



COUNTY ADVISORY BULLETIN

CAB

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Bulletin 2025-02

February 2025

CHANGES TO COUNTY NOTICE AND ADVERTISING REQUIREMENTS

APPLICABLE LEGISLATION: Substitute House Bill 497; Substitute House Bill 331

REVISED CODE SECTIONS: Amends 7.10, 7.16, 125.182, 135.33, 149.38, 153.31, 153.35, 153.36, 153.37, 153.38, 153.39, 153.44, 301.02, 301.15, 301.28, 301.29, 303.06, 303.08, 303.09, 303.12, 303.15, 303.32, 303.58, 307.022, 307.041, 307.10, 307.12, 307.37, 307.39, 307.561, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 307.87, 307.88, 307.981, 309.09, 313.02, 313.10, 313.12, 313.14, 313.161, 317.20, 319.11, 321.18, 322.02, 322.021, 323.08, 323.122, 323.62, 323.73, 325.15, 331.06, 339.08, 345.03, 1901.023, 2151.271, 2335.061, 2981.04, 2981.05, 2981.1, 4723.431, 4730.19, 5153.112, and 5540.03; Enacts 307.901.

LEAD SPONSORS: Reps. Brian Stewart and Roy Klopfenstein

HOUSE COSPONSORS: Creech, Peterson, Seitz, Dean, Lorenz, Johnson, Hoops, Claggett, Barhorst, Wiggam, Brennan, Dell'Aquila, Dobos, Hillyer, John, Lampton, Mathews, McClain, Mohamed, Plummer, Robb Blasdel, Schmidt, Somani, Stein, Williams, Willis

SENATE COSPONSORS: Brenner, Cirino, DeMora, Gavarone, Hicks-Hudson, Landis, Reineke, Smith, Wilson

EFFECTIVE DATE: April 9, 2025

BACKGROUND

House Bill 497 was introduced in April 2024 as a county omnibus bill that addressed various procedural issues that hindered the efficiency of county government. Most of these reforms are addressed in a separate County Advisory Bulletin 2025-01. This Bulletin focuses on public notice provisions that were added in the Senate in order to maintain the equivalence between county notice requirements and similar processes proposed and ultimately enacted in a township omnibus bill, House Bill 315. These provisions generally remove the necessity of publishing public notices in a newspaper, although the county may continue such publication at its discretion.

SYNOPSIS

It is common for state law to require counties to provide notice before taking official action on various matters. Traditionally, such notices had to be published in a newspaper of general circulation, but continuing law establishes an alternate method of abbreviated publication if the Revised Code requires an advertisement or notice to be published two or more times in a newspaper

(R.C. 7.16). Under this partial exception, which has been largely superseded by HB 497, the first publication of the notice or advertisement must be made in its entirety in a newspaper of general circulation, but the second publication may be made in abbreviated form in a newspaper of general circulation and on the newspaper's internet web site, if the newspaper has one. This law further provides that the county may eliminate any further newspaper publications required by the Revised Code provided that the second, abbreviated notice or advertisement meets certain requirements as described in R.C. 7.16. These requirements include posting the notice on the state official public notice website established under R.C. 125.182.

There are currently two exceptions to notice provisions as a result of past advocacy efforts. R.C. 307.87 outlines the competitive bidding notice requirements counties must follow. The statute was changed in House Bill 509 of the 129th General Assembly to allow counties, if the first advertisement met certain requirements, and the board of commissioners advertises on the county's website, to forego publishing a second notice in the newspaper. This code section is further amended in House Bill 497 (see "Competitive Bidding" section below).

Additionally, R.C. 5721.03 was amended in House Bill 45 of the 134th General Assembly to alter the notice requirements the county auditor must follow when publishing a county's delinquent property tax list. The first publication of the county's list, and both publications of the "display" notice, must be made in a newspaper. However, the second publication of the delinquent tax list may be made on the county website. If the second publication is made online, the county auditor must remove the list from the website two weeks after it is initially published. These requirements remain unchanged following the passage of House Bill 497. For additional details, please refer to County Advisory Bulletin 2023-02.

