

Better Government, Better Future, Better Jobs

LUCAS COUNTY CITIZEN REVIEW

**A study of the structure
of Lucas County government
by area citizens**

June 2011

www.lucascountystudy.org

Better Government, Better Future, Better Jobs

The study can be accessed at www.lucascountystudy.org

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INTRODUCTION

Executive Summary

In the fall of 2010, a volunteer group of citizens formed a committee (the Committee) to review the structure of Lucas County government. These citizens, from all areas of Lucas County, were motivated by the knowledge that Northwest Ohio and specifically Lucas County and its subdivisions are challenged by a decreasing tax base and loss of employment. There is no simple remedy to this situation. What our region must do to become more competitive and maintain and attract jobs requires a variety of initiatives on multiple fronts. This includes a hard look at our governmental structure – how can it operate more effectively without diminishing services to its customers – the citizens of Lucas County.

We have been asked, “with all the challenges attendant to this area, why this?” Simply put, we believe government must lead.

The Committee recognizes that renewal of this region is not solely dependent on the public sector. The business, educational, arts, and social service constituencies of the region are equally responsible. However, the focus of this study is the structure of Lucas County government. We leave the remaining arenas for other citizens and other studies.

The Committee, using the template of non-partisan, objective research and analysis, worked for over eight months with the assistance of a research manager dedicated to the effort by the University of Toledo. Committee members interviewed Lucas County elected and appointed officials and other community leaders. They also gathered information from counties in Ohio and regions beyond. The committee did not conduct an efficiency study of each Lucas County office and department. Budgets and expenditures were subjected to a review at a macro level. Analysis of these expenditures and commensurate services requires more extensive review which was beyond the scope and resource availability of this study.

The Committee acknowledges that Lucas County itself is staffed by well-motivated and talented people, but under

widely divided leadership with clouded and duplicative responsibilities. The leadership problem is easy to see but not so simple to correct in the current governmental structure. For example, economic leadership in Lucas County is presently shared by eleven elected county officials, four elected city mayors, six elected village mayors and the elected trustees of eleven townships. Each of these is independent and can affect some aspect of Lucas County’s economic performance. The committee recognized that each jurisdiction possesses its own sense of pride in its community. But all of this begs the question, “who is in charge?”

The Committee reached this major conclusion: Lucas County needs a single unifying leader. The absence of such an office and such a person makes reversing our condition more difficult and perpetuates a fragmented decision-making environment.

The Ohio Constitution permits an Ohio county to change its structure with the approval of the voters. The concept for structural county reform in Lucas County first arose in the 1930s. Since that time there have been episodic and ineffectual attempts to reform Lucas County government.

Armed with this knowledge, the Committee believes the County needs to embrace a political structure that can contribute to reversing our economic decline – a structure that facilitates concerted, collaborative efforts to reduce costs, eliminate duplication, and encourage regional cooperation. The recommendations below are only a beginning – the committee offers them to Lucas County citizens with the knowledge that community discourse and education must occur in the coming year. They offer citizens an opportunity to reflect on what will make our region more vibrant, successful and attractive for generations to come.

Study Recommendations

The study recommendations are the result of deliberation and analysis that were fraught at times with great passion and intensity. Each recommendation was developed based on that which would best serve Lucas County residents and make us more competitive. These recommendations

INTRODUCTION

Executive Summary (continued)

are those of a united Committee. The recommendations are offered to our fellow citizens with the expectation they will be given the same serious consideration as was given their development.

- Change Lucas County government to a Charter form of government, which requires a vote by the citizens. With the passage of a Charter:
- Voters would elect a County Executive – a single, accountable leader responsible for not only overseeing county operations, but also a visionary individual with the ability to lead and bring divergent groups together.
- Voters would elect a nine member County Council comprised of six district and three at large members with legislative responsibility and serving as a check-and-balance to the Executive.
- The County Council would establish an Internal Audit Office responsible for auditing operational and financial performance.
- The Offices of Auditor, Treasurer and Recorder would be consolidated into one department headed by a Chief Fiscal Officer (CFO) appointed by the Executive.
- The County and Sanitary Engineers would be combined with one engineer appointed by the Executive.
- The Executive would appoint a Sheriff and a Medical Examiner.
- The Clerk of Courts would be appointed by the judges of the Court of Common Pleas with responsibilities divided between the CFO and the Court.
- The Prosecutor would remain an elected position.

The committee believes that these structural changes will provide citizens with an array of benefits:

- A charter form of government gives citizens the right to periodically make changes in governmental structure, a tool not currently available to citizens.
- An elected county executive strengthens Lucas County by enhancing our regional identity, improving coordination of services, and developing an ongoing capacity to identify and address regional issues.

- Citizens across the entire County will be able to select their own representatives to the County Council.
- A County Executive can develop enhanced financial and performance measures to further reduce expenses to taxpayers.

The committee recognized that lowering the cost of government while maintaining service to the taxpayers must never be overlooked. High costs not only in Lucas County but also in the state of Ohio are not conducive to economic prosperity or business development. Other regions in the United States have improved their job opportunities, attracted business, and eliminated some of the duplications inherent within the silos created by each governmental unit – e.g. the counties which are home to Louisville, Nashville, Indianapolis, to name a few. They have succeeded over the years by recognizing that the changes occurring in the world around them require modifications to governmental models that worked in another era. This foresight has allowed them to be flexible and to evolve in response to changing circumstances. Ohio law allows communities to change their form of county government. We urge the citizens of Lucas County to do just that.

Background

The future of Lucas County is challenged by a decreasing tax base, a decline in state funding, unprecedented housing foreclosure rates, and the loss of meaningful employment opportunities.

Against this backdrop, community volunteers convened a grassroots effort to examine Lucas County government. This 2011 Citizen Review of Lucas County (the “Study”) reviewed the structural components of county government in order to better position Lucas County for success and sustainability in the future.

The Study began in the summer of 2010 when a group of interested citizens offered to recruit and establish a Study Team (the “Committee”), raise the necessary funding, and conduct an assessment of the current county structure. The Board of County Commissioners under the leadership of President Peter Gerken, and Commissioners Tina

Skeldon Wozniak and Ben Konop acknowledged the value of the Study and agreed to receive it upon its completion. Commissioner Carol Contrada also concurred with the value of the Study upon taking office in 2011. The Study received no public dollars.

Using the study methodology of the former Corporation for Effective Government (CEG) as a basis for the proposed study, Olivia Summons and Thomas Killam, both veterans of previous CEG studies, developed a study structure based on objective, non-partisan review and analysis. The Committee formally engaged in a study process beginning in October 2010 under the leadership of chairman Marna Ramnath.

We thank the public servants who provided assistance to us in this process. The Committee's requests for meetings, interviews, information, documents, spreadsheets, etc., were, on the whole, met with competent, prompt replies. Their names are listed in Appendix B.

As the Study progressed, an image emerged of an extremely complex, high cost governmental operation, staffed by well-motivated and talented people, but with divided leadership, clouded responsibilities, and lack of strategic focus.

The recommendations contained in this study, structural in form, are not offered as commentary on any person, elected or administrative. The recommendations look to the future, not to the past. All are offered to assist in crafting a better future for our county, its present citizens, and those generations yet to come.

General Study Scope

The goal of the study was to assess and determine whether changes in the structure of Lucas County government might afford opportunities to improve economic conditions in Lucas County. Specifically, this included review of the following:

- Structure and organization of Lucas County government
- Inter-relationships of jurisdictions with the county itself
- Finances within Lucas County

- Identification of roles and offices that can be eliminated, restructured or consolidated within the county and all jurisdictions
- The potential for increased financial and operational effectiveness by restructuring county government
- Review of, and comparison to, regions outside of Lucas County that have undertaken structural change

Study volunteers had expertise in the following areas: law, finance/accounting/banking, public administration, public service delivery, urban planning, development, business, education, consulting. All were united by a common question: whether reform of Lucas County government can assist in the improvement of our region.

Study Methodology

Utilizing the skills and experience of previous CEG volunteers and staff, the Committee conducted numerous interviews, collected and analyzed pertinent data. Specifically, the Committee interviewed county, city, and township officials to learn how Lucas County government functions. The Committee also collected information for areas both within and outside Ohio to better understand different models of governmental structure. Searching for relevant comparisons, performance improvement measures or standards that could be used to evaluate Lucas County performance proved to be more difficult as there are variations in the services provided.

However, the Committee found Summit County to be a useful comparison since its demographics are similar to those of Lucas County. It also has experienced similar economic difficulties caused by a decline in its industrial base (Summit is the home of the former "Rubber Capital," Akron).

In addition, the Committee reviewed the four forms of county government authorized by law. A description of the four forms is attached as Appendix C.

Meeting weekly from October 2010 through June 2011, the Committee spent approximately 2500 hours of volunteer time.

PARTICIPANTS

Study Committee

The following volunteers served on the Committee:

Chairman: Marna Ramnath, R.N., M.S.N., M.S., Chair, Nursing Education (Retired)

- Joe Andrews, CEO, Quality Business Systems
- James Austermiller, CPA, CFE, Finance Director, City of Oregon (retired)
- John Bibish, CPA; Finance Director, City of Toledo (retired)
- Jeff Bunck, Teacher / Assistant Principal, Anthony Wayne School District (retired)
- Hon. Andy Devine, Judge, Lucas County Court of Common Pleas, Juvenile Division (retired)
- Larry Doyle, JD, Adjunct Professor of American Government, Owens Community College
- Lawrence Friedman, President, Toledo Building Services Company
- Hon. George Glasser, Judge, Ohio 6th District Court of Appeals (retired)
- Neil Green, Principal, Green Planning Group; former Lucas County Facility Planning Manager
- Robert Hayman, Insurance Agent, Tristate Financial Network
- Paul Hollenbeck, Architect and Partner, The Collaborative, Inc.
- Martin Jarret, President, Jarret Consulting Services
- Eleanor Killam, RN, MBB, Director, Performance Excellence, Mercy
- John Madigan*, Law Director, City of Toledo (retired)
- Andrew Mahler, CPA, CVA, CFFA, Gilmore, Jasion, & Mahler (retired)
- John McCarty, Commercial Banking, Huntington Bank
- Joshua Murnen, Attorney at Law, Advocates for Basic Legal Equality
- Jeff Nistel, Nistel Properties, Ltd.
- Stan Odesky, Market Research Consultant, Stanford H. Odesky & Associates
- Kenneth Pauken, Deputy Chief, Toledo Department of Fire and Rescue Operations (retired)

- Robert Reinbolt, Chief of Staff, City of Toledo (retired)
- Richard Ruppert, MD, President Emeritus, University of Toledo College of Medicine
- Harry Silletti, Small Business Counselor, SCORE
- Kevin X. Smith, Executive Vice President, Associated General Contractors
- Steve Smith, Production Control, AP Parts and Jeep
- Willard Smith, Vice President for Business Affairs, University of Toledo (retired)

Research Manager/Assistant

- Nadeane Howard, JD, Manager
- David Fox, law student, University of Toledo, Assistant

Advisory Panel

The study process was a grassroots effort inspired by the desire of a group of citizens to improve their community. To insure the integrity of the study process based on objective analysis, an Advisory Panel was created. Members of the Advisory Panel are listed below. The Advisory Panel was responsible for:

- Developing study scope of work and securing cooperation of County Commissioners
- Overseeing the Study process
- Identifying a Study chairman
- Ensuring Committee adherence to scope
- Serving as liaison to County Commissioners and other community leaders
- Recruiting and screening volunteers for the Committee
- Meeting as needed with the Study chairman
- Securing necessary funding to conduct the study and issue a final report
- Insuring appropriate implementation of Committee findings and recommendations

*John Madigan accepted a position with the City of Toledo in May, 2011 and resigned from the committee accordingly.

Advisory Panel Co-Chairs:

- Thomas Killam, Manager and Chair of the Business Department, Marshall & Melhorn, LLC
- Olivia Summons, Director of Public Affairs, Toledo Refining Company

Members:

- Neema Bell, Partner, Shumaker, Loop & Kendrick
- Keith Burwell, President, Toledo Community Foundation
- Dennis Duffey, Secretary/Treasurer, Ohio State Building Trades
- Brian Epstein, EPIC and The Trust Company of Toledo
- Shanda Gore, Vice President Diversity, The University of Toledo
- John Jones, President, Greater Toledo Urban League
- Thomas Palmer, Member, Marshall & Melhorn, LLC
- Kim Partin, Executive Director, East Toledo Family Center
- Larry Peterson, President, Active Mobility of Ohio
- Robert Savage, Co-Founder, Savage & Associates, Inc.
- Rabbi Alan Sokobin, Temple-Congregation, Shomer Emunim (retired)
- Sharon Speyer, Regional President, Huntington Bank
- Linda Stacy, Ohio Skills Bank Administrator, University of Toledo
- Richard Stansley, Chairman, University of Toledo Innovation Enterprises
- Donald Warner, Vice President, SSOE (retired)
- Ken Zeck, Vice President, Pilkington (retired)
- Joseph Zerbey, President & General Manager, The Blade

Study Sponsors

The Committee extends its thanks to Lloyd Jacobs, MD, President and The University of Toledo for providing major research and facilities support. The Committee is also indebted to the following organizations:

- Toledo Community Foundation
- FLS Marketing
- The Andersons
- Brooks Insurance
- Fifth Third Bank
- Huntington Bank
- Hylant Group
- Key Bank
- Leadership Toledo
- Mercy
- PNC Bank
- ProMedica
- Toledo Edison/First Energy

LUCAS COUNTY TODAY

Current Structure of Lucas County Government and Mandated Services

Responsibility for county government in the state of Ohio is shared by the Ohio General Assembly, which has legislative power; the county courts, which have judicial power; and the three-member Board of County Commissioners and eight other elected county officials, all of whom have administrative power. The voters of Lucas County elect each of the County's eleven administrative officials for four-year terms. The terms of the three commissioners are staggered, but all are of equal rank, and they elect their own president. The eight other elected officials function as independent administrative heads of their respective offices.

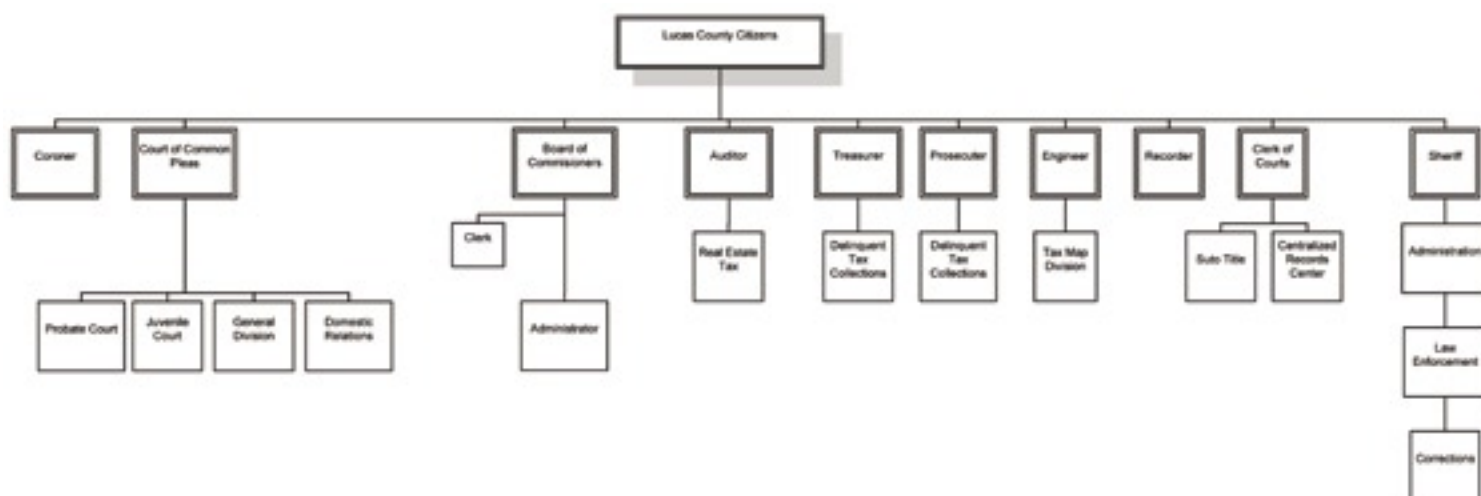
As in most counties in Ohio, these 11 elected positions are known colloquially as "row offices." The term row office arose because these offices typically appear in a row on organizational charts or election ballots, and

each exercises some autonomy from the Board of Commissioners. Besides the County Commissioners and Court of Common Pleas judges, the row offices are: Clerk of Courts, Auditor, Treasurer, Prosecutor, Engineer, Recorder, Coroner and Sheriff. For purposes of this study, the Committee did not review the Court of Common Pleas. However, the other row office holders in the County were all interviewed.

State law defines the powers and duties of the row offices. Many functions are administrative in nature. State law also requires counties to provide other services that are not associated with any of the traditional row offices. Problems may arise where the precise scope or extent of the mandated duty is unclear on the face of the statute. In such cases, existing case law or Attorney General Opinions may provide an authoritative interpretation of what is required on the part of the county.

Appendices D, E and F provide a general overview of those duties and services mandated by state law.

CURRENT LUCAS COUNTY ORGANIZATIONAL STRUCTURE



Jurisdictions Within Lucas County

Lucas County contains twenty-two political jurisdictions including four cities, six villages*, and eleven townships. In Ohio, cities are incorporated municipalities with a population of 5,000 or more inhabitants, villages are incorporated municipalities with a population of fewer than 5,000 inhabitants, and townships are unincorporated areas of any population.

Jurisdictions	Mayors	Council Members	Police Chiefs	Fire Chiefs	Trustees
Cities: Maumee, Oregon, Sylvania and Toledo	4	33	4	4	NA
Villages: Berkey, Harbor View, Holland, Ottawa Hills, Waterville* and Whitehouse	6	33	6	3	NA
Townships: Harding, Jerusalem, Monclova, Providence, Richfield, Spencer, Springfield, Swanton, Sylvania, Washington, and Waterville	NA	NA	3	9	33
Source: 2011 TMACOG Directory of Public Officials					

The following table lists the 2008 revenues of Lucas County jurisdictions. Resources available to operate all governmental units in Lucas County are in excess of \$1 billion.** Aggregate revenues of this magnitude present opportunities for efficiencies.

Fund type	Funds
Governmental	Assessments services 25,836,260.00
	Capital improvements 35,402,202.00
	Debt service 1,825,364.00
	General 434,881,813.00
	Non-major 168,720,134.00
	Special revenue 274,962,021.00
Total Governmental	941,627,794.00
Proprietary	Enterprise 155,931,107.00
	Internal service 81,672,893.00
Total Proprietary	237,604,000.00
Grand Total	1,179,231,794.00
Source: 2008 audited financial statements of Lucas County governmental units	

* For purposes of the study, Waterville is classified as a village; however, the results of Census 2010, which were released in early 2011, indicate the population of Waterville now permits it to be classified as a city.

** See Appendix G.

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Jurisdictions Within Lucas County (continued)

Population of all Lucas County Governmental Units

Political Subdivision	Class	2010 Population
Toledo	City	287,208
Sylvania	Township	48,487
Springfield	Township	12,237
Oregon	City	20,291
Sylvania	City	18,965
Maumee	City	14,286
Waterville	Township	11,336
Waterville*	Village	5,523
Monclova	Township	12,400
Ottawa Hills	Village	4,517
Washington	Township	1,874
Providence	Township	3,361
Jerusalem	Township	3,109
Whitehouse	Village	4,149
Spencer	Township	3,067
Richfield	Township	1,573
Holland	Village	682
Harding	Township	734
Berkey	Village	237
Harbor View	Village	123
Swanton	Township	3,012
Swanton**	Village	
Total Lucas County		441,815

* See Note, Page 7.

** A portion of the Village of Swanton is physically located in Lucas County; however, the majority is located in Fulton County; therefore, it is not included in this report.

Cost Comparisons Between Lucas and Summit Counties

The Committee lacked the resources and time to perform an in-depth analysis of each office, department, and agency to ascertain efficiencies that could be achieved by reorganization. These analyses can be left to other groups in the months ahead. However, the Committee did draw high level comparisons between Lucas and Summit Counties because of their general similarity.

First, a few words on governmental accounting. Historically, accounting by various government units was not uniform. To address this issue the Governmental Accounting Standards Board ("GASB") was created by the Financial Accounting Standards Board ("FASB"). GASB issued generally accepted accounting principles (GAAP) for government to specifically address the issue of comparability of financial statements in government.

Additionally, the Government Finance Officers Association ("GFOA") which works closely with GASB, created a Certificate of Conformance Program that defines the common format for governmental financial statements in the United States. Under this program governmental entities submit their audited, comprehensive annual financial report (CAFR) to GFOA for conformance review. In order to participate in the review the governmental entity's CAFR must have been issued an "unqualified report." The review is a rigorous process conducted by members of GFOA for conformity to the program guidelines. If the submitted CAFR achieves the requisite degree of conformity, then the governmental entity is awarded a Certificate of Achievement for Excellence in Financial Reporting (the "Certificate"). The award of the Certificate is very highly regarded.

Lucas and Summit County participate in the program and both have been awarded the Certificate from GFOA. The Committee felt justified in inferring from the award of the

Certificate that Lucas and Summit Counties prepare their financial data similarly as to form.

What about content? A county's revenues and related expenses, earmarked for specific purposes that are governmental in nature, are reported separately in special revenue, capital project, debt service, and assessed funds. Similarly, when governments manage operations that are business-like in nature (e.g. public utilities, parking garages, etc.), they are reported in proprietary funds as enterprise or internal service funds. The Committee concluded from this that the General Fund contains the expression of how government defines its core mission. This practice is almost universally adhered to in larger governments and is the case for both Lucas and Summit Counties.

Comparing the General Funds of different governmental entities also assists us in identifying how they implement their core mission. The CAFR's use of standardized major service areas for capturing costs facilitates comparison because it keeps the number of accounts used low and the classifications broad. Fortunately, Lucas and Summit Counties use common nomenclature.

Are they apples to apples? Statistics regarding population, land area, and personal income were obtained regarding Lucas and Summit Counties. These statistics indicate Lucas and Summit Counties are similar in certain respects. Common expenditures were pulled from their respective CAFRs to identify the major service areas in their General Funds to which they dedicated resources. Additionally, the Committee identified from these same reports where General Fund personnel were utilized in each county.

From this analysis the Committee concluded that Lucas and Summit Counties tended to spend their funds and deploy their personnel in a very similar fashion. In other words they looked a lot alike.

LUCAS COUNTY TODAY

Cost Comparisons Between Lucas and Summit Counties (continued)

The Committee is not directly correlating the difference in expense to a charter versus a traditional form of county government. But it does raise the question with which this community must grapple in the coming months. Why are expenses less in Summit County? Additional financial data is included in Appendix G.

Lucas County has approximately 1,300 full-time, general fund employees while Summit County has 1,040. The per-resident general fund expenditures in 2008 and 2009 and amounts budgeted for 2010 and 2011 in Lucas and Summit counties were as follows:

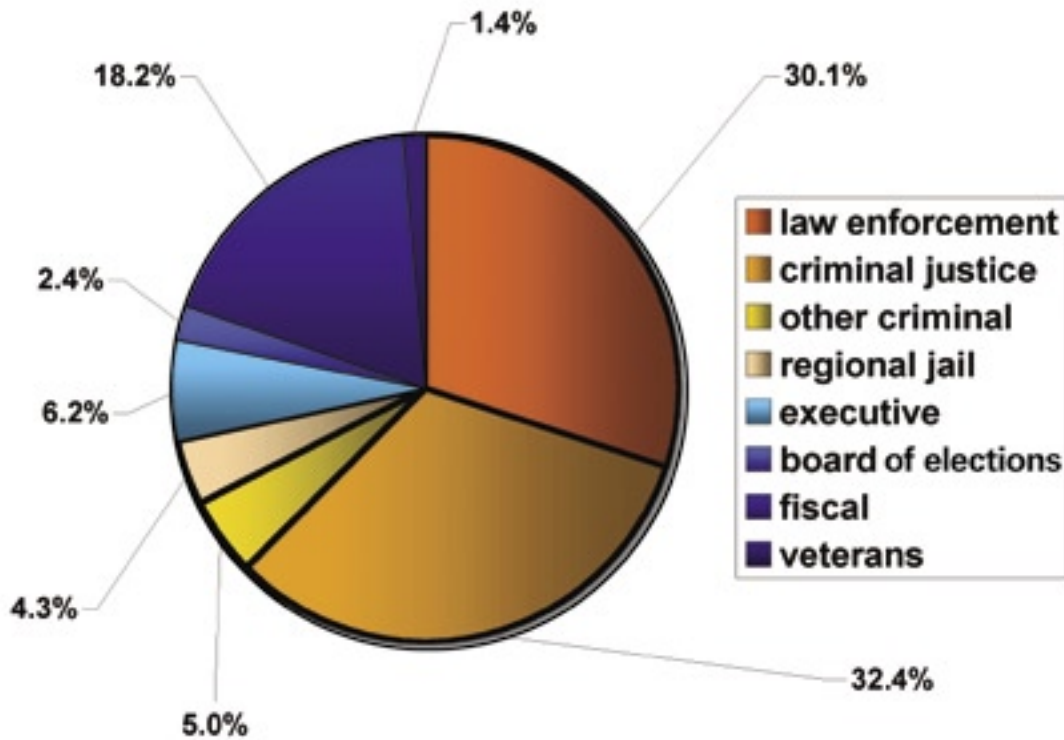
	Lucas County	Summit County
Largest City	Toledo	Akron
2010 Population	441,815	541,781
Land Area	340.4 sq. miles	412.8 sq. miles
Water Area	255 sq. miles	7 sq. miles
Total Area	596 sq. miles	420 sq. miles
Median Income		
Household	\$42,696	\$47,776
Per Capita	\$32,837	\$38,940

General Fund Expenditures on a Per Resident Basis for Lucas and Summit Counties

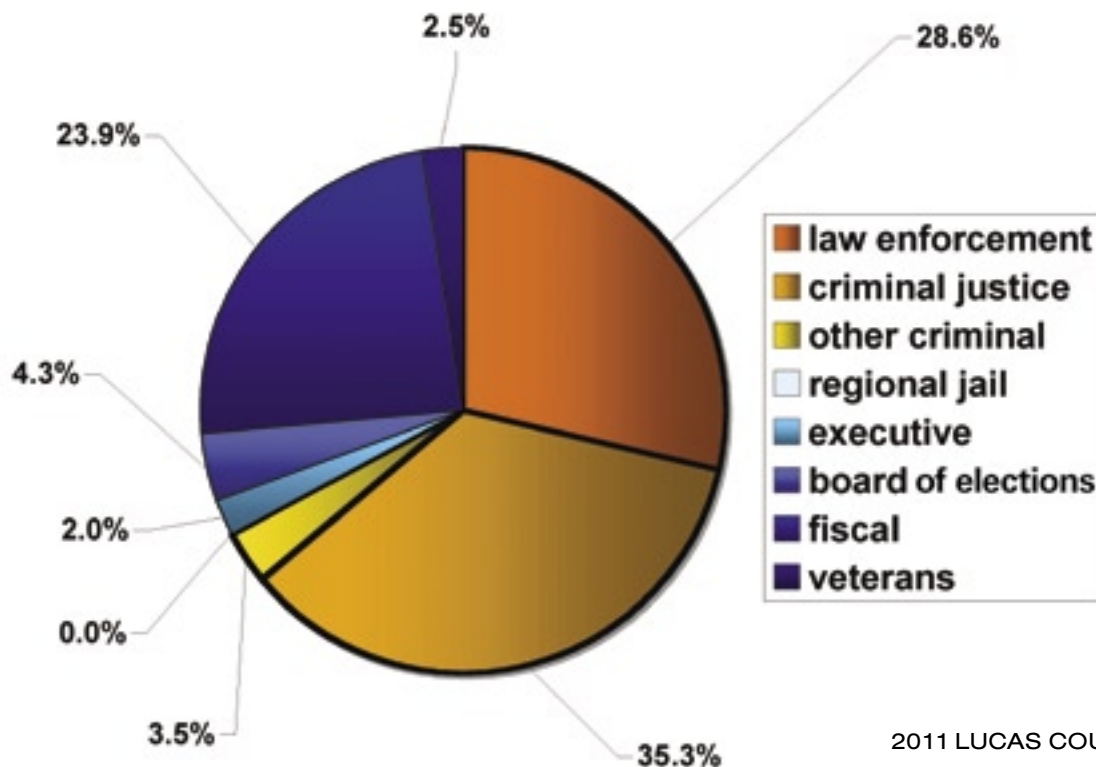
	Actual 2008	Actual 2009	Budgeted 2010	Budgeted 2011
Lucas	\$287	\$266	\$257	\$241
Summit	\$228	\$223	\$195	\$192

Additionally, as the following charts demonstrate, the amounts expended in various areas as a percentage of overall general fund expenditures are substantially similar.

