



HANDBOOK

Ohio County Commissioners

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CHAPTER 130

COUNTY AUTOMATIC DATA PROCESSING BOARD

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130.01 INTRODUCTION

Legislation authorizing the establishment of automatic data processing (ADP) boards was enacted in 1967. Numerous counties have established ADP boards in an effort to better coordinate the use of equipment and software on a countywide basis.

As more county offices utilize computers and data processing, most have established automatic data processing (ADP) boards in an effort to better coordinate the use of equipment and software on a countywide basis. Legislation authorizing such boards was enacted in 1967. ORC sections 307.84 to 307.846 contain the basic enabling legislation for the establishment, functions, and administration of county ADP boards.

Some counties that have established ADP boards have become frustrated with their operation after they have been established. Some of the frustration results from the fact that the county auditor controls most aspects of the operation. Ohio Attorney General Opinion 90-034 contains an excellent analysis of the law as it relates to the powers of the ADP board, the county auditor, and the board of county commissioners.

In addition, some maintain that an ADP board made more sense in the days when mainframe computers were prevalent, but with the popularity of smaller and personal computers the need for an ADP today is not as great. It still seems, however, that coordination of ADP services among county offices and departments is important and can save money.

Finally, CCAO believes that legislation should be enacted giving county commissioners additional organization options for data processing, information services, and records management.

One option is to allow the board of county commissioners or the data board itself to appoint the chief administrator of the data center.

Another option is to allow the county commissioners to establish a county information services board to replace the data board, microfilm board and records commission. The county information services board would assume all information and records-related functions of these separate boards.

130.02 ESTABLISHMENT AND MEMBERSHIP OF THE ADP BOARD - ORC 307.84.

A board of county commissioners in any county may establish a county ADP board by the adoption of a resolution. The members of the ADP board are the following persons:

1. County treasurer, or the treasurer's representative.
2. County auditor, or the auditor's representative.
3. A member or representative of the board of county commissioners, chosen by the board,
4. County recorder, or the recorder's representative.
5. Clerk of courts, or the clerk's representative; and
6. Two representatives, one from each political party, of the board of elections, but only if the board of elections desires to participate in the ADP board.

In addition, a majority of these members may add other members whose offices utilize the facilities of the ADP board. The county auditor or his or her representative serves as secretary of the ADP board. The county auditor himself or herself serves as the board's chief administrator and may hire a deputy.

130.03 MEETINGS OF ADP BOARD - ORC 307.841.

After the establishment of the ADP board, the first meeting is held in the office of the county auditor, at a time determined by the county auditor, within 90 days after the day the ADP board is established.

The regular annual meeting of the ADP board occurs on the second Monday of January in the office of the county auditor. Other meetings are held at times and places determined by the secretary of the board. Any other member of the board may make a written request to the secretary of the board, who must then convene a meeting within five days. A majority of the board constitutes a quorum at any regular or special meeting of the board.

130.04 POWERS AND DUTIES OF AUTOMATIC DATA PROCESSING BOARD - ORC 307.841, 307.842, 307.844, 307.846.

After the first meeting of the ADP board, no county office may purchase, lease, operate, or contract for the use of any data processing equipment without the prior approval of the board.

ORC section 307.84 defines "county office" as any "officer, department, board, commission, agency, court or other office of the county, other than a board of hospital trustees." The provision, however, has been ruled by the Attorney General not to apply to the following entities: a county board of education (OAG 68-105, a common pleas court or

court of appeals (OAG 71-085), a general health district (OAG 97-029), or a soil and water conservation district created pursuant to ORC section 1515.03 (OAG 96-052). These entities have not been placed by the attorney general within the definition of "county office" for the purpose of determining the jurisdiction of an ADP board.

The county ADP board also has these other powers and duties:

1. To coordinate the use of all automatic data processing equipment in use throughout the county. The Attorney General has determined that this includes word processors (OAG 84-042). ORC 307.842.
2. To authorize any county office to contract for data processing services or to operate or acquire data processing equipment, when determined that such action is desirable.
The authorization for each county office so authorized is to be signed by a majority of the members of the board and filed in the office of the board of county commissioners. ORC 307.842.
3. To establish a county data processing center that will provide for a centralized system of data processing equipment for use by all county offices. ORC 307.842.
4. To enter into contracts with other local units of government, the state, federal agencies, and a variety of special districts to provide data processing services. ORC 307.846.
5. To establish a schedule of charges to provide data processing services. In this regard, a separate appropriation account can be established for the board that would be credited with funds debited from the appropriation accounts of other elected officials (OAG 68-029). ORC 307.846.
6. To adopt rules and regulations necessary for the operation of the board. Such rules must be adopted by a unanimous vote and can not derogate the authority or responsibility of any elected official. ORC 307.841.

130.05 RESPONSIBILITIES OF THE COUNTY AUDITOR - ORC 307.844.

The county auditor, or his or her representative serves as the secretary of the county automatic data processing board. However, ORC 307.844 requires the auditor to serve as the board's chief administrator. Following are the major responsibilities of the county auditor in the role of ADP board administrator:

1. To supervise the operation of the data processing center.
2. To employ a deputy to supervise the operation of the data processing center (OAG 90-034). This appointment is not subject to approval by the ADP board.
3. To employ other persons that are necessary to operate the data processing center. These appointments are subject to approval of the ADP board.
4. To fix the compensation of the deputy and all employees of the data processing center, subject to the approval of the ADP board.