House Bill 497 establishes a different set of rules that replaces the existing law for abbreviated public notices and certain other notice requirements that apply to certain specific actions or processes. In these sections, the new law increases the discretion of the commissioners or other county officials by permitting them to use at least one of the following methods to provide official publication or notice:

- (a) publication in the print or digital edition of a newspaper of general circulation in the county;
- (b) publication on the official public notice web site established under R.C. 125.182;
- (c) publication on the web site and social media account of the county.

Although the law appears to treat the official statewide public notice website as an alternative that can be accessed without first publishing in a newspaper, as a practical matter it will be necessary to purchase a newspaper advertisement first. HB 497 requires the newspaper also to publish on the statewide official public notice website anytime a notice is published on the newspaper's website (R.C. 7.10). It also permits the newspaper association to establish a fee for publishing a notice on the statewide public notice website (R.C. 125.82).

The amendments to notice requirements generally did not modify existing timelines. For example, when competitive bidding is required, the law continues to require notice to be published once a week for not less than two consecutive weeks preceding the day of the opening of bids.

ANALYSIS

The new law allows publication of a notice or advertisement on the web site and social media account of the county in conjunction with the following processes:

Relocation of a County Seat

Prior to the presentation of a petition to the General Assembly requesting that a new county be erected or that a county seat be relocated, notice is required of such intent at least 30 days before the ensuing session of the general assembly. The notice must set forth the boundary lines of the new county, or the place where it is proposed to relocate the county seat. (R.C. 301.02)

First meeting of Commissioners of a New County

When a new county is created, the commissioners must meet within 60 days after their appointment, at a convenient place in the new county. Notice of the time, place, and purpose of the meeting must be provided at least 20 days beforehand. (R.C. 301.15)

Financial Transaction Devices

A board of county commissioners is permitted to adopt a resolution authorizing the county to accept payments by financial transaction devices (e.g., credit or debit cards, electronic checks) for fees, costs, taxes, assessments, fines, penalties, and other payments to the county. The resolution must designate the county treasurer as the administrative agent to solicit proposals from financial institutions and financial transaction processors. The treasurer may decline this role within 30 days of receiving the resolution, in which case the board of county commissioners will perform the duties of administrative agent. The county must advertise its intent to request proposals from financial institutions for two consecutive weeks before sending the RFP. (R.C. 301.28)

Procurement Cards

Before a board of county commissioners adopts a policy for the use of a county procurement card, the county must advertise its intent to issue a request for proposals from card issuers. The advertisement must specify the purpose of the request, the type of procurement card or cards sought, and the date by which proposals must be received. The RFP deadline must not be less than ten days after the last day of the second week in which the request is advertised. (R.C. 301.29)

County Rural Zoning

Notices are required before hearings are held to take certain actions with regard to zoning. The new provisions apply to notice of a public hearing on the adoption of a zoning plan by a county rural zoning commission and a public hearing on proposed changes to an existing plan. Notice must be given at least 30 days prior to these hearings. (R.C. 303.06 and 303.08)

Notice is also required for a hearing by the board of county commissioners to make changes to a plan submitted by a rural zoning commission or to make amendments to an existing plan. These types of hearings require at least 10 days notice. (R.C. 303.09 and 303.12)

Additionally, notice is required for a board of zoning appeals hearing at least ten days before the hearing. (R.C. 303.15)

County Renewal Project

The board of county commissioners must hold a public hearing before designating a county renewal project. Publication of the hearing must occur on at least two successive days at least 15 days fifteen days prior to the scheduled hearing date. The notice must describe the time, date, place, and purpose of the hearing; identify the county renewal area covered by the county renewal plan; and, outline the general scope of the county renewal project under consideration. (R.C. 303.32)

Designation of Restricted Areas for Utility-scale Wind or Solar

A board of county commissioners may adopt a resolution to designate part or all of the unincorporated area of the county as being ineligible for utility-scale wind or solar development. Notice must be given at least 30 days prior to the date on which a meeting is held to discuss a restricted area. Continuing law still provides additional requirements that the county must publicly post a map showing the boundaries of the proposed restricted area at all public libraries within the county and provide written notice of the meeting, by first class mail, to all school districts, municipal corporations, and boards of township trustees located in whole, or in part, within the boundaries of the proposed restricted area. (R.C. 303.58)

