



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

S.B. 273

128th General Assembly
(As Introduced)

Sens. Turner, Seitz, Cates, Sawyer, D. Miller, Smith

BILL SUMMARY

- Generally authorizes municipal corporations and other political subdivisions to enter into agreements to perform services for one another.

CONTENT AND OPERATION

Current law provides a variety of specific statutes authorizing political subdivisions to contract for certain services. See, for example, R.C. 9.60 (fire protection or emergency medical services); R.C. 505.37 (firefighting equipment); R.C. 311.29, 505.43, 505.50, and 737.04 (police services); R.C. 5535.08 (mutual aid agreements for road maintenance and repair); R.C. 715.02 (joint construction or management of public work, utility, or improvement). More general authority exists in authorization for intergovernmental agreements for exercising powers, performing functions, or rendering services (R.C. 307.15). And even more extensive general authority exists in the current chapter on regional councils of governments (R.C. Chapter 167.). (See **COMMENT 1.**)

The bill provides general authority for specified political subdivisions (see **COMMENT 2**) to enter into agreements to provide services to one another. In order to provide a service, a contracting subdivision must otherwise have the legal authority to exercise, perform, or render the service. The respective legislative authorities of the contracting subdivisions must approve the subdivisions' participation in the agreement. If the agreement does not specify by what officer, office, department, agency, or authority, the powers and duties are to be exercised or performed, the legislative authority of the municipal corporation must determine and assign such powers and duties for the municipal corporation; and, in the absence of such provisions in the agreement for other political subdivisions, their legislative authorities must determine and assign such powers and duties. No agreement can suspend the possession by a

contracting subdivision of any power or function exercised or performed by the municipal corporation, or the possession by a municipal corporation of any power or function exercised or performed by the contracting subdivision, in pursuance of the agreement.

The bill prohibits any municipal corporation or political subdivision from entering into any agreement under the bill to levy any tax or to exercise, with regard to public moneys, any investment powers, perform any investment functions, or render any investment service on behalf of a contracting subdivision. (R.C. 715.021(B).)

The bill provides that the political subdivision tort liability law, Chapter 2744. (sovereign immunity), applies to political subdivisions that are parties to an agreement under the bill and to their employees when they are rendering a service outside the boundaries of their employing political subdivisions under an agreement. Employees acting outside the boundaries of their employing subdivision while providing a service under an agreement may participate in any pension or indemnity fund established by the political subdivision to the same extent as while acting within the boundaries of the political subdivision, and are entitled to all the rights and benefits of the Workers' Compensation Law to the same extent as while they are performing a service within the boundaries of the political subdivision. (R.C. 715.021(C).)

COMMENT

1. Chapter 167. of the Revised Code permits political subdivisions to enter into an agreement creating a regional council of government to, among other powers, promote cooperative arrangements and coordinate action among its members, contract among its members and other governmental agencies and private entities to address problems common to its members, and "perform. . . functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern." Governmental council members, the state, and the federal government may give the regional council moneys, real and personal property, and/or services. Any political subdivision may contract with the regional council to provide a service to or receive a service from the council, or authorize the council to perform any function or render any service on behalf of the political subdivision.

2. The political subdivisions specified are: municipal corporations, counties, townships, port authorities, water or sewer districts, school districts, library districts, health districts, park districts, soil and water conservation districts, water conservancy districts, or any other taxing district.

HISTORY

ACTION

DATE

Introduced

06-01-10

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