



COUNTY ADVISORY BULLETIN

CAB

Published by: County Commissioners Association of Ohio

37 West Broad Street, Suite 650 • Columbus, Ohio 43215-4195
Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

BULLETIN 2000-01

JANUARY 2000

SENATE BILL 31 OF THE 123RD GENERAL ASSEMBLY AUTHORIZES COMMISSIONERS TO DELEGATE AUTHORITY TO COUNTY ADMINISTRATOR DURING DISASTER OR EMERGENCY

Effective Date: September 29, 1999.

Revised Code Sections Affected: 164.04, **305.30** and 307.86.

Lead Sponsor: Latta (R-Bowling Green).

Senate Co-Sponsors: Gardner (R-Madison), Spada (R-Parma Heights) and Drake (R-Solon).

House Co-Sponsors: Schuler (R-Sycamore Township), Opfer (D-Oak Harbor), Sulzer (D-Chillicothe), Jolivette (R-Hamilton), Olman (R-Maumee), Taylor (R-Norwalk).

OVERVIEW

Effective September 29, 1999, a board of county commissioners may delegate to the county administrator during a disaster or emergency any or all functions conferred or incumbent on the board. The authority is limited to a "disaster" or "emergency" as defined in Ohio Revised Code (ORC) section 5502.21 (E) and (F).

BACKGROUND

This provision of law was requested by the Hamilton County commissioners and supported by CCAO. After a tornado struck areas in Hamilton County certain actions needed to be taken, and a quorum of the board was not present at the time. The need to legally take the necessary actions thus came into question.

This provision was added to Senate Bill 31 (SB 31) in the House. The primary purpose of SB 31 was to allow appointing authorities of district public works integrating committees

(State Issue II) to appoint alternate members. This provision was included as an amendment to ORC 164.04.

BASIC ORC LANGUAGE

ORC 305.30 has been amended by the addition of division (J) to read as follows:

The county administrator under the direction of the board of county commissioners, shall do the following:

(J) perform any or all functions conferred or incumbent upon the board of county commissioners in the case of a disaster or emergency, provided that the board, by resolution, has delegated this specific function or all of the functions to the administrator. As used in this Division, “disaster” and “emergency” have the same meanings as in Division (E) and (F) of Section 5502.21 of the Ohio Revised Code.

DEFINITIONS OF DISASTER AND EMERGENCY

The terms disaster and emergency have very specific meanings under the new law. Following are these definitions under divisions (E) and (F) of ORC 5502.21:

(E) “Disaster” means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of a human.

(F) “Emergency” means any period during which the congress of the United States or a **chief executive** has declared or proclaimed that an emergency exists.

In addition, it should be noted that the term **chief executive** includes a board of county commissioners as specified in ORC 5502.21 (C) as follows:

(C) “Chief executive” means the president of the United States, the governor of this state, the board of county commissioners of any county, the board of township trustees of any township, or the mayor or city manager of any municipal corporation within this state.

DELEGATION OF OTHER FUNCTIONS TO COUNTY ADMINISTRATOR

This change in the law follows changes made in 1996 that allowed the board of county commissioners to delegate the power to contract, pay claims, carry out personnel functions, and enter into an employment contract with a county human services director. These provisions were included in House Bill 501, effective November 6, 1996. These provisions are explained in detail in County Advisory Bulletin (CAB) 96-7, August 1996.

SAMPLE RESOLUTION

SAMPLE RESOLUTION AS USED IN FRANKLIN COUNTY PROVIDING FOR DELEGATION TO COUNTY ADMINISTRATOR PURSUANT TO SENATE BILL 31 OF THE 123RD GENERAL ASSEMBLY

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PERFORM ADMINISTRATION FUNCTIONS IN A DISASTER OR EMERGENCY SITUATION

WHEREAS, pursuant to Ohio Revised Code Section 305.30, as amended by Senate Bill No. 31, enacted by the 123rd General Assembly, this Board of County Commissioners is authorized to confer upon the County Administrator the authority to carry out functions of the Board of County Commissioners in the event of a disaster or emergency provided that the Board, by Resolution, has delegated the specific functions to the County Administrator; and

WHEREAS, a disaster means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of man; and

WHEREAS, an emergency means any period during which the United States Congress or chief executive (as defined in ORC 5502.21(C)) has declared or proclaimed an emergency exists; and

WHEREAS, the Board of County Commissioners desires to grant the authority to the County Administrator to perform functions conferred or incumbent upon the Board in the event of such a disaster or emergency; now, therefore, upon motion of Commissioner Shoemaker, seconded by Commissioner Teater.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, FRANKLIN COUNTY, OHIO

1. That the County Administrator is hereby authorized to carry out the functions conferred or incumbent upon the Board of County Commissioners in a disaster or emergency situation as those outlined below, except to the extent that this delegation is prohibited by law:
 1. To activate the Emergency Management Agency.

2. To authorize the utilization of all resources and personnel of the Board of County Commissioners to respond to the disaster or emergency. The County Administrator shall coordinate the response of resources and personnel of the Board of County Commissioners with the resources and personnel from other elected County officials, other boards and commissions of the County, and the response from other local, state, and federal agencies.
 3. To exempt purchases from the competitive bidding process provided one of the following applies:
 - A. The purchase is for less than \$50,000, but more than \$15,000, and the County Administrator has obtained not less than three (3) informal estimates from persons who could perform the contract. The records of the names of each estimate solicited shall be kept for not less than one (1) year.
 - B. There is an actual physical disaster to structures, radio communications equipment, or computers, regardless of costs.
 4. To make requests for aid under existing mutual aid agreements with neighboring jurisdictions.
2. That the County Administrator shall, at the next meeting of the Board of County Commissioners, report to the Board of County Commissioners:
 1. The reasons necessary for declaring a disaster or that real or present emergency exists,
 2. All actions taken by the County Administrator,
 3. All contracts let without competitive bidding and the reasons for letting the contracts, and
 4. All mutual aid rendered to or given by the employees of the Board.
 3. That the report of the County Administrator shall be entered into the Minutes of the Board of County Commissioners by the Board's Clerk.
 4. That the authority of the County Administrator to act under this Resolution for any particular disaster or emergency shall end at the next meeting of the Board of County Commissioners when the County Administrator's report is entered into the Board of County Commissioners' Minutes, unless the Board of County Commissioners adopts a Resolution authorizing the continued exercise of emergency authority under ORC 305.30 for the particular emergency.
 5. That after the declaration of an emergency, the County Administrator be, and

hereby is, authorized and directed to take those actions as necessary and appropriate, including the delegation of administrative and ministerial functions among responsible staff to assure proper implementation in exercising this authority.

Voting Aye thereon:

DEWEY R. STOKES, PRESIDENT

DOROTHY S. TEATER

ARLENE SHOEMAKER

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

Voting Nay thereon:

DEWEY R. STOKES, PRESIDENT

DOROTHY S. TEATER

ARLENE SHOEMAKER

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO