



“BUT DO I HAVE TO?”

**Legally Mandated County
Responsibilities**

Loss of Inside Millage

- **County leaders everywhere have acknowledged that losing inside millage would have serious ramifications on county government operations.**
- **IN RICHLAND COUNTY**
 - **Inside millage in 2024 totaled \$6,280,713.75**
 - **This comprised over 13% of our general fund budget**
 - **Yet this percentage grossly UNDERSTATES our predicament – because the county would lose several voter-approved tax levies that fund agency(ies) the Commissioners are otherwise mandated to support from the general fund.**

Children Services

■ **Mandatory?** Yes – O.R.C. 5153.16

■ **How Much?**

- Each county is required to have a public children services agency (PCSA) and that agency is required to perform a series of functions, including: conduct investigations of abuse & neglect, accept custody from the court, provide care in the best interest of the child, arrange for foster care/adoption, etc. While some state and federal funds are available, significant costs of children services remain with the county.
- Richland County Children Services property tax revenue:
 - \$4,595,115.69

Park District

- **Mandatory? No**
- **County Park District is a legally separate and distinct political subdivision from the County. See, ORC 1545.07**
- **Richland County Park District property tax revenue:**
 - **\$1,627,824.30**

County Share of Public Assistance

- **Mandatory?** Yes – O.R.C. 5101.16
- **How Much?**
 - Share of Public Assistance calculated by adding up 3 things:
 1. 25% of the county's Disability Assistance expenditures and administration
 2. 10% of SNAP and Medicaid administration minus federal reimbursement
 - a. There are some alternative formulas for counties with high poverty/poor economic conditions. ODJFS automatically calculates this and plugs in the appropriate formula.
 3. TANF Maintenance of Effort – fixed amount based on 1994 reports

Child Support

- **Mandatory?** No – O.R.C. 3125.19 – 3125.21
 - Funding requirements are limited to using the federal and state money received for the appropriate purposes.

Veterans Service Commission

- **Mandatory?** Yes - ORC 5901.11
- Lynch v. Gallia Co. Bd. Of Co. Cmmr's, 680 N.E. 2d 1222 (1997)
- **How Much?** Whatever the VSC lawfully requests, up to five-tenths of a mill...But what if there are no “mills”?
- The Ohio Supreme Court ruled that the history of ORC 5901.11 demonstrated that the General Assembly intended VSC's to have authority over their budgets, without discretionary oversight from county commissioners.
- **Separate requirement for Memorial Day Expenses**
 - ORC 307.66 – **Up to \$500** for each garrison or naval branch of the Army and Navy Union and to each chartered post, garrison, or naval branch of any organization of veterans recognized and chartered by the congress

County Hospitals

■ **Mandatory?** No

O.R.C. 339.01

Medically Handicapped Children Program

■ **Mandatory?** Yes

O.R.C. 3701.024

■ **How Much?**

- Not to exceed one-tenth of a mill. Statutorily calculated based upon the county's general property tax duplicate? Will this duplicate exist?
- Over \$300,000 in Richland County this year

County Homes

- **Mandatory?** No - O.R.C. 5155.01-.38
- Richland County Home (“Dayspring”) property tax revenue:
 - \$1,814,140.64

County Law Library

- **Mandatory?** No - O.R.C. 307.513(B)
- “The board of county commissioners may appropriate funds from the county general fund for the use of the county law library resources board...”
- Municipal Court fine revenue often can and should provide adequate funding.

Adult Protective Services

■ **Mandatory?** Yes - O.R.C. 5101.61

■ **How Much?**

- At least enough to meet a duty to conduct intake and investigation. CDJFS is required to investigate reports of abuse, neglect, and exploitation for adults over age 60 and, *to the extent of available funds*, provide or arrange for protective services.

DD Board

■ Mandatory?

- No, if a levy has been placed on the ballot
 - ORC 5126.05, ORC 5705.19(L), Jackson Co. Bd. Of MR/DD v. Jackson Co. Bd. of Comm'rs, 551 N.E.2d 133, 135 (Ohio 1990).
- Possibly, if county commissioners decline to place a levy on the ballot
 - ORC 5126.05(G) – “The board of county commissioners *shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties*, and may utilize any available local, state, and federal funds for such purpose.”
 - Richland County DD Board property tax revenue: \$9,791,806.16

Alcohol, Drug Addiction & Mental Health Services

- **Mandatory?** Liability limited by statute
- ORC 340.011 - “Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section [340.08](#) of the Revised Code and approved by the department of behavioral health under section [5119.22](#) of the Revised Code.”
- Richland County MHRB property tax revenue:
 - \$2,293,590.74