LUCAS COUNTY EXPENSE 2009



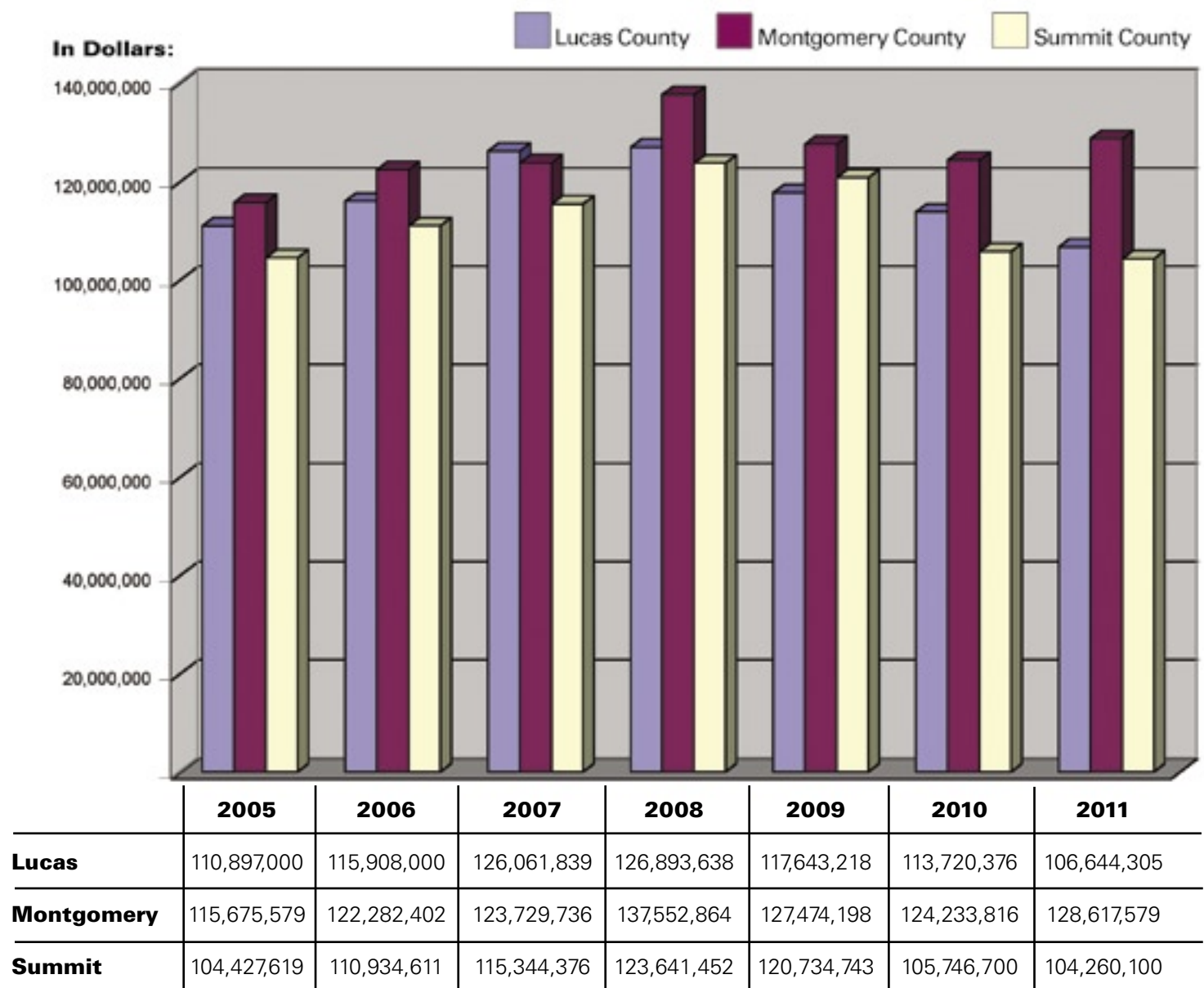
SUMMIT COUNTY EXPENSE 2009



LUCAS COUNTY TODAY

The chart below includes Montgomery County (Dayton) presented in a fashion consistent with the other two counties and discloses general fund expenditures generally higher than Summit County.

REPORT OF EXPENDITURES GENERAL FUND ONLY 2005 – 2011



Source: Audited financial statements for the years 2005 - 2009 and approved budgets for 2010 and 2011

For operations funded by the General Fund, the data suggest that, on a per resident basis for the years 2008 – 2011, it costs 25% more to operate Lucas County than Summit County. To view it from the other perspective, it costs 20% less to operate Summit County than Lucas County.

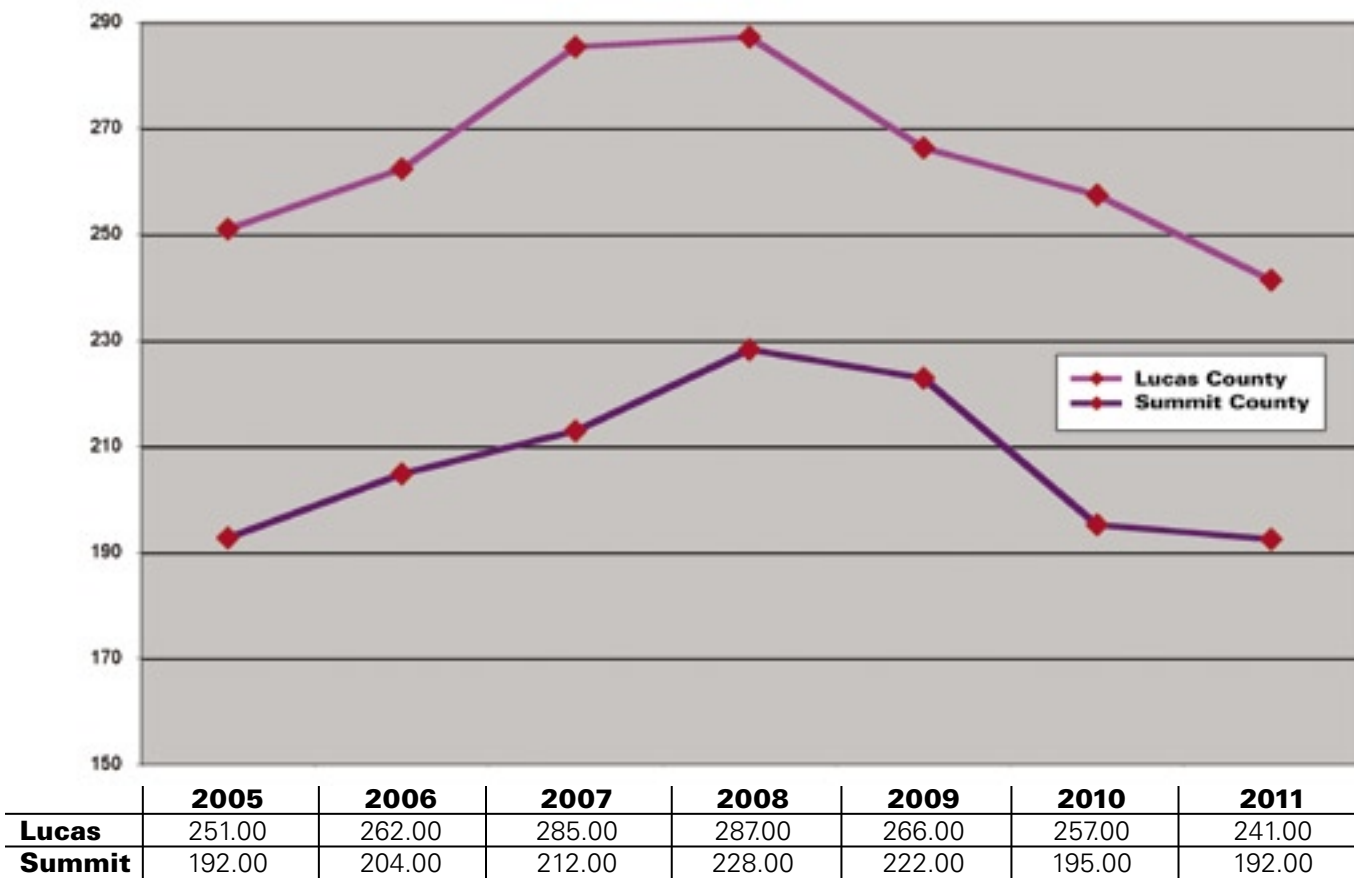
The chart below reflects a decrease in expenditures per Lucas County resident of \$46.00 per year from 2008 to 2011. Multiplied by the entire County population (441,815), this represents an aggregate reduction of over \$20,000,000.00 in the amount expended per year since 2008. The Committee is not aware of a commensurate decline in services.

The question remains, since Lucas and Summit Counties operate under different forms of government, can a comparison of their financial data suggest which form of government provides a “bigger bang for its buck?”

The Committee concedes that in a laboratory study, it would be able to hold all things constant other than that sought to be examined, here, the form of government. Thus, all aspects of the compared counties would be identical or adjusted for the economies, demographics, leadership, etc. Expenditures and number of employees were used in our evaluation. In a review of the data for three to five years, Summit County was less expensive.

COMPARISON OF PER RESIDENT GENERAL FUND COST 2005 – 2011

In Dollars:



Source: Audited financial statements for the years 2005 - 2009, budgetary for 2010 and 2011

RECOMMENDATIONS

All of the recommendations are predicated on the major recommendation of changing the current form of government to a charter form of county government. The proposed charter is attached as Appendix A.

The form of Lucas County government should be changed to a charter form of county government.

There are two major and related themes that led the Committee to recommend a change in the form of Lucas County government. The first is recognizing the world as it is now. The present form of county government was conceived by and created for a largely agrarian economy. While the world in which we live has changed dramatically over the ensuing 170+ years, our local form of government has not. Lucas County now competes regionally and globally. Government should be tailored to reflect the realities of our contemporary economy and society. The Committee recognizes that changing the form of government in Lucas County is not a panacea, but one of several “legs of the stool” required to transform our region. Paradoxically, it may, in some respects, be the easiest. Regional cooperation, educational reform, cultural change, and a shift from manufacturing to a “knowledge based” economy require greater, longer effort and development of the requisite political capital, trust.

The second is fiscal. We live in a time of decreasing tax revenue. The tax base in Lucas County has eroded. Government must, at a minimum, do the same with less. The Committee believes that by restructuring Lucas County government in the manner articulated in this Study, we increase the opportunity for the desired result. The Committee recognizes there are costs associated with a transition to a charter form of government, but the current form of government, with its multiple silos, inhibits or prevents the changes required to ensure our competitiveness.

A portion of the county’s funding comes from the State of Ohio which is experiencing problems similar to those of Lucas County. A declining population, loss of jobs, and attendant decrease in tax revenues have caused the state and all its jurisdictions to struggle to maintain service levels. Lucas County occupies the heart of what economist Paul Krugman dubbed the “Slump Belt.” We must help ourselves, no one is riding to our rescue. Our form of government must assist us in that process. It must be efficient, effective, and elastic. The Committee believes a charter form of government and not the current county governmental structure is the better choice to secure our future.

Since many of the mandated duties of the elected officials are administrative in nature, the Committee believes many of these duties, as well as their internal administrative functions, can and should be combined under a County Executive. The Committee believes an important step in reversing our economic decline is the presence of a political and organizational leader who can unite the County and win public support for an operational and strategic plan. To engage in a sports metaphor, we need a “quarterback.” The Committee believes that the reorganization recommended by this Study offers a better catalyst for the County’s success than the current, traditional form of government.

The creation of a County Council, elected by districts and at large, will act as a “check and balance” alongside the executive branch – similar to our state and federal system. The Council will represent a broad spectrum of the County population and affords all constituencies a greater opportunity to be heard. Expanded representation facilitates greater dialogue and cooperation between and among the various communities and entities within the County.

Lucas County, as with the balance of NW Ohio, needs to present a less fragmented approach to economic develop-

ment and to attract business. Greater intergovernmental cooperation, combined with the efficiencies in decision making and accountability of an Executive “branch,” should make it easier for businesses to interact with local government and facilitate combining or sharing diminishing resources.

The charter will permit county government to evolve, if necessary, to accommodate changes in our common condition. Since the creation of Lucas County the United States Constitution has been amended fifteen times (the 13th through the 27th Amendments). The traditional form of local government has never been amended and is far more inelastic than a charter, which gives voters the right to periodically modify governmental structure as needed.

A Charter Review Commission, comprised of eight citizens, will be appointed by the Executive and confirmed by the Council. The Charter Review Commission will have the authority to propose amendments to the Charter.

Although our current elected officials have achieved a degree of administrative cooperation, there is room for expanded consolidation of services and elimination of duplications. Intra-governmental cooperation should not depend on the vagaries of the election cycle. For example, a single point of contact within the County for human resources, information technology, purchasing, and other truly administrative functions is required.

A charter places the control of local government in the hands of those who will be governed by it. The residents of Lucas County will have the ability to determine the best form of government for our area now and in the future. They will have a direct vote in selecting their county Executive. The proposed Charter requires the election of twenty-six (26) officials, including judges – the same number as under the current form of county government.

Finally, a word on comparison. In examining communities that chose various forms of government, the Committee focused on structures and systems. The Committee did not engage in performance measurement of these communities. Such an in-depth analysis requires significant time and resources unavailable to the Committee. But that does not mean that nothing can be said by way of comparison between our area and those others.

Using data from the Bureau of Economic Analysis of the U.S. Department of Commerce, the Committee examined Per Capita Personal Income (PCPI) for the following Metropolitan Statistical Areas for the period 1980 through 2009: Indianapolis, IN; Louisville, KY; Minneapolis, MN; Nashville, TN; Pittsburgh, PA; Portland, OR; Syracuse, NY; and Toledo, OH. What the Committee found was sobering. The average growth over the 29 year period for those eight regions was 46.6%, more than double the growth of the Toledo region.

In 1980, Toledo stood fifth among these eight areas, with PCPI at \$26,895. By 2009, Toledo had fallen to the bottom of these areas, with PCPI at \$33,178. Toledo’s growth in PCPI during that period was 23%, less than 0.8% per annum. By contrast, the largest growth was in Nashville, which moved from dead last in 1980 at PCPI of \$23,753 to fourth place in 2009 at PCPI of \$38,656*, with a growth in PCPI of 63%, over 2.17% per annum. All numbers are expressed in 2009 dollars, that is, adjusted for inflation.

It would be naïve to believe that the dismal showing of our area, when compared to the other areas that have modified their forms of government, is entirely attributable to the continuance of the traditional form of county government or to our area’s continued reliance upon fragmented governmental entities. However, the numbers are striking.

* Archival Federal Reserve Economic Data (ALFRED) at <http://alfred.stlouisfed.org>.

RECOMMENDATIONS

1. The Charter should contain a provision for an elected Executive.

The Charter enables the citizens to elect an Executive through a nonpartisan election process in tandem with a legislative branch, thus providing for a balance of powers. The two existing charter counties in Ohio elect an Executive as part of their structure. In areas of the country that have implemented charter or metropolitan forms of county government, there is usually a single, elected Executive, empowered to oversee operations and hire the specialized and qualified talent required to properly administer county government. Department head appointments will require confirmation by a simple majority of the County Council. The Executive has approval and veto authority over resolutions and ordinances. The Council may override an Executive veto.

The Executive should possess at least a Bachelor's degree from an accredited institution of higher education, have at least five years' management experience and, if elected, not be a public office holder of any other political jurisdiction.

2. A County Council of nine part-time representatives should be elected for four year terms, on a staggered basis, six by district and three at-large.

A legislative body, structured with six district and three at-large members, would represent the broadest area of Lucas County. The president of the Council would be elected annually by council members.

District County Council representatives should be residents of their respective districts at the time of election and maintain residency throughout their term.

The six proposed districts (see the following map) ensure that all geographic areas of the County have a voice. The at-large positions provide a countywide perspective. The districts will comply with the Equal Protection Clause of the 14th Amendment of the United States Constitution

and The Voting Rights Act of 1965. The Council would set policy and provide a forum to debate and collaborate on issues that affect the County and the region.

3. The offices of Auditor, Treasurer, and Recorder should be consolidated into a single department headed by a Chief Fiscal Officer. The Chief Fiscal Officer should be appointed by the Executive.

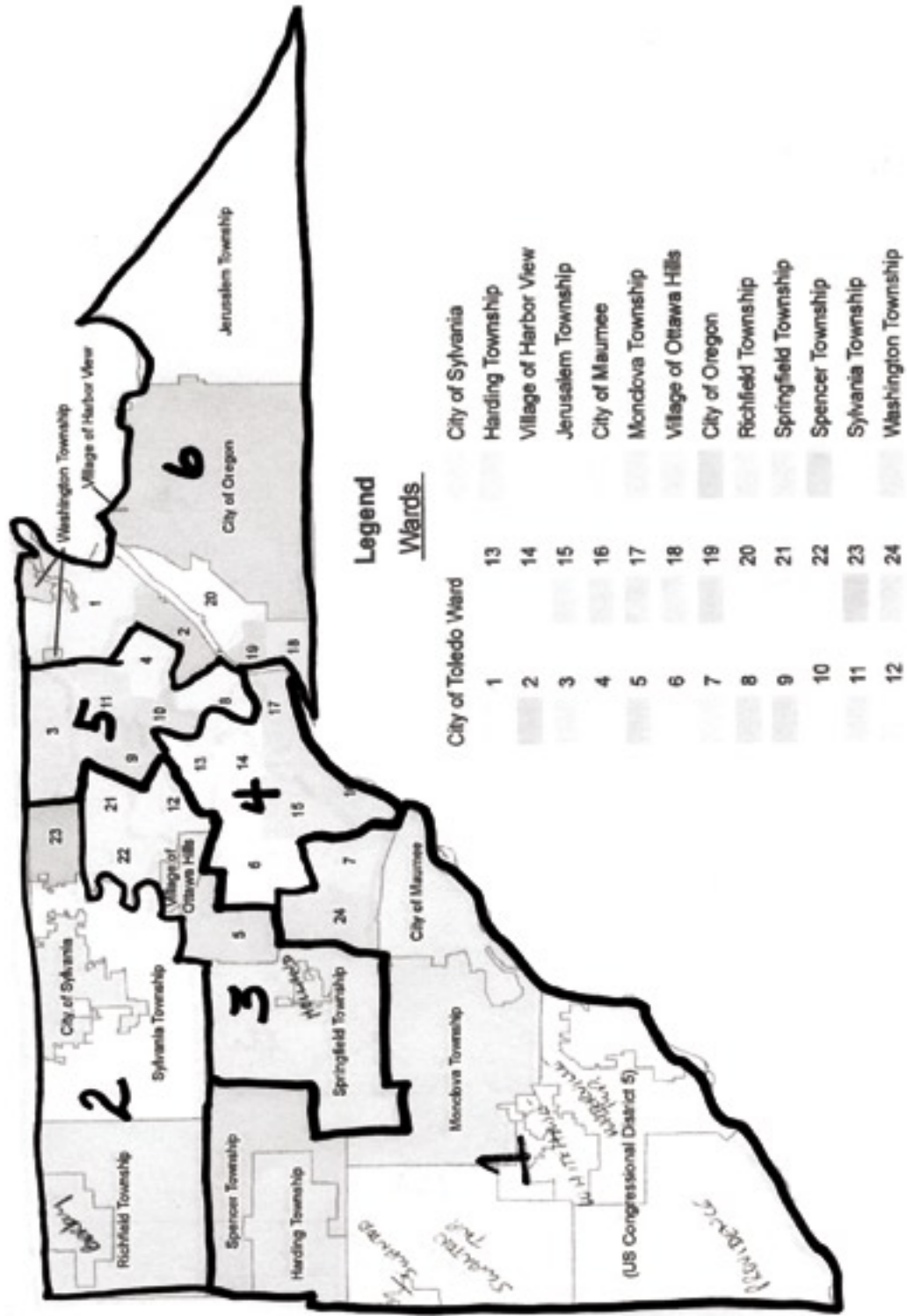
Under the current system, the Offices of Auditor, Treasurer, and Recorder are each headed by a separate elected official. Under a revised system, accounts payable and receivable functions will be managed under a Chief Fiscal Officer (CFO). The appointment of an individual performing functions of the Treasurer will be subject to approval of the Council.

Consolidation of these three offices improves efficiency by eliminating duplications inherent in the existing structure; for example, providing a single point of access for county residents dealing with real estate matters. Currently, both the auditor's and the recorder's offices enter information from the conveyance forms into separate systems. If there was one system and one data entry point, efficiency would be gained, saving the consumer time and money.

Many counties throughout the country have, in recent years, consolidated their financial departments. The charters of both Cuyahoga and Summit Counties provide for a merged financial office. Counties in such varied states as Minnesota, New York, Pennsylvania, Illinois, and California have consolidated their financial offices in recent years.

The CFO should be a CPA with at least five years experience in public sector/governmental finance, including two years in fund accounting. In addition, the CFO should possess an active and unrestricted license in the state of Ohio for at least five years. The CFO should report to the County Executive.

PROPOSED LUCAS COUNTY DISTRICT MAP FOR ELECTION OF COUNTY COUNCIL



RECOMMENDATIONS

4. The office of County Engineer and department of Sanitary Engineer should be combined. The expanded County Engineer position should be appointed by the County Executive.

In Lucas County, as in other Ohio counties governed under the traditional form, certain duties are divided between the offices of the County Engineer (CE) and the Sanitary Engineer (SE). Combining these offices into one position, reporting to the County Executive, would eliminate overlapping duties and should increase efficiencies.

The County Engineer should be a licensed Professional Engineer and surveyor in the State of Ohio.

5. The Coroner should be titled Medical Examiner and appointed by the County Executive.

The office of County Coroner is one of highly specialized training and education. The position is highly technical, requiring training and expertise in forensic pathology and public administration. The Medical Examiner must also work closely with the Sheriff in crime investigations.

The Medical Examiner should be a licensed physician in the State of Ohio with at least two years experience and have experience in forensic medicine and pathology, preferably in a Medical Examiner's or County Coroner's office.

6. The Sheriff should be appointed by the County Executive.

The Sheriff's duties are to preserve the peace, guard the county courts, maintain the jails, account for prisoners in the county jails, and serve subpoenas. The duties of the Sheriff should be analyzed to determine the appropriateness of outsourcing certain functions to private companies, or sharing responsibility and expense with other jurisdictions in the region. Policing/public safety branches of government, such as municipal police forces, fire chiefs, and state highway patrol superintendents, are all appointed by another authority. An appointed Sheriff is consistent with those policies. Making the Sheriff accountable to the

Executive will encourage a more efficient and effective functioning of this department.

In addition to the qualifications for Sheriff contained in Ohio Revised Code Section 311.01, the Sheriff should possess a minimum of a Bachelor's Degree in criminal justice from an accredited institution of higher education. Further, the Sheriff should have at least three years' experience in law enforcement or prison management.

7. An Audit Committee and a Department of Internal Audit should be created by the Council. The Department Director should be appointed by the Council.

The Director will report to an Audit Committee of five people, comprised of the Executive, CFO, a member of County Council, and two residents of the County with the requisite financial qualifications and experience, appointed by a majority of the Council. The purpose of this office is to conduct financial, compliance and performance audits and to report these to the Audit Committee and the County Council on a regular basis. The director will serve five year terms. The Director can only be removed by a super majority (seven out of nine votes) of the Council. The Council should insure proper funding of this department.

The Director of the Audit Department should be a CPA who possesses an active and unrestricted license in the State of Ohio for at least the last five years. The individual should have at least two years' experience in government, or fund accounting.

8. The Clerk of Courts should be appointed by and report to the Court of Common Pleas, General Division.

The position of Clerk of Courts should be focused primarily on administrative duties that directly support the Court of Common Pleas. Financial duties, and other duties including automobile and watercraft titles, should be transferred to the CFO. The Clerk should be appointed by and report to the Court of Common Pleas.

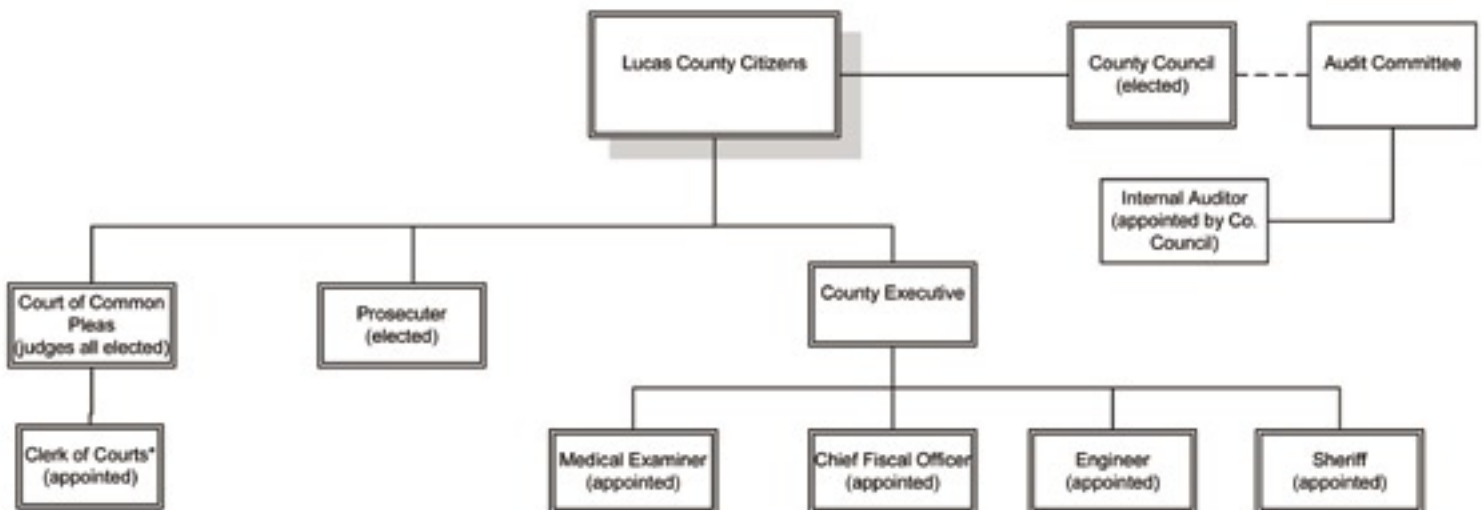
9. The Prosecutor should remain an elected position.

The position of County Prosecutor should remain an elected office. The dual roles of the Prosecutor – to inquire into criminal activity and to advise all county and township officers and boards – demand that this official not be subject to removal at the will of an Executive. The Prosecutor may be called upon to investigate and prosecute criminal activity by elected officials and appointees. While a special prosecutor can be appointed to handle such cases, the initial inquiry is that of the County Prosecutor who then makes the decision whether to appoint a special prosecutor. As legal advisor to the county offices it is vitally important the County Prosecutor be free to render opinions which may

not be to the liking of the executive or legislative authorities. The independent status of the Prosecutor will make it less likely for her or him to be accused of succumbing to undue influence or to be swayed by political pressures in situations where the Prosecutor may be called on to advise township trustees in matters involving relations with the county.

In accordance with the Ohio Revised Code, the County Prosecutor must be an attorney at law, licensed to practice law in the State of Ohio. The County Prosecutor should not be a member of the general assembly of the State of Ohio or a mayor of a municipal corporation. Further, the Prosecutor should not also hold the office of County Executive as proposed herein.

PROPOSED LUCAS COUNTY ORGANIZATIONAL STRUCTURE



*Auto and watercraft title functions moved under Chief Fiscal officer

RECOMMENDATIONS

Additional Areas for Review

Through the course of the Study, the Committee learned a great deal about Lucas County, its various offices, departments and jurisdictions. In addition, a variety of matters were raised which are not within the scope of this Study. However, they are items which the Committee believes should be addressed by the citizens of Lucas County and NW Ohio if the region is to offer economic vibrancy to future generations.

- Since the criminal justice and law enforcement systems are a major portion of the County budget, a thorough and independent review of the Sheriff's department, the Court of Common Pleas, and the Prosecutor's office should be conducted. A review of the Sheriff's department should specifically include opportunities for collaboration and outsourcing. Best practice models should be reviewed to determine if they may be emulated. Any such review should include the obligations of the Sheriff's department to the townships and outlying areas.
- Lucas County currently has nine public school districts. Ways to reduce expenses and identify significant cost savings can only be achieved if districts are willing to reevaluate and modify their organizational structures in truly transformational ways.
- The townships in Lucas County vary in size and, accordingly, operational expenses and methods of service delivery. A thorough review of revenue, expenses, reimbursements, duplication of services, etc. within each township should be conducted. Any such review should include their varying degrees of reliance upon the County for service delivery and the attendant costs to the County.
- Further in-depth analysis of the benefits of consolidating certain services currently provided by various jurisdictions is required. These include, but are not limited to, emergency response, purchasing, vehicle and fleet maintenance and operations, etc.

APPENDICES

A. Proposed Lucas County Charter, June 2011

ARTICLE I - PURPOSE

Section 1.01 - Title and Purpose

- a. This Charter and all its appendices and amendments shall constitute the form of government for Lucas County, Ohio, and shall be known as the "Lucas County Charter," and referred to herein as the "Charter."
- b. The purposes of this Charter are the establishment of home rule authority for Lucas County; the separation of legislative and executive functions within County government; the accomplishment of greater efficiency, economy, and responsibility in County government; and the elimination of redundancies with respect to the services provided by sub-jurisdictions within Lucas County.

ARTICLE II - POWERS, RIGHTS AND PRIVILEGES

Section 2.01 - Establishment of Home Rule and County Status

- a. Lucas County, Ohio, as its limits now are, or hereafter may be, shall be a body politic and corporate by the name of "Lucas County" (known herein as the "County"), with all rights and privileges granted by this Charter and by general law.
- b. The County shall be a home rule jurisdiction within the State of Ohio, with all corresponding rights and privileges, and shall exercise all other powers specifically conferred by this Charter or incidental to powers specifically conferred in this Charter, general law and the Ohio Constitution.
- c. The powers of the County under this Charter shall be construed in favor of the County, and the specific enumeration of any powers within this Charter shall not limit the general powers granted herein.
- d. All powers of the County shall be exercised and enforced in the manner set forth by this Charter, or, when not set forth herein, in a manner as may be provided by ordinance or resolution of the Council, or when not set forth by ordinance or resolution of the Council, in the manner set forth by general law.
- e. The adoption of this Charter shall have no immediate effect on existing County resolutions, regulations or contracts except as otherwise indicated in this Charter.

Section 2.02 - Intergovernmental Relations

- a. The County may exercise any of its powers, perform any of its functions and participate in the financing thereof, or provide any services, by contract or otherwise, with any political subdivision located within or outside of the County, with the State of Ohio and any of its subdivisions, with any other state or subdivisions of those states, or with the United States or any of its agencies.
- b. The County may concurrently exercise any and all powers currently vested in a municipality under the Ohio Constitution and general law.
- c. All municipalities and townships located within the boundaries of the County shall continue to exercise individual home rule jurisdiction concurrent with that of the County. Any municipality or township may delegate its home rule authority to the County by mutual agreement of both entities.
- d. The County may not exclusively exercise any powers held by subdivisions of the County or any other county, nor shall the County have the power to unilaterally succeed to any property interest or obligation held by any subdivision of the County or any other county, except through the consent of that political subdivision.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 2.02 - Intergovernmental Relations (continued)

- e. In the case of a conflict between the exercise of powers granted to the County through this Charter and through general law, and the exercise of powers of any municipality or township under the Ohio Constitution or general law, the exercise of powers by the municipality or township shall prevail.

ARTICLE III - ELECTED COUNTY EXECUTIVE

Section 3.01 - County Executive: Election, Requirements to Hold Office, Compensation

- a. The County Executive shall be the chief executive officer of the County, and shall have those powers and duties as set forth in this Charter, as well as those additional powers and duties incidental to these enumerated powers and duties, and those powers and duties incidental to the exercise of executive authority over county government.
- b. The County Executive shall be an elected office holder. The County Executive shall be elected through a nonpartisan election process whereby the leading two candidates in the primary election shall proceed to the general election, regardless of party affiliation. The County Executive shall first be elected at the general election next following the effective date of this Charter and shall hold office for a term of four years commencing on the first day of the next succeeding January. Subsequent elections shall take place every four years starting with the 2016 general election.
- c. Any candidate for election as County Executive shall be a resident and an elector of the County at the time of filing of the declaration of candidacy, shall be nominated and elected in the manner provided for County officers by this Charter and by general law, and shall remain a resident and an elector of the County during the entire term of office. The County Executive shall not serve, hold or accept any other employment or public office while he or she is serving as County Executive without the consent of the County Council (the "Council").
- d. The County Executive, whether elected under Section 3.01 or appointed pursuant to a vacancy under Section 3.03 shall not have been convicted of any felonies at any time, in any jurisdiction. The County Executive shall possess at least a bachelor's degree from an accredited institution of higher education, have at least five years' administrative or management experience..
- e. The County Executive shall initially be compensated in the amount of one hundred seventy thousand dollars (\$170,000.00), provided that any change in the compensation of the County Executive shall be made by ordinance enacted not later than the deadline for submission of a nominating petition for election to that position and shall become effective for the term of office following that election.

Section 3.02 - Powers and Duties

- a. The County Executive shall exercise all executive and administrative powers and duties as set forth in this Charter and as vested in a board of county commissioners under general law, except the County Executive shall not exercise those powers specifically delegated to the County Prosecutor, the County Internal Auditor, the County Clerk of Courts relating to service to the courts, and the Council as set forth in this Charter.
- b. The County Executive shall possess the following additional powers and duties:
 - 1. To appoint, suspend, discipline and remove the following County officers, as well as those personnel under the direction of those County Officers:
 - i. Chief Fiscal Officer;
 - ii. Engineer;
 - iii. Medical Examiner;
 - iv. Sheriff.

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2. To appoint, suspend, discipline and remove County directors, officers, members of boards, agencies, commissions and authorities as are or may hereafter be created by or pursuant to this Charter and subject to the confirmation of the Council as described in Section 4.03 of this Charter, including such directors, officers and members as are appointed by a board of county commissioners under general law and such directors, officers and members as are appointed by the personnel listed in Section 3.02(b)(1) of this Charter. Appointments by the County Executive are subject to confirmation by the Council pursuant to Section 4.03 of this Charter.
 3. To advocate for the interest of the County with respect to other levels of government and to advocate for and promote cooperation, collaboration and consolidation of services with other political subdivisions.
 4. To execute contracts for the provision of services with any political subdivision by the mutual agreement of the County Executive and the subdivision, to the extent that such contracts do not conflict with the provisions of the Ohio Constitution or general law.
 5. To execute contracts, conveyances and evidences of indebtedness on behalf of the County.
 6. To establish administrative regulations governing the policies and operations of officers, directors and personnel under the direct control of the County Executive, and governing the provision of County services.
 7. To organize, reorganize or create County Departments and personnel in such manner as to increase the efficiency of the County's internal and external operations. Such power shall include the power to organize those County offices over which the County Executive does not have direct control as described in Section 5.01 of this Charter.
 8. To veto, except as otherwise provided in this Charter, any ordinance or resolution passed by the Council.
 9. To serve, in person or by delegate, as a member of the County Audit Committee, the County Board of Revision, and any other board or committee on which a board of county commissioners may serve or to which it may appoint a delegate.
 10. To attend meetings of the Council and take part in the discussion of any and all matters before the Council.
 11. To introduce ordinances and resolutions for consideration by the Council and otherwise to make recommendations for actions to be taken by the County.
 12. To submit to the Council, together with the Chief Financial Officer, a proposed operating budget for the upcoming fiscal year, prior to the beginning of the fiscal year, which shall contain:
 - i. a statement of estimated revenues from all sources;
 - ii. a statement of proposed expenditures, shown by department, office, agency, authority, board and commissions, and by activity, character and object;
 - iii. a schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a monthly basis; and
 - iv. a summary of the contents of the proposed operating budget.
 13. To submit to the Council prior to the beginning of each fiscal year a capital improvements program, which shall contain the following:
 - i. the capital improvements scheduled for, or proposed to be undertaken within that fiscal year, along with the estimated cost of each improvement and the proposed or established method of financing;
 - ii. a summary of the detailed contents of the program for the current fiscal year; and
 - iii. the capital improvements projected for the next five years succeeding the current fiscal year.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 3.02 - Powers and Duties (continued)

14. To submit a written message to the Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current fiscal year and describing the important features of the budget. This message shall include any proposals for major changes in financial policies and expenditures, appropriations and revenues as compared with the preceding fiscal year and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.
15. To conduct collective bargaining regarding wages and compensatory benefits with any recognized employee bargaining unit, and to administer uniform personnel procedures for all County employees.
16. To submit annually a five-year financial forecast for the general operating funds of the County.
17. To employ and supervise such number of deputies, assistants and employees as shall be reasonably necessary to assist the County Executive in carrying out the duties of the office.

Section 3.03 - Vacancy, Interim Successor

- a. If the office of County Executive becomes vacant by reason of death, resignation, removal, incapacitation, failure to maintain eligibility for the office, or any other reason, the Council shall immediately appoint an interim County Executive to serve as County Executive until the vacancy is filled as provided in this section.

If such a vacancy occurs in the first or second year of the County Executive's term, the interim succession shall be for a period until the next general election that occurs not less than three (3) months after the date the vacancy occurred, at which time the position shall be filled for the remainder of the principal term pursuant to that election.

If the vacancy occurs in the third or fourth year of the County Executive's term, the same shall be true as set forth in Section 3.03(b), except that the individual appointed as interim County Executive shall serve until the end of the four-year term to which he or she was appointed.

Section 3.04 - Investigative Powers and Duties

- a. The County Executive may at any time, initiate and undertake an examination of the administrative affairs or official acts and conduct of any official or employee of any County office, department or agency over which the County Executive has authority.
- b. The County Executive or any individual he or she appoints to undertake such an examination may take testimony, administer oaths and compel the attendance of witnesses and the production of papers, books and evidence and refer witnesses and other matters to the Prosecuting Attorney. The County Executive or his or her appointee may request the issuance of subpoenas by the County Prosecutor.

ARTICLE IV- COUNCIL

Section 4.01 - Composition, District and At-Large Seats

- a. The Council shall consist of nine (9) elected Council representatives. Three (3) Council representatives shall be elected from the County at large. The remaining six (6) Council representatives shall be elected by geographic district.
- b. The proposed Council Districts are attached hereto as Appendix A. Council Districts shall be determined by a citizens review panel consisting of seven members, no more than three of whom shall be registered with any one political party, and no more than four of whom shall be from any one political subdivision within the County. Prospective

members of this citizens review panel shall apply to the Board of County Commissioners no later than December 1 next succeeding the date of adoption of this Charter and the Board of County Commissioners shall choose the panel members from this applicant pool no later than the next succeeding first day of January. The panel shall convene four (4) public meetings at different geographic locations throughout the County, no more than two of which shall be in any one city, village or township within the County. Such meetings shall be published and open to the public, and shall provide residents of the County with the opportunity to comment on the proposed Council Districts. The recommendations of the panel shall be made no later than the next succeeding first day of February. The recommendations for Council Districts shall be made final following approval by the Board of Elections and shall serve as the Council Districts until the next decennial census.

- c. Upon receipt of the federal decennial census data every ten (10) years, a citizens review panel shall be convened in the manner described in Section 4.01(c), except that the County Executive shall appoint the committee members, and the citizens review committee shall possess such powers and duties as described in Section 4.01(c).

Section 4.02 - Election, Term, Eligibility to Hold Office, Compensation

- a. Except as provided herein, Council representatives shall be elected commencing with the first general election following the effective date of this Charter, to serve for a term of four years.
 - 1. Three (3) at-large Council representatives shall be elected starting with that general election.
 - 2. The six (6) district Council representatives shall be elected for a two-year term at that general election, and then shall be elected for four-year terms starting with the next succeeding general election for county officers.
- b. Each district Council representative shall be an elector of the County, shall maintain his or her primary residence in the Council District that he or she represents at the time he or she registers to run for the office of Council representative, and shall maintain his or her primary residence in the County for the duration of the term.
- c. Each at-large Council representative shall be an elector of the County, and shall maintain his or her primary residence in the County at the time he or she registers to run for the office of Council representative, and shall maintain his or her primary residence in the County for the duration of the term.
- d. No one individual shall be eligible to serve as a Council representative for more than two consecutive four-year terms.
- e. Council representatives shall be considered part-time employees of the County, and shall initially be compensated thirty thousand dollars (\$30,000.00) annually for their service during their term in office, provided that any change in the compensation of the members of the Council shall be made by ordinance enacted not later than the deadline for submission of a nominating petition for election to that position and shall become effective for the term of office following that election. Members of the Council shall not be eligible for insurance benefits provided by the County.

Section 4.03 - Powers and Duties

- a. The Council shall be the legislative body of the County, and shall have those powers and duties as set forth in this Charter, as well as those additional powers and duties incidental to these enumerated powers and duties, and those powers and duties incidental to the exercise of legislative authority over county government.
- b. The Council may enact and amend ordinances and resolutions of general law to be put into effect within the County. The powers of the Council shall include, but not be limited to, the following:
 - 1. To enact ordinances providing for the means through which the County raises revenues, including the means of taxation the County utilizes.
 - 2. To review and approve contracts that the County Executive proposes to enter into with any third parties, including other political subdivisions.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 4.03 - Powers and Duties (continued)

3. To establish procedures governing the making of County contracts by the office of County Executive and third parties.
 4. To confirm the County Executive's appointments of County officers and directors.
 5. To adopt and amend the County's annual tax budget, operating budget and capital improvements program and to make appropriations for the County.
 6. To appoint the County Internal Auditor.
 7. To provide the procedure for making public improvements and levying assessments for such improvements.
 8. To require, as necessary, the attendance of any County employee or officer at Council meetings to provide information as may be requested.
 9. To establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform the County officers and employees in the performance of their official duties.
 10. To agree to assume the voluntarily delegated home rule powers and responsibilities of any municipality or township at the request of the legislative authority of that municipality or township, for a duration of time to be specified in the delegation agreement.
- c. The Council may disapprove any proposed contract or regulation that the County Executive proposes be entered into or established, and shall exercise such veto power by a super-majority vote of seven (7) or more of the Council representatives ("Super Majority").
 - d. The Council may remove the County Executive from office for good cause shown and by the unanimous vote of all nine (9) of the Council representatives.

Section 4.04 - Vacancy

- a. In the event of a vacancy on Council, the remaining Council representatives shall appoint an interim Council representative to the position vacated. If the vacancy occurs within the first two years of a four-year term of the vacant position, the appointed Council representative shall serve until a new Council representative shall have been elected at the next general election that occurs not less than three (3) months after the vacancy occurs and the newly elected shall have qualified for the office, after which time the new Council representative shall serve the remainder of the original four-year term. If the vacancy occurs within the third or fourth year of the original four-year term, the appointed Council representative shall serve the remainder of that term.
- b. If the vacancy was left by a district representative, the interim appointed representative shall maintain his or her primary residence in that district at the time of appointment and for the duration of the interim term.
- c. The Council representative appointed to replace the vacant seat on an interim basis under this Charter shall be registered with the same political party as the outgoing Council representative who vacated the seat, and if the outgoing representative was a political independent, then the interim representative shall also be a political independent. As used in this Charter "political independent" means a person who is not registered as a member of any political party.

Section 4.05 - Organization, Rules and Procedures

- a. On the first business day of the year of each year following a general election at which new Council representatives are elected, the Council shall meet for the purpose of organization, and shall elect one of its members as President and one as Vice-President, to serve until the next such organizational meeting. The President shall preside over all meetings of Council, and the Vice-President shall preside in the absence of the President.
- b. The Council shall adopt its own rules of procedure, including provisions for giving notice of, and for the dates, times and places of its meetings and those of its committees. The date, time and location of all meeting shall be published thirty (30) days prior to the meeting, and shall be accessible and open to the public as provided by general law.
- c. All matters before Council shall be decided by a majority vote of five (5) Council members, except for those matters requiring a vote of seven (7) Council members (a "Super Majority") or a unanimous vote of nine (9) Council members as set forth in this Charter.
- d. All legislative action shall be by written resolution or ordinance, introduced in written or printed form. Each resolution shall address no more than one subject, and shall be titled to clearly express the subject it addresses.
- e. No ordinance or resolution shall be passed until it has been read twice at two consecutive Council meetings, but this requirement may be waived by a Super Majority vote.
- f. Any ordinance or resolution that Council passes shall be certified by the presiding Council representative and the Clerk of Council, respectively, and shall be delivered promptly to the County Executive.
- g. The County Executive may veto any ordinance or resolution of Council within ten (10) days of his or her receipt of the certified ordinance or resolution. The Council may override an executive veto by a Super Majority vote within thirty (30) days of the County Executive's veto. If the County Executive disapproves of any ordinance or resolution of Council, he or she shall immediately deliver notice of such veto to Council, which notice shall contain written comments explaining his or her veto.
- h. Unless otherwise specified or required within the ordinance or resolution, or by general law, any ordinance or resolution passed by the Council shall take effect thirty (30) days after signature by the County Executive, upon the expiration of the time during which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be. If an ordinance or resolution provides it shall take effect immediately, then that ordinance or resolution shall contain a statement detailing the necessity for such action.
- i. The Council shall provide by rule for a procedure for giving notice of the adoption by the Council of ordinances and resolutions of a general and permanent nature. Any such method of giving notice shall be generally accessible to the residents of the County, and shall provide prompt access to the text of such ordinance or resolution.

Section 4.06 - Investigations by Council

- a. The Council may investigate the financial transactions of any office, department or agency of County government, as well as any official acts and conduct of any County officials relating to any matter upon which Council is authorized to act.
- b. In conducting such investigations, Council may administer oaths, to issue subpoenas and compel the attendance of witnesses and production of books, papers and other evidence. If any witness refuses to comply with a duly issued subpoena, then the Council may refer the matter to the County Prosecutor for further action.

APPENDICES

A. Proposed Lucas County Charter, June 2011

ARTICLE V- COUNTY OFFICERS: APPOINTED BY COUNTY EXECUTIVE

Section 5.01 - Appointment of Officers and Directors by the County Executive

- a. The officers set forth within this Article shall be appointed by the County Executive, with the exceptions of the County Clerk of Courts and the County Internal Auditor. The County Executive shall certify each appointment he or she makes, and deliver the certification promptly to the Council. Upon receipt of certification, Council shall approve or disapprove the appointment within thirty (30) days of its receipt of certification. If the Council fails to take any action with respect to an Executive appointment within this time, the appointment shall be considered ratified. The Council may disapprove a certified appointment of the County Executive by a Super Majority vote.
- b. The County Executive may request that Council create additional appointed offices and directorships as set forth in this Charter and under general law. If the Council votes to create an additional appointed office or directorship, the ordinance creating the position(s) shall be attached as an addendum to this Charter within thirty (30) days of the enactment of the regulation or ordinance.

Section 5.02 -Chief Fiscal Officer

- a. The County Chief Fiscal Officer shall be the chief fiscal officer for the County, and shall exercise those powers, duties and responsibilities currently exercised by county auditors and county recorders under general law.
- b. The Chief Fiscal Officer shall exercise those powers and duties provided by general law for county clerks of courts other than those relating to service to the courts.
- c. The Chief Fiscal Officer shall be a certified public accountant (C.P.A.) who possesses an active and unrestricted license in the State of Ohio for at least the most recent five years prior to appointment. The Chief Fiscal Officer shall have at least two years' experience in governmental or fund accounting and shall maintain an active an unrestricted C.P.A. license during his or her tenure in the position.
- d. The Chief Fiscal Officer shall be the director of the Department of Finance, and shall be responsible for administration of the Department of Finance. The Chief Fiscal Officer shall establish and administer the offices of Accounts Payable, Accounts Receivable, and Recorder. The Chief Fiscal Officer may appoint directors to those offices if necessary to further the effective and efficient administration of the County's finances and records.
- e. The Chief Fiscal Officer shall appoint, with approval of the Council, a deputy who shall exercise the powers and duties of county treasurers under general law.
- f. The Chief Fiscal Officer shall have such additional powers and duties as set forth within this Charter, by regulation of the County Executive, or by ordinance of Council, insofar as such regulation or ordinance is not inconsistent with general law.

Section 5.03 - County Medical Examiner

- a. The County Medical Examiner shall be the chief medical examiner for the County, and shall exercise any powers currently granted to county coroners under general law.
- b. The County Medical Examiner shall have such additional powers and duties as set forth within this Charter, by regulation of the County Executive, or by ordinance of Council, insofar as such regulation or ordinance is not inconsistent with general law.
- c. The County Medical Examiner shall be a licensed physician in the State of Ohio for at least two years immediately prior to appointment, and have specialized training in forensic medicine and pathology, preferably in a Medical Examiner's or county coroner's office.

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- d. The County Medical Examiner shall have final authority as to determinations concerning medical matters within his or her responsibility.

Section 5.05 - County Engineer

- a. The County Engineer shall be the director of public works for the County, and shall have all powers and duties currently granted to and vested in county engineers under general law.
- b. The County Engineer shall have such additional powers and duties as set forth within this Charter, by regulation of the County Executive, or by ordinance of Council, insofar as such regulation or ordinance is not inconsistent with general law.
- c. The County Engineer shall be a professional engineer and a registered surveyor.

Section 5.07 - County Sheriff

- a. The County Sheriff shall be the chief law enforcement officer of the County, and shall have all powers and duties currently granted to and vested in county sheriffs by general law.
- b. The County Sheriff shall have such additional powers and duties as set forth within this Charter by regulation of the County Executive, or by ordinance of Council, insofar as such regulation or ordinance is not inconsistent with general law.
- c. The County Sheriff shall possess and continue to maintain the qualifications required by general law for the office of county sheriff, and shall additionally have at least a Bachelor's degree in criminal justice from an accredited institution of higher education. The County Sheriff shall have at least three (3) years' experience in law enforcement or in the management of correctional facilities..

ARTICLE VI - OTHER COUNTY OFFICERS

Section 6.01 - Elected Prosecuting Attorney

- a. The County Prosecuting Attorney, referred to herein as the "County Prosecutor," shall be elected as provided by general law, and shall exercise those powers and duties and granted to county prosecuting attorneys under general law, as well as those additional powers and duties set forth within this Charter.

