

# County Government Functions and Officeholders



Presented by

**Larry Long**

Former CCAO Executive Director  
CEO, The Ohio Projects Group LLC

[larrylongopg@gmail.com](mailto:larrylongopg@gmail.com)

[larrylongopg@gmail.com](mailto:larrylongopg@gmail.com)



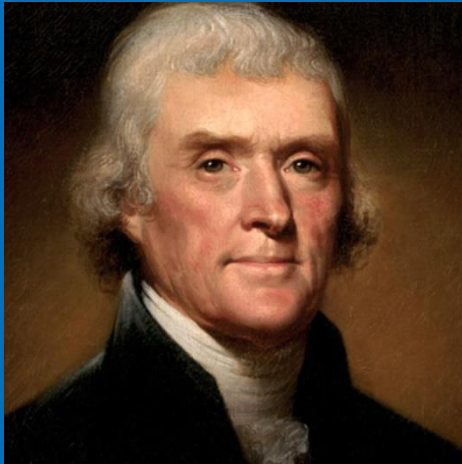
# How it All Started?



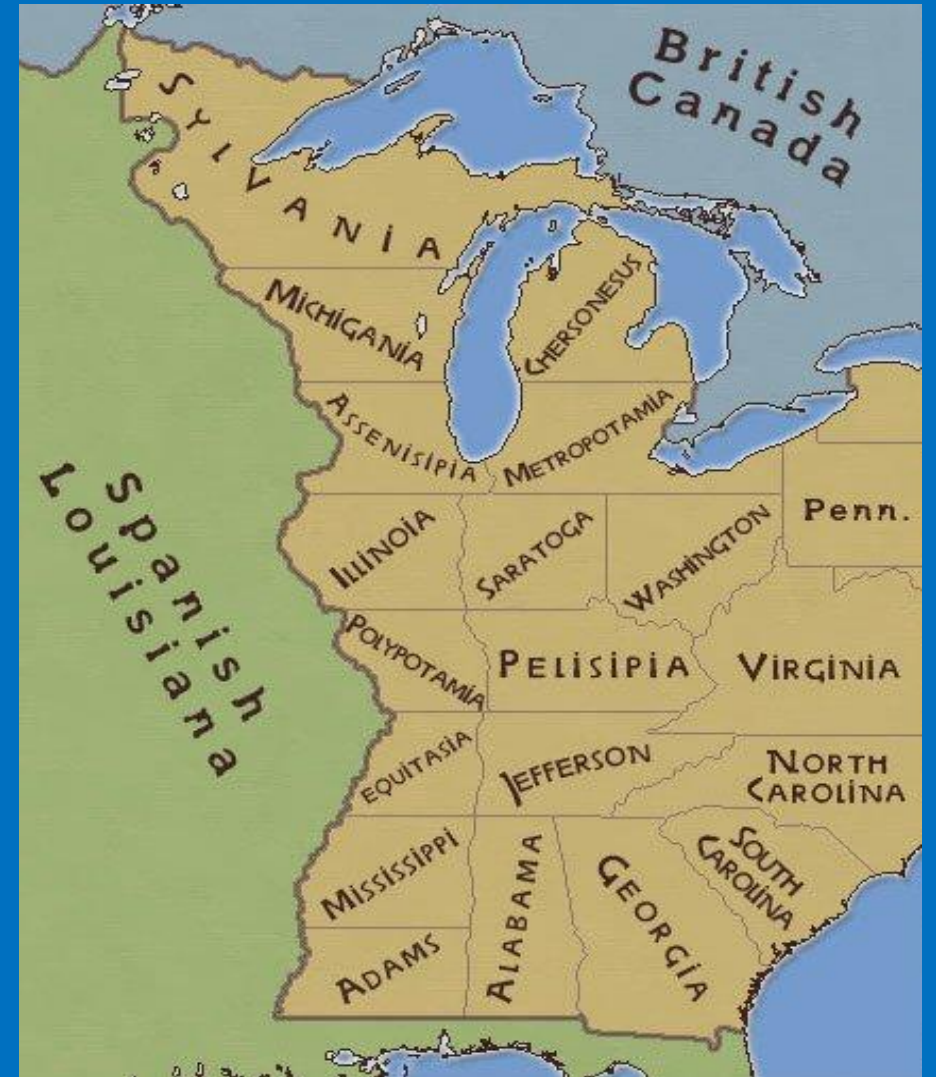


# But, it might have been different . . . .

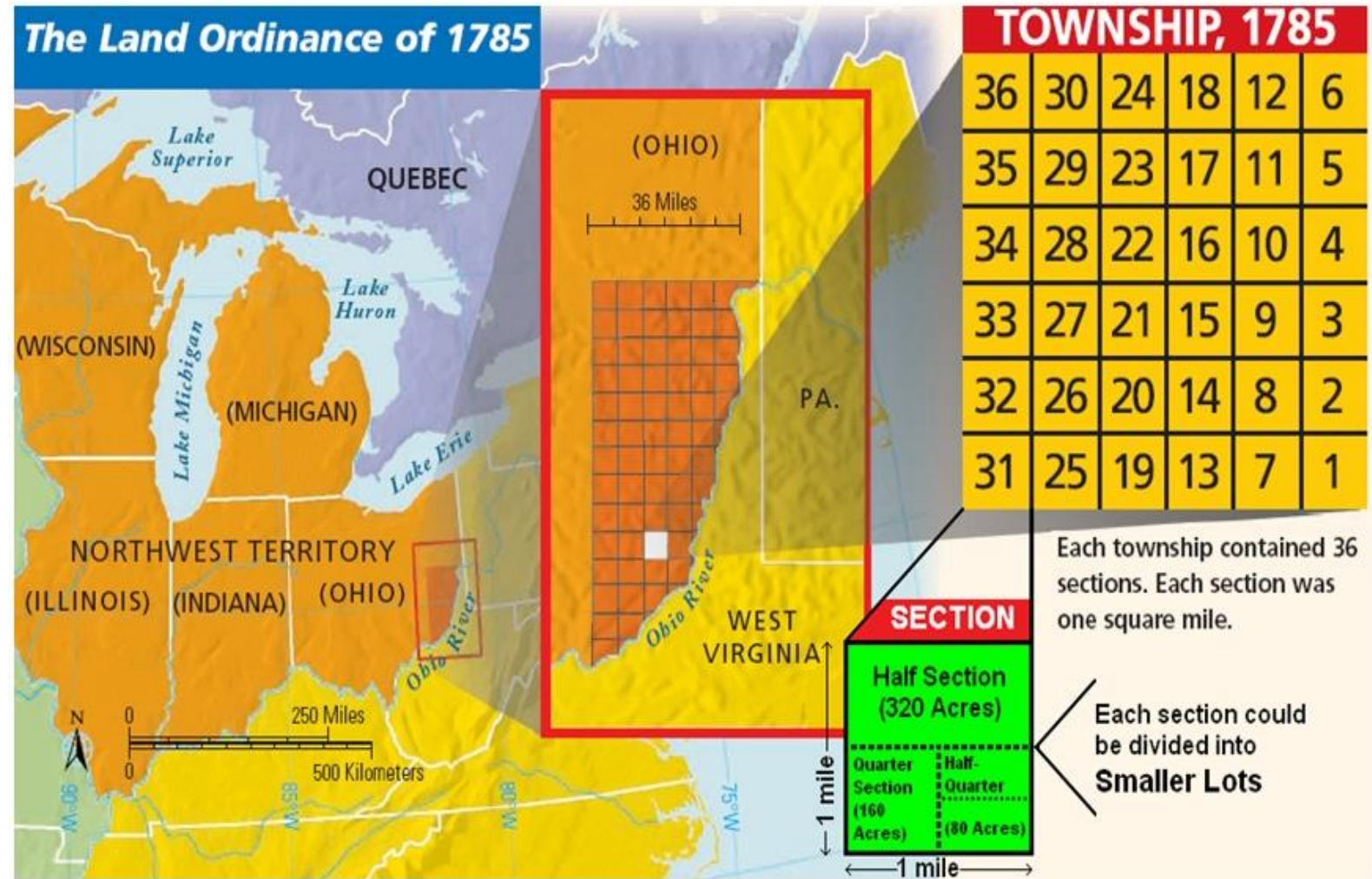
. . . If Thomas Jefferson got his way



*Jefferson's 1784 Proposal for 10  
States—turned into 5 states*

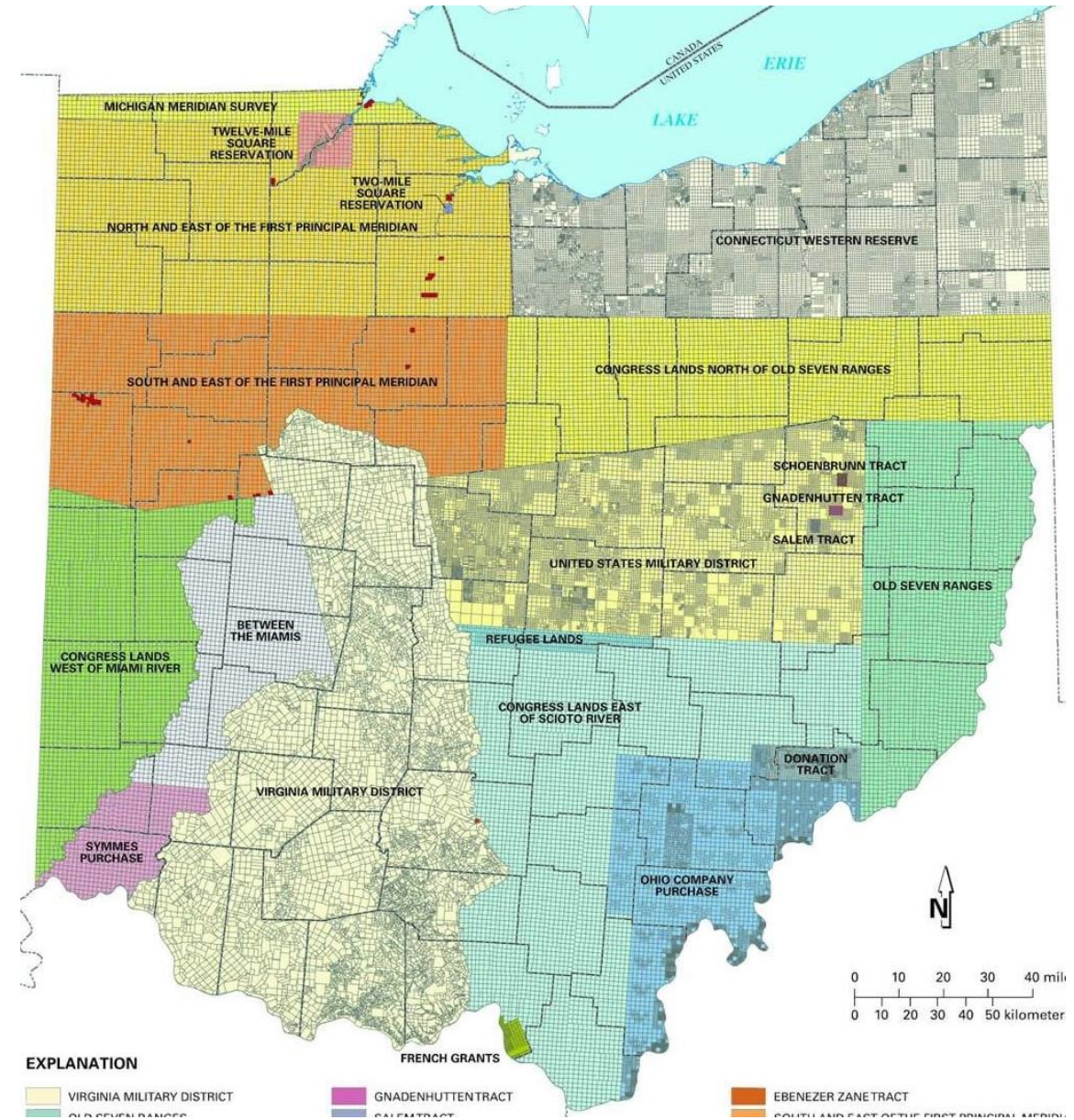


# The Land Ordinance of 1785 made it all happen





# And Ohio Became the Land Survey Testing Grounds



# The Constitutional Basis for Local Government in the United States

- No real U. S. Constitutional Basis for Local Governments
