

**AUDITOR OF STATE BULLETIN 96-022
OCTOBER 22, 1996**

TO: ALL BOARDS OF COUNTY COMMISSIONERS
ALL COUNTY AUDITORS
ALL COUNTY ADMINISTRATORS
ALL BOARDS OF TOWNSHIP TRUSTEES
ALL MUNICIPAL LEGISLATIVE AUTHORITIES
ALL PARK DISTRICTS
ALL INDEPENDENT PUBLIC ACCOUNTANTS

SUBJECT: COUNTY ADMINISTRATOR CONTRACTING AUTHORITY, HUMAN SERVICES DIRECTOR EMPLOYMENT AGREEMENT, HOME RULE TOWNSHIP LEGAL SERVICES, AND ALTERNATIVE METHOD OF DISTRIBUTING LIBRARY AND LOCAL GOVERNMENT FUNDS.

Substitute House Bill No. 501 was enacted by the General Assembly to be effective November 6, 1996. This legislation amends Sections 109.14, 124.11, 305.30, 309.09, 329.02, 504.15, 3737.46, 3767.03, 4301.28, and 5705.321 of the Revised Code to allow the board of county commissioners to delegate the power to contract, pay claims and carry out personnel functions to the county administrator and to enter into an employment agreement with a county human services director. The legislation also clarifies that fiduciary employees of the county administrator are in the unclassified civil service. Additionally, this legislation provides for adoption of an alternate formula for distribution of the Library and Local Government Support Fund within a county and allows a home rule township to contract with the county prosecutor for legal services.

Delegation of Contracting Authority to County Administrator by Board of County Commissioners (Section 305.30 (G) of the Revised Code)

Section 305.30 of the Revised Code generally sets forth the authority and duties of the county administrator. It sets out a list of authorities and duties, all subject to control of the county commissioners, which a county administrator may be charged with by the commissioners. This legislation adds division (G) to the provisions of Section 305.30 of the Revised Code to allow for the county administrator, under the direction of the board of county commissioners, to contract on behalf of the board of county commissioners within limits provided by a resolution of the board, provided that the resolution authorizing such actions shall also specify the types of contracts upon which the administrator may act without further resolution of the board.

Delegation of Authority to Allow and Pay Claims to County Administrator by Board of County Commissioners (Section 305.30 (H) of the Revised Code)

Division (H) of Section 305.30 of the Revised Code has been enacted by this legislation to allow the county administrator to pay claims for goods received and services rendered within limits provided by a resolution of the board, provided that the county department receiving those goods and services certifies their receipt before the administrator allows the claim.

Delegation of Personnel Functions to County Administrator by Board of County Commissioners (Section 305.30 (I) of the Revised Code)

Division (I) has also been enacted by this legislation authorizing the county administrator to perform any or all personnel functions otherwise conferred or incumbent upon the board of county commissioners under Chapter 124 of the Revised Code, or any other chapter or section of the Revised Code, provided that the board, by resolution, has delegated the specific functions to the county administrator.

County Employees in the Unclassified Service (Section 124.11 (A) (9) and 124.11 (A) (28) of the Revised Code)

This legislation amends Section 124.11 (A) (9) to add the words “or a county administrator” to the language specifying that fiduciary employees of an elected county official are unclassified. Section 124.11 (A) (28) is amended to add “counties” to the list including cities, civil service townships, city school districts and general health districts as entities in which the deputies and assistants of elective or principal executive officers authorized to act in their place (fiduciaries) are in the unclassified service.

Employment Agreement with County Human Services Director (Section 329.02 of the Revised Code)

Section 329.02 of the Revised Code is amended to permit the county commissioners to enter into a written agreement with a county director of human services specifying terms and conditions of employment. Such a contract may not exceed a three year period. This legislation specifies that such a contract shall, in no way, abridge the right of a board of county commissioners to terminate the employment of an unclassified director, but may specify terms and conditions of that termination. Additionally, this legislation specifies that such a contract would be subject to review and renegotiation for a period of 30 days from the 60th to the 90th day after the beginning of the term of any newly elected commissioner.

Legal Services of County Prosecutor for Home Rule Townships (Sections 309.09 and 504.15 of the Revised Code)

Under prior legislation, townships which adopted limited home rule under Chapter 504 of the Revised Code were required to appoint a full-time or part-time law director to act as legal advisor to the board of township trustees. Section 504.15 of the Revised Code, as amended, allows the board of township trustees to enter into a contract with the county prosecuting attorney to serve as the township law director with the consent of the board of county commissioners.

Alternative Method of Distributing Library and Local Government Funds (Section 5705.321 of the Revised Code)

Section 5705.321 of the Revised Code is amended to allow local governments to establish an alternative method of distributing Library and Local Government Support Funds under division (C) of Section 5705.32, R.C. within the county. Such alternative method of apportionment shall have first been approved by all of the following governmental units:

- (1) The board of county commissioners;
- (2) The legislative authority of the city, located wholly or partially in the county, with the greatest population;
- (3) A majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city with the greatest population.

Any alternative method may be revised, amended or repealed by the same process.

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This bulletin summarizes the major amendments and exactments to the Revised Code by Substitute House Bill No. 501 and is not intended to be used as a substitute for the actual legislation. For additional details, public offices are encouraged to obtain a copy of the legislation.

Should you have questions pertaining to this bulletin, please contact the Auditor of State's Legal Division at (800) 282-0370.