The County Prosecutor shall be an attorney licensed to practice law in the State of Ohio, or eligible to obtain immediate licensure to practice law in Ohio through waiver, and shall have had at least five years of experience practicing law immediately prior to submission of a nominating petition for election to the position of County Prosecutor.
- b. The County Prosecutor, commencing with the first general election following the effective date of this Charter, shall be elected to a four-year term.
- c. If the position of County Prosecutor becomes vacant, the County Executive shall appoint the Assistant Prosecutor as interim County Prosecutor to the position vacated, subject to confirmation by the Council. If the vacancy occurs within the first two years of the four-year term of the vacant position, the appointed interim County Prosecutor shall serve until the next general election, after which time a new County Prosecutor shall serve the remainder of the original four-year term. If the vacancy occurs within the third or fourth year of the original four-year term, the appointed interim County Prosecutor shall serve the remainder of that term.
- d. The County Prosecutor shall be solely responsible for appointing officers, directors and employees under the Office of the County Prosecutor.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 6.02 - Clerk of Courts Appointed by Court of Common Pleas Judges

- a. The County Clerk of Courts shall be appointed by a majority vote of the judges of the Lucas County Court of Common Pleas, General Division, and shall be an at-will employee of the Lucas County Court of Common Pleas.
- b. The Clerk of Courts shall have all powers and duties granted to and vested in county clerks of courts under general law, except for those powers granted to the Chief Fiscal Officer pursuant to Section 5.02 of this Charter.

Section 6.03 - Internal Auditor Appointed by the Council

- a. The County Internal Auditor shall be the chief auditing official of the County. The Council shall appoint the Internal Auditor to a four-year term that shall start January 1, 2013, then every four years subsequently. The Internal Auditor shall be appointed by a majority vote of the Council for a five-year term. The appointment shall not be subject to veto by the County Executive. The Internal Auditor may be removed only by a Super Majority vote of the Council.
- b. The Internal Auditor shall at all times be a certified public accountant (C.P.A.) who possesses an active and unrestricted license in the State of Ohio for at least the most recent five years prior to appointment. The Internal Auditor shall have at least two years' experience in government or fund accounting and shall maintain an unrestricted C.P.A. license during his or her tenure in the position.
- c. The Internal Auditor shall provide ongoing oversight in the legal compliance of the County Budget presented by the County Executive, as and shall provide ongoing oversight in the execution of the County budget.
- d. The Internal Auditor shall be the director of the Department of Internal Auditing. The County Internal Auditor shall compile monthly comprehensive financial reports detailing the status of each County office, department and board, and on the fifteenth (15th) day of the following month shall submit the reports for the preceding month to the County Audit Committee, which shall be comprised of the Chief Financial Officer, the County Executive, a member of Council, and two residents of the County who shall be appointed by the Council. Each monthly finance report shall be published and made public as of the time of submission.
- e. The Internal Auditor shall meet with the County Audit Committee on a quarterly basis to review the state of the County's finances.
- f. The Internal Auditor shall assist the County Executive in compiling, drafting and presenting all annual budget reports described in Article III of this Charter.
- g. The Internal Auditor may at any time initiate and undertake an examination of the administrative affairs or official acts and conduct of any official or employee of any County office, department or agency.
- h. If the position of Internal Auditor becomes vacant, the Council shall appoint an interim Internal Auditor to the position vacated. If the vacancy occurs within the first two years of the five-year term of the vacant position, the appointed County Internal Auditor shall serve until the next scheduled appointment by the Council, after which time the County Executive shall appoint a County Internal Auditor to serve the remainder of the original five-year term. If the vacancy occurs within the fourth or fifth year of the original five-year term, the County Executive shall appoint a County Internal Auditor to serve the remainder of that term.
- i. The Internal Auditor may, with reasonable cause, request that the County Prosecutor investigate any County office or department.

ARTICLE VII - BOARDS AND COMMISSIONS

Section 7.01 - Audit Committee

The County Audit Committee shall be comprised of the Chief Financial Officer, the County Executive, a member of Council selected by the Council, and two residents of the County who shall be appointed by the Council, and shall meet with and review the financial and budgetary reports of the Internal Auditor, the County Executive, and any other office as set forth within this Charter.

Section 7.02 - Board of Revision

- a. There shall be one or more County Boards of Revision, each consisting of three electors of the County, which shall exercise all duties of county boards of revision under general law.
- b. Two members of each Board of Revision shall be appointed by vote of the Council, and these Council appointed members shall not be from the same political party. The third member shall be appointed by the County Executive, and he or she may be from any political party, or a political independent.

Section 7.03 - Other Boards and Commissions

- a. Any board or commission of the County and any joint board or commission in which the County is a participant that is in existence at the time this Charter becomes effective shall continue to exist until reorganized, discontinued or otherwise altered by the Council, to the extent that the existence of such board or commission is not required by general law.
- b. When general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council.

ARTICLE VIII - COUNTY DEPARTMENTS

Section 8.01 - General

- a. The County Executive may create such County departments as he or she determines is necessary to further the goals of effective and efficient county government, and subject to the approval of Council. Such additional County departments may include, but shall not be limited to, the following: Departments of Law, Employment and Human Resources, Health and Human Services, Purchasing, and Economic Development. The County Executive shall publish a description of any additional County departments at the time they are proposed and submitted to Council for approval.
- b. County departments shall be under the control of the County Executive, except the Department of Internal Auditing and as otherwise set forth within this Charter. The County Executive shall appoint directors for each County department, and each appointment shall be subject to the approval of the Council.

Section 8.02 - Department of Internal Auditing

- a. There shall be a Department of Internal Auditing, which shall be under the control and direction of the Internal Auditor.
- b. The Department of Internal Auditing shall be adequately funded and staffed to fulfill its functions.
- c. The Department of Internal Auditing shall be responsible for conducting regular financial audits of the offices and departments under the control of the County Executive, and for conducting all other business in connection with those duties and responsibilities of the Director of Internal Auditing.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 8.03 - Department of Finance

- a. There shall be a Department of Finance, which shall be under the direct control of the County Executive.
- b. The Chief Fiscal Officer, acting under the direction of the County Executive, shall administer the Department of Finance in a manner that allows for the efficient exercise of those powers and duties exercised by county auditors and county recorders under general law, and of county clerks of courts other than those relating to service to the courts.

ARTICLE IX - GENERAL PROVISIONS

Section 9.01 - Effective Date of Charter

The effective date of this Charter shall be the first day of January next succeeding the election at which this Charter is adopted.

Section 9.02 - Removal of Elected Officials by Recall

- a. County officials who are elected to office under this Charter and under general law shall be subject to recall by the electorate.
- b. The procedure for submitting the question of whether an elected County official shall be recalled from office shall be as follows:
 1. One or more registered electors of the County may submit a Statement of Intent to Recall that contains signatures equal in number to at least five percent (5%) of the registered voters in the County.
 2. The Statement of Intent to Recall shall contain a brief statement containing no more than five hundred (500) words describing the reason(s) for the intended recall of the elected County official in question.
 3. The Statement of Intent to Recall shall be submitted to the Board of Elections no later than one hundred twenty (120) days prior to the date of the general election for that year. If the Statement of Intent to Recall meets the requirements set forth in this Section, the Board of Elections shall certify the question of whether the elected County official in question shall be recalled, and this question shall be placed on the ballot for the subsequent general election, and shall include the language describing the reasons for the intended recall described in Section 9.02(b)(2).
 4. If the majority of voters at the general election vote in favor of recalling the elected County official in question, that elected official shall leave office immediately, and Council shall appoint an interim replacement for that elected official, except that if the office holder who has been recalled is a member of Council, that office holder shall not be permitted to vote on the question of the appointment of his or her interim replacement.
 5. The interim replacement for the recalled elected County official shall at all times meet any and all requirements for holding the office to which he or she is appointed as set forth under this Charter and under general law.
 6. The interim replacement for the recalled elected County official shall serve until the next general election is held in the County, and this election shall follow all procedures set forth within this Charter for elections to fill a vacant office.
- c. If an elected County official is subjected to a vote on whether he or she shall be recalled, and the voters determine that this official shall not be recalled, the elected County official in question shall nonetheless remain subject to recall by popular election under this section for the remainder of his or her term.

Section 9.03 - Forfeiture of Office

A County elected official shall forfeit his or her office if at any time during his or her term of office he or she lacks one or more of the qualifications for holding office, if the officer knowingly violates any express prohibition contained within this Charter, or if the officer is convicted of any felony during his or her term.

Section 9.04 - Initiative and Referendum

The right of initiative and referendum is reserved to the people of the County on all matters that the County may now or hereafter be authorized to control by legislative action, provided that any ordinance or resolution enacted for the following purposes shall not be subject to referendum:

- a. appropriates money for any lawful purpose;
- b. creates, revises or abolishes departments or provides regulations for their government;
- c. authorizes the appointment of employees in any of the departments;
- d. authorizes, or that otherwise affects, the issuance of bonds, notes or other debt instruments of the County;
- e. authorizes a contract for a public improvement or an expenditure of money which contract is to be made or expenditure is to be made, in whole or in part, from the proceeds of bonds, notes or other debt instruments of the County; or
- f. provides for the payment of operating expenses of the County.

The provisions of general law relating to such rights applicable to municipalities in effect at the time of the adoption of this Charter shall govern the exercise of such right hereunder, provided that all powers and duties respecting initiative or referendum petitions imposed upon city auditors or village clerks by general law shall be exercised by the Clerk of Council.

ARTICLE X - AMENDMENTS AND CHARTER COMMISSION

Section 10.01 - Charter Review Commission

- a. Commencing in January of the year next succeeding the effective date of this Charter, then in January of the third year succeeding the effective date of this Charter, and in five (5) year intervals thereafter, the County Executive, subject to the confirmation of Council, shall appoint a Charter Review Commission consisting of eight (8) electors of the County, no more than four (4) of whom shall be registered with the same political party, no more than two (2) of whom shall be an officer or employee of the County, and no more than one (1) coming from each Council district. Appointment to the Charter Review Commission shall be for a term of one year and shall be without pay. No person shall serve on more than three (3) consecutive Charter Review Commissions.
- b. Council shall establish rules and procedures for the operation of the Charter Review commission, and the County Executive shall provide the Commission with necessary staff services.
- c. The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate. The final report of each Charter Review Commission shall include all proposed Charter amendments and a summary of the Commission's activities, and shall be submitted to Council for consideration by the first day of July following the year in which the Commission is formed.

After receiving the recommendations of the Commission, Council shall have sixty (60) days to vote on the question of whether it shall submit all or some of the Commission's recommendations to a vote of the electorate in the manner set forth in Section 10.01 of this Charter.

Section 10.02 - Charter Amendment (Council Recommendation)

Council may submit proposed amendments to this Charter to the electors of the County, and such proposed amendments may be passed by a vote of the County electorate in the manner provided for under the Ohio Constitution.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 10.03 - Charter Amendment (Ballot Initiative)

- a. Any elector of the County may submit the question of whether there shall be an amendment to the County Charter by way of a ballot initiative, provided that said elector obtains the signatures of at least ten (10) percent of the electors in the County by the deadline set forth by the County Board of Elections.
- b. Such a ballot initiative shall include the language of the proposed amendment in its entirety, and shall be made freely and publicly available to the electors of the County no later than ninety (90) days prior to the general election for that year.

Section 10.04 - Rearrangement and Correction of Typographical Errors

- a. Following any election at which any amendment to this Charter is adopted, the Clerk of Council may, with approval of the Council, make such changes to the Charter as may be necessary or desirable to maintain or assure the logical and consistent ordering of the provisions of the Charter, provided that no such change alter the substance or meaning of any part or provision of the Charter, except with respect to the effects of the adopted amendment.
- b. The Clerk of Council may, at any time and with the approval of the Council, correct typographical errors appearing in this Charter, provided that no such changes alter the substance or meaning of any part or provision of the Charter.

Section 10.05 - Severability of Charter Provisions

The various parts and provisions of the Charter shall be construed as severable, and the invalidity of any provision shall not alter or affect the validity of the remaining provisions, except that if an invalid provision clearly and unambiguously negated another provision, that provision shall also be invalid, but such provision shall also be severable from any other provision.

ARTICLE XI - TRANSITION TO CHARTER GOVERNMENT

Section 11.01 - Offices Abolished and/or Succeeded

As of the date when any officer elected or appointed pursuant to this Charter assumes an office that succeeds to the powers and duties of a predecessor office, the corresponding predecessor office is abolished, and the duties of those officers shall be assumed by the respective officer as provided herein.

Section 11.02 - Initial Election of County Officers

- a. No primary election shall be held in the year in which this Charter becomes effective for any elected office that is abolished pursuant to this Charter. The primary election for the nomination of County officials to be elected at the general election in that year shall be held during the regularly scheduled primary election. The primary election shall be conducted in the manner set forth by general law for the nomination of elected county officials.
- b. If this Charter becomes effective on January 1 of an odd-numbered year, then notwithstanding Section 3.02, the initial term of the County Executive elected at the general election held in that year shall be for three years, and notwithstanding Section 4.02, the initial terms of office of the Council representatives elected at large at the general election held that year shall be for three years, and the initial terms of office of the Council district representatives elected at that general election shall be for one year. A County Prosecutor who is in office at the time this Charter becomes effective shall be entitled to serve for the remainder of the then-current term of office.

Section 11.03 - Officers and Employees

- a. Except as specifically indicated in this Charter, the rights or privileges of persons who are employees of the County at the time that this Charter is adopted shall not be altered at the time when this Charter takes effect.
- b. An employee holding a County position at the time this Charter takes effect who was serving in the same or comparable position at the time this Charter was adopted shall not be subject to competitive examination as a condition of continuing in the same position, but in all other respects shall be subject to the provisions of the Charter related to human resources, and well as future ordinances and regulations enacted pursuant to this Charter and addressing the area of human resources.

Section 11.04 - Departments, Offices and Agencies

- a. If a County department, office or agency is abolished by this Charter, or if a portion of the powers and duties of a department, office or agency is transferred under this Charter to another department, office or agency, such powers and duties shall be transferred to the County department, office or agency designated in this Charter, or, if this Charter makes no such provision, as designated by ordinance.
- b. All property, records and equipment of any department, office or agency in existence when this Charter becomes effective shall be transferred to any department, office or agency that assumes its power and duties as provided within this Charter, but in the event that any conflict arises regarding any such transfer, such property, records or equipment shall be transferred to the department, office or agency designated by the Council in accordance with this Charter.

Section 11.05 - Pending Matters

All rights, claims, orders, contracts and legal and administrative proceedings shall continue except as modified pursuant to this Charter, and in each case shall be maintained, carried out or dealt with by the County department, office or agency as shall be appropriate under this Charter.

Section 11.06 - Laws in Force

- a. All County resolutions, orders and regulations that are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter or of ordinances, regulations or resolutions enacted pursuant to this Charter.
- b. Pursuant to the County's home rule authority adopted under this Charter, and to the extent that general law permits, all laws relating to the County or its officers, agencies, departments or employees that are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent with or interfere with the effective operation of this Charter or of ordinances, regulations or resolutions enacted pursuant to this Charter.

Section 11.07 - Transition Advisory Committee

- a. The Board of County Commissioners, no later than January 31 of the year in which this Charter becomes effective, shall designate three current or past senior County administrative officials to act as Transition Advisory Committee ("Committee"), which shall develop the recommendations for the orderly and efficient transition to the operation of the County government under the provisions of this Charter and shall work with newly elected County officials.

APPENDICES

A. Proposed Lucas County Charter, June 2011

Section 11.07 - Transition Advisory Committee (continued)

- b. The Board of County Commissioners shall provide necessary facilities and support for the Committee and shall make provision in the County budget for the salaries of the first elected officers who are to take office under this Charter and for such other matters as shall be necessary and practicable to provide for the transition.
- c. All County officials and employees shall cooperate with the Committee by providing such information and documents as the Committee shall request in connection with the performance of its duties under this section, and shall use their best efforts to assist the newly elected County officials and their designees and representatives in implementing the transition.

Proposed Initial Council Districts

District 1: City of Maumee, City of Toledo Wards 7 and 24, City of Waterville, Village of Swanton, Village of Whitehouse, Harding Township, Monclova Township, Providence Township, Spencer Township, Swanton Township, Waterville Township

District 2: City of Sylvania, City of Toledo Ward 23, Village of Berkey, Richfield Township, Sylvania Township

District 3: City of Toledo Wards 5, 12, 21 and 22, Village of Holland, Village of Ottawa Hills, Springfield Township

District 4: City of Toledo Wards 6, 13, 14, 15, 16 and 17

District 5: City of Toledo Wards 3, 4, 8, 9, 10, and 11

District 6: City of Oregon, City of Toledo Wards 1, 2, 18, 19 and 20, Village of Harbor View, Jerusalem Township, Washington Township

B: Interviewees

The following is a list of those individuals interviewed during this process. We are grateful for the time these persons spent with the study committee. Their thoughts and contributions were important in crafting this final report.

- Jean Atkin, Former Lucas County Court of Common Pleas General Division Court Administrator
- Julia R. Bates, Lucas County Prosecutor
- Michael Beazley, Oregon City Administrator
- Michael Bell, Mayor of the City of Toledo
- Keith Burwell, President, Toledo Community Foundation
- Donald W. Colby, Lucas County Court Administrator
- Carol Contrada, Lucas County Commissioner
- Keith G. Earley, PE, PS, County Engineer
- Pete Gerken, President of Lucas County Board of Commissioners
- Wade Kapszukiewicz, Lucas County Treasurer
- Bridgette Kabat, Chief of Staff, Lucas County Board of Commissioners
- Ben Konop, former Lucas County Commissioner
- Eugene Kramer, Attorney at Law
- Anita L. Lopez, Lucas County Auditor
- James R. Patrick, MD, Lucas County Coroner
- Jeanine Perry, Lucas County Recorder
- J. Bernie Quilter, Lucas County Clerk of Courts
- Anthony L. Reams, President, Toledo Metropolitan Area Council of Governments
- Kelly Roberts, Director, Lucas County Office of Management & Budget
- Richard B. Stansley, Jr., Chairman, University of Toledo Innovation & Enterprise
- Craig Stough, Mayor of the City of Sylvania
- James A. Telb, Ph.D., Lucas County Sheriff
- Paul Toth, President & CEO, Toledo-Lucas County Port Authority
- Peter S. Ujvagi, Lucas County Administrator
- Timothy Wagener, Mayor of the City of Maumee
- Tina Skeldon Wozniak, Lucas County Commissioner
- Ford Weber, President & CEO, Lucas County Improvement Corporation
- John Zeitler, Sylvania Township Administrator

APPENDICES

C: Four Forms of Ohio County Government

Ohio law allows for four possible forms of county government:

- the traditional statutory form
- an alternative statutory form
- a charter form
- a metropolitan form

Traditional Form

Lucas County, as well as 85 other Ohio counties, have the traditional form of county government. Under this form voters elect a number of different officers to four year terms. Counties operating under this form of government possess no legislative authority; that is, they cannot pass ordinances or other laws. Instead, counties perform the administrative and executive roles required by the Ohio Revised Code.

Three individuals are elected at large to serve as the Board of Commissioners. One Commissioner, from among the three, is selected by fellow commissioners to serve as the President of the Board of Commissioners, and that individual presides over all Board meetings for a one-year term. Pursuant to state law, Commissioners are authorized to contract with other jurisdictions for the provision of services.

In addition to the Board of Commissioners, the voters also elect the heads of several other offices. These offices are known as row offices. and are described elsewhere in this report.

Alternative Form

The second form of government has not been adopted by any county within the state. This alternative form of government requires approval by the county electorate to take effect and includes a County Executive, in addition to the Board of County Commissioners. The Executive may be either elected directly by the voters or appointed by the Board of Commissioners.

The Board of Commissioners is altered under the alternative form. A county operating under this alternative statutory form may elect its Commissioners either at-large or by district, or some combination of both. If the Board remains completely at-large, it may have three, five, seven, or nine members. If the Board includes members elected by district, its membership could range from three to 21 commissioners.

The elected row offices continue to exist in a county that has adopted the alternative form of government. However, these offices may be placed under a broader department. For instance, the Office of the Sheriff might fall under a Department of Detention and Correction. Or a Law Enforcement Department may include the Sheriff and the Coroner.

Charter Form

In 1933, the Ohio Constitution was amended through the adoption of Sections 3 and 4 of Article 10 to allow counties to adopt charters. Charters can be used to alter the form and structure of county government. Any charter that alters the traditional offices and powers of county government requires approval by a majority of the electorate in the county. In Ohio, two counties – Summit and Cuyahoga – have adopted county charters.

The adoption of a charter opens up new opportunities for reform of the structure and organization of the county government that are not available under either the traditional or alternative statutory forms. A charter enables the county to determine which officers will be elected and which will be appointed. It also enables the county to make other alterations, such as elimination and consolidation of offices. A charter also enables the county to exercise legislative powers; however, the right of initiative and referendum in making such a grant of authority is reserved to the people of the county. In other words, the county may not exercise legislative powers, unless expressly authorized to do so by the electorate of the county.

The Ohio Constitution also provides the framework for the process of adopting or amending a county charter. There are two means of adopting charters – either through the formation of a county charter commission or by direct ballot initiative.

A charter may be submitted directly to the voters for approval, without first forming a charter commission or obtaining a vote of the County Commissioners. Under this method, the people of the county first draft a proposed charter; any group of people may do this. Upon petition of 10% of registered voters, the proposed charter goes directly before the voters for approval. The proposed charter becomes effective if a majority of the electorate votes in favor of the proposal.

Section 4 of Article 10 of the Constitution provides that the question of whether a charter commission should be formed is to be submitted to the voters upon either

- a vote of two-thirds of the Board of County Commissioners (or other legislative authority in the county); or
- petition of 8% of the registered voters in the county.

If a majority of the electorate votes in favor of the formation of a charter commission, the next step in the process is to elect fifteen members of the electorate to serve as members of the commission. These two steps – a vote to have a commission and a vote on the identity of the members of the commission – may happen at the same election.

The fifteen persons receiving the most votes will be elected to the commission, subject to the limitation that no more than seven members of the commission may reside in the same city or village. The role of the commission is to frame a charter, which will ultimately be submitted to the voters for approval. Submission to the voters requires the support of a majority of the members of the charter commission. Once submitted to the voters, the charter is to take effect if approved by a majority of the electorate in the county.

Metropolitan County Government

The final form of county government permissible under Ohio law is typically referred to variously as a regional, metropolitan, or metro government. Because a metro form of government may only be adopted through the passage of a county charter, Ohio law treats this as merely a subset of the charter form of government. Section 3 of Article 10 of the Ohio Constitution, which authorizes the adoption of county charter, also authorizes the creation of metro government. This Section also spells out the procedural hoops that must be met in order to implement such a governmental structure.

In adopting a charter, the people of the county may authorize the county to exclusively exercise those powers currently reserved to municipalities, and may authorize the municipal incorporation of the county. In this way, a complete merger of the county and local governments can be achieved – similar to the governments of communities discussed in this report: Nashville / Davidson County, Louisville / Jefferson County, and Indianapolis / Marion County. No county in the State of Ohio has a metropolitan government.

The adoption of a charter creating a metropolitan form of government requires majority approval in each and every one of the following four areas:

- in the county itself
- in the largest municipality of the county
- in the county areas outside the largest municipality
- in counties with a population of less than 500,000 persons, in a majority of the combined total of municipalities and townships in the county

In Lucas County, this means that a charter proposing metro government would have to garner majority support in Lucas County overall, in the City of Toledo, in the rest of the county outside of Toledo, and in at least any 12 of the 22 local jurisdictions.

APPENDICES

D: Lucas County Row Offices

County government is an extension of state government with the State of Ohio mandating many functions. Many of these mandated functions are ministerial in nature.

Lucas County, like most counties in Ohio, is structured with a number of elected positions, known colloquially as “row offices.” The term row office arose because these offices typically appear in a row on organizational charts or election ballots, and exercise some autonomy from the Board of Commissioners. Elected row office holders in Lucas County include the Board of County Commissioners, the Court of Common Pleas judges of the various divisions; the Clerk of Courts; the Auditor; the Treasurer; the Prosecutor; the Engineer; the Recorder; the Coroner; and the Sheriff. This section provides a general overview of duties and services mandated by state law for each of the row offices.

Board of County Commissioners

Ohio Revised Code - Chapters 305 and 307

The Board of County Commissioners (“Commissioners”) is elected by popular vote and is the administrative body of the county. Each of the three Commissioners serves an at-large function and a four year term. The Commissioners serve both a legislative and an executive function. In their **legislative** capacity, they have the power to adopt the county budget, levy taxes, appropriate funds for county operations and to the extent allowable under Ohio law, enact ordinances. In their **executive** capacity, they oversee the daily administration of county government, including adoption and administration of policies and procedures, and appointment of county employees. They appoint an Administrator who runs the day-to-day business of their office, overseeing many functions.

The powers of the Board generally include, but are not limited to:

1. approving or disapproving requests from cities and villages to remove territory from the township subsequent to annexation
2. approving or disapproving petitions from property owners or municipalities to annex property to a contiguous municipality
3. making appointments to a variety of boards and commissions
4. exercising the power of eminent domain for public building and infrastructure projects
5. entering into partnership agreements with the Ohio Department of Job and Family Services for the administration of Temporary Assistance to Needy Families dollars and to administer traditional welfare programs and employment and training programs
6. serving as the administrative head for child support enforcement programs
7. serving as the administrative head of child welfare programs in counties that have not established a Children Services Board and where the County Department of Job and Family Services is the designated agency for child welfare programs
8. approving all collective bargaining agreements which establish wages and other terms and conditions of employment for most county employees
9. serving as the legislative authority to adopt zoning regulations in townships included in a county zoning plan
10. adopting a variety of development control measures including subdivision regulations, building codes, urban sediment and erosion control rules, airport zoning regulations, flood plain regulations, and access management regulations
11. establishing sewer districts and providing water, sanitary sewer, and storm water infrastructure improvements

-
12. establishing, financing, and administering public safety communications systems, including E-911 phone systems
 13. administering dog licensing, control dogs, and pay for animal claims from farmers
 14. serving as the board of directors of a single or joint county solid waste management district and preparing and implementing a solid waste management plan

In addition to these general duties and authorities, the Board also has a number of financial responsibilities. These include:

15. acting as the primary contracting authority for the county
16. acting as the tax authority for real property taxes for most county purposes and when specifically authorized by state law
17. acting as the bond issuing authority for most county purposes
18. enacting other permissive taxes for the general operation of county government or specific purposes;
19. levying special assessments on property for various types of infrastructure improvements, including roads, water, and sewer facilities, storm water improvements, drainage improvements
20. establishing, subject to limitations imposed by other state law, certain user fees for such functions as dog licenses, building permits, zoning permits, and subdivision plats
21. allocating county resources and establishing a budget for the other county elected officials and appointed departments
22. transferring funds that have been appropriated to an elected official or appointed department head from one line item which is to be used for a specific purpose to another line item which is to be used for another purpose
23. procuring, often through competitive bidding, most supplies and services for the county

Coroner

Ohio Revised Code - Chapter 313

The Coroner is the county chief medical examiner. Mandatory duties include investigating the causes of death that result from criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner, or when a person dies suddenly when in apparent good health; conducting investigations and inquests; performing autopsies; and determining the blood alcohol content of persons killed in automobile accidents. In general, the Coroner makes a determination of the cause, time, and manner of death for any deceased person under his custody. The Coroner must also make a reasonable attempt to promptly identify the body or remains of a deceased person.

Court of Common Pleas

Ohio Revised Code - Chapter 2301

The Court of Common Pleas is the chief adjudicator of the county and a part of the County Criminal Justice System. Judges are elected by popular vote of the citizens of Lucas County and serve terms of six years. The Court has four divisions each with its own administrator:

- **General Trial Division** hears adult criminal felony cases, civil actions, real estate title cases, injunctive actions, mandamus and habeas corpus suits. The General Division has a jury commission and oversees court services such as work release, pretrial, the adult probation correctional treatment facility, and a centralized drug testing unit. In addition, the division handles appeals from administrative agencies.
- **Probate Division** adjudicates disputes involving wills and the administration of estates, issues marriage licenses, conducts adoption proceedings, and makes competency determinations.
- **Domestic Relations Division** handles matters involving divorce or dissolution of marriages, annulments, legal separations, spousal support, and allocation of parental rights and responsibilities.

APPENDICES

D: Lucas County Row Offices (continued)

- **Juvenile Division** hears cases involving delinquent, unruly, abused, dependant or neglected juveniles and oversees the Juvenile Detention Center.

Expenses of the criminal justice system, of which the Court is a part, make up some 33% of the total county budget.

Auditor

Ohio Revised Code - Chapter 319

The Auditor serves as the county chief fiscal officer. In general, the Auditor provides an accounting for all county funds, administers the county payroll, and produces official county financial reports including the Comprehensive Annual Financial Report (CAFR). Duties include estimating tax revenue for Commissioners and others; directing the reappraisal of property every six years; calculating property tax bills; processing returns for personal property, estate, and manufactured home taxes; maintaining records of deed transfers, homestead exemptions, and oil and gas wells; and acting as a check to the Treasurer's management of county dollars. The Auditor issues licenses for dogs, kennels, vendors, and cigarettes.

The Auditor also serves as an agent for the Tax Commissioner for the State of Ohio. The Auditor is responsible for the management of the County Data Processing Center and serves as the Chief Administrator of the Automatic Data Processing Board. The Auditor is the Sealer of Weights and Measures, and is charged with ensuring that Ohio laws relating to weights and measures are enforced. The Auditor administers the Homestead Exemption and Property Tax Rollback tax relief programs.

Treasurer

Chapter 321 of the ORC

The Treasurer is the manager of the county's financial accounts – the custodian of county assets and revenues. The Treasurer collects taxes on real estate, personal property, estates and manufactured homes; invests county funds to generate interest revenue; brings complaints for delinquent property tax foreclosure; and acts as a check to the Auditor's management of county dollars.

The Treasurer must provide the Auditor daily statements showing the balance in the county treasury and the amount of taxes collected. The Treasurer also pays warrants presented by the Auditor for payment. The Treasurer is responsible to pay to the state sums of money found by the Auditor to be owed to the State. The Treasurer distributes funds belonging to local municipalities. In addition to the mandated duties, the Treasurer has latitude in determining how to invest the county monies. Projects such as initiating a land bank program in Lucas County and investing in sporting venues are examples of the types of investments the Treasurer makes.

Recorder

Ohio Revised Code - Chapter 317

The Recorder is the record keeper of the county. According to the site www.ohiorecorders.com, there are more than 1,000 sections in Ohio law pertaining to the duties of the County Recorder's office. Primary duties are as follows:

- keeps records of any documents relating to ownership of land, and restrictions on the use of land; mortgages; powers of attorney; plats; leases; and declarations governing use or discontinuation of life-preserving equipment.
- keeps county and township zoning resolutions.
- keeps record of discharges from the armed forces, if requested to do so by the discharged soldier and provisions for the registration of graves of all persons who served in any war and were honorably discharged.

- keeps the plans and drawings of public buildings.
- collects the low-and moderate-income housing trust fund fee.

Prosecutor

Ohio Revised Code - Chapter 309

The Prosecuting Attorney is the chief criminal and civil advocate of the county. The Prosecuting Attorney is required to bring criminal charges and prosecute in the name of the State; serve as the legal advisor to all county elected officials and boards including all tax-supported public libraries, all township officers, boards, and commissions, unless the township has adopted a limited home rule government in which case the township could procure their own legal services, handle all juvenile cases, including those involving child neglect and abuse and juvenile crime; enforce child support orders; and collect delinquent property taxes by foreclosing on property.

There are select cases where the County Prosecutor will not be the state's attorney, such as crimes involving organized crime pursuant to Ohio Revised Code Section 177.03 and Section 109.83. As legal advisor to the various public bodies, the Prosecutor may be called upon to issue opinions or instructions pertinent to the elected offices; the Prosecutor defends and prosecutes all suits to which the public officials mentioned above are a party. And no such official may retain counsel at the county's expense without authorization by the Prosecutor. Further, under Ohio Revised Code Section 309.12 if the Prosecutor becomes satisfied the public moneys have been or will be misapplied, or that such moneys have been illegally drawn or withheld from the County Treasury, or that an illegal contract has been or is to be entered into or that a contract was procured through fraud or corruption, or that any County property is being illegally used or occupied, or that County contract terms have been violated, or that money is due the County, the Prosecutor may apply to the

Court to restrain such activity, recover property, money, and/or damages where appropriate.

Engineer

Ohio Revised Code - Chapter 315

The Engineer is the county's chief surveyor and civil engineer required by the ORC to design, construct, and maintain a county road system, including bridges, guard-rails, signs, and signals; and work on projects designed to improve drainage. In addition, the Engineer is responsible for the maintenance and upkeep of most township roads. The County Engineer may also serve as the county's sanitary engineer, but this is not required by law. In Lucas County, under the present system, the County Engineer and the Sanitary Engineer are two separate positions.

The Engineer provides engineering services for the 11 Boards of Township Trustees in Lucas County, maintaining township roads, township culverts, and township storm sewers. Also, the Engineer records ditches, high water and flood events, and road plans and intersection details.

In Lucas County, the County Engineer also has some non-statutory duties and responsibilities. In particular, the Engineer has been assigned the duties of the Sanitary Engineer for storm drainage to meet the U.S. EPA Phase II requirements of the Clean Water Act. The Engineer also acts as the County flood plain administrator and as a liaison for the Ohio Public Works Commission (OPWC). The Engineer is compensated by the state for providing OPWC services.

Funding for this office primarily comes from license plate fees and gas tax. State and federal grants for specific projects provide the bulk of the remainder of the funding.

APPENDICES

D: Lucas County Row Offices (continued)

Clerk of Courts

Ohio Revised Code - Chapter 2303

The Clerk of Courts serves as the County legal clerk and is responsible for filing, docketing, indexing and maintaining all paperwork filed in the Court of Common Pleas. Additionally, the Clerk issues writs, including summons and subpoenas; issues titles for motor vehicles and water craft; oversees the County's electronic imaging system and accounts for funds collected through the Court.

Sheriff

Ohio Revised Code - Chapter 311

The Sheriff is the county chief law enforcement officer. By mandate the Sheriff preserves the peace, investigates

crimes and apprehends persons who the Sheriff observes, or otherwise knows, has committed a breach of the peace; enforces all court orders; delivers subpoenas and attends court sessions; oversees disposition of real property through foreclosure sale; and administers the county jail. In addition, the Sheriff may enter into contracts with townships and municipalities for the provision of police protection.

The broad language of ORC 311.07, mandating that the Sheriff act to preserve the public peace, has led to some questions as to exactly what that requirement entails. Two Ohio appeals courts interpreting this language have held that it does not require the Sheriff to patrol highways or otherwise actively engage in crime prevention programs. Those courts held, instead, that the Sheriff is only required to respond to calls and bring to justice those that the Sheriff knows to have committed illegal acts.

E: Boards and Commissions

Ohio counties are required to establish certain boards and commissions. These boards and commissions work with the Board of County Commissioners and the row offices to facilitate the performance of certain functions. Lucas County, for instance, has established an Investment Advisory Board, a County Budget Commission, a Board of Revision, an Automatic Data Processing Board, a County Record Commission, and a Veteran Services Commission. The role of these boards and commissions, as well as their membership is discussed below.

Investment Advisory Board

Section 135.341 of the Ohio Revised Code requires each County to establish an Investment Advisory Committee. That section gives a county three options regarding the composition of the committee. The membership may consist of either (1) two County Commissioners and the County Treasurer; (2) three County Commissioners and the County Treasurer; or (3) three County Commissioners, the County Treasurer, and the Clerk of the Common Pleas Court. Lucas County has adopted the third option. Members on the committee are prohibited from receiving additional compensation for their membership. The Committee is also required to elect a Chairperson from among its membership.

The Committee is mandated to establish written investment policies for the county*, and must meet at least once every three months to revise or review those policies. In addition, the Committee is required to advise the investing authority of the county (in Lucas County, this is the Treasurer) so as to ensure the best and safest return of funds available to the county for deposit or investment. In drafting its policies, the Committee may establish a limit on the period of time that moneys may be invested in any particular type of investment.

The Committee is also authorized to retain an investment advisor, although it is not required to do so. Any investment advisor so retained must be licensed by the Division of Securities or be registered with the Securities and Exchange Commission, and must possess experience with managing public funds. Generally, the Treasurer is the investing authority of the County, although this power may be transferred to the Committee pursuant to Sections 321.46 or 321.47 of the Ohio Revised Code. If the Committee is given this authority, then it must retain an investment advisor. The Lucas County Investment Advisory Board has opted to retain an investment advisor for assistance – currently, United American Capital Corp., of Worthington, Ohio, serves as the Committee's investment advisor.

County Budget Commission

Budget Commission reviews the tax budgets of all the taxing districts within Lucas County to determine that all tax levies are properly authorized and allocated to local governments and libraries. Section 5705.27 of the Ohio Revised Code mandates the creation of a budget commission in each county. The membership of the Budget Commission consists of the County Auditor, the County Treasurer, and the County Prosecutor. Upon the petition of at least the number of electors of the county equal in amount to three per cent of the total number of votes cast for governor at the most recent election, the voters may decide whether the Commission should have two additional members. If the voters in the county approve this measure, the Commission increases to five members. The two additional members are to be elected directly by the voters. In Lucas County, the Commission consists of the three mandated members.

The Commission meets at the Office of the Auditor on the first Monday of February and the first Monday of August of each year. The Commission is required to complete

* Lucas County's Investment Policy can be accessed at: <http://www.co.lucas.oh.us/documents/Management%20and%20Budget/Budget/Budget%20Document%202011.PDF>.

APPENDICES

E: Boards and Commissions (continued)

its work by September 1st, unless granted an extension by the Tax Commissioner for good cause. The Auditor is designated to be the secretary of the Commission, and must keep a full and accurate record of any proceedings. Any elected members are to be compensated at a rate of twenty dollars per day. Vacancies among the elected membership are to be filled by the Presiding Judge of the Court of Common Pleas.

The Commission is empowered to adjust the rates of taxation and fix the amount of taxes to be levied each year. In performing this role, the Commission is governed by the amount of the taxable property shown on the Auditor's tax list for the current year. If the Auditor's tax list is not yet available, the Auditor is required to provide an estimate, as nearly as practicable, of the amount of such taxable property. The Commission is also responsible for the allocation of funds to local governments and libraries.

Board of Revision

The Board of Revision rules on property assessment prior to the issuance of the real estate tax list; they also hear complaints on property valuation.

Pursuant to Section 5715.01, the Tax Commissioner is authorized to direct and supervise the assessment of property for taxation purposes. That section also mandates that each county have a board, known as the Board of Revision, to hear complaints and revise assessments as needed. The Board of Revision consists of the Auditor, Treasurer, and one County Commissioner. In Lucas County, the President of the Board of Commissioners serves as the third member. The Board of Revision may also provide for one or more hearing boards, if such is deemed necessary to expedite the hearing of complaints. In the case of alternative hearing boards, each member of the board is allowed to appoint one employee from that official's office to serve in the official's place.

In conducting hearings, the Board is authorized to take certain actions. ORC 5715.11 authorizes the Board to hear complaints regarding the assessment of property. The Board is required to investigate such complaints and may increase or decrease the assessment or order re-assessment. However, the Board is required to give notice to affected parties' before increasing a valuation. Notice is to comply with the provisions of ORC 5715.12. Further, the Board is not allowed to lower any valuation unless a complaint is filed by an affected party. In determining whether to raise or lower a tax valuation, the Board may call persons before it to give witness under oath regarding their own or another person's real property, or the value of such property.

Automatic Data Processing Board

This board is not mandatory under Ohio law. ORC 307.84 makes the establishment of an Automatic Data Processing Board a discretionary decision for the Board of County Commissioners. If established, by resolution of the Board of County Commissioners, the Automatic Data Processing Board is to consist of:

1. either the County Treasurer or a representative of the same;
2. either the County Recorder or a representative of the same;
3. either the Clerk of the Court of Common Pleas or a representative of the same;
4. a member or representative of the Board of County Commissioners chosen by that Board;
5. two members or representatives of the Board of Elections chosen by the Board of Elections – one of whom is to be a member of the political party receiving the greatest number of votes at the most recent general election for the office of governor and one of whom is to be a member of the political party receiving the second greatest number of votes at such an election – but only if the Board of Elections desires to participate; and

-
6. the County Auditor or a representative of the same, who is to serve as secretary of the Board. Members of the Board are permitted to add additional members, upon a majority vote.

Lucas County has established an Automatic Data Processing Board consisting of all the mandated members discussed above, including the two representatives of the Board of Elections, plus a representative from the Court of Common Pleas and a representative from the Domestic Relations Court – the latter two having been added by majority vote of the Board.

Upon establishment of such a Board, no county office is permitted to purchase, lease, operate, or contract for the use of any automatic data processing equipment without the prior approval of the Board. The powers and duties of the Board are provided in Section 307.842 of the Ohio Revised Code which provides that the Board is to coordinate the use of all automatic data processing equipment throughout the county. The Board is also authorized to allow county offices to contract for automatic data processing services, or operate or acquire equipment for providing those services. The Board may also establish an Automatic Data Processing Center to provide for a centralized system of automatic data processing equipment for all county offices.

County Records Commission

Each county is mandated by state law to establish a County Records Commission. That commission consists of a member of the Board of County Commissioners, the Prosecuting Attorney, the Auditor, the Recorder, and the Clerk of the Court of Common Pleas. By law, the member of the Board of County Commissioners is designated the chairperson of the commission. In Lucas County, the President of the Board of County Commissioners is always the one selected to serve on this commission.

The Commission is also authorized to appoint a secretary. The appointed secretary does not have to be a member

of the Commission, although it may be. In addition, the Commission is permitted to employ an archivist or records manager to serve under its direction. The Commission is mandated to meet at least every six months and upon the call of the chairperson.

The function of this Commission is to provide rules for retention and disposal of county records, and to review applications for disposal of obsolete records and schedules of retention and disposition submitted by the various county offices. The approval of any such application, however, is subject to review by the Ohio Historical Society and approval of the State Auditor. The Ohio Historical Society is authorized to retain any documents that are approved for disposal that are deemed to have a continuing historical importance. If the Ohio Historical Society declines to retain any of the documents, the Commission must also notify other interested parties, e.g. public libraries, universities, county historical societies, that these records are scheduled for disposal. These organizations may also request to retain the documents, upon the agreement of the Ohio Historical Society.

Veteran Services Commission

The Veteran Services Commission is mandated by Section 5901.02 of the Ohio Revised Code. The Commission is composed of five county residents, who are appointed to five-year terms by a Judge of the Common Pleas Court. Members of the Commission must not be employees of the Commission, nor serve in any elected or appointed office in the county. The Commission is required to select a president, vice president, and secretary from among its membership. Any member may be removed, for cause, by a Judge of the Common Pleas Court. Vacancies are to be filled in the same manner as any other appointment.

Members of the Commission must have received an honorable discharge or honorable separation from the military. Further, membership appointments are to be made from lists of recommended persons submitted by veterans'

APPENDICES

E: Boards and Commissions (continued)

organizations. One person is to be selected to represent each of the following organizations:

- American Legion
- Veterans of Foreign Wars
- Disabled American Veterans
- AMVETS
- either the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association

Members receive a fixed compensation for their service, and also are reimbursed for all reasonable expenses related to the performance of their duties. Those duties include, but are not limited to:

- employing necessary staff and fixing the compensation of staff members
- establishing policies and procedures for the administration of the Commission and the Veterans Service Office
- establishing policies and procedures for the administration of emergency financial and supportive assistance
- presenting budgets for approval of the Board of County Commissioners
- establishing programs of outreach and coordination with other agencies to enhance available services to veterans within the county
- promoting, monitoring, and providing funding for ongoing education and training for Veteran Services Commissioners and staff
- making reports to the organizations represented on the commission in the manner prescribed by law, and to others, upon request
- establishing regularly scheduled transportation for veterans to and from Veterans Administration Medical Centers whose districts the county is within, through contractual agreements or through other arrangements determined by the Commission to be most cost-effective
- participating in appropriate memorial and commemorative activities to help promote patriotism and veterans services

F: Other Mandated Services

As mentioned above, the Board of County Commissioners is authorized to create a number of boards, commissions, and other departments. Some of these boards, commissions, or departments are required by state law; others are left solely to the discretion of the Board of County Commissioners. The following information highlights some of the more important services counties are required to provide but which are not directly associated with any of the elected row offices.

General Welfare Services

Pursuant to ORC 5101.16, counties are required to provide a portion of the funding of certain public assistance services. Public assistance includes such services as the services as Ohio Works First cash assistance; Prevention, Retention, and Contingency assistance; Disability Financial Assistance; Disability Medical Assistance; Medicaid; and the Supplemental Nutrition Assistance Program.

Children services are mandated by Section 5153 of the Ohio Revised Code. In particular, each county is required to have a public children services agency that performs such functions as investigating suspected abuse and neglect, accepting custody from a court of law, providing care in the best interest of the child, and arranging for foster care and adoption. Counties provide the majority of funding for these services. Counties are not required to fund child support – the liability for the Child Support Enforcement Agency (CSEA) is limited to use of federal and state monies. Nevertheless, the majority of counties do contribute funds to the CSEA due to funding cuts at the state and federal levels. Counties are also required to provide a mentally handicapped children program, pursuant to Ohio Revised Code Section 3701.024. However, the burden is limited to one-tenth of a mil.

Counties are not required to fund county homes and hospitals, pursuant to Sections 5155.31 and 339.01 of the Ohio Revised Code. Counties are likewise not required to provide MR/DD services, so long as the commissioners have placed a levy on the ballot. If a levy has not been placed on the ballot, however, the statutory language and a 2001 opinion of the State Attorney General suggest that the county is obligated to provide services based on the available resources. Counties are required to provide certain adult protective services, pursuant to ORC 5101.62. This includes the capability to investigate reports of abuse and neglect of the elderly. Counties have a limited liability to provide alcohol, drug addiction, and mental health services under Section 340.011 of the Ohio Revised Code.

General Governmental Services

Counties are required to establish, operate, or provide funding for a number of general governmental services. These include: Ohio State University Extension offices, certain county agricultural societies, a Board of Elections, a Dog Warden's office and humane society, an emergency management division or agency, a Solid Waste Management District; a Tax Map office within the Office of the County Engineer; and office space for general or combined health districts. Counties are also required to provide funding for the various row offices, including the Office of the County Engineer. In addition, counties have the power to establish other agencies or authorities to deal with other matters, such as economic development, historical societies, and soil and water conservation districts.

APPENDICES

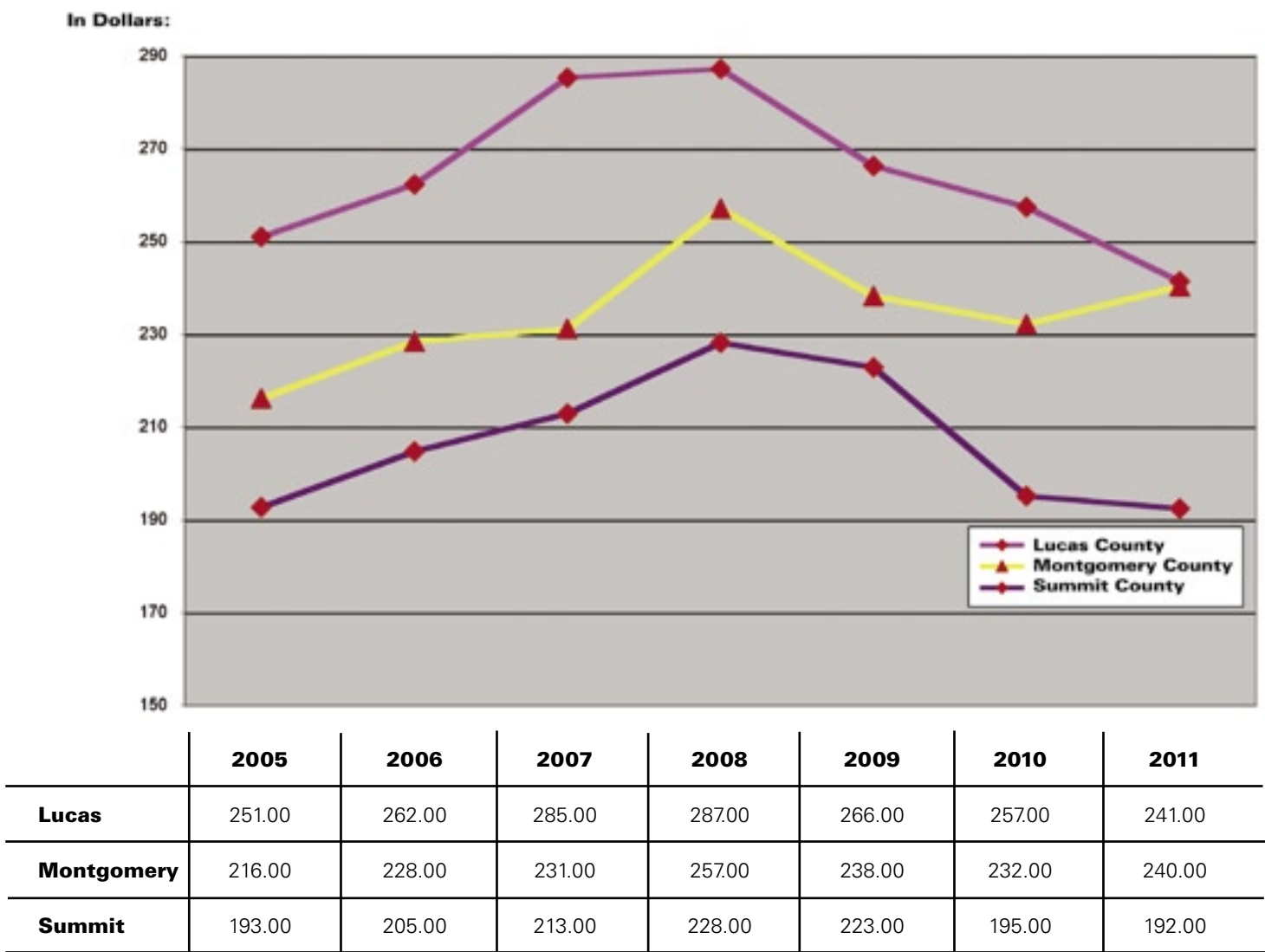
G: Detailed Sources of Revenue by Type, all Governmental Units Lucas County – 2008

Type	Name	Total
assessments services	assessments services	24,838,000.00
	assessments services-bond	998,260.00
assessments services total		25,836,260.00
capital improvements	capital improvements	34,457,148.00
	sewer construction	688,935.00
	storm sewer construction	18,125.00
	street construction	237,994.00
capital improvements total		35,402,202.00
debt service	debt service	1,825,364.00
debt service Total		1,825,364.00
enterprise	enterprise	2,919,396.00
	non-major	31,647,520.00
	resources recovery	72,436.00
	sewer system	66,137,413.00
	wastewater treatment	5,830,959.00
	water supply	49,323,383.00
enterprise total		155,931,107.00
general	general	434,881,813.00
general total		434,881,813.00
internal service	internal service	81,672,893.00
internal service total		81,672,893.00
non-major	non-major	168,720,134.00
non-major total		168,720,134.00
special revenue	board of mental retardation	53,825,266.00
	cemetery	1,750.00
	childrens services board	44,699,066.00
	ems	946,130.00
	fire levy	9,979,971.00
	gasoline	195,838.00
	income tax	5,633,379.00
	income tax a	10,260,681.00
	income tax b	5,110,659.00
	job and family services	66,712,714.00
	lighting	297,861.00
	mental health and recovery	59,795,485.00
	police	6,863,405.00
	police pension	536,425.00
	recreation	58,463.00
	road & bridge	3,520,481.00
	special revenue	6,524,447.00
special revenue total		274,962,021.00
grand total		1,179,231,794.00

Source: Audited financial statements for the year 2008

The chart below includes Montgomery County (Dayton) presented in a manner consistent with the other two counties and discloses general fund expenditures generally higher than Summit County.