- This is an area left to state control through:
  - ✓ State Constitutions
  - ✓ State Statutes
  - ✓ State Administrative Rules
  - ✓ Court Rulings

## Article VI—Supremacy Clause

. . . This Constitution, and the Laws of the United States shall be the supreme Law of the Land . . . and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

## Tenth Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



# Oath of Office Derived from U. S. Constitution

Only One Provision That Directly Requires Action by Local Governments

## Article VI

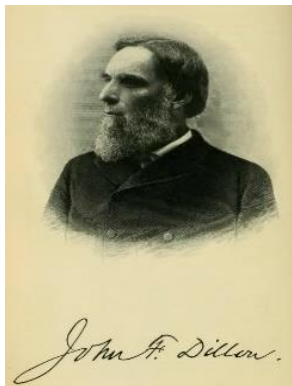
*. . . . The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by an Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.*

# Dillon's Rule

Judge John Forest Dillon

Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy. If it may destroy, it may abridge and control. . . [Local governments] are, so to phrase it, the mere tenants at will of the legislature.

*Hunter v. City of Pittsburgh.* U. S Supreme Court, 1907

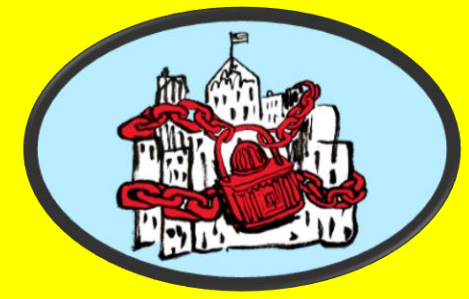


It is a general and undisputed proposition of law that a municipal corporation possesses, and can exercise, the **following powers**, and no other: First, those granted in **express words**; second, those **necessarily or fairly implied in, or incident to**, the powers expressly granted; third, those **essential to the declared objects and purposes of the corporation** not simply convenient, but **indispensable**. Any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.

*City of Clinton v. Cedar Rapids and Missouri River Rail Road Company.* Iowa Supreme Court, 1868



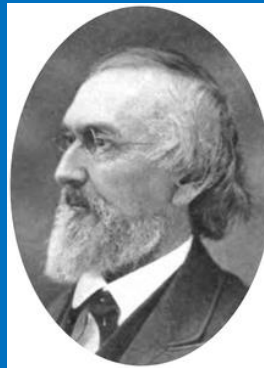
# Early Declaration of Dillon's Rule by Ohio Supreme Court in 1857



Counties are local subdivisions of a state, created by the sovereign power of the state, of its own will, without the particular solicitation, consent, or concurrent action of the people who inhabit them.... **With scarcely an exception, all powers and functions of the county organization have a direct and exclusive reference to the general policy of the state, and are, in fact, but a branch of the general administration of that policy.**



**Chief Justice  
Thomas Welles Bartley**



**Associate Justice  
Jacob Brinkerhoff**



*Hamilton County v Mighels, 7 OS 109, 1857)*

# Ohio Counties: Dillon Rule Governments



The county is “ . . . a **mere instrumentality** . . . **a creature in the hands of its creator**, subject to be moulded and fashioned as the . . . the State may require.”

