



COUNTY ADVISORY BULLETIN

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HOUSE BILL 419 OF THE 122ND GENERAL ASSEMBLY ALLOWS COMMISSIONERS TO HOLD REGULAR MEETINGS AWAY FROM COUNTY SEAT; ALLOWS ENGINEER TO MAINTAIN OFFICE OUTSIDE OF COUNTY SEAT; AND AUTHORIZES COUNTY TO USE STATE MOTOR FUEL TAXES TO ACQUIRE OR LEASE BUILDINGS FOR ROAD MAINTENANCE

Effective Date: August 5, 1998.

Revised Code Sections Affected: 305.06, 305.09, 315.11, 5735.27, amended.

Lead Sponsor: Householder (R-Glenford).

House Co-Sponsor: Terwilleger (R-Mainville), Garcia (R-Toledo), Carey (R-Wellston), Opfer (D-Oak Harbor), Sulzer (D-Chillicothe), O'Brien (R-Cincinnati), Ogg (D-Sciotoville), Padgett (R-Coshocton), Lewis (D-Dayton), Thompson (R-Delphos), Brading (R-Wapakoneta), Grendell (R-Chesterland), Reid (R-Beavercreek), Hodges (R-Wauseon), Gardner (R-Bowling Green), Vesper (R-New Richmond), Schuler (R-Cincinnati), Mead (R-Upper Arlington), Buchy (R-Greeneville), Cates (R-West Chester), Harris (R-Ashland), Metzger (R-New Philadelphia), Mottley (R-West Carrollton), Tiberi (R-Columbus), Callender (R-Willowick), Britton (D-Cincinnati), Wilson (D-Bridgeport), Tavares (D-Columbus), Patton (D-Youngstown), Johnson (R-New Concord), Brady (D-Cleveland), Roman (R-Akron).

Senate Co-Sponsors: Gardner (R-Madison), Schafrath (R-Loudonville), Gaeth (R-Defiance).

OVERVIEW

House Bill 419 of the 122nd General Assembly, which became effective in August 5, 1998, makes three changes in the Ohio Revised Code (ORC) with regard to meetings held by county commissioners, offices maintained by county engineers, and authorized uses for state motor fuel taxes received by counties.

These changes:

1. Authorize a board of county commissioners to hold any or all of its regular sessions at a location in the county other than the board's office in the county seat. This change is discussed in section 1 below.

2. Authorize a board of county commissioners, **with the consent of the county engineer**, to establish the engineer's primary office at a location outside the county seat. This change is discussed in section 2 below.
3. Expand the number of reasons for which a county may use revenue received from the state's gasoline excise tax fund. This change is discussed in section 3 below.

1. MEETINGS OF COUNTY COMMISSIONERS - ORC 305.06 / 305.09

The ORC permits a board of county commissioners to conduct a **special session** at a location in the county other than the primary office of the board in the county seat. ORC 305.07. However, before the passage of HB 419, state law did not authorize a board to conduct a **regular session** at any location other than its primary office.

HB 419 permits a board to hold any or all of its regular sessions outside the county seat at a site away from its primary office. To do so, a board must pass a resolution designating the other location. It must then enter the adoption of this resolution and the location selected in its journal and provide public notice of the meeting in accordance with ORC 121.22 (F), which allows any person to determine the time and place of all of a board's regular sessions.

HB 419 also changes the law to allow a board of county commissioners to conduct any business that is considered necessary at any regular session. Previous law permitted a board to conduct only business that was required by law.

2. OFFICE OF COUNTY ENGINEER - ORC 315.11

Before the passage of HB 419, a county engineer was required to maintain his or her office in the county seat. The bill permits a board of county commissioners, with the consent of the county engineer, to adopt a resolution authorizing an engineer to maintain his or her primary office at a location outside the county seat.

To establish this office, a board must adopt a resolution designating the new location and enter the resolution in its journal. The board must provide public notice of this action in accordance with ORC 121.22 (F).

3. COUNTY USE OF STATE MOTOR FUEL TAXES - ORC 5735.27 (A) (3)

HB 419 expands the purposes for which a county may spend monies it receives from the

state's gasoline excise tax fund. This fund consists of taxes collected from users of motor vehicle fuel and is distributed monthly by the state to counties, townships, and municipalities.

Before the passage of HB 419, a county could use monies from this fund to plan, construct, and maintain buildings for the purpose of housing road machinery. HB 419 expands this use by specifically authorizing a county to **lease or purchase** these buildings, in addition to planning, constructing and maintaining them. The bill also changes the law to allow these buildings to house, in addition to road machinery itself: 1) road supplies; 2) machine repair facilities related to roads; and 3) personnel associated with road supplies and machinery.

If you have questions or need more information about HB 419, please contact CCAO Research and Information Manager Doug Putnam at 614-221-5627 or dputnam@ccao.org.