Lease Agreements for Correctional Facilities

A board of county commissioners may enter into a lease or lease-purchase agreement for a correctional facility without following standard competitive bidding requirements in R.C. 307.86. Before entering into the lease, the board must publish a notice that the board is accepting proposals for a lease once a week for three consecutive weeks. The notice must state the deadline for submission of proposals. (R.C. 307.022)

Energy Conservation Project

County commissioners are permitted to designate an "energy conservation measure" that may be undertaken through a request for proposal process. An energy conservation measure means the installation, modification, or remodeling of an existing building to reduce energy consumption. The county must request RFPs from at least three vendors. Prior to sending the RFP to any vendor, the county must advertise its intent to request proposals for the installation of energy conservation measures once a week for two consecutive weeks. The notice must state that the county intends to request proposals for the installation of energy conservation measures; indicate the date, which must be at least 10 days after publication, on which the request for proposals will be mailed to installers of energy conservation measures; and state that any installer of energy conservation measures interested in receiving the request for proposals must submit written notice to the county not later than noon of the day on which the request for proposals will be mailed. (R.C. 307.041)

Sale or Lease of Real Property

Any sale or lease of real property, or lease of real property used or to be used for the purpose of airports, landing fields, or air navigational facilities, must be authorized by the board of county commissioners. When a sale of real property is authorized, the board may either deed the property to the highest responsible bidder, after advertisement once a week for four consecutive weeks, or offer the real property for sale at a public auction, after giving at least 30 days' notice of the auction. (R.C. 307.10)

Disposal of Unneeded Property

Prior law required the board of county commissioners to sell unneeded personal property if the value exceeded \$2,500. HB 497 changes this threshold to \$5,000 and modifies the notice provisions for the sale to allow publication on the web site and social media account of the county. HB 497 also modifies the procedures that must be used to donate property valued under \$5,000. Prior law required the adoption of a resolution describing the guidelines the county must use to implement a donation program. This requirement is removed, along with the need for the board to publish its intent to donate property to a nonprofit and the need to maintain a list of county property that is available for donation. It should be noted that the nonprofit organization is still required to provide evidence that it is located in Ohio and is exempt from federal income taxation. (R.C. 307.12)

Additional information regarding these provisions can be found in County Advisory Bulletin 2025-01.

Building Code Regulations

The board of county commissioners may adopt local residential building regulations to be enforced within the unincorporated area of the county. Any regulation, code, or amendment may be adopted only after receiving a public hearing at a minimum of two regular or special sessions of the board. The board must provide notice of the public hearing once a week for two consecutive weeks immediately preceding the hearing. Any notice must include the time, date, and place of the hearing. Notice of the adoption of any change must be provided within ten days after the change is made. (R.C. 307.37 and 307.39)

Legal Settlement of a Zoning Issue

The board of county commissioners may settle any court action involving a zoning issue by a consent decree or court-approved settlement agreement. The settlement may include an agreement to rezone any property involved in the action as provided in the decree or court-approved settlement agreement without following otherwise applicable zoning amendment procedures. If the subject of the consent decree or court-approved settlement agreement involves a zoning issue subject to referendum, the county commissioners must publish notice of their intent to meet and consider and take action on the decree or court-approved settlement agreement 15 days before the meeting. The board must permit members of the public to express objections to the proposed settlement at the meeting.

The revised notice procedures of HB 497 also apply to the requirement that the plaintiff in the case must provide notice of the intent to file a settlement agreement with the court at least 10 days before the filing. The notice must include a caption of the case, the case number, and the court in which the consent decree or settlement agreement will be filed, the intention of the parties in the action to file a consent decree or settlement agreement, and, when applicable, a description of the real property involved and the proposed change in zoning or permitted use. (R.C. 307.561)

Construction of a Convention Facility

The legislative authority in a county with a population of one million or more may adopt a tax on food and beverages sold on the premises of a convention facility for the purpose of constructing and equipping the facility. This authority expired August 30, 2004. If agreement is reached with the mayor of the largest municipality of the county, proceeds may also be used to support capital improvements. Notice of the agreement must be published by the county immediately following its execution. (R.C. 307.676)