*(Cincinnati W. & Z. R. Co. v Clinton County (1 OS 77, 1852).*

County government is viewed as "a constituent **part of the plan of permanent organization of the state government**"

*(State ex rel Godfrey v O'Brien, 95 OS 166, 1917).*



**MOTHER MAY I?**



# 5 Types of Local Governments in Ohio

**Counties**

Statutory  
Alternative Form  
Charter

**Townships**

Statutory  
Limited Home Rule

**Municipalities**

Cities  
Villages

**School Districts**

**Special Purpose Districts**



# Number of Local Governments in Ohio

1942, 2012 and 2017

Type	2017	2012	1942
Counties	88	88	88
Townships	1,308	1,308	1,339
Municipalities	931	937	890
School Districts	666	668	1,655
Special Districts	904	841	42
TOTAL	3,897	3,842	4,021



# County Government Structural Options

## Three Possible Forms of County Government



**Statutory Form—86 of 88 counties**

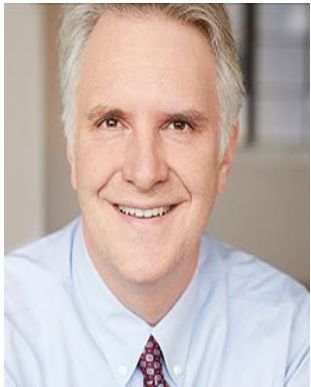
**Alternative Form—No counties**

**Charter Form—Two Counties—Summit & Cuyahoga**

# County Government Structure



Statutory Counties	Charter Counties
No Clear Executive Head	Executive Head Can be Either Elected or Appointed
Governing Board—3 Commissioners elected at Large	Governing Board Elected by large or by district or a combination
Departments	Departments
8 Other County Elected Officials	May Eliminate or Combine Offices of Other County Elected Officials
Boards & Commissions	Boards and Commissions
Courts	Courts



**Chris Ronayne**  
Cuyahoga County Executive



# County Government Elected Officials in Statutory Governments

3 County Commissioners



Auditor

Treasurer



Prosecutor



Clerk of Courts



Sheriff



Coroner



Recorder's Office

Recorder





# County Auditor Responsibilities

Elected in gubernatorial year • Term starts 2<sup>nd</sup> Monday of March



## Chief Fiscal Officer

Bookkeeping & Accounting

Issuance of Warrants

Payroll Officer

Financial Reporting

Certifies Finds Available to pay bills

Distribution of Revenue to All Local Jurisdictions in the County



## Real Estate

Appraisal & Assessment  
CAUV

Forest Law

Tax Credits/Reductions

Homestead Law

Special Assessments

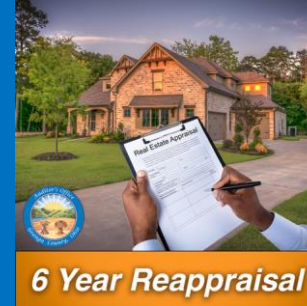
Delinquent Bills Certification

Estimate of Tax Levy for Ballot

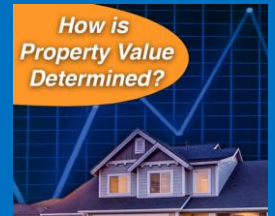
Certificate of Estimated Resources for Budgets

GO Bond Issue "10 Mill Certificate"

**REA Special Fund**



6 Year Reappraisal







# County Auditor Responsibilities

Elected in gubernatorial year • Term starts 2<sup>nd</sup> Monday of March



## Licensing & Inspection

**Weights & Measures**

**Dog Registration**

**Vendor's/Transient Vendors**

**Retail Cigarette Licenses**



## Boards & Commissions/Other

**County Budget Commission**

**Board of Revision**

**Data Processing Board**

**Records Commission**

**Microfilm Board**

**Tax Incentive Review Council**

Supplemental Compensation from undivided estate tax fund or the county real estate assessment fund



# County Prosecuting Attorney



## Criminal Prosecution—"State's Attorney"

Adult Felonies

Juvenile Delinquent Acts

Some Misdemeanor Charges



Victim Assistance/Restitution

### Civil Duties

Represent BCC/Other County Officials/Boards

Defends Suites Against County

Unpaid Tax Suites-Foreclosure/Forfeiture

Child Support Enforcement Agency (in a few counties)

