

## **Hamilton County Government 101: Getting to Know What It Is and What It Could Be**

The members of the League of Women Voters of the Cincinnati Area (LWVCA) have requested information about Hamilton County Government and the LWVCA position on county government reform. In response to and in light of the recent deliberations and recommendations from a Board of County Commissioners (BOCC) appointed Government Reform Task Force (GRTF), the LWVCA County Government Committee has prepared this information for the League's February unit discussions.

### **County Government Structure**

Responsibility for governance in counties is shared by the Ohio General Assembly, which has legislative power: the county courts which have judicial power; an elected Board of County Commissioners; and eight independently elected county officials. County government in Ohio is an arm of the state. Its purpose is to administer state law on the local level and carry out designated functions.

The Ohio Constitution and state law determine the composition of County Government: a Board of County Commissioners (BOCC) made up of three commissioners elected at large for 4 year staggered terms, eight independently elected county officers who head departments and the Court of Common Pleas and Hamilton County Municipal Court.

The BOCC is responsible for approving an annual balanced budget. Other responsibilities include:

- approving department budgets
- determining tax levies and bond issues for the county
- managing real and personal property owned by the county
- appointing members of various boards and commissions
- implementing state regulations pertaining to physical needs of the county such as roads, sewers, and zoning.

The Hamilton County BOCC uses an appointed County Administrator, an office permitted by the Ohio Revised Code (ORC). The administrative head of the County acts under the direction and supervision of the Board. The current Hamilton County Administrator has divided the departments under the control of the BOCC into six sections:

- Communications Center
- County Facilities
- Environmental Services
- Human Services
- Job and Family Services
- Planning and Development

Eight independently elected officials head the following departments.

**Auditor** - Serves as chief fiscal officer for the county; conducts regular real property appraisals; issues warrants to county treasurer for county expenses.

**Clerk of Courts** - Enters all orders, decrees and judgments; collects and distributes court costs; keeps records of court dockets and journals; issues and transfers automobile title certificates.

**Coroner** - Determines the cause of any death not clearly due to natural causes; conducts autopsies, issues death certificates, supervises county morgue and laboratory. Must be a state licensed physician for at least 2 years.

**Engineer** - Responsible for the county road and bridge system and is engineer for operating townships. Must be a registered professional engineer and surveyor.

**Prosecuting Attorney** - Prosecutes all complaints, suits and controversies in both Common Pleas and Municipal courts in which the state is a party; serves as legal advisor to all county officials and boards; county's chief legal officer; must be an Ohio licensed attorney; may continue a private practice while in office.

**Recorder** - Records deeds, mortgages, plats, powers of attorney, proceedings of annexation and municipal incorporation and liens.

**Sheriff** - Administers county detention and correctional facilities; provides full police protection to those townships which do not have their own police departments. Chief law enforcement officer.

**Treasurer** - Collects county, local government and certain state taxes; invests county funds; disburses funds from treasury on warrant from the county auditor.

Each elected official has executive authority with duties prescribed by state law. Each heads a separate department of county government and operates independently from the Board of County Commissioners.

Parks, libraries, sewers, safety services, health and human services and other services are provided through appointed members of boards and commissions and other officials.

County government serves unincorporated areas by providing such local government facilities and services as highways, police protection, building inspection, planning and zoning. Elected county officials have no authority in incorporated areas, i.e., cities and villages; however, a city or village may contract with the county to receive a service.

County Government is not a general purpose government. Under the current structure, no one entity is accountable for the performance of Hamilton County government as a whole. There is no overall single governing body. Recently, the County Commission has informally taken it upon itself to serve as the policy-making body of the county government. That is a role not explicitly sanctioned by state law. The independently elected department directors of the county operate independently of the BOCC which does not have the power to set policy for the government as a whole. Responsibility for County administration is divided between the BOCC and the eight independently elected officers, as well as the elected judiciary and independent boards and commissions.

As the administrative arm of the state, the county cannot pass its own ordinances but does have the power to levy certain taxes. Voters in the county may choose to change county government structure either by adopting a charter or an alternative form of government as set forth in Chapter 302 of the ORC.

The Alternative Form of county government as authorized in ORC Chapter 302 grants home rule or limited legislative powers to the county. The county Board is the designated policy-making body for the county government with authority to act on any matter unless specifically prohibited by state law or the

Ohio Constitution. This sometimes is referred to as “implied powers” and is an important part of the Alternative Form. This Alternative Form does not allow for abolishment of any elected county officials.

In 1979 Summit County changed its structure with the adoption of a charter. As of January 2011, Cuyahoga County has a new Charter as approved by voters in November 2009. In Ashtabula County, a petition for a new Charter was circulated in 2010 but did not obtain enough signatures to qualify for the ballot in November.

### **LWVCA Positions Pertaining to County Government**

The LWVCA has called for modernization of County government since the 1920's. As early as 1934, a proposal to reorganize County government was on the ballot. The League has worked on this issue by means of citizen education, publications, public forums and surveys, and by working with other groups on proposals for changes in county government structure.

