvements as 327
provided by law; 328

(F) Cooperate or join by contract pursuant to section 302.21 329
of the Revised Code with any city, county, state, or political 330
subdivision or agency thereof, or with the United States or any 331
agency thereof, for the planning, development, construction, 332
acquisition, or operation of any public improvement or facility, 333
or for a common service; and may provide the terms upon which the 334
county shall perform any of the services and functions of any 335
municipality or political subdivision in the county; 336

(G) Accept, in the name of the county, gifts, devises, 337
bequests, and grants-in-aid from any person, firm, corporation, 338
city, county, state, or political subdivision or agency thereof, 339
or from the United States or any agency thereof; 340

(H) Request periodic or special reports by the county 341
executive, elected officers, and administrative officers and 342
bodies, and may require their attendance upon its meetings; 343

(I) Designate the maximum number of assistants, deputies, 344
clerks, and other persons that may be employed in each of the 345
offices and departments of the county; 346

(J) Authorize the county executive to employ experts and 347
consultants in connection with the administration of the affairs 348
of the county; 349

(K) Establish procedures governing the making of county 350
contracts and the purchasing of county supplies and equipment by 351
competitive bidding; 352

(L) Exercise control over expenditures by all county 353
officials and promulgate and execute an allotment schedule 354
allocating annual appropriations for any county government purpose 355
by item on either a monthly or quarterly basis; 356

(M) By ordinance or resolution make any rule, or act in any matter not specifically prohibited by general law; provided that, in the case of conflict between the exercise of powers pursuant to this division and the exercise of powers by a municipality or township, the exercise of power by the municipality or township shall prevail, and further provided that the board or council may levy only taxes authorized by general law.

Sec. 302.14. There shall be a county executive, who shall be the chief executive officer of the county. ~~He~~ The county executive shall be either an elective county executive as provided for in section 302.15 or 302.013 of the Revised Code, or an appointive county executive as provided for in section 302.16 of the Revised Code.

In case of the absence or disability of the county executive as determined by the board of county commissioners or the county council, as the case may be, his the county executive's duties shall be performed during ~~his~~ the absence or disability by whomsoever the board of county commissioners or county council designates by resolution.

Sec. 302.17. The county executive shall be responsible for the proper administration of the affairs of the county placed in ~~his~~ the county executive's charge, and, by resolution of the board of county commissioners or county council, as the case may be, may serve as the head of any county department created by the board or council pursuant to sections 302.01 to 302.24, ~~inclusive,~~ of the Revised Code, provided ~~he~~ the county executive has the qualifications required by law.

Sec. 302.18. (A) The county executive shall be the administrative head of the county and shall have all powers and shall perform all duties of an administrative or executive nature

vested in or imposed upon the board of county commissioners or 387
county council by general law or by agreement with any 388
municipality or other subdivision of government of Ohio and such 389
additional powers as are granted and imposed by the board or 390
council, and the county executive shall administer the resolutions 391
of the board of county commissioners or county council and the 392
laws of the state relating to or required to be enforced by the 393
county executive's office. The county executive shall supervise 394
the departments established pursuant to division (A) of section 395
302.13 of the Revised Code. All authority of the board of county 396
commissioners under general law with respect to the adoption of 397
the county budget and the submission of any matter to the electors 398
shall be exercised by the board of county commissioners or the 399
county council, as the case may be, provided for under Chapter 400
302. of the Revised Code. Contracts between the county and other 401
agencies of government shall be approved or authorized by the 402
board of county commissioners or county council. 403

(B) The county executive, under the elective executive plan 404
or the blended county government plan, shall exercise all 405
authority of the board of county commissioners or county council 406
to appoint, suspend, and remove all county personnel whose 407
appointment, suspension, and removal was a function of the board 408
of county commissioners or county council under general law, 409
except for the clerk of the board of county commissioners, the 410
clerk's clerical assistants, and the appointments listed in 411
division (C) of section 302.18 of the Revised Code. Under the 412
appointive executive plan, the board of county commissioners shall 413
have the power to appoint, suspend, and remove all county 414
personnel whose appointment, suspension, and removal was a 415
function of the board under general law, upon the recommendation 416
of the county executive. 417