COMPARISON OF PER RESIDENT GENERAL FUND COST AMONG COUNTIES, 2005 – 2011



Source: Audited financial statements for the years 2005 to 2009, budgetary for 2010 and 2011

APPENDICES

G: Detailed Sources of Revenue by Type, all Governmental Units Lucas County – 2008

government	location	governmental					
		assessments services	capital improvements	debt service	general	non-major	special revenue
city	maumee	759,076	688,935		7,873,639	2,010,114	15,371,340
	oregon	239,184	256,119		22,623,736	7,479,072	
	sylvania		3,120,500		6,519,214	2,082,535	6,169,804
	toledo	24,838,000	19,662,000		228,552,000	35,539,000	
city Total		25,836,260	23,727,554		265,568,589	47,110,721	21,541,144
county	lucas		8,375,983	1,413,711	146,443,389	116,725,868	225,032,531
county Total			8,375,983	1,413,711	146,443,389	116,725,868	225,032,531
township	harding				97,496	5,739	122,197
	jerusalem				321,730	36,320	563,861
	monclova				1,819,340	1,210,722	1,366,415
	providence		315,945		434,588		553,282
	spencer				221,832		244,936
	springfield				3,002,596	1,179,841	4,396,514
	swanton		83,477		323,257		405,402
	sylvania				3,159,752	2,076,826	15,414,912
	washington				243,379		1,202,451
township Total			402,404		9,761,031	4,509,448	25,028,664
village	berkey		6,010		101,348		18,490
	holland		1,538,114	373,271	2,626,238		121,660
	ottawa hills		89,559		5,723,101	374,097	
	waterville		1,111,519		3,262,822		400,970
	whitehouse		151,059	38,382	1,395,295		2,818,562
village Total			2,896,261	411,653	13,108,804	374,097	3,359,682
Grand Total		25,836,260	35,402,202	1,825,364	434,881,813	168,720,134	274,962,021

Sources: 2008 audited financial statements of governmental units

governmental Total			proprietary		proprietary Total	Grand Total
	government	location	enterprise	internal service		
26,703,104	city	maumee	4,528,976	2,860,697	7,389,673	34,092,777
30,598,111		oregon	8,103,524	83,226	8,186,750	38,784,861
17,892,053		sylvania	5,741,328	1,865,299	7,606,627	25,498,680
308,591,000		toledo	118,053,000	30,510,000	148,563,000	457,154,000
383,784,268	city Total		136,426,828	35,319,222	171,746,050	555,530,318
497,991,482	county	lucas	16,584,883	46,353,671	62,938,554	560,930,036
497,991,482	county Total		16,584,883	46,353,671	62,938,554	560,930,036
225,432	township	harding				225,432
921,911		jerusalem				921,911
4,396,477		monclova				4,396,477
1,303,815		providence				1,303,815
466,768		spencer				466,768
8,578,951		springfield				8,578,951
812,136		swanton				812,136
20,651,490		sylvania				20,651,490
1,445,830		washington				1,445,830
898,737		waterville				898,737
39,701,547	township Total					39,701,547
125,848	village	berkey				125,848
4,659,283		holland				4,659,283
6,186,757		ottawa hills				6,186,757
4,775,311		waterville	1,843,751		1,843,751	6,619,062
4,403,298		whitehouse	1,075,645		1,075,645	5,478,943
20,150,497	village Total		2,919,396		2,919,396	23,069,893
941,627,794	Grand Total		155,931,107	81,672,893	237,604,000	1,179,231,794

APPENDICES

H: Communities Modifying Governmental Structure

The Committee examined communities which implemented county or regional government structural reform. They include:

- Summit County, Ohio
- Cuyahoga County, Ohio
- Indianapolis/Marion County, Indiana
- Louisville/Jefferson County, Kentucky
- Minneapolis/St. Paul, (seven counties) Minnesota
- Nashville/Davidson County, Tennessee
- Pittsburgh/Allegheny County, Pennsylvania
- Portland/Multnomah County, Oregon
- Syracuse/Onondaga County, New York
- Toronto/Ontario, Canada

In examining these varied communities several themes emerged. One such theme is that, in many of these areas, the community encompasses either the largest city in the state and/or the capital city of the state. There appears to be a strong desire by state leadership to invest capital and other resources in ensuring the stability and economic vitality of that community as a showplace for the state. This is certainly an important goal that states with a limited number of metropolitan areas are certain to succeed in supporting. Ohio, on the other hand has a large number of metropolitan areas, making any such effort directed at a large community difficult to undertake.

Ohio has no less than eight metropolitan areas, a few of which are merged geographically at their fringes; in addition, of Ohio's 88 counties, 29 of them (roughly 1/3 of the entire state) are included as part of the larger Appalachian region of the United States. This Appalachian region is characterized by secluded communities, minimal broadband internet capacity, etc., which makes it somewhat disconnected from the business, commercial, and manufacturing metropolitan areas. Given the number and diversity of identifiable community regions in Ohio, if Ohio were to engage in efforts targeted at sustaining just one community over another, as other states have done, it would be difficult to imagine how such a decision could be fairly made.

Another theme that emerged was an attempt to model a Separation of Powers governmental structure, where there are three branches of government: judicial, executive and legislative. Many communities that were examined started with a traditional form of county government, similar to Lucas County's, whereby there is no explicit executive branch of government. In transitioning to a new form of government, there was often an attempt to recreate the separation and balance of powers found at our country's federal level by adding an executive branch of government to the already existing legislative and judicial branches.

The following section reviews the highlights of these communities. Two counties in Ohio have engaged in county government reform, Cuyahoga County and Summit County.

H: Communities Modifying Governmental Structure

Summit County

Summit County demographics are similar to those of Lucas County. The two counties share many of the same core industries and exhibit a similar level of economic diversity. Summit County has approximately 542,000 people* living in a land area of approximately 412.8 square miles. Summit County has, within its boundaries, thirteen (13) cities, nine (9) villages, and nine (9) townships.**

After repeated attempts, over many years, to gain traction around a Charter form of government, the citizens of Summit County voted to enact a Charter form of government in 1979, with the Charter going into effect in 1980. The Summit County Charter calls for the following positions***.

- One Elected Executive
- 11 Elected Council Members – eight serve by district and three serve at large
- One Elected County Fiscal Officer (to replace the formerly elected Auditor, Treasurer, and Recorder)
- One Appointed Medical Examiner (to replace the formerly elected Coroner)
- One Elected Clerk of Courts
- One Elected County Prosecutor
- One Elected County Engineer
- One Elected Sheriff

The Charter also provides for the creation of new Commissions and Departments.

- Charter Review Commission – meets every five years
- County Human Resource Commission – oversees the Human Resource Department within the County
- Purchasing Department – reports to Executive

- Public Information Department
- Public Information Commission – policy focus
- County Audit Committee – provides internal auditing – consists of CFO, County Executive, President of County Council and two residents of Summit County
- Department of Internal Auditing – guided by the County Audit Committee

Amending the Charter

The Summit County Charter has been amended a number of times over the years, through a process that is contained in the Charter document itself, known as a Charter Revision. A Charter Revision is initiated by a Charter Review Commission (CRC). The first CRC commenced in September 1999; the next one was in September 2003; and then they occur at five-year intervals thereafter. The CRC consists of nine electors of Summit County. CRC members serve without compensation and may not serve on more than three consecutive CRC's, except in rare circumstances. The County Executive's office provides staff support to the CRC. Recommendations for change to the Charter originate with the CRC and are forwarded to County Council for a vote on whether or not to submit the proposals to the electors.

During each five year review there is an opportunity to examine the efficiency and effectiveness of all positions, department and commissions with an eye toward amending the Charter if needed.

Role of the County Executive

The County Executive acts as the Chief Executive Officer of the County; the salary of this position is set in the Charter, and can be raised through local ordinance. The authority of the Executive includes the power: to make staffing decisions over all the county except for certain boards, agencies, commissions, etc.; to appoint members and officers of boards, agencies, commissions, etc.; to

* <http://www.census2010.gov>

** http://www.en.wikipedia.org/Summit_County

*** The Summit County charter can be accessed online at: <http://www.conwaygreene.com/summit.htm>

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H: Communities Modifying Governmental Structure

Summit County

approve or veto ordinances; to serve as a member of the County Board of Revision; to execute contracts on behalf of the County; to attend and participate in meetings of the County council; to introduce ordinances and resolutions for consideration by the County Council; to submit to the County Council a proposed budget; to submit to the County Council a capital improvements program; to conduct collective bargaining and to administer uniform personnel procedures for all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council, and County Executive; to submit to the County Council a five-year financial forecast for the general fund of the county. In addition, the County Executive has the power to investigate the administrative affairs of other County offices.

Summit County Council

County Council is the legislative body of the County, and has taxing authority over the County. The Council consists of eleven members, elected for four year terms by the voters of Summit County – three serving at-large, and eight by district. The salary of Council members is set in the Charter and may be changed by ordinance. The County Council has specific enumerated powers and duties set forth in the Charter, most of which are legislative in nature, including the power to levy taxes and to conduct financial investigations of other County offices, agencies, and departments.

Other Positions, Departments and Commissions

The Charter provides for the creation of a position known as County Fiscal Officer (CFO). This individual is elected by the people of Summit County, and is a consolidation of the

Recorder, Auditor and Treasurer under the Traditional Form of County government. The CFO is also required to prepare the tax maps for the County.

The Charter provides for the appointment of a County Medical Examiner (ME). This position is appointed by, and serves at the pleasure of, the County Executive, with confirmation by the County Council. The ME has all the powers and duties that the Coroner had under the Traditional Form of County Government. Qualifications for the ME are stated in the Charter.

Rather than having distinct human resource functions within each office as under the Traditional Form of County Government, the Charter provides for a County Human Resource Commission. This Commission is a stand-alone Commission that operates alongside the County government. It consists of three electors of the County, and is responsible for administering an efficient and economical system for employment of persons in the County according to merit and fitness. The County's human resource system is established by ordinance under the Charter. Members of the Commission are appointed by the Executive and confirmed by the County Council. Their qualifications are delineated in the Charter. Each Commissioner serves a term of six years and is compensated *per diem* according to a rate established by the County Council. There also exists a Human Resources (HR) Department within the County government itself. The HR Department serves under the direction of the Human Resources Commission. The establishment of this County-wide HR Department is certainly a cost-savings measure that saves resources by avoiding duplication that one would find under the Traditional Form of County Government, where each office has its own HR effort.

Summit County has a separate purchasing department serving under the direction of the County Executive. It is charged with purchasing all the goods and services required by the entire County Government, including boards and commissions, and any other body that receives

county tax support. A centralized purchasing department has potential to save money by avoiding duplication and serves to ensure that any purchasing arrangement entered into on behalf of the County is done in a fair, equitable, and legal manner, including consideration for bidding processes that must be open and available to the public.

A Department of Public Information ensures consistent, clear, responsible messaging to the public regarding affairs of the County. Efforts such as this are found within other agencies at all levels of government, and help to ensure that the public receives accurate information in a timely manner. Relatedly, the Charter provides for a Public Information Commission, consisting of the CFO, the Sheriff, the Clerk of Courts, the President of County Council, the County Engineer, the Prosecuting Attorney, and the County Executive. The Commission's purpose is to craft policy on public information and communication matters.

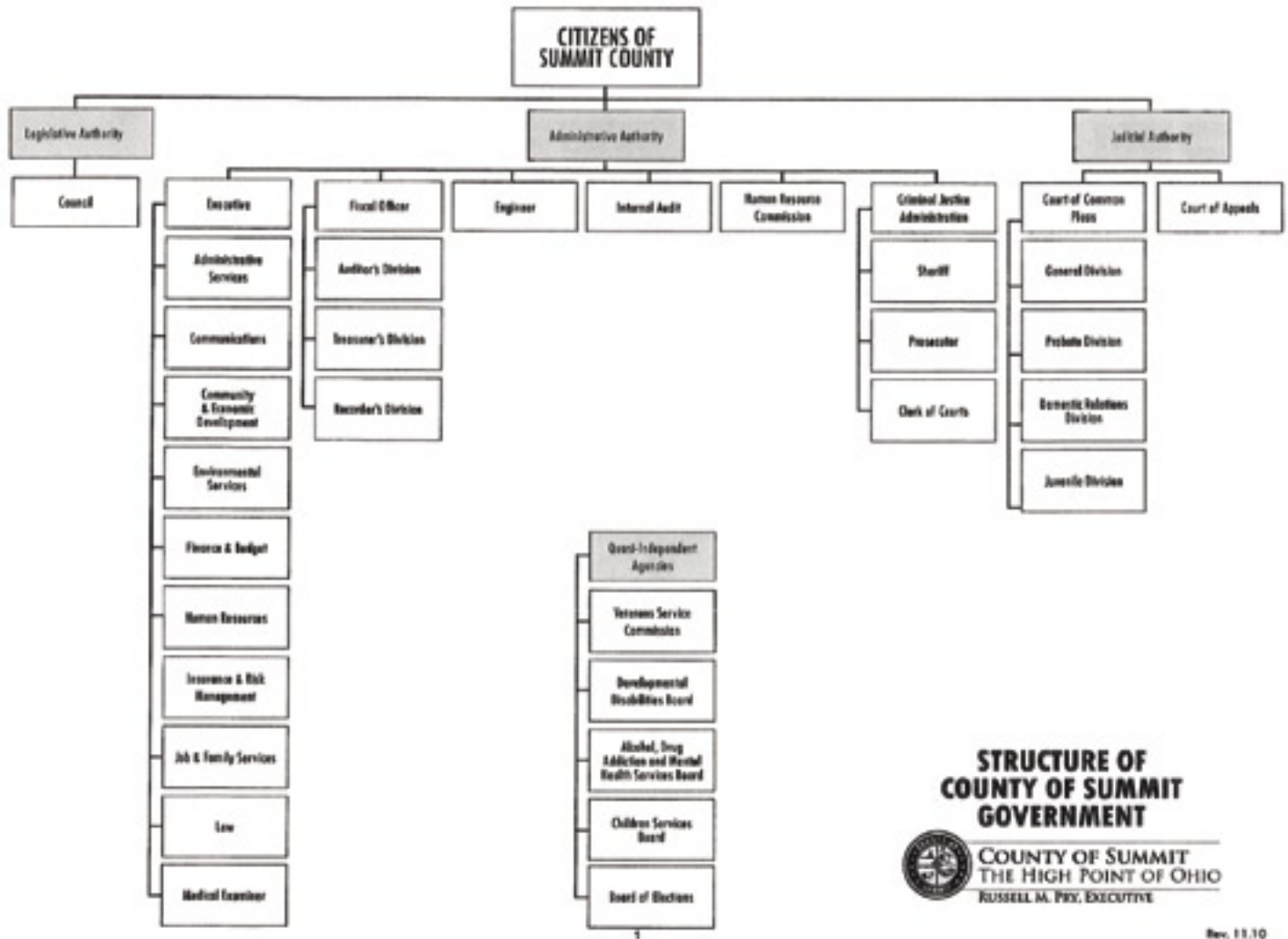
The Charter also creates a County Audit Committee. This committee provides internal auditing to assist the County Executive, County council, County elected officials, and other boards and commissions of the County. It consists of the CFO, the County Executive, the President of County Council and two residents of Summit County. It oversees the functioning of a newly created Department

of Internal Auditing. The Department of Internal Auditing is managed by a Director of Internal Auditing, who has specific qualifications as set forth in the Charter. The Director of Internal Auditing makes recommendations for the hiring of staff for the Department of Internal Auditing. The Department of Internal Auditing, as outlined in the Charter, has the following powers and duties: preparation of budget; development of audit fee; offering guidance on internal audit processes using various standards; and other ministerial duties typically associated with audit departments.

Over the course of time, the Charter has allowed for opportunities for cost sharing and consolidation within the County, where previously there had not been such opportunity. Some examples of this include: the City of Akron contracting with Summit County Health Department to serve as the City's Health District; the City of Akron and the City of Cuyahoga Falls contracting with Summit County to provide for building inspection and plans review, allowing both cities to close their building departments, and offering the city employees positions with the County; the City of Akron contracting with the County for weights and measures work, allowing the City to close its Weights and Measures Division; and others.

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SUMMIT COUNTY GOVERNMENT ORGANIZATION



Rev. 11.10

H: Communities Modifying Governmental Structure

Cuyahoga County

As with Summit County, Cuyahoga County has a charter form of county government. Cuyahoga County voters passed a charter resolution in the 2010 election, and the charter (the “Charter”) took effect in January 2011. The structure of Cuyahoga County’s government is discussed in further detail below, but in sum, the Cuyahoga County Charter* calls for the following positions:

- One elected Executive
- 11 County Council members – each elected by district
- One elected Prosecutor
- One appointed Law Director – to serve as legal counsel to the Executive
- One appointed Fiscal Officer – combination of Auditor, Recorder, and some duties of the Clerk of Courts
- One appointed Treasurer
- One appointed Sheriff
- One appointed Medical Examiner – replaces the former Coroner
- One appointed Director of Public Works – combination of County Engineer and County Sanitary Engineer positions

The Charter also provides for creation of new Boards, Commissions and Departments. Discussed further below, they are:

- Budget Commission
- Board of Revision
- Department of Development – run by appointed Director
- Department of Health and Human Services – run by appointed Director
- Human Resource Commission
- Department of Purchasing

- Internal Auditing Department – run by Director who reports to Internal Audit Committee
- Internal Audit Committee
- Charter Review Commission

Given the recent adoption and implementation of the Charter relative to this particular study, it was difficult for the Committee to fully evaluate this effort. However, the basic structure of the Charter is as follows:

Cuyahoga County Executive

The Charter provides for an elected Executive, whose power is in balance to the elected legislative body of County Councilors. The qualifications for the Executive are outlined in the Charter, as is the compensation for the Executive. The Executive is empowered to make staffing decisions for the County, except for certain boards, commissions, and for the County Council. The Executive appoints and removes County directors and officers and members of various boards, commissions and agencies, subject to confirmation by County Council. The Executive has approval and veto authority over resolutions and ordinances. The Executive serves on the County Budget commission and on the County Board of Revision; may execute contracts on behalf of the County; attends meetings of the County Council and participates in discussion with Council; and may introduce ordinances and resolutions to Council. The Executive submits an operating budget and a capital improvements program, along with written message regarding these documents. The Executive may conduct collective bargaining. The Executive submits a five-year financial forecast for the general operating funds of the County. The Executive is empowered to employ such staff, assistants, and deputies as necessary to carry forth the Executive’s duties. And, the Executive may cause investigation over any official or employee or administrative affairs of the County over which the Executive has authority.

* http://charter.cuyahogacounty.us/pdf_transitioninfo/en-US/CuyahogaCountyCharter.pdf

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H: Communities Modifying Governmental Structure

Cuyahoga County

Cuyahoga County Council

Compensation for Council members is set in the Charter. The Council has the power to: introduce, amend and enact ordinances and resolutions; appoint and compensate their staff; establish departments, divisions, etc., carry forth the administration of County business; establish procedures for the Executive to hire consultants; establish procedures relative to County purchasing; adopt and amend the tax budget; determine which officers and employees shall give bond and what the bond amount should be; provide for acquisition and maintenance of real property; cooperate and/or contract with other political entities for certain purposes; provide for a procedure for making public improvements and levying assessments for the improvements; require County employees to attend meetings; provide funding support for citizens of the County for post-secondary education; and establish Code of Ethics by ordinance. The Council may also call for an investigation upon any office, department or agency of County government relating to matters upon which Council is authorized to act.

In addition to the elected Executive and Council, the Charter provides for the Prosecuting Attorney to be elected.

Other Positions, Commissions and Departments

The Charter provides for appointment of the remaining row offices, and also provides for some combination of duties. The Charter creates a new position called "Fiscal Officer" which combines the duties of the County Auditor and County Recorder as well as the Clerk of Common Pleas Court, but only those duties that otherwise do not pertain to servicing the Court of Common Pleas. The Fiscal Officer qualifications, as defined in the Charter,

include being a certified public accountant with at least five years' experience in the management of financial matters of political subdivisions. The Charter provides for an appointed Medical Examiner (ME), who has all the same duties and powers as a Coroner, under the traditional form of County Government. The ME must be a licensed physician, with specialized training in forensic medicine and pathology. The Clerk of Courts, unlike under the traditional form of county government, focuses solely on servicing the clerk of common pleas; all other duties have been assumed by the fiscal officer.

The Charter creates a new position known as "Director of Public Works" (DPW). The DPW is a combination of the county engineer and the county sanitary engineer positions found under the traditional form of county government. If the DPW is not a professional engineer and a registered surveyor, the DPW must employ one or more individuals who possess these qualifications.

The Charter also creates a new position known as "Law Director". The Law Director position is structured to be the legal advisor to and representative of the County Executive and the County Council. Qualifications for the law director include being licensed as an attorney at law in the State of Ohio and having at least five years' experience in advising or representing political subdivisions in Ohio.

As of the time of this report, this position has caused conflict. The Ohio Attorney General has recently ruled that the retention of the Prosecutor with traditional powers and duties conflicts with the duties of the Law Director provided in the Charter. The Charter retains the treasurer and sheriff's positions, but makes both appointed positions.

The Charter provides for a Budget Commission. The Budget Commission consists of the County Executive, the Fiscal Officer and the Prosecutor. It has all the powers and duties of a County Budget Commission under the traditional form of county government. The Charter also provides for a Board of Revision, which consists of three

electors of the County. The electors are appointed by the Council and by the Executive.

The Charter expressly outlines the County's role in economic development in the community. It creates a Department of Development, run by a Director of Development, who is appointed by the Executive and confirmed by Council. The Department of Development works in conjunction with an Economic Development Commission, which is comprised of various parties from Cuyahoga County whose entities touch economic development. The Department of Development is to identify the causes of unemployment and economic underdevelopment among segments of the population and within communities in the County and the development of programs and activities to remedy such conditions.

The Director of Development submits a five-year economic development plan for the County each year. The Charter creates a Department of Health and Human Services who has responsibility for the protection and enhancement of the health, education and well-being of County residents. It is run by a Director of Health and Human Services.

The Charter provides for the creation of a Human Resource Commission (HRC). The HRC is responsible for administering an efficient and economical system for employment of human resources in the County. The HRC administers a classification and salary administration system to ensure fairness and equity in pay ranges.

Purchasing functions across the county are handled by a newly created Department of Purchasing, the purpose of which is to ensure that purchases are handled fairly – that is, subject to fair processes and in accordance with the financial means of the County to procure such purchases.

An Internal Audit Department is created by the Charter. It is supervised by a Director of Internal Audit. The Audit Department serves at the direction of the Internal Audit Committee. This committee helps the Department of Internal Audit accomplish its objectives by developing an approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The Committee assists the Director in the oversight of the County's financial statement preparation process, oversight and direction of the County's internal audit function, oversight of any external public accounting firms hired by the County, and reporting of risk management and audit activity to the Executive and Council. The Audit Committee also reviews and approves the Internal Audit Department's audit plans and activities, as well as significant findings and recommendations by the Department of Internal Audit.

The Charter Review Commission (CRC), meets in September 2012, September 2017, and then every ten years thereafter. The Charter provides for appointment specifications to the CRC. Any potential amendments flowing from the CRC must be presented to the voters of Cuyahoga County.

In terms of demographics, Cuyahoga County has approximately 1,280,122 people* in a land area of approximately 458.3 square miles. Cuyahoga County has, within its boundaries, thirty-eight (38) cities, nineteen (19) villages, and two (2) townships.**

A current organizational chart is not yet available.

* <http://www.2010census.gov>

** 2010 Cuyahoga County Budget Summary. Available at: http://fiscalofficer.cuyahogacounty.us/pdf_fiscalofficer/en-US/obm/2010-Budget-Summary.pdf.

APPENDICES

H: Communities Modifying Governmental Structure

Indianapolis/Marion County, Indiana

Indianapolis and Marion County benefit from legislation passed by the State of Indiana in the late-1960's stating that when a city reaches a population above 600,000, the city becomes what is known as a "First Class City" (FCC). Upon reaching FCC designation, a city automatically merges with its host county. This merged governmental entity is known in Indiana as Unigov. It is clear from the history of Unigov legislation in Indiana that lawmakers wrote the provision to specifically apply to only Indianapolis. In fact, when the legislation was originally written in the late-1960's, the threshold for FCC designation was a population of 250,000. However, as the population of Fort Wayne grew with acquisition of some land, Fort Wayne came close to achieving FCC status, and the legislature acted to increase the threshold to its present population number of 600,000.* Indianapolis achieved FCC status and merged with its host Marion County in 1970, over forty years ago.

Along with this structural change, the former Indianapolis City Council and the former Marion County Council were joined to become one City-County Council. The Unigov structure is divided into three branches modeled after the federal government. The Executive Branch consists of an elected County Mayor and associated administrative offices; the Legislative Branch consists of the 29-member City-County Council, who are elected at-large and by district; the Judicial Branch consists of the court system.

Included within the Executive Branch is the Mayor's Office, the County Controller, Legal Counsel, and five departments. The five departments are: Administration, Metropolitan, Public Works, Public Safety, and Parks and

Recreation. The Director of each department is appointed by the Mayor with confirmation by the City-County Council. The Legislative Branch has the power to adopt budgets, levy taxes, and make appropriations. Four members of the Council are elected at-large, and the balance are elected by district. The Council has control over the ordinance process, which means they can pass laws. The Judicial Branch includes a Circuit Court, a Superior Court with four divisions, and a Small Claims Court.

Included and Excluded Cities, Towns and Townships

There are twelve towns that are **Included** in the Consolidated City of Indianapolis, but they retain town status as defined by the Indiana Constitution. Each of these towns has a population of less than 5,000. Further, there are nine townships, each of which has an elected Township Assessor, Township Trustee, Township Constable, and a seven-member Advisory Board.

As part of the bargaining process to pass Unigov legislation four cities, the excluded cities of Beech Grove, Lawrence, Southport, and Speedway, retain certain aspects of autonomy. Even though they maintain autonomy, they are still part of Marion County, and so they are represented on the City-County Council. The Unigov structure, per State law, provides road maintenance, natural resource management, and civil ordinances to the excluded cities.

Residents in the excluded cities vote for the Mayor and Council of their own city, the Mayor of Indianapolis, a Council member, and the four at-large Council members. Residents in the excluded cities are obligated to pay many county-wide taxes.

*Unigov Handbook: A Citizen's Guide to Local Government.

Elected Positions

Under Article 6, Section 2 of the Indiana Constitution, the following offices are each elected and serve a term of four years: Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. Because of the difficulty in changing the Indiana Constitution, these offices have not been modified by the legislature.

The **Clerk of the Circuit Court** is the records keeper for the Circuit and Superior Courts. The Clerk has duties associated with incarcerated individuals, issues jury veni-res and summonses, receives and dispenses funds associated with the Courts, and provides access to computerized court records. All County marriage records, name change and adoption records are kept by the Clerk. Birth and death certificates are maintained by the Marion County Health Department.

The **Auditor** is the Chief Financial Officer of the County. The Auditor is responsible for keeping ledgers and records affecting county funds, as well as ensuring that such funds are received and disbursed in accordance with the law. The Auditor distributes tax monies to local political sub-jurisdictions. Property transfers are entered for taxation with the Auditor's office. The Auditor handles various property tax exemptions and administers the County payroll.

The **Recorder** is charged with preserving deeds, mortgages, liens, articles of incorporation and some other business filings and military service discharges, as well as records regarding ownership of real estate.