## Outside Counsel

Commissioners may hire without approval—not more than annual salary of Prosecutor

Joint Petition to Common Pleas Court

BCC & Prosecutor may jointly contract for services to "non-county board" services

Member of County Budget Commission and Records Commission

**DETAC Fund, FOJ Fund**



# County Sheriff



**Preserve the Public Peace**

**Investigate Crimes**

**Road Patrol—How Much/Contracts?**

**Operate County Jail**

**Executive Officer of Courts**

**Serve Process**

**Enforce Court Orders**

**Attend to Courts (CP & CA)**

**Transport Prisoners to Court**



**Law Enforcement Contracts with Other Political Subdivisions**

**Other Responsibilities**

**Sex Offender Registration**

**Conceal/Carry Permits**

**911/Public Safety Communications**

**In Charge of Court House under control & Direction of BCC**

**FOJ Fund, Drug Law Enforcement Fund, Law Enforcement Trust Fund, Policing Revolving Fund**





# County Engineer



## Road & Bridge Responsibilities

**County Roads & County & Township Bridges**

**Bridges in Municipalities on State Routes**

**Annual Bridge Inspections**

**Force Account Projects**

**Annual Meeting of County and Township Road Authorities**

**Advisor to Township Trustees for Road and Bridges—Limited Home Rule Township May Hire Their Own**

## County Tax Maps—General Fund

**Petition Ditch Drainage Projects & Ditch Maintenance**

**Standards for Boundary Surveys**

**Standards for Real Property Conveyance Instruments with County Auditor**

**May be Appointed Sanitary Engineer by Commissioners and Receive Additional Compensation**

**Motor Vehicle License & Gas Tax Fund—Constitutionally Restricted**



# County Treasurer



## County “Banker Functions

**Recommends Depositories to BCC**  
**Custodian of Funds**  
**Redeems Auditor’s Warrants**  
**Daily Balance Statement with Auditor**  
(movement of funds, payments, balances in accounts)

## Land Bank Functions

**Original incorporator  
of Non-Profit**  
**Statutory Board Member**



## Tax Related Duties

**Sends Tax Bills/Collects Payments**  
**Pursues Delinquent Taxes/Foreclosure  
with Prosecutor**  
**Property Tax Prepayment Plans**  
**Delinquent Payment Plans**

## Investment of Funds

**Investment Authority**  
**Investment Policy**  
**County Investment Advisory Committee**  
**DETAC Fund (DTAC)**

**Lucas County Auditor  
Delinquent Land Tax Notices**  
This Notice Is Required By Law (Ohio Revised Code section 5721.03)

**FILE COPY**  
CLERK OF COURTS

# Clerk of the Court of Common Pleas



All Serve as Clerk of Court of Appeals

Some also Serve a Clerk of County of  
Municipal Court

Court Records

Civil/Criminal

Family Matters

Divorce

Protective Orders

Parentage

Juvenile Cases—delinquent, abuse, neglect,  
dependency, traffic



Distribution of Fines, Fee & Costs-  
Complex

Auto Title Issuance

Some BMV Deputy Registrars

Passports



**Certificate of Title Administration Fund**





# County Recorder



## Recording & Indexing a Variety of Legal Documents involving over 1000 ORC Sections

Deeds  
Mortgages  
Land Contracts  
Condo Documents  
Plats  
Zoning Resolutions & Amendments  
Annexations



50% of Fees go to State Housing Trust Fund

## Military Discharge Papers—DD214

Trusts

Powers of Attorney

Living Wills

Health Care Power  
of Attorney



Issue Veteran ID Cards

Member of Data Board, Microfilm Board  
& Records Commission

County Records Technology Fund

# County Coroner



## Investigates Cause, Manner & Mode of Death

**Sudden/In Good Health**  
**Not Under Doctor's Care**  
**Violence/Suspicious Circumstances**  
**Suicide**  
**Incarcerated**  
**Children under 2 years old**  
**Developmentally Disabled Persons**