(C) ~~Appointment~~ For the elective county executive plan and 418

the appointive county executive plan, appointment of officers, 419
which by general law in sections 303.04, 303.13, 305.29, 306.01, 420
306.02, 329.01, 329.06, 5153.39, and 5155.03 of the Revised Code 421
is required to be made by the board of county commissioners, shall 422
be made by the county executive, under either plan, with advice 423
and consent of the board of county commissioners. The county 424
executive, under either plan, also shall appoint with the advice 425
and consent of the board of county commissioners, all officers and 426
members of boards and commissions, other than officers of a court 427
or employees or other persons advisory to or subject to the 428
supervision of a court or judge thereof, which by general law in 429
sections 331.01, 339.02, 1545.02, 1545.03, 1545.04, and 1545.05 of 430
the Revised Code are to be appointed by a judge or judges of the 431
probate or common pleas court of the county. 432

(D) The county executive, under the elective executive plan 434
or the blended county government plan, shall have the power to 435
veto any ordinance or resolution adopted by the board of county 436
commissioners or the county council. A veto by the county 437
executive may apply to all or any items of an ordinance 438
appropriating money. Certification of a veto must be made by the 439
county executive within ten days of its adoption by the board of 440
county commissioners or county council, and the board of county 441
commissioners or county council may override the veto by a 442
two-thirds vote of all its members. Under the elective executive 443
plan blended county government plan an ordinance or resolution 444
shall become effective upon approval by the county executive, 445
expiration of such ten days without approval or veto, or 446
overriding of a veto. 447

(E) The county executive shall promote the coordination of 448
all county functions and for this purpose shall make an annual 449
public report on the state of the county. 450

Sec. 302.19. In addition to other powers and duties provided 451
in sections 302.01 to 302.24, ~~inclusive,~~ of the Revised Code, the 452
county executive shall: 453

(A) Prepare and recommend to the board of county 454
commissioners or county council, as the case may be, the annual 455
tax budget and county appropriation resolution; 456

(B) Keep the board or council advised of the financial 457
condition and future needs of the county; 458

(C) Prepare and submit to the board or council such measures 459
as ~~he~~ the county executive deems necessary for the conduct of the 460
county's business; 461

(D) Attend meetings of the board of county commissioners or 462
county council and take part in the discussion of all matters 463
before the board or council; 464

(E) Prepare and submit to the board of county commissioners 465
or county council, as the case may be, such reports on the 466
operations of any departments, offices, and bodies under ~~his~~ 467
county executive's control as may be required by the board or 468
council. 469

Sec. 302.201. If established under the provisions of Chapter 470
302. of the Revised Code, the department of law shall be 471
administered by a director of law who shall be an attorney-at-law 472
admitted to the practice of law in this state. The director of law 473
shall serve as legal advisor to the board of county commissioners 474
or county council, as the case may be, the county executive, and 475
the county departments, offices, and agencies responsible to the 476
board or council and the county executive. The director of law 477
shall give written opinions as to the law when specifically 478
requested so to do by the board or council or the county 479
executive, act as counsel for the board or council and the county 480

executive in any proceeding instituted by or against the board or 481
council or the county executive, and perform any other legal 482
duties assigned by the board of county commissioners or county 483
council or the county executive. 484

Sec. 302.202. If established under this chapter, the 485
department of personnel shall make and promulgate personnel rules 486
that, when adopted by the board of county commissioners or county 487
council, as the case may be, after public hearing, shall be the 488
sole basis for determining the provisions and procedures of the 489
county personnel system. 490

Notwithstanding the provisions of Chapter 124. of the Revised 491
Code, personnel rules adopted by the board of county commissioners 492
or county council, as the case may be, pursuant to this section, 493
may provide for, but need not be limited to, the following: 494

(A) Classification of all county positions, which 495
classification shall be based on the duties, authority, and 496
responsibility of each position; 497

(B) A pay plan for all county positions, which pay plan may 498
include fringe benefits as may be determined by the board of 499
county commissioners or county council, in addition to salary; 500

(C) Certification of payrolls as to compliance with the pay 501
plan and the personnel rules; 502

(D) The method of holding competitive tests for determining 503
the merit and fitness of candidates for appointment and promotion; 504

(E) The establishment, maintenance, and certification of 505
eligible lists for filling vacancies; 506

(F) The order and manner in which lay-offs may be effected; 507

(G) The procedure for suspension and removal of employees, 508
which procedure shall include provisions for appeals from orders 509
of suspension or removal or other disciplinary action; 510

(H) The hours of work, the attendance regulations, and the 511
provisions for sick and vacation leave; 512

(I) Other practices and procedures necessary to the 513
administration of the county personnel system. 514

Sec. 302.204. If established under ~~the provisions of~~ Chapter 515
302. of the Revised Code, the department of water and sewers shall 516
assume all duties and perform all functions related to the 517
operation of the county's sewer and water systems. The board of 518
county commissioners or county council, as the case may be, may 519
create a board of trustees to serve at its pleasure and may assign 520
to such board such functions and responsibilities as are by law 521
delegated to the board of county commissioners in Chapters 6117. 522
and 6103. of the Revised Code as they pertain to the operation of 523
a county sewer system and a county water system. 524