The **Treasurer** collects, keeps accounting records of, and disburses county collected funds. The Treasurer also manages and invests the county's money.

The **Coroner** is responsible for investigating accidental or suspicious deaths and to determine cause of death.

In addition, when a Sheriff is unable to perform his duties, the Coroner is authorized to perform Sheriff's duties.

The **Surveyor** is responsible for surveying county land and keeping such records associated with the surveys. The Surveyor's work forms the basis for all land descriptions and locations in the county.

Emergency Response Departments

Marion County and the City of Indianapolis have both a Police Department (Indianapolis Metropolitan Police Department (IMPD)) and a Sheriff, with jurisdiction throughout Marion County, except that the IMPD does not have jurisdiction in the excluded cities. IMPD was created as a merger of the former Indianapolis Police Department and the law enforcement division of the Marion County Sheriff and operates under the Department of Public Safety. The Chief of IMPD is appointed by the Director of Public Safety. IMPD has a criminal investigation unit, a traffic enforcement unit, and special units. A Sheriff's deputy is authorized to issue tickets or to effect an arrest anywhere in the County. Duties of the Sheriff include keeping the peace, apprehending criminals, guarding the courts, enforcing election laws, and maintaining the jails and prisoners. In addition, the Sheriff serves all orders as directed by the courts, serves all legal processes of the County Election Board, and collects delinquent taxes.

In terms of demographics, Marion County has approximately 903,393 people according to 2010 Census data.* This number is up from 860,454 in 2000. The land size of Marion County is 396.2 square miles. The median household income for Marion County in 2009 was \$41,421.** The budget for the region is \$1.1 billion.***

* <http://2010.census.gov/2010census/data/>

** USDA Economic Research Service

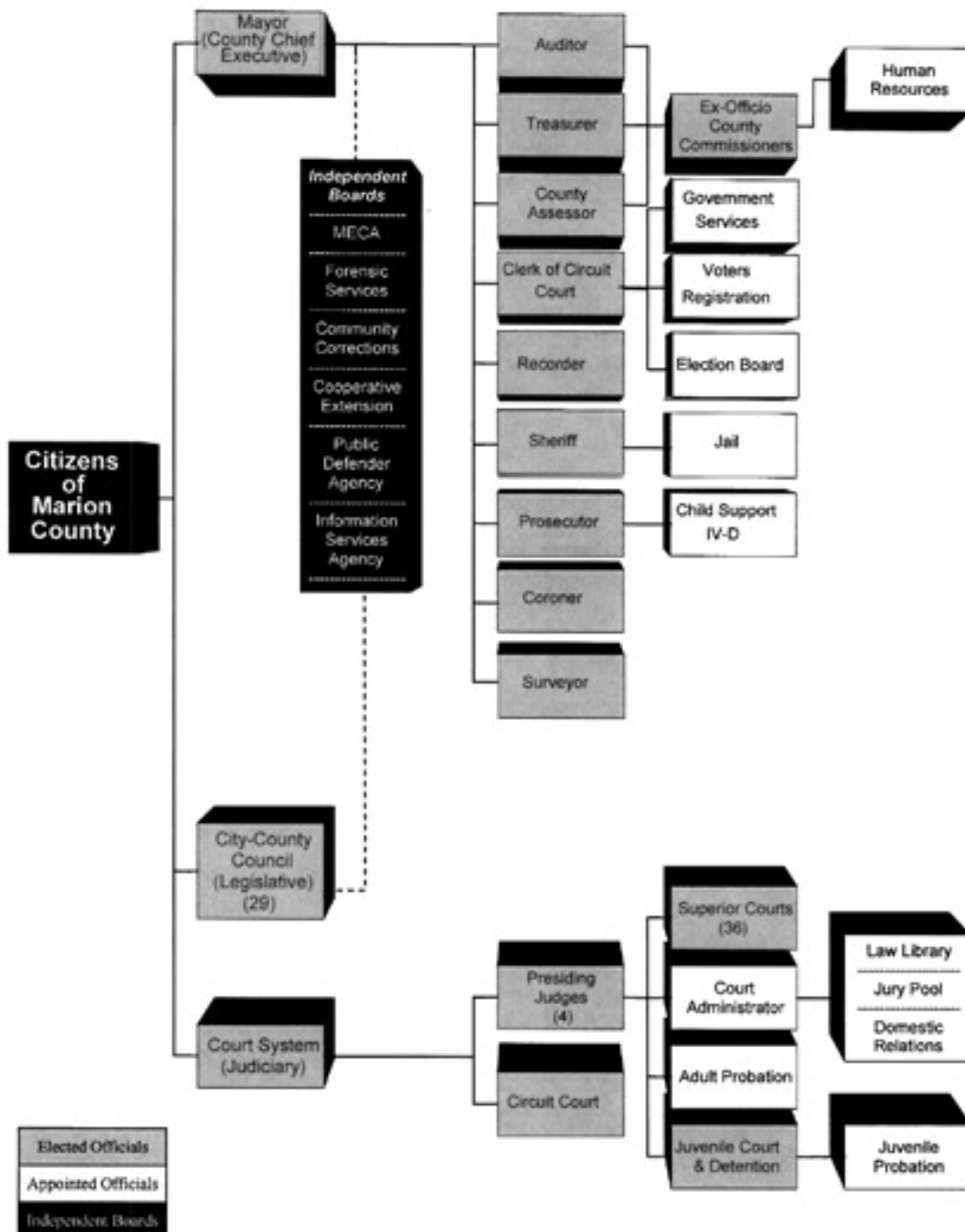
*** <http://www.indianaeconomicdigest.net/main.asp?SectionID=31&SubSectionID=135&ArticleID=55914>

APPENDICES

H: Communities Modifying Governmental Structure

Indianapolis/Marion County, Indiana

INDIANAPOLIS/MARION COUNTY GOVERNMENT ORGANIZATION



H: Communities Modifying Governmental Structure

Louisville/Jefferson County, Kentucky

On January 6, 2003, the city of Louisville merged with Jefferson County to become a single consolidated government.* The merger was approved by the voters in Jefferson County in 2000. Prior to this passage, however, Louisville and Jefferson County had a long history of attempts at merger and consolidation of services.** Beginning in the 1950s, the community engaged in several failed attempts at a complete merger, opting instead for more modest reforms.

By the late 1990s, however, the idea of a complete merger was again gaining traction, particularly in the local business community. The proposed merger called for combining the city and county governments. Under the proposal, all taxes and services were to stay the same, unless voted to change. Conflicting laws were to sunset after five years, unless readopted. Initially, there were no urban service districts although these were later added. Finally, small cities in the county were protected and were to retain some autonomy.

The merger was promoted as a means to effectuate economic development, improve government efficiency and provision of services, create a single community led by a single individual, and to ensure that Louisville would remain the most populated city in the state of Kentucky. As a result of the merger of the city and county, Louisville proper ballooned from 62 square miles to 385 square miles. Similarly, population of the city increased from 256,000 to 548,000 (with an additional 143,053 residents living in semi-independent suburban cities).

The government of Louisville – Jefferson County is divided into three branches. The executive and administrative power is vested in the Office of the Mayor. The Mayor is elected to serve a four-year term. The legislative power is vested in a 26-member council. All council members are elected by district and serve four-year terms.

The Kentucky Constitution mandates the election of certain county officials. Consequently, the state legislation expressly provided that all such positions would be unaffected by the merger. Thus, Louisville – Jefferson County continues to elect a commonwealth attorney, a circuit court clerk, a judge of the county court, a county court clerk, a county attorney, a sheriff, coroner, surveyor, and assessor, as well as three justices of the peace and three constables. The duties of these positions are prescribed by state statutory law.

Kentucky does not elect its county treasurers or auditors. The Metro Government of Louisville – Jefferson County has an Office of the Treasurer and an Office of Internal Audit to fill these roles. The Treasurer is responsible for planning and directing the collection and receipt of taxes and other public money, directing and managing the government's portfolio, projecting operating needs, considering the need for bond issues, supervising and managing the government's bank accounts, negotiating transactions of securities, and consolidating the cash management system of the other agencies with that of the Metro Government. The Office of Internal Audit is separate from any other agency or department within the Metro Government. It is headed by an appointed Chief Audit Executive, and is charged with the responsibility to conduct audits of all departments, offices, boards, activities and agencies within the Metro Government.

* <http://www.louisvilleky.gov/YourGovernment/Merger.htm>

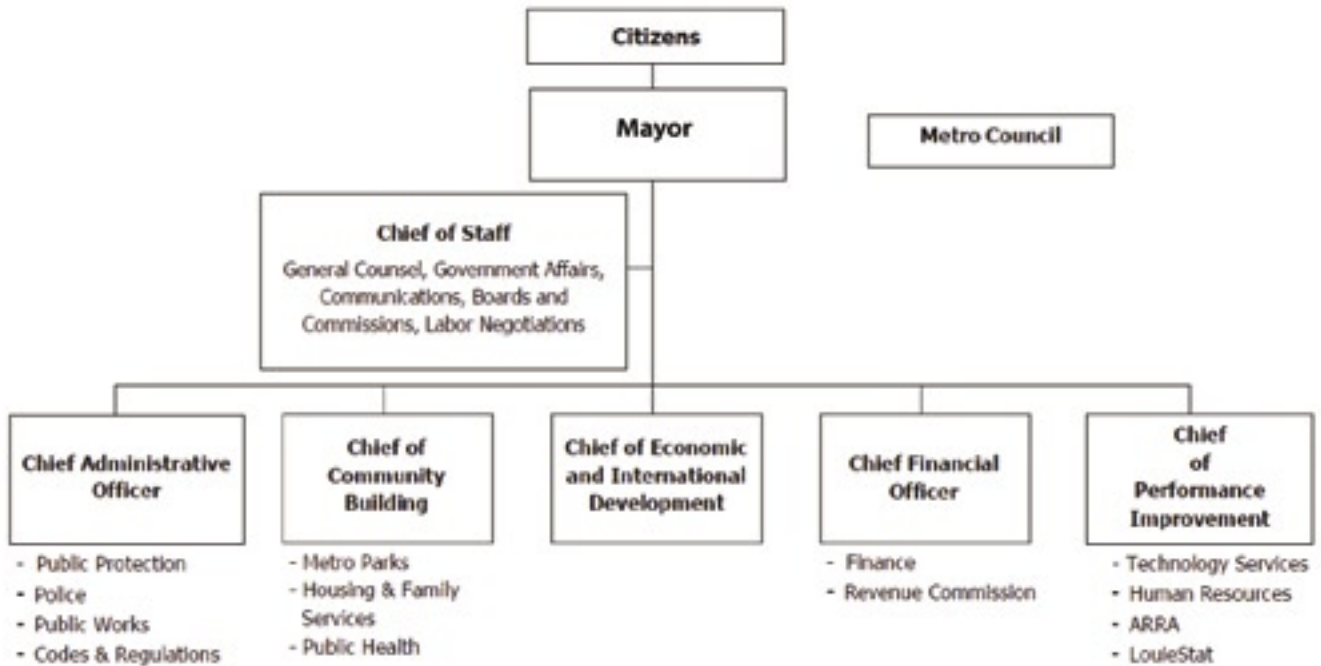
** [http://pprc.umsl.edu/pdfslideshow/The%20Louisville%20Merger%20\(St%20Louis%202006\).pdf](http://pprc.umsl.edu/pdfslideshow/The%20Louisville%20Merger%20(St%20Louis%202006).pdf)

APPENDICES

H: Communities Modifying Governmental Structure

Louisville/Jefferson County, Kentucky

LOUISVILLE/JEFFERSON COUNTY GOVERNMENT ORGANIZATION



H: Communities Modifying Governmental Structure

Allegheny County, Pennsylvania

Allegheny County is home to the City of Pittsburgh, as well as 129 other local jurisdictions. As of the 2010 census, the population of the county was 1,223,348.* The county has a total area of 745 square miles, of which 730 square miles are land.** The remaining fifteen square miles are water, primarily consisting of the Ohio, Monongahela, and Allegheny Rivers and their tributaries.

Under Pennsylvania law, Allegheny County is a Second Class County and operates under the Second Class County Code. Only the Pennsylvania General Assembly is authorized to alter this code. In 1972, the state legislature passed legislation enabling counties to adopt home rule charters. Because Allegheny County had already met a lot of the requirements of the 1972 act, it was granted an exemption from some of the formalities of that act in a separate 1997 act. Voters had rejected similar attempts at passing a home rule charter in 1974 and 1978.

Home Rule Charter

Home rule was designed to give greater local control over the structure and operations of county government. Allegheny County adopted its home rule charter in May 1998, by a margin of fewer than 600 votes.***

The first elections under the new charter were held on November 1999, and those elected officials were sworn in on January 3, 2000. The charter replaced the traditional 3-commissioner form of government with an elected County Executive and 15-member County Council. Two council members are elected in a countywide, at-large election, with the other 13 being elected by district. Council members serve staggered four-year terms.

The general structure of county government in Pennsylvania is defined by the state constitution; however, counties with home rule charters are exempt from many of the requirements. Under Pennsylvania constitutional law, counties are required to elect controllers or auditors, district attorneys, treasurers, sheriffs, registers of wills, recorders of deeds, prothonotaries and clerks of the courts. In Allegheny County, the offices of the Prothonotary (a clerk of the common pleas civil division, who also performs some duties associated with the County Recorder in Ohio), Clerk of Courts, and Register of Wills were combined into the Department of Court Records. The Recorder of Deeds office was replaced by the Department of Real Estate. The offices of the Treasurer, Sheriff, Controller, and District Attorney continue to be elected.

Perhaps the most unique feature of the Allegheny County home rule charter is its provision for a separation of the executive and administrative powers between an elected Chief Executive and an appointed Manager. Some of the primary functions of the Chief Executive include: enforcing all laws of the county; representing the county in negotiations with other government heads and in negotiations involving economic development; approving or rejecting ordinances and resolutions passed by council; controlling the administration of most departments and agencies; submitting comprehensive fiscal plans to council; appointing a manager and solicitor with the approval of council; and making other appointments. The County Manager, defined as the chief administrative officer of the County, is charged with, among other things, implementing the policies of the Chief Executive and council; supervising all executive branch departments and agencies, except the Law Department; appointing and removing directors of those departments, after consultation with the Chief Executive; preparing and administering a personnel sys-

* <http://www.2010census.gov>

** http://en.wikipedia.org/Allegheny_County,_Pennsylvania

*** The charter is available at: <http://www.alleghenycounty.us/charter21/hrchart.pdf>

APPENDICES

H: Communities Modifying Governmental Structure

Allegheny County, Pennsylvania

tem; hiring, disciplining, or discharging any employee under the jurisdiction of the Manager; and preparing and administering the comprehensive fiscal plan.

Allegheny County has also explored the possibility of merging with the City of Pittsburgh. In fact, the concept has been extensively studied and has received the support of both the County Executive and the City of Pittsburgh Mayor.* However, given the logistical difficulties of undertaking a merger in a community such as Allegheny County (with its 130 separate jurisdictions), it seems unlikely that any such merger will occur any time soon – and the idea has never been submitted to referendum. Under Pennsylvania law, a majority of the residents in each affected municipality must vote in favor of becoming a part of any merged government.

Consolidation of Departments and Services

In lieu of complete merger, the City of Pittsburgh and Allegheny County have explored the consolidation of individual departments and services. Last year, Allegheny County created a Municipal Service Sharing & Consoli-

dation Program, which is designed to encourage and facilitate the sharing of services between municipalities. The program includes a conflict resolution process, which is designed to assist municipal leaders in resolving inter-governmental conflicts. Some examples of the consolidation of services include the formation of two regional police departments to service smaller communities – the Northern Regional Police Department services four townships in the northern part of the county, and the Ohio Township (Ohio Township, Pennsylvania) Police Department services eight boroughs and townships along the Ohio River Valley. The County has also completely consolidated 911 dispatch services. In addition, the City of Pittsburgh and Allegheny County have considered consolidation of vehicle fleets.

Despite the obvious difficulties in achieving complete consolidation, this would not be the first attempt at merger between the City of Pittsburgh and Allegheny County. In 1929, a referendum was placed before the voters of Allegheny County that would have authorized a merger.** The overall vote was heavily in favor of the merger, but it nevertheless failed. A last minute rule change required majority support in 2/3rds of the municipalities, but the vote failed to meet this requirement. No further formal attempts seemed to have been made until 1974 and 1978. A successful attempt was made in 1999.

* http://www.pittsburghlive.com/x/pittsburghtrib/news/cityregion/s_628396.html

** <http://www.pitt.edu/news/citycountyreport.pdf>

APPENDICES

H: Communities Modifying Governmental Structure

Onondaga County, New York

Onondaga County is a county located in central New York State, about 20 miles southeast of Lake Ontario. As of the 2010 census, the population of the county was 467,020.* The largest city in the county is Syracuse, with a population of 147,306. The county has a total area of 806 square miles, of which 780 square miles are land.**

Onondaga County has operated under a home rule charter since 1961, but in recent years has been exploring other means of reforming county government through strategic consolidation. Prior to charter passage, Onondaga County was governed exclusively by a board of supervisors, who exercised legislative, executive, and quasi-judicial powers. The government was reorganized to accommodate the election of a chief executive and a 24-member board of legislators. The legislative board was subsequently reduced to 19 members in 2001.

All 19 legislative board members are elected by district. Eleven of the districts lie wholly outside the City of Syracuse; four lie entirely within the city limits; and four are composed of territory both inside and outside Syracuse. The County Executive is elected by countywide vote and serves a four-year term. The County Executive is the chief executive and administrative officer of the county. The powers and duties for both the legislative and executive branches are spelled out in the county charter.

The Division of Research and Communications, Division of Purchase, Traffic Safety Advisory Board, Division of Recreation and Associated Programs, and an Office of Environment all fall under the jurisdiction of the Office of the Executive. In addition, the County Executive is granted other traditional executive powers, including the power

to appoint administrative and department heads (subject to approval by the legislative board).

Departments, Offices and Boards

The charter also expressly authorized the establishment of a number of departments, offices, and boards. The Department of Finance is headed by an appointed Chief Fiscal Officer, and replaced the elected role of County Treasurer. The Department of Audit and Control is headed by an elected Comptroller. The Comptroller is the chief accounting and auditing official in the county. The Department of Law is headed by an appointed County Attorney. The County Attorney is the sole legal advisor for the county and is responsible for prosecuting or defending all civil actions brought by or against the county. The Department of Records is headed by an elected County Clerk. The County Clerk performs many of the duties that a County Recorder would perform in Ohio. The Office of the District Attorney is headed by an elected District Attorney. The District Attorney is the chief criminal prosecutor within the county. The Office of the Sheriff is headed by an elected Sheriff, who serves as the chief law enforcement officer for the county. The County Planning Board is headed by a board consisting of five appointed members, and is charged with handling all planning matters within the county. The charter also replaced the elected office of the Coroner with an appointed Medical Examiner.

Continuous Improvement

Despite the changes heralded by the County Charter, the County of Onondaga has continued to look for ways to improve. In 2005, the Onondaga Citizens' League released a study on opportunities for government consolidation.*** Like Lucas County and the City of Toledo, Onondaga County has been plagued by population decline, loss of manufacturing jobs, and urban sprawl. This in turn had led to decreases in tax revenue, which placed signifi-

* <http://www.2010census.gov>

** http://en.wikipedia.org/Onondaga_County,_New_York

*** http://onondagacitizensleague.org/ocl_studies/2005/pdfs/FinalReport2005.pdf

cant financial stresses on the governments of Onondaga County and the City of Syracuse. The Citizens' League study was tasked with making recommendations that could mitigate these problems.

That study concluded the metropolitan government consolidation tended to produce only modest improvements in government efficiency, but that it was strongly correlated to economic growth. This finding was explained by noting that "the multitude of local governments ... results in fragmented, piecemeal, parochial, and incomplete decision making on matters that impact the entire county." The study further found that the adoption of a more regional view would rectify this problem and lead to economic development in the county.

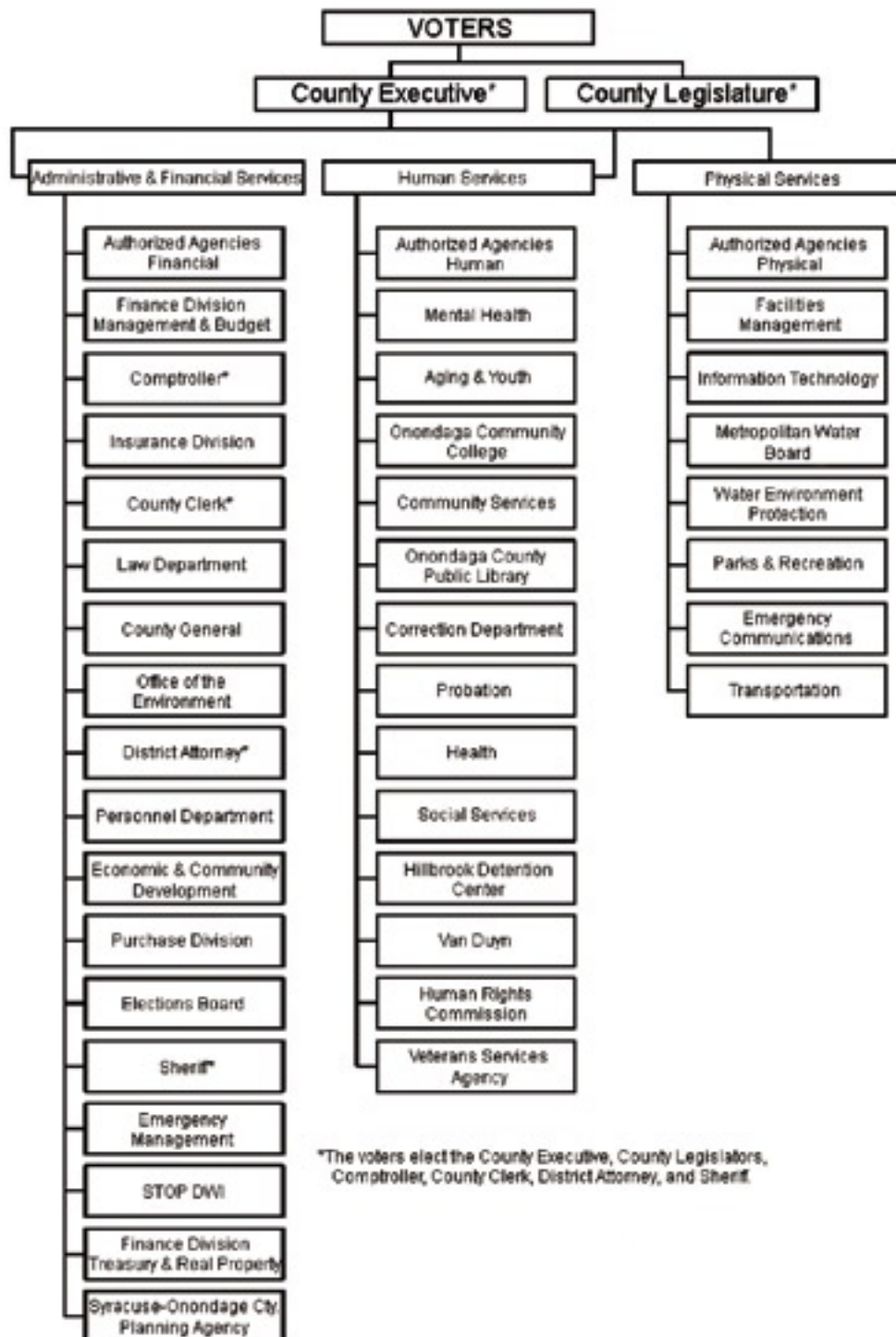
In 2007, the County Executive commissioned a task force to focus on six areas – one of which was government modernization.* The task force made a number of recommendations. Many of the longer-term recommendations focused on adopting a more regional approach to government. One such recommendation was the regionalization of transportation assets within the county, e.g. through the creation of a regional airport authority to manage Syracuse Hancock International Airport. Implementation of these recommendations is ongoing, and should continue over the course of the next several years.

* <http://www.ongov.net/forms/images/ConsolidatedReport.pdf>

APPENDICES

H: Communities Modifying Governmental Structure Onondaga County, New York

ONONDAGA COUNTY GOVERNMENT ORGANIZATION



*The voters elect the County Executive, County Legislators, Comptroller, County Clerk, District Attorney, and Sheriff.

H: Communities Modifying Governmental Structure

Nashville/Davidson County, Tennessee

On April 1, 1963, the governments of the City of Nashville and Davidson County were merged into a single metropolitan government. The boundaries of the city and county became coextensive at the time of this merger. As of the 2010 census, Nashville – Davidson County had a population of 626,681 residents.* The area of the consolidated city-county is 526.1 square miles, of which 502.2 square miles is land.**

The story of Nashville/Davidson County is one which resonates with the study committee, due to the similarity to the challenges facing Lucas County today. In Nashville – Davidson County, metropolitan government was seen as a way to solve two problems:

1. ending the erosion of the tax base of the City of Nashville; and
2. providing services to urbanized parts of the county that the existing county government struggled to provide.

The city and county often found themselves competing for tax revenues and there was a significant overlapping of services. Also, county residents benefitted from some city services, such as the library and parks system, without paying city taxes. As the suburban areas of Davidson County grew, the county found itself unable to provide basic urban services, such as sewage. Fire protection in the county was provided only as a private service to those residents who contracted for it.

Voters Approve Charter in 1962

The first attempt at passing a metropolitan government charter failed. Tennessee law provided that consolida-

tion could occur if voters representing both parties to the consolidation approved the measure. The June 17, 1958 referendum passed in the city limits, but was rejected by the voters of the rest of Davidson County. The voters of Davidson County were fearful that merging with the City of Nashville would result in higher taxes. In response, the City began an aggressive campaign of annexing adjacent unincorporated areas. Residents of these newly annexed areas faced higher property taxes, but few additional services. A second charter was presented to the voters on June 28, 1962. This time the attempt was successful, as a majority of both the City and County approved of consolidation.

The charter provided for a separation of executive and legislative powers.*** Executive powers were vested in a Metropolitan County Mayor. The Mayor is elected to serve a four-year term, and can serve no more than three consecutive terms. The charter also provided for the election of a Vice Mayor, who also serves as the presiding officer of council. Legislative powers were vested in a Metropolitan Council. This council consists of 40 members. Five members are elected at large, and thirty-five are elected by district. Council members are elected to four year terms, and are limited to serving two consecutive terms.