Amendments Proposed by a County Charter Commission

When a charter commission has proposed a county charter or amendment, notice of amendments to a county charter must be given by mailing or otherwise distributing a copy of each proposed amendment to each elector in the county at least thirty days prior to the election or by publishing the full text of the proposed amendments once a week for at least two consecutive weeks by the methods outlined in HB 497. (R.C. 307.70)

Sediment Control Regulations

If a board of county commissioners intends to adopt sediment control regulations for excavation, grading, and construction, the county must hold public hearings at a minimum of two regular sessions. Notice of the hearings must be published, including time, date, and place, once a week for two weeks immediately preceding the hearings. Continuing law requires the proposed rules or amendments to be made available by the board to the public at the board office or other location indicated in the notice. (R.C. 307.79)

If a valid petition has been filed for a referendum on the rules, notice of the election must be published once a week for two consecutive weeks prior to before the election. (R.C. 307.791)

Unused Park Lands

If park land remains unimproved and unused by the public, the abutting land owners may petition the county to vacate the lands. Before the board of commissioners can act upon the petition, the board must offer the park lands for sale to political subdivisions in the county. Notice of the offer must be published for three consecutive weeks and the sale must be approved at a public hearing. If a political subdivision does not make an offer, the board of commissioners may act upon the petition to vacate the land. Notice of the petition must be given for three consecutive weeks preceding action on such petition. (R.C. 307.81)

Upon the vacation of park lands, the board of county commissioners must offer such lands for sale at a public auction at the courthouse of the county in which such lands are situated. The board must give notice of intention to sell such lands. The notice must be published once a week for four consecutive weeks. (R.C. 307.82)

If the board approves a petition to vacate, but it is found that there may be a possible reversionary interest in the land due to its nonuse and the persons with such interests in the land cannot be found, the board of commissioners must fix a date on or before which such claims to real estate may be asserted and after which the real estate will be sold or leased. The board must give notice of the date of the sale or lease to be held thereafter, once each week for four consecutive weeks. (R.C. 307.83)

Competitive Bidding

When competitive bidding is required, notice must be published once a week for not less than two consecutive weeks preceding the day of the opening of bids. Continuing law provides that notices must state all of the following:

- A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined;
- The time and place where bids will be opened;
- The time and place for filing bids;
- The terms of the proposed purchase;
- Conditions under which bids will be received.

The contracting authority also must maintain a bulletin board in its office or other public place to post a copy of the notice for at least two weeks preceding the day of the opening of the bids. (R.C. 307.88)

Designation of County Human Service Agencies

Continuing law allows a board of county commissioners to designate any private or governmental entity within this state to serve as any of the following:

- A child support enforcement agency;

- A county department of job and family services;
- A public children services agency;
- A county department of job and family services and one other of those county family services agencies;
- All three of those county family services agencies.

At least 60 days before making a designation, the board must notify the director of the department of job and family services, the director of the department of children and youth, and provide public notice of the board's intention to make the designation and reasons for the designation. (R.C. 307.981)

Auction of Personal Effects after Indigent Burial

When the county bears the cost of burial, the coroner is required to sell at public auction the valuable personal effects of the deceased person (except firearms) within 18 months after the burial. The coroner must provide public notice of the auction, with the cost of the notice covered by the board of commissioners. (R.C. 313.14)

Sectional Indexes of Real Estate

If the board of county commissioners decides to have sectional indexes made for paper copies of county real estate records, the board must advertise for three consecutive weeks for sealed proposals to perform the work. (R.C. 317.20)

Completion of Annual Financial Report

The county auditor is required to prepare an annual county financial report according to rules prescribed by the auditor of state. When the report is complete, the auditor must publish a notice that it is available for public inspection at the auditor's office. (R.C. 319.11)

Redemption of Unpaid Warrants

When an auditor's warrant is presented to the county treasurer and cannot be paid for lack of funds, the warrant thereafter bears interest at the rate of 6% per year. As soon as sufficient funds are available, the county treasurer must give public notice that the warrants are ready for redemption. Interest will stop accruing on the date of the notice. (R.C. 321.18)

Adoption and Repeal of a Real Estate Transfer Tax

Prior to the adoption of a resolution to establish a tax on real estate transfers, the board of county commissioners must conduct two public hearings on the matter. The second hearing must be held at least three days, but not more than ten days, after the first. Notice of the date, time, and place of the hearings must be given once a week on the same day of the week for two consecutive weeks. The second publication must be not less than 10 or more than 30 days before the first hearing. (R.C. 322.02)

