



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 308

129th General Assembly
(As Reported by H. Local Government)

Reps. Damschroder, Henne, Murray, Sprague, Peterson, Hackett, McGregor, Gonzales, Stebelton, Thompson, Slaby, Boose, Gardner

BILL SUMMARY

- Allows a joint board of county commissioners to conduct hearings regarding existing joint county ditch improvements via 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 teleconference or video conference. The joint board must make provisions for public attendance at any location involved in the proceeding.¹

The bill provides that nothing in the Open Meetings Act prohibits a joint board of county commissioners from conducting a proceeding regarding existing "improvements" by teleconference or video conference. 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."²

¹ R.C. 6133.041.

² R.C. 121.22, not in the bill.

The bill limits the proceedings of the 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 for the protection 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.³

Background: Joint boards of county commissioners

For the purposes of a proposed improvement that crosses county lines, the members of the boards of county commissioners of the several counties in which land may be benefited or damaged by the proposed improvement must join to form a joint board of county commissioners consisting of the boards of county commissioners of those counties. 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 vote of a majority 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

³ R.C. 6131.01, not in the bill.

cast the deciding vote. Under existing law, 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. Resolutions adopted by the joint board are considered to have been adopted by each individual county's board of county commissioners.⁴

HISTORY

ACTION	DATE
Introduced	08-23-11
Reported, H. Local Gov't	12-14-11

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⁴ R.C. 6133.02 to 6133.04, not in the bill.