**Takes BAC in Auto Related Deaths**

**Autopsies/Contracts**

**Inquests**

**Trials Preparation with Law**

**Enforcement & Prosecutors**

**Serves "Acting Commissioner" if two Commissioners are Medically Disabled**

**Serves on Child Fatality Review Board**

**Coroner's Special Lab Fund**

# Summary of County Elected Officials' Special Revenue Funds

**sUAuditor**

**Real Estate Assessment Fund (REA)**

**Clerk of Courts**

**Certificate of Title Administration Fund**

**Coroner**

**Special Lab Fund**

**Engineer**

**Motor Vehicle License & Gas Tax**

**Prosecutor**

**Furtherance of Justice (FOJ)**

**Delinquent Tax Assessment Collection Fund (DETAC)**

**Recorder**

**Recorder's Technology Fund**

**Sheriff**

**Furtherance of Justice (FOJ)**

**Law Enforcement Trust**

**Drug Law Enforcement**

**Treasurer**

**Delinquent Tax Assessment Collection Fund (DETAC)**



# County Elected Officials Compensation

## 6 Population Classes ⇌ No In Term Increases

Office	Special Compensation Issues
Auditor	<ul style="list-style-type: none"><li>• Additional Compensation from Real Estate Assessment Fund (\$1,200 to \$3,000)</li></ul>
Clerk of Courts	<ul style="list-style-type: none"><li>• Additional State Paid Compensation from Supreme Court</li><li>• Additional Compensation if also Clerk of County and/or Municipal Court (25%)</li></ul>
Coroner	<ul style="list-style-type: none"><li>• “Full Time” Option in counties over 175,000 (25% or 50%) under certain circumstances--Regional Forensic Pathology Centers; conduct greater than 75 autopsies, and, are Certified Forensic Pathologists. In some cases, with approval of Commissioners</li></ul>
Engineer	<ul style="list-style-type: none"><li>• “Full Time” Option</li><li>• Additional Compensation if serving as County Sanitary Engineers as agreed by Commissioners</li></ul>
Prosecutor	<ul style="list-style-type: none"><li>• “Full Time” Option</li><li>• Portion Reimbursed by State Attorney General in counties with population of 70,000 or less</li></ul>



# Commissioners Staff—Your “A” Team

**County Administrator**

**Director of Budget & Management**

**Clerk of the Board**

**Deputy Clerk**

**Administrative Assistants**

**Human Resource Coordinator**

**Loss Control Coordinator**

**Buildings and Grounds Superintendent**



**Dog Warden**

**Sanitary Engineer**

**County Home Administrator**

**Economic Development Director**

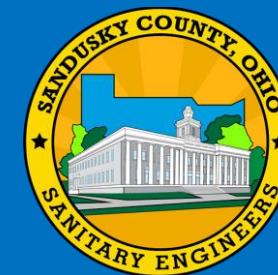
**Job & Family Services Director**

**Child Support Child Support**

**Homeland Security/Emergency  
Management Director**

**9-1-1 Coordinator**

**Senior Citizen Director**



# The Third Branch—Courts & All Those Judges

## An Independent Branch of Government

### Common Pleas Courts

- General Division
- Probate
- Juvenile
- Domestic Relations

### Municipal Courts/County Courts

- County Wide
- Full-Time
- Part-Time
- District Courts

### Inherent Powers

Those powers which the court possesses independent of any specific constitutional provision or legislative grant, simply by virtue of being a court.



# Inherent Powers—the Supreme Court Speaks

State, ex Rel. Johnston, v. Taulbee,  
66 Ohio St. 2d 417

“The administration of justice by the judicial branch of the government **cannot be impeded** by the other branches of the government.”