Sec. 302.21. The board of county commissioners or county 525
council, as the case may be, as provided in section 302.22 of the 526
Revised Code may enter into an agreement with the legislative 527
authority of any municipal corporation, township, port authority, 528
water or sewer district, school district, library district, health 529
district, park district, soil and water conservation district, 530
water conservancy district, or other taxing district, or with the 531
board of any other county, and such legislative authorities may 532
enter into agreements with the board or council, whereby such 533
board or council undertakes, and is authorized by the contracting 534
subdivision, to exercise any power, perform any function, or 535
render any service, in behalf of the contracting subdivision or 536
its legislative authority, which such subdivision or legislative 537
authority may exercise, perform, or render. 538

Upon the execution of such agreement and within the 539
limitations prescribed by it, the board or council may exercise 540

the same powers as the contracting subdivision possesses with 541
respect to the performance of any function or the rendering of any 542
service, which, by such agreement, it undertakes to perform or 543
render, and all powers necessary or incidental thereto, as amply 544
as such powers are possessed and exercised by the contracting 545
subdivision directly. In the absence in such agreement of 546
provisions determining by what officer, office, department, 547
agency, or authority, the powers and duties of the board or 548
council shall be exercised or performed, the board or council 549
shall, within the limits of this section, determine and assign 550
such powers and duties to any officer or officers of county 551
government, including the auditor, treasurer, engineer, recorder, 552
coroner, sheriff, fiscal officer, county information officer, and 553
prosecuting attorney. Any agreement authorized by this section 554
shall not suspend the possession by a contracting subdivision of 555
any power or function exercised or performed by the board or 556
council in pursuance of such agreement. Nor shall the board or 557
council, by virtue of any agreement entered into under this 558
section, acquire any power to levy taxes within and in behalf of a 559
contracting subdivision unless approved by a majority of the 560
electors of the contracting subdivision. 561

The boards of county commissioners or county councils of any 562
two or more counties may contract with each other or by contract 563
create any joint agency to exercise any power, perform any 564
function, or render any service which any board of county 565
commissioners or county council may exercise, perform, or render. 566

Sec. 302.22. Every agreement entered into under sections 567
302.21 to 302.24, ~~inclusive,~~ of the Revised Code, shall provide, 568
either in specific terms or by prescribing a method for 569
determining the amounts, for any payments to be made by the 570
contracting subdivision into the county treasury, in consideration 571
of the performance of the agreement. In cases where it is deemed 572

practicable, the agreement may provide that payment shall be made 573
by the retention in the treasury of the amounts due from taxes 574
collected for the contracting subdivision and the county auditor 575
and county treasurer or county fiscal officer, as the case may be, 576
shall be governed by any such provision in settling the accounts 577
for such taxes. 578

Any agreement entered into by and between two or more boards 579
of county commissioners or county councils shall specify the 580
method of payment for the joint exercise of any power, the joint 581
performing of any function, or the joint rendering of any service, 582
which method of payment shall be authorized and binding on the 583
counties so long as the agreement is in effect. 584

Sec. 302.24. Any agreement entered into under sections 302.21 585
to 302.24, ~~inclusive,~~ of the Revised Code, may provide for the 586
transfer to the board of county commissioners or the county 587
council, as the case may be, of any property, real or personal, 588
used or useful, in the performance of functions or the rendering 589
of services under such agreement. Such transfer may include the 590
proceeds of bonds issued or to be issued by the contracting 591
subdivision, appropriate to the powers, functions, or services 592
under the agreement, such proceeds to be expended by the board or 593
council subject to the same conditions as would govern the 594
contracting subdivision. Such transfer may convey the absolute 595
title to such property, subject, in the case of the disposal or 596
encumbrance of such real property by the board or council, to the 597
consent of the legislative authority of the contracting 598
subdivision; or may convey its use only, or any estate or title 599
less than absolute; may limit the power of the board or council to 600
dispose of such property; and may provide for its return, 601
disposition, division, or distribution, in the event of the 602
rescission or expiration of the agreement. 603

Section 2. That existing sections 302.02, 302.03, 302.05, 604
302.081, 302.082, 302.09, 302.10, 302.11, 302.12, 302.13, 302.14, 605
302.17, 302.18, 302.19, 302.201, 302.202, 302.204, 302.21, 302.22, 606
and 302.24 of the Revised Code are hereby repealed. 607