5. To pay the salaries and expenses of employees from monies budgeted and appropriated by the board of county commissioners to the ADP board.
6. To adopt such rules and regulations as are necessary for the operation of the data processing center.
7. To submit an annual estimate of the revenues and expenditures of the ADP center for the ensuing fiscal year to the board of county commissioners, as provided for in ORC 5705.28. The estimate must be sufficient to take care of all the needs of the center, including but not limited to, salaries and the purchase and rental of equipment.

Finally, the Attorney General has ruled (OAG 90-034) that the auditor, not the board of county commissioners, enters into contracts for the ADP board. In addition, for the purposes of competitive bidding, the county auditor, as the chief administrator of the board, is the contracting authority for purchases by the ADP board.

The reasoning of the Attorney General is that the auditor has this authority pursuant to ORC 9.35(B) and 307.92. The authority to contract by the auditor, however, is conditioned upon a resolution of the governing board (ORC 9.35(C)) which in this case is the ADP board, not the board of county commissioners.

130.06 AUDITOR'S ANNUAL REPORT OF ADP CENTER OPERATIONS - ORC 307.845.

The county auditor is required to file with the ADP board, and with the board of county commissioners, a report of the operations of the data processing center and a statement of receipts and expenditures for the year. This report must be filed on the first Monday of April of each year.

130.07 PURCHASE OF DATA PROCESSING EQUIPMENT BY A BOARD OF COUNTY COMMISSIONERS - ORC 307.843.

A board of county commissioners may purchase, lease or otherwise acquire any data processing equipment that the ADP board recommends, or that the board of county commissioners feels is necessary. Neither the existence of an ADP board nor a recommendation from an ADP board, however, is a necessary condition for the purchase of equipment by the county commissioners (OAG 77-030). Competitive bidding must be followed by a board of county commissioners when purchasing data processing equipment and supplies.

However, when a lease is being renewed for electronic data processing equipment, services, or systems, at a cost of \$10,000 or more, a special provision by law applies. In such a case the existing lessor must submit a bid that includes the length of time, cost, and other terms and conditions of the lease. This proposal from the existing supplier then serves as specifications upon which other prospective suppliers bid. For further information see ORC 307.861.

130.08 ABOLITION OF ADP BOARD - THE CAMPANELLA RULING

A board of county commissioners has the authority abolish an existing ADP board by the adoption of a resolution. If such action is taken, however, a board of county commissioners is without authority to provide data processing services to other county

agencies or other public entities by contract (OAG 77-030, *Campanella v Cuyahoga County*. 57 Ohio Misc. 20, 11 OO3d 189, 387 NE2d 254 (1977)).

This was the ruling of the *Campanella* case, which arose from the efforts of the Cuyahoga County board of commissioners to abolish the existing county ADP board. The commissioners wished to alter the statutorily prescribed structure of the county ADP board by making it administratively responsible directly to the commissioners, instead of to the county auditor. To achieve this goal, the commissioners abolished the ADP board and created a new structure called the Department of Information Systems.

The court held that no county is *required* under ORC 307.84 to establish an ADP board. However, the power of a board of county commissioners to provide data processing services to other county offices, and to the numerous public entities listed in 307.846, is vested exclusively with an ADP board. If a board of county commissioners wishes to provide data processing services to these other county offices and other public entities, it can not do so except through an ADP board.

ORC 307.846 does not authorize a board of county commissioners, under its own auspices, to provide data processing services to the public entities listed there: municipal corporation, township, port authority, water or sewer district, school district, library district, county law library association, health district, conservancy district or other taxing district.

Upon termination of a county ADP board, a board of county commissioners may continue to purchase data processing equipment, for use within its own offices, under the authority of ORC 307.843. County offices and departments, upon the termination of an ADP board, may establish their own, non-centralized data processing operations.

130.09 PURCHASE OF DATA PROCESSING EQUIPMENT AND SERVICES

In addition to the provisions of law specifically relating to the ADP board, two other sections of the ORC deal with the issue of the purchase of data processing equipment and services. First, ORC 307.01 requires the purchase of such equipment by a board of county commissioners, if it is deemed necessary for the proper and convenient conduct of county offices.

Second, ORC 9.35 authorizes any public official to contract for, and engage the services of, a financial institution, firm, or person to render any electronic data processing or computer services that are needed by a public official to perform the mechanical, clerical, or record keeping services of his or her office.

As was discussed in section 130.05 of this chapter, the county auditor has been held by the courts and the Attorney General to be the contracting authority for the ADP board. The courts have also held that the ADP board, not the board of county commissioners, is the governing body of the ADP board for the purposes of competitive bidding.

In the context of ORC 9.35, however, other elected officials who have authority pursuant to this section can contract for ADP equipment, systems or services outside of the ADP board structure, but only if the board of county commissioners authorizes the contract by resolution. In this regard the auditor can contract for data processing services for the preparation of property tax lists and duplicates, but such a contract is subject to approval by the board of county commissioners. OAG 70-191.