“Courts . . . possess all powers necessary to secure and safeguard the free and untrammelled exercise of their judicial functions and **cannot be directed, controlled or impeded therein by other branches of the government.**”

State ex. rel. Arbaugh v. Richland Co. Bd of  
Commissioners

470 N.E.2d 880

“A **court may modify its budget at any time** presupposing such modification is otherwise reasonable and necessary. We **urge**, however, that every reasonable effort be made, in the interests of intergovernmental cooperation, to **adhere to the conventional legislatively promulgated budget process.**”

“[t]he public interest is served when courts co-operate with executive and legislative bodies in the complicated budgetary processes of government. However, such **voluntary co-operation should not be mistaken for a surrender or diminution of the plenary power to administer justice** which is inherent in every court whose jurisdiction derives from the Ohio Constitution.”

# Inherent Powers—What Does it Mean?

The Court System is an **Independent Branch** of Government and **has Inherent Powers**. This means that the funding authority (County or City) must appropriate the funds they need and cannot substitute their judgment for that of the court. The funding authority must prove that the court's needs for money are **unreasonable and unnecessary** and that the court has **abused its discretion** if conflicts go to court. Funding authorities generally lose these conflicts.

Funding authorities that do not comply can be found in **contempt of court** and sent to **jail**.

# **Court Costs, Fines & Mandatory/Permissive Fees**

**Complex Distribution—State/County & Still More Special Revenue Funds**

## **Mandatory Court Costs**

**Some to state, Some Retained Locally**

## **Fines for Violations**

**Very Complex Distribution to state and locals  
depending on if charge is violation of state law  
or municipal ordinance**

## **Local Permissive Filing Fees**

**Usually for Specified Purposes**

## **Selected Special Funds in County Treasury**

**Court Computerization & Legal Research**

**Computerization of Clerk of Courts Office**

**Dispute Resolution**

**General Special Projects**

**Specific Special Projects**

# Boards & Commissions

## How Established

**Boards Established or Authorized by Law**

**Some Specify Statutory Members**

**Some Designate President of BCC**

**Some Designate Appointing Authority**

**Some Specify Appointing Authority in Documents Organizing “District”**

## The Big Ones

**Children Services Board**

**Developmental Disabilities Board**

**Alcohol, Drug & Mental Health  
Boards**

**Board of Elections**

**Veterans Service Commission**



# Boards & Commissions

**Commissioners Serving On**

**&**

**Commissioners Appointing To**

**Automatic Data Processing Board**

**Board of Revision**

**Records Commission (Chair)**

**Microfilming Board**

**Board of Revision**

**Health Districts Advisory Council**

**County Planning Commission (All 3)**

**Executive Committee of Countywide EMA**

**Variety of Corrections/Jail  
Related/Other**

**Public Defender**

**County Planning & Port Authority**

**County Planning, Zoning & Zoning & Building Appeals**

**County Transit**

**Joint EMS Service Board**

**Family Services Planning**

**Workforce Development**

**County Hospital Board of Trustees**

**Alcohol, Drug Addiction & Mental Health**

**Children Services Board**

**Development Disabilities**

**Transportation Improvement District**

**Arts & Culture District**

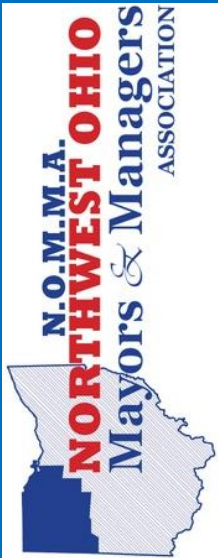
**Convention Facilities**

**Free Public Library**



# Intergovernmental Partnerships

## Other Local Government & Regional Agencies



Cities  
Villages  
Townships  
Special Districts  
Schools Districts  
Regional Entities



Joint Ventures/Provision of Services?

Shared Services Opportunities

Meetings of County Township Trustee  
Associations in Your County

Meetings of Mayors & Managers Associations  
in Your County

. . . and Don't Forget Community  
Foundations & Other Non-Profits



# Intergovernmental Partnerships

State of Ohio—Legislative & Executive



Viewing the “State” in it’s Different Roles

Enabler



Prohibitor



Mandator



Funder



Economic Developer



Advisor