Ohio State University Extension

■ Mandatory ? Yes, partially

- O.R.C. 3335.36 - Cooperative Extension Service Employees; mandatory county responsibility to furnish office space;
- O.R.C. 3335.37 Voluntary county contributions to Cooperative Extension Service Fund (via levy proceeds or general fund)

County Agricultural Societies

■ **Mandatory? Mixed Bag**

- O.R.C. 1711.01 Requires counties to reimburse county agricultural societies, up to \$1,600, for premiums awarded through an agricultural exhibition.
- O.R.C. 1711.03 Requires reimbursement of county and independent agricultural societies for junior club work, at least \$100.
- O.R.C. 1711.22 If requested, generally requires county aid to county agricultural societies.
- Discretionary appropriations are permissible.

Apiary Inspection

■ **Mandatory? No**

- O.R.C. 909.07 Board of county commissioners may appropriate funds for inspections; deputy apiarist; report.

Soil and Water Conservation Districts

■ Mandatory? No

- O.R.C. 1515.09 A board of commissioners may contribute to the compensation of district employees, including fringe benefits.
- O.R.C. 940.16 If money is advanced from the state soil and water conservation fund, it must be repaid by the board of county commissioners.
 - unless the project is nullified by referendum or unfavorable court decision.

Emergency Management

■ **Mandatory? Yes, in one of the forms listed below:**

- O.R.C. 5502.26 Countywide emergency management agency.
- O.R.C. 5502.27 Regional authority for emergency management.
- O.R.C. 5502.271 Program for emergency management within subdivision.

Economic Development

■ Mandatory? No

- O.R.C. 307.07 County office of economic development.
- O.R.C. 307.64 Appropriation for economic development

Board of Elections

■ **Mandatory? Yes O.R.C. 3501.17**

- “...If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated...”

County Engineer's Office

■ **Mandatory? In part - O.R.C. 315.11**

- Office space and certain office supplies are to be paid from general fund.
- 2/3 of the operating costs are to be paid out of motor vehicle license and gas taxes.
 - Must the remainder be paid out of general fund? - No.
 - See, BCC v. Budget Comm. 17 OS 2d 203 & OAG 94-019

Tax Map Office

- **Engineer appoints and fixes compensation of assistants, subject to BCC approval – O.R.C. 5713.10**
 - May not use MV license or gas tax funds.
 - See, 1952 OAG 1171

General & Combined Health Districts

- **General Health District** - Office Space is a mandatory general fund expense
 - NOTE: ORC uses the word “may,” but courts have ruled that it is in fact mandatory since 1932. Standard is “suitable quarters.”
- **Combined Health District**
 - If the contract is silent, office space becomes an operating expense.
 - See OAG 83-081 and 91-016

Courts – the 3rd Branch of Ohio Government

- “Consequently, appellee’s assertion that the court of common pleas, as a co-equal partner in government, is constitutionally obliged to follow the budget process of the county board of commissioners is simply wrong.”
 - *State ex rel. Arbaugh v. Richland Co. Bd of Comm’rs*, 470N.E.2d 880 (Ohio 1984)
 - Most courts prefer issuing a sua sponte court order instead of filing for mandamus in the Court of Appeals or Supreme Court. Why not???

Funding Courts

- Common Pleas Court - Mandatory
 - Note: CBCF is discretionary – No “recourse” if BCC chooses not to fund.
- Court of Appeals - Mandatory in Part
 - County responsible for facilities, operating expenses and supplies - O.R.C. 2501.18
 - State responsible for employees, including pay supplement for Clerk - O.R.C. 2501.17

Prosecutor

- County Prosecuting Attorney - Mandatory
 - Authority to court of common pleas to set aggregate sum for employee compensation
 - ORC 309.06
 - The court MAY fix aggregate compensation for the calendar year
 - Must be on or before the first Monday in January
 - No public justification. Not necessarily even an application.
 - Appointment of secret service officer
 - ORC 309.07

Prosecutor & Sheriff

- Furtherance of Justice Fund - Mandatory
 - ORC 325.12 & 325.071
 - One-half of prosecutor and sheriff's annual salary
 - For the "furtherance of justice"
- Additional funds for prosecutor for investigating and prosecuting crimes:
 - ORC 325.13 – up to \$10,000 upon application and Court order
 - Must be unusual prevalence of crime

Sheriff

- County Sheriff - Mandatory
 - Key Statutory Duties:
 - “shall preserve the public peace”
 - ORC 311.07
 - Executive officer for the courts
 - ORC 311.07(A) and ORC 311.08(A)
 - Administrator of the county jail
 - ORC 341.05(A)