Changing government structure is a political process that has involved representatives of political parties, business and civic leaders and community groups. Within the past forty years, the LWVCA has been a part of three major attempts to restructure Hamilton County government. In 1971, the Citizens Committee to Improve Local Government (the Lingle Committee) was formed because certain civic groups were convinced the present government structure was not organized to handle the needs of an urban county. One League member was on the Executive Committee and other members served among the 200 citizens appointed to sub-committees to study the county responsibilities and make recommendations for improvements.

During 1980-1982, the League played an active role as one of five groups in the Coalition to Draft a County Charter. This organization was formed after a change in Ohio law allowed a Charter to be placed on the ballot by petition. A Home Rule charter was drafted and many League members helped in the Home Rule NOW petition campaign.

The same five-member coalition convened again in early 1990's in a Citizen Committee to Restructure Hamilton County Government. Again the League helped to conduct public meetings and forums and was on the drafting committee for a county charter. Neither of these two efforts was successful.

The extensive action by the League in county government reform was the result of League studies of Hamilton county government and the subsequent consensuses of members on the position statements.

### **SUPPORT OF MODERNIZATION OF HAMILTON COUNTY GOVERNMENT**

**Position: The LWVCA supports the modernization of county government through some form of reorganization, such as adoption of a county charter or one of the alternative forms of county government permitted by Ohio Law.**

Criteria to be used in defining/judging "modernization":

#### Group A

1. The county executive should be appointed by the county governing body.
2. The county executive should have budgetary responsibilities and powers of policy execution and be directly answerable to the county governing body.
3. Hamilton County governing body should have implied powers and some self-taxing ability.

#### Group B

1. The county governing body should be elected in combination method including districts and at-large and should have 5-11 members.
2. Means of citizen participation should be explicitly provided.

Group C

1. Members of the county governing body should serve 4-year, staggered terms.
2. Means of citizen recourse should be explicitly provided.
3. All county department heads should be appointed.

**Background:** The LWVCA initially supported county reorganization in 1933 and supported a charter for Hamilton County in 1935. Elsewhere in Ohio, many attempts have been made by counties to adopt various forms of change, but only Summit County (Akron) has succeeded in adopting a charter (1979). Our present LWV position for modernization was adopted in 1967. In 1980, after a two-year study, LWVCA adopted a set of criteria by which to judge any future attempt at county reorganization. In 1981, the LWVCA was part of a coalition which drafted a county charter and circulated petitions to place it on the ballot. Important support in the community was not forthcoming, so the effort ended.

After these attempts failed, the League turned to other means to improve the efficiency and effectiveness of county governance by looking at service delivery incorporating support of contracts between governments into broader possibilities such as special districts and privatization.

### **HAMILTON COUNTY SUPPORT OF CERTAIN CRITERIA FOR METHODS OF SERVICE DELIVERY**

**Position: The LWVCA supports criteria for service delivery in areas of:**

- 1. Relationships with other governments and service providers**
- 2. Accountability and responsiveness**
- 3. Taxes, fees and assessments**
- 4. Quality of service.**

- I. The LWVCA believes the following features are of primary importance in judging new proposals for service delivery whether directly by government unit, public/private contract, or a special district:
  - A. In regard to relationships with other governments or service providers, service provider should take part in cooperative planning for the region. In the case of special districts, the proposal should include firm guidelines for dissolution or merging with another district or governmental unit.
  - B. In regard to accountability and responsiveness, there should be (1) clear responsibility for planning and delivery of the service, (2) a clear line of recourse for unsatisfactory service, (3) pre-announced open board or council meetings, 4) accountability to citizens through an elected official and 5) annual financial and program reports readily available to the public.
  - C. Elected officials should approve fees and assessments.
  - D. The service delivery plan should be the best service delivery option in terms of cost-effectiveness (assuming cost-effectiveness means the best service for a reasonable price, not just low bid); provide for qualified staff to plan, to write RFPs (requests for proposals) and contracts and to monitor and evaluate service

Other features considered important but without consensus on the level of importance are:

1. The service provision not be duplicated by another source.
2. The proposal not have an adverse effect on prospects for change in county structure.

3. Annual financial and program reports be reviewed at state and local level with results of that review published.
4. There be a public referendum on new taxes.

It is the intention that these criteria for service delivery be applied in Cincinnati and other municipalities and townships as well as at the county level.

- II. LWVCA members support special districts, contractual arrangements (both public/private and intergovernmental) and general purpose government as appropriate means of service delivery.

**Explanation:** Note that LWVCA Board must approve any action applying LWV criteria for effective action. When applying the criteria to a particular service delivery program, a judgment will have to be made about how many features of importance must be present for support. Criteria will also be used for comments during the proposal development process at hearings, etc.

