



COUNTY ADVISORY BULLETIN

CAB

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Bulletin 2025-05

March 2025

COUNTY ENGINEER CONTRACTING

APPLICABLE LEGISLATION: Substitute House Bill 315 (135th General Assembly)

REVISED CODE SECTIONS AMENDED: 315.251, 319.203, and 325.14

REVISED CODE SECTIONS ENACTED: 305.021

LEAD SPONSORS: Rep. Bill Seitz and Rep. Thomas Hall

HOUSE COSPONSORS: Stoltzfus, Stein, Dobos, Creech, Schmidt, Carruthers, Abrams, Johnson, Williams, Brennan, Baker, Brown, Claggett, Dell'Aquila, Edwards, Ghanbari, Hillyer, John, Jones, Kick, Klopfenstein, Lampton, Lorenz, Loychik, Manning, Mathews, McClain, Patton, Pavliga, Peterson, Plummer, and Robb Blasdel.

SENATE COSPONSORS: Antonio, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Huffman, S., Ingram, Landis, Lang, Manning, Reineke, Reynolds, Roegner, Sykes, and Wilson.

EFFECTIVE DATE: April 3, 2025

BACKGROUND

The County Commissioners Association of Ohio worked with the County Engineers Association of Ohio (CEAO) to create a process for performing the duties of an elected county engineer if the office becomes vacant and provide other updates to the statutory provisions governing the office. Representative Roy Klopfenstein and Representative Elgin Rogers introduced HB 430 to create a process for filling the vacant office. The process outlined in HB 430 closely mirrors the existing process for filling a vacant county coroner office that currently exists in the Revised Code, with a few differences. HB 430 was voted out of the Ohio House in late 2024, and the bill in its entirety was amended into HB 315 during conference committee.

CONTACTING FOR A VACANT COUNTY ENGINEER OFFICE

R.C. 305.021

If the county engineer's office is vacant under HB 315, the board of county commissioners may contract with another elected county engineer to perform the powers and duties of that office. A

county engineer's office is vacant if the position cannot be filled with another eligible candidate (a person who holds both an engineering license and a surveyor's license) in the county, or when there is no person running for county engineer.

If the board of commissioners does contract with another county engineer, that person becomes the "Acting County Engineer" as defined in R.C. 305.021. In that circumstance, the county shall pay that person the full statutory salary as outlined in R.C. 325.14 and determined by the county's population. The salary is prorated for the duration of the contract. The supplemental compensation shall have no effect on the compensation a county engineer receives for serving as county engineer in the county in which the engineer holds office. The duration of the contract shall not extend beyond the last day of the term for which there was a vacancy.

REMOVAL OF THE COMPENSATION SCHEDULE FOR A COUNTY ENGINEER WITH A PRIVATE PRACTICE

R.C. 325.14

The bill updates the compensation schedule for the county engineer by removing the provisions outlining the compensation for a county engineer with a private practice. Under HB 315, all county engineers are compensated at the same rate within population limits regardless of whether they maintain a private practice. Previously, county engineers received a reduced county salary if they maintained a private practice.

COUNTY ENGINEER PRIVATE PRACTICE

R.C. 315.251 and 325.14

The bill prohibits county engineers from engaging in the private practice of engineering or surveying work that would go before the office of county engineer in any county in which the person is serving as county engineer or acting county engineer. The bill eliminates the procedures concerning conflicts of interest for a county engineer who chooses to work in private practice. The section also introduces the term "Acting County Engineer," which refers to a county engineer serving a county other than the county in which they were elected.