Sheriff

■ Road Patrol

- Is NOT required by duty to “preserve the public peace” see – ORC 711.07
- “The legislative mandate to ‘preserve the peace’ only requires that a sheriff respond to calls and bring to justice those the Ohio Sheriff knows to have committed illegal acts. Any additional police protection the Sheriff provides ... is a discretionary matter for the Commissioners and the Sheriff”

■ *Lorain County deputies Assoc v Vasi, 1992 Ohio App. LEXIS 6392*

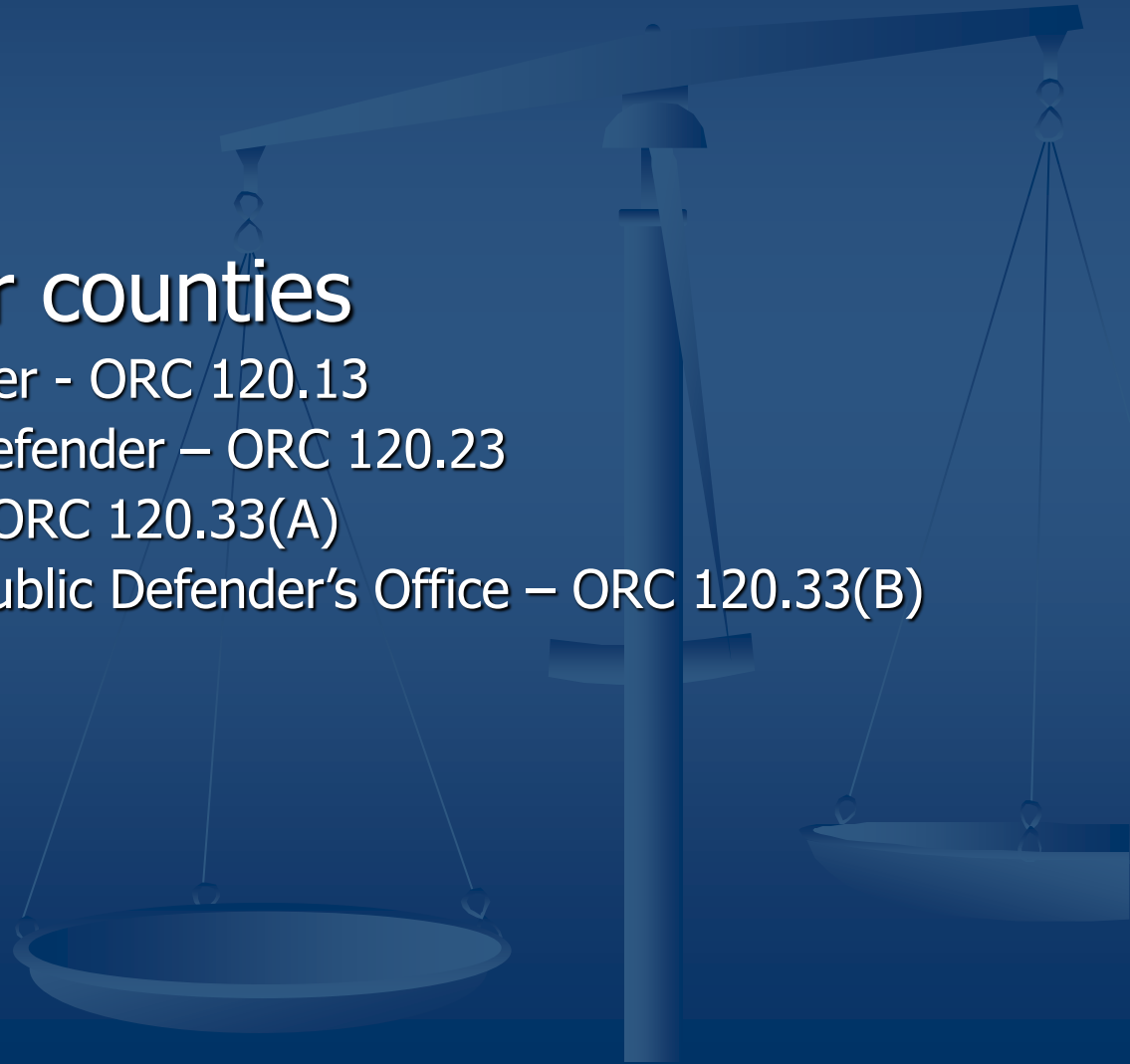
Indigent Defense

ORC Chapter 120

- Mandatory

- Four Options for counties

- County Public Defender - ORC 120.13
- Joint County Public Defender – ORC 120.23
- Appointed Counsel – ORC 120.33(A)
- Contract with State Public Defender's Office – ORC 120.33(B)





Thanks and
Good Luck.