In the late 1990s, the LWVCA promoted the establishment and maintenance of a citizen Tax Levy Review Committee as a way of getting more openness on the use of tax levies and more efficient and effective use of the dollars for the services they fund for children, seniors, developmentally disabled and indigent health care. This statement was adopted in December 2005:

#### **CRITERIA FOR HAMILTON COUNTYWIDE VOTED PROPERTY TAX LEVIES**

##### **Position: A model tax levy process would include:**

1. A committee of citizens with the authority to review tax levy proposals and tax levy recipient organizations; to review the requesting agencies' financial, management and performance audits; and make recommendations to the Hamilton County Board of County Commissioners. This committee must be adequately funded and staffed.
2. Reduction of the total number of voted levies without sacrificing needed services.
3. Timing that prevents placing all levies on a ballot at the same time.
4. Funding county services based on a determined level of need that balances funds, services and resources.
5. Funding broadly defined services that can respond to changing conditions and needs.
6. The provision of meaningful opportunities for citizen involvement, input, monitoring and review.
7. Assuring agency accountability to the Hamilton County Board of County Commissioners for the appropriate use of tax levy dollars.
8. Ballot language that is understandable to citizens and accurately describes services funded by the proposed levy.

**Background:** At the May 2004 Annual Meeting, members authorized a study on the "Evaluation of the Procedure for Voting on Property Tax Levies in Hamilton County." The LWVCA County Government Committee's study included a review of the current procedure in Hamilton County. They explored systems used in other urban counties in Ohio and developed criteria to use in judging a property tax levy review system. With Board agreement to the process and proposed statements, meetings were held and concurrence to the new position was obtained in November 2005.

It is easy to see that ideas put forward in the GRTF Report and other plans for tax levies can be issues for strong action by the LWVCA.

## **The Government Reform Task Force Recommendations to the Hamilton County Commissioners**

Over the years, Hamilton County has experienced changes in both the area and population served by county government as well as in the services it provides and the service delivery techniques available in the modern era. Governmental budget pressures have become increasingly challenging. These changes have been so significant that the Board of County Commissioners (BOCC) thought a review of improvement opportunities would warrant the creation of a Task Force to study the structure of the government.

On May 19, 2010, the Hamilton County Board of County Commissioners unanimously created the Government Reform Task Force (GRTF) to study the structure of the County today and the alternatives permitted under Ohio law. The GRTF was charged by the Commission to recommend reform that would improve the efficiency and effectiveness of the government and to produce a recommendation for a government that is streamlined and narrowly tailored to work effectively and efficiently with, for, and on behalf of the 49 political subdivisions. The County Commission directed that the GRTF exclude from its considerations all county judicial operations as well as any possibility of merging Hamilton County with another local government within the County. Over the following six months, the Task Force studied the workings of Hamilton County government and reviewed the other legal structure options available to the County.

The GRTF was unanimous in its conclusions as expressed in its final report dated September 3, 2010. There was agreement with the premise of the BOCC's resolution that the current form of government (which dates from 1851 in Ohio) is antiquated and that there are opportunities for improvement. The GRTF recommended reform that would improve the operation of the government

The Task Force stated that, under the current structure, the BOCC has limited authority to determine policy or administrative direction for the County. Indeed, with responsibility for County administration divided between the Board and eight row officers, as well as elected judiciary and independent boards and commissions, nobody is accountable for the performance of Hamilton County government as a whole.

The GRTF made two recommendations:

1. That the BOCC place a new plan of government on the ballot for voter adoption based upon the alternative authorized by Chapter 302 of the Ohio Revised Code (ORC).
2. That the BOCC should act to implement a Charter within five years of implementation of the statutory Alternative Form of government recommended in its report.

Thus the Task Force recommended a staged process to reform Hamilton County government, implementing the statutory Alternative Form immediately, then creating a Charter form within five years thereafter, drawing on the experience of the first transition.

The Alternative Form of government was viewed by the GRTF as a moderate transition plan for Hamilton County, enabling improvements without radical change in the core way the County is structured to do its business. Under this Alternative Form, the Task Force recommended that the new statutory plan have:

1. A County Commission with three members elected at-large, as at present
2. A professional appointed County Executive to operate the government
3. Three departments under and accountable to the County Executive and BOCC with duties enumerated in ORC Chapter 302: Finance, Law, and Personnel, and such other departments as would make the operation of the government more efficient.

Indeed, although the Commission would be empowered to centralize key staff functions and thereby reduce costs, the existing independently-elected officers would remain in place. Subsequently, the County could tailor further refinements in the government structure to suit local needs with a Charter.

References:

Hamilton County, Ohio, Government Reform Task Force, Report to the Hamilton County Commission, September 2010.

Hamilton County website ([www.hamilton-co.org](http://www.hamilton-co.org)), Government Reform Task Force page.

*Know Hamilton County*, League of Women Voters Education Fund, 2007.

The Ohio Constitution, Chapter X ([www.legislature.state.oh.us/constitution](http://www.legislature.state.oh.us/constitution))

The Ohio Revised Code, Title 3, Counties ([ohio.gov/3](http://ohio.gov/3))

*A Word about Formation of League Positions*

*The League's interest in a particular local issue is usually begun and sustained when a study committee is formed. This group's study and deliberation may take one or two years and results in the preparation of a background paper which is then presented to our members at meetings for discussion. At these meetings, an attempt is made to reach a consensus on the response to questions evolving from the study. Statements which receive a consensus are written to become a solid expression of League opinion which becomes our "position" and our platform for action.*