If a valid petition has been filed for a referendum on a transfer tax adopted as an emergency measure, notice of the election must be published once a week for two consecutive weeks prior to

the election. If the board of elections operates and maintains a web site, notice of the election also must be posted on that web site for 30 days prior to the election. The notice must state the purpose, time, and place of the election. (R.C. 322.021)

Publication of Property Tax Rates

The county treasurer is required to publish a list of tax rates, tax reduction factors, and effective tax rates assessed and applied against both classes of property.

In lieu of such publication, continuing law allows the county treasurer to insert a copy of tax rate schedules with each tax bill mailed. The schedule must specify the rates and effective rates of taxation levied for all purposes on the tax list and duplicate for the support of the various taxing units within the county, expressed in dollars and cents for each \$1,000 dollars of valuation. The effective tax rates must be printed in boldface type.

The county treasurer is also required to publish notice of the deadline for payment of each installment of taxes once a week for two successive weeks before the date. The notice must state that taxes paid after the deadline will accrue a penalty and interest and that failure to receive a tax bill will not avoid penalty and interest. The notice must contain a telephone number that may be called by taxpayers who have not received tax bills. (R.C. 323.08)

Notice of Property Tax Extension for Reservists Called to Active Duty

Members of the national guard who are called to active duty may apply to the county treasurer for an extension for the payment of taxes and assessments charged against real property or a manufactured or mobile home and payable during the period of the member's active duty service and for six months thereafter. The county treasurer is required to include a notice of, and information about, the availability of this extension with tax bills sent by mail or by providing public notice of such information. (RC 323.122)

Time and Place at Which Taxes Will Be Received

The county treasurer must provide public notice after establishing a time and place at which property taxes will be received. (R.C. 323.62)

Auction of Abandoned Land Pursuant to Expedited Foreclosure

When abandoned land has been forfeited through the board of revision expedited foreclosure process, the clerk of court or sheriff must advertise the sale at least 21 days prior to the date of the public auction. The advertisement must include the date, time, and place of the auction; the permanent parcel number of the land or another means of identifying the parcel; and a notice stating that the abandoned land is to be sold subject to the terms of the expedited foreclosure process. (R.C. 323.65 to 323.79)

Annual Report of the County Facilities Review Board

Each year the county facilities review board must prepare a full report of its proceedings, with any recommendations, and file the report with the probate judge and the prosecuting attorney between the November 15 and December 15. The board also must forward a copy to the central office of the department of job and family services, and send a copy of the part of the report concerning correctional institutions to the department of rehabilitation and correction. The probate judge may, in that judge's discretion, order the publication of a summary of the annual report. The cost of publication will be paid by the county. (R.C. 331.06)

Notice of Hearing to Relinquish the Obligations of a Hospital Trust

Any corporation or association holding property in trust for the erection, improvement, or support of a county hospital may make application to the court of common pleas of the county for permission to resign from and relinquish the obligations of the trust. The court must set a time for a hearing, provide public notice, and give individual notice of the hearing to the donors, if living, and to the next of kin of deceased donors who are residing within the state. (R.C. 339.08)

Property Tax Levy to Erect a Veterans Memorial

When a board of elections receives a certified copy of a resolution for a property tax ballot issue for the erection of a veterans memorial at least 90 days before the day of the election, the board must submit the proposal to the electors of the subdivision at the succeeding general election. The board must provide public notice of the election not less than two weeks prior to the date of the election. The notice must explain the purpose of the proposed increase in rate, the levy's estimated annual collections, the amount of the increase expressed in dollars for each \$100,000 of the county auditor's appraised value as well as in mills for each one dollar of taxable value, the number of years during which the increase will be in effect, and the time and place of holding the election. (R.C. 345.03)

Civil Asset Forfeiture Notices

HB 331, effective April 9, 2025, permits a county prosecutor and a law enforcement officer to publish required notices for civil asset forfeiture actions digitally in accordance with the provisions outlined in the synopsis portion of this CAB. (R.C. 2981.04, 2981.05, and 2981.11)