Two Service Districts

Perhaps the most noteworthy feature of the charter was its establishment of two service districts: a General Services District and an Urban Services District. The General Services District encompasses all of Davidson County. Residents living within the district pay taxes which are deemed properly chargeable to the whole population. The Urban Services District, composed in large part of the existing corporate limits of Nashville, receives additional services and pays higher taxes to support those services. The charter established a three-

* <http://www.2010census.gov>

** http://en.wikipedia.org/Davidson_County,_Tennessee

*** The Davidson County charter can be accessed at: <http://www.municode.com/Library/clientCodePage.aspx?clientID=14243>

APPENDICES

H: Communities Modifying Governmental Structure

Nashville/Davidson County, Tennessee

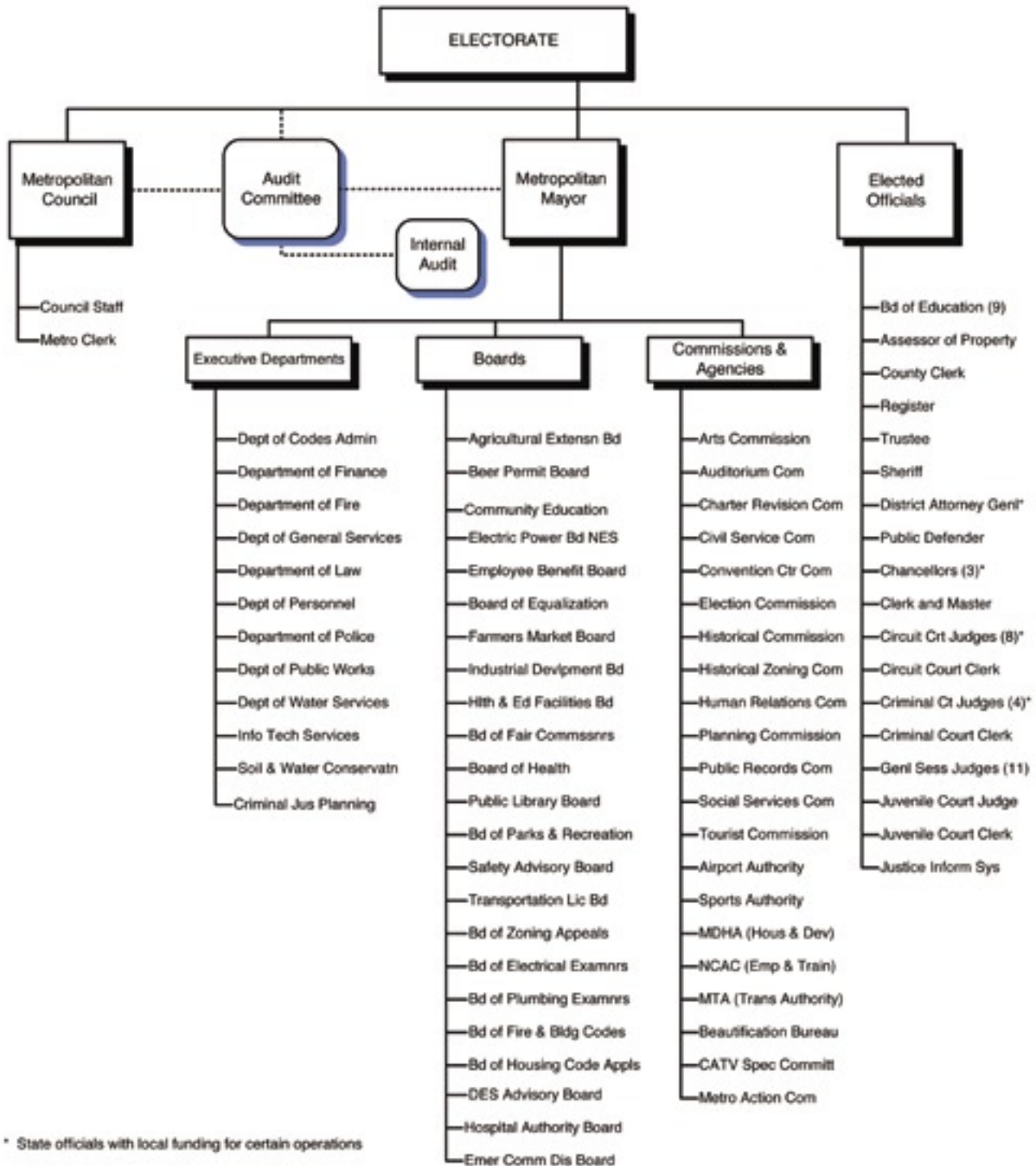
member Urban Council, elected at-large by voters residing within the Urban Services District. This council is responsible for financing the Urban Services District budget, through levying of property taxes within the district.

Departments, Boards, Divisions

The charter also provided for the creation of a number of departments, divisions, boards, commissions, and other authorities. The Department of Finance is headed by a Director, who is appointed by the Metropolitan Mayor. The Director is responsible for the administration of the financial affairs of the government and is tasked with

supervising the divisions of budgets, accounts, collections, treasury, and purchases. These divisions are headed by separate officers, who are also appointed by the Mayor. The Division of Tax Assessment is headed by an elected Tax Assessor, whose duties are defined by state law. The Office of the County Court Clerk is headed by an elected clerk, as provided by state law. The charter provided for a Division of Metropolitan Audit, which is headed by a Director who is appointed by majority vote of Council. The Director audits the financial and performance records of the Metropolitan Government. The Department of Metropolitan Police is headed by a Chief of Police, who is appointed by the Mayor. The Department is the sole law enforcement agency for the consolidated city-county. The Department of Law is headed by a Director, who is appointed by the Mayor subject to confirmation by Council. The Department of Law handles all legal matters for the Metropolitan Government.

DAVIDSON COUNTY GOVERNMENT ORGANIZATION



APPENDICES

H: Communities Modifying Governmental Structure

Minneapolis – St. Paul, Minnesota

The Minneapolis – St. Paul Urbanized Area is a seven-county region in southern Minnesota, centered on the Twin Cities of Minneapolis and St. Paul. The seven counties making up this area are Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. As of the 2010 census, the population of the seven-county region stood at 2,803,221.* This seven-county area is guided by the Metropolitan Council, a local planning organization.** The Metropolitan Council does not provide many of the services traditionally associated with county government. The individual counties within its jurisdiction retain their own governments for the provisions of those services.

Planning and Coordination Role

The Council was established by the Minnesota state legislature in 1967. In a largely rural state, the Metropolitan Council was established to serve as a regional planning and coordinating body for the seven-county urbanized area. The creation of the Metropolitan Council was largely due to the efforts of local government, business, and civil leaders who saw a need for some kind of regional body to deal with issues that transcended local boundaries.

The Council consists of 17 members, all appointed by the Governor of the State. Sixteen members represent individual districts of roughly equal population. The 17th

member serves as the Council Chair and he represents the region at-large. All meetings of Council and its subcommittees are open to the public.

Funding for the Council comes from several sources. In 2009, 42% of funding came from user fees for wastewater and transit services, 40% came from state and federal funds, 10% came from revenue from a seven-county property tax, and the remaining 8% came from other sources. The Council's total expenditures for 2009 were \$750.1 million. The operating budget of \$521 million constituted 69% of total expenditures and covered daily expenses, primarily for the regional transit and wastewater services. The Council employs nearly 3,700 persons.

Today, in addition to its planning and coordinating responsibilities, the Council also provides transportation, park, and wastewater services to the metropolitan area. The Council is responsible for

1. the provision of more than 250,000 bus and rail rides each workday;
2. the collection and treatment of up to 250 million gallons of wastewater each day;
3. the planning and funding of more than 54,000 acres of parks and trails; and
4. the provision of adequate housing for low-income households.

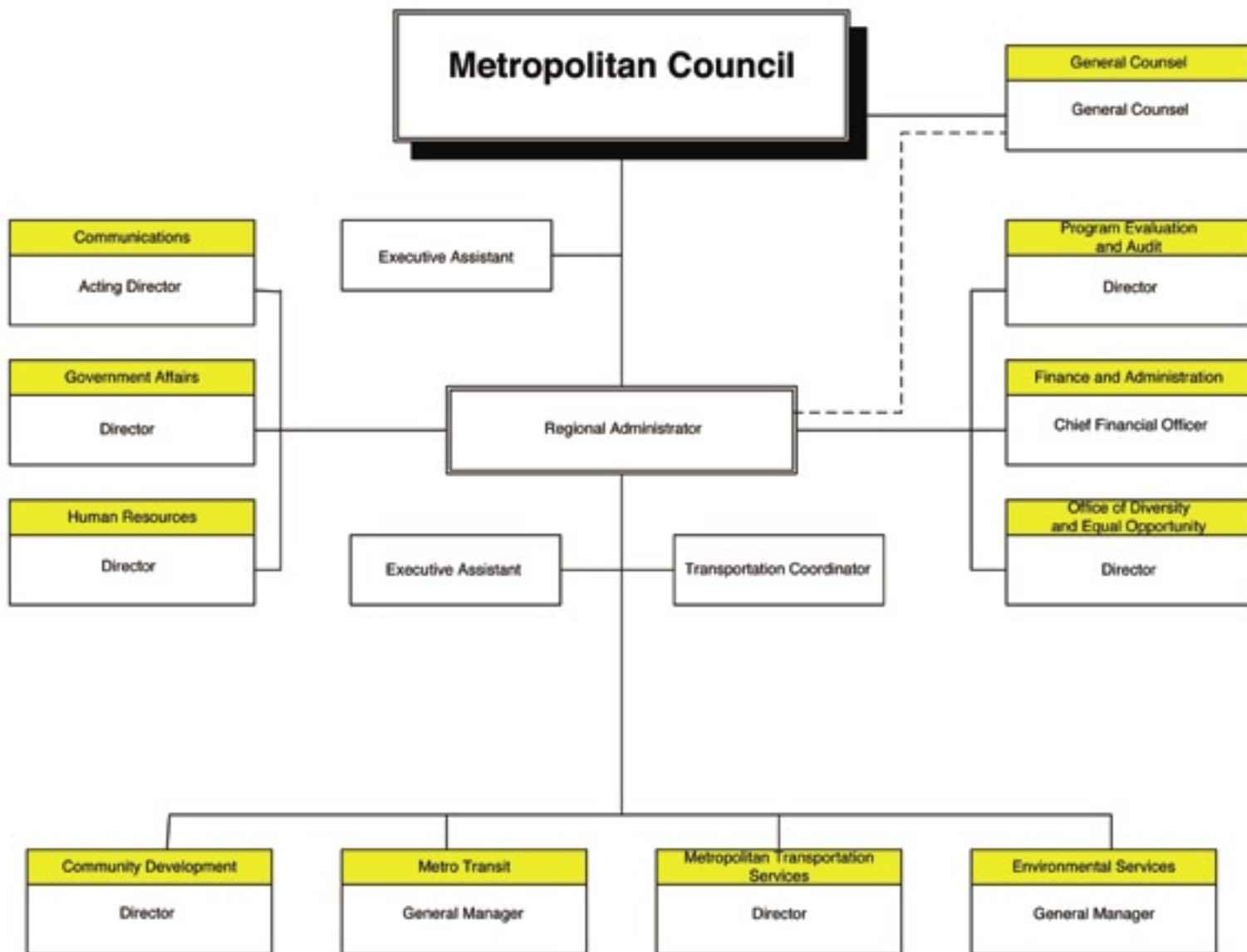
The Council, in conjunction with local communities, has also developed a set of policies, titled 2030 Regional Development Framework, to guide the efficient growth of the region.

* <http://www.census2010.gov>

** <http://www.metrocouncil.org/about/facts/WhatIsMetCouncil.pdf>

MINNEAPOLIS – ST. PAUL GOVERNMENT ORGANIZATION

May 2, 2011



APPENDICES

H: Communities Modifying Governmental Structure

Portland/Multnomah County, Oregon

Like Minneapolis – St. Paul, the Portland Metropolitan Area is serviced by a regional planning organization, known as Metro. Metro has the distinction of being the only such organization that is directly elected by the voters.* Metro provides its services for the residents of Multnomah, Clackamas, and Washington Counties in the State of Oregon. Metro does not provide most services traditionally associated with county government; instead, the individual counties retain their own governments to provide those services.

The three-county region serviced by Metro has a population of about 1,510,588 persons, and has a total area of about 3,071 square miles. The region lies in northwest Oregon near the banks of the Columbia River. Its principal city is Portland, the 30th largest city in the United States, with a population of 583,776 persons.

Metro evolved from the Columbia Region Association of Governments, which existed from 1966 until 1978, and its predecessor, the Metropolitan Service District, which existed from 1957 until 1966. A statewide ballot measure in May 1978 established Metro. A home-rule charter was approved by voters in 1992, identifying the primary mission of the agency to be planning and policymaking designed to enhance the quality of life and environment in the three-county region.

Metro is governed by a seven-member body, known as the Metro Council. Six councilors are elected by district.

The seventh member is elected region-wide and designated the President of Council. Councilors are elected to serve staggered four-year terms. The charter also established an elected Auditor. The Auditor is charged with making continuous investigations of the operations of Metro and making reports to the Metro Council of the results of any investigation with any recommendations for remedial action.

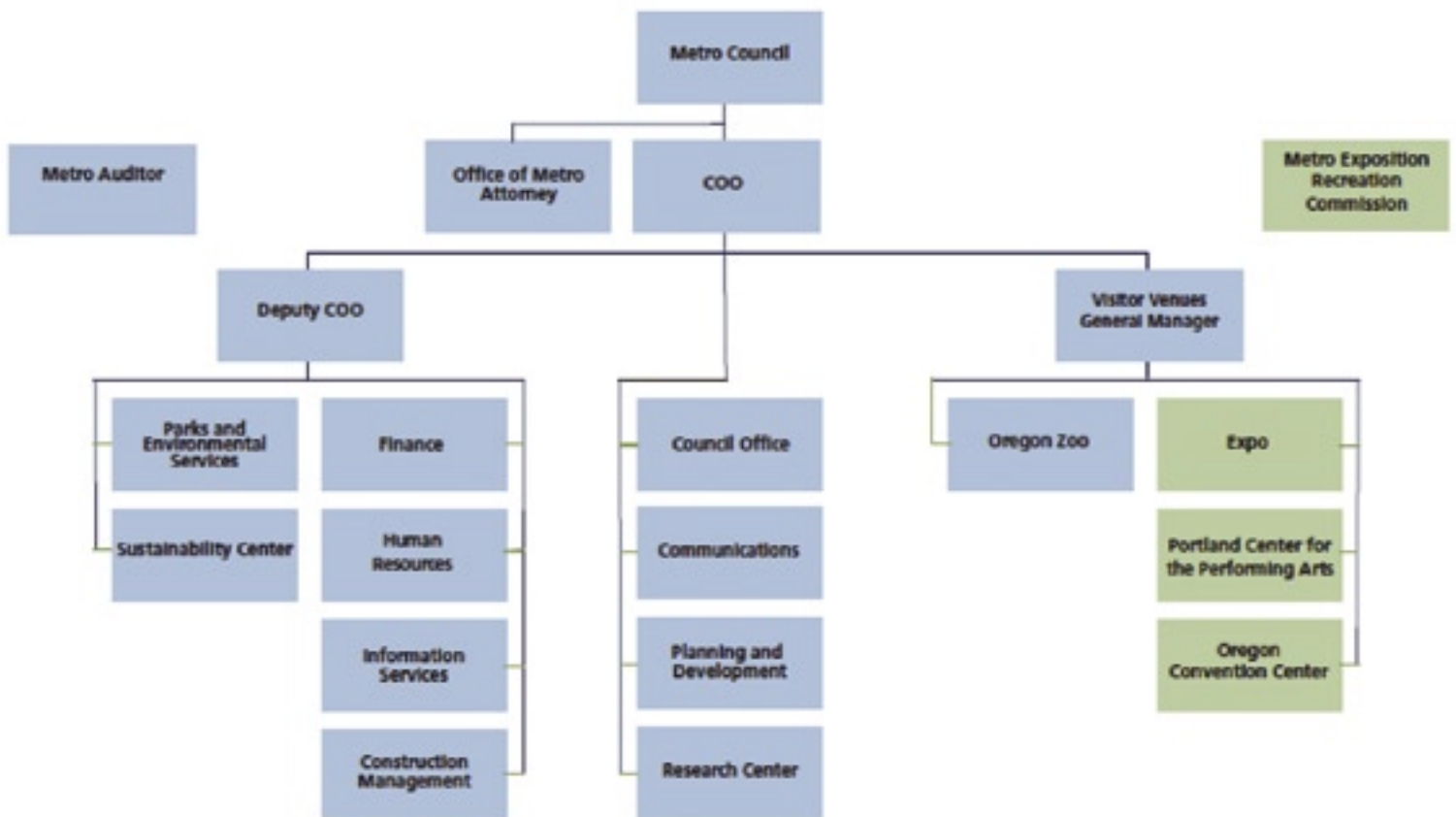
Metro has a budget of about \$272 million, and employs approximately 700 workers in the three-county region. Funding comes from a variety of sources – fees charged on solid waste deposited at Metro’s facilities; property and excise tax revenues; interest earnings; and local, state, and federal grants.

Role of Metro

Metro performs a number of functions within its three-county jurisdiction. It is responsible for maintaining the Portland-area urban growth boundary, a legal boundary which separates urban from rural land, and is designed to reduce urban sprawl. It is the metropolitan planning organization for the region’s mass transportation system, although the actual operation of the system primarily rests on another agency. It manages a number of parks and other recreational areas, as well as 14 cemeteries. It manages a closed landfill and operates two solid waste and recycling transfer stations. It owns and operates the Oregon Convention Center, the Oregon Zoo, Portland Center for Performing Arts, and Portland Metropolitan Exposition Center. It is responsible for planning for regional fish and wildlife habitat protection. It is also responsible for maintaining the region’s Geographic Information System and Regional Land Information System.

*Oregon Blue Book, <http://bluebook.state.or.us/local/other/other02.htm>

MULTNOMAH COUNTY GOVERNMENT ORGANIZATION



APPENDICES

H: Communities Modifying Governmental Structure

Toronto, Ontario, Canada

Toronto is the largest city in Canada. The city has a population of more than 2.5 million residents, making it the fifth-most populous city in North America. The metropolitan area is home to over 5 million persons. Toronto is located in southern Ontario and is situated along the northwestern shore of Lake Ontario. The city has an area of 243 square miles. Since the 1950s, the government of Toronto has undergone a number of changes in an effort to improve its ability to operate efficiently and effectively.

In 1954, a metropolitan form of government was established by provincial act. This government was referred to as the Municipality of Metropolitan Toronto, or simply Metro Toronto, to distinguish it from the city proper. At this time, the Metro Toronto region was undergoing rapid suburban growth. Metropolitan government was seen as a means to manage this growth by providing the region with a common land use strategy and shared services that would improve government efficiency. At the time of its inception, Metro Toronto consisted of the City of Toronto; the towns of New Toronto, Mimico, Weston, and Leaside; the villages of Long Branch, Swansea, and Forest Hill; and the townships of Etobicoke, York, North York, East York, and Scarborough. Metro Toronto also had planning authority over a few other surrounding townships, although those areas were not represented on the Metro Council.

Mergers and Annexations

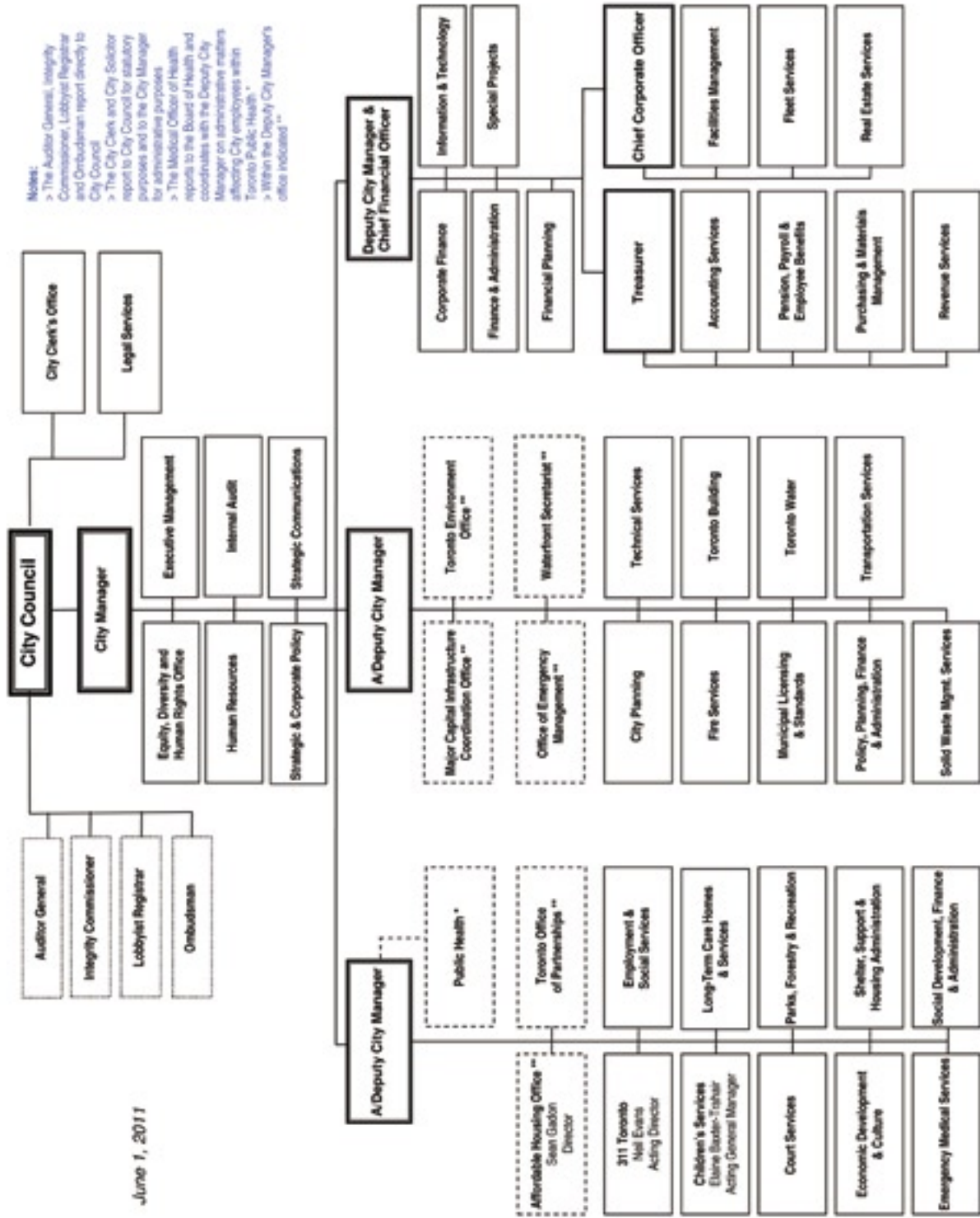
A number of changes occurred in Metro Toronto in 1967. Many of the smaller communities were merged or annexed by their larger neighbors. At that time, only six

municipalities remained in Metro Toronto – the City of Toronto and five surrounding communities. In 1998, by provincial act, the remaining municipalities were amalgamated with the City of Toronto to create a single municipality. This amalgamation was seen as an opportunity to reduce some of the redundancies in local government and to strengthen the standing of the City of Toronto.

The structure of government has likewise undergone numerous changes. Originally Metro Council consisted of 12 councilors from the City of Toronto (including the Mayor), as well as one representative from every other community in Metro Toronto (usually a mayor or other head of government). Later, this was changed to make all councilors elected by districts of equal population. Today, the City of Toronto is governed by a Mayor and a 44-member Council. Councilors are elected by district.

The City of Toronto, with an operating budget of \$7.8 billion, represents the fifth-largest municipal government in North America. In addition to the Mayor and Council, the City of Toronto has a number of other offices and other divisions. The head of the administrative structure is the City Manager, who is appointed by Council. The City Manager oversees three Deputy City Managers, each of whom are in charge of a number of divisions. One of the Deputy City Managers is also designated the Chief Financial Officer of the city and oversees the city's financial department. In addition to the three deputies, the City Manager's office also comprises five additional divisions: executive management, human resources, internal audit, strategic and corporate policy, and strategic communications. Council also appoints an auditor general, an integrity commissioner, a lobbyist registrar, and an ombudsman. These positions are all designed to enhance the accountability of government to the people.

TORONTO, ONTARIO, CANADA METROPOLITAN GOVERNMENT ORGANIZATION



APPENDICES

I: Township Questionnaire

In order to understand the nature of the townships in Lucas County and their relationships with other political jurisdictions within the county, the Committee issued the following questionnaire to the chair of trustees in all eleven Lucas County Townships: Harding, Jerusalem, Monclova, Providence, Richfield, Spencer, Springfield, Swanton, Sylvania, Washington and Waterville. Respondents to the questionnaire were:

- Spencer Township
- Springfield Township
- Sylvania Township

QUESTIONNAIRE FOR LUCAS COUNTY TOWNSHIPS FEBRUARY 2011

We appreciate your taking time to answer these questions, which will greatly help us to incorporate the township perspective into our study. Please feel free to answer the questions right on the page below, or to attach separate sheets where relevant. This questionnaire should take less than 30 minutes to complete.

1. Please identify your township name and the name and title of the person completing this survey.
2. What is your current population?
3. What is your annual budget?
4. Please provide your organization chart.

Many services are essential to conducting governmental business at a local level. Services could take the form of both mandated services and discretionary services. These services include, but are not limited to, police (sheriff), fire protection, dispatch services, court system (including jail, prisoner transport, the courts themselves), road maintenance, trash collection, water/sewer.

5. What services are provided to township citizens by the township itself, and how are they funded?
6. What services are provided to township citizens by the county?
7. What services are provided to township by other municipalities?
8. Do you contract for services with any public or private entities? In this instance, "contract" refers to an exchange of goods and/or services for money. Example could include provision of legal services through the Lucas County Prosecutor's office in exchange for payment of those services.
9. Does your township collect any taxes from your residents? If so, what is the millage, and what is the timeline for continuing that tax? Also, what is the use of the tax?
10. In your own words, please describe how your township interacts with Lucas County and other jurisdictions within Lucas County.
11. If there was anything you could identify to help improve your interactions with Lucas County and other jurisdictions, what would that be?
12. Please provide any further information you feel is relevant to our study purpose.

*National Association of Counties website, accessible at <http://www.naco.org>

J: History of County Government

The concept of counties and their place in the overall government structure of a country can be traced to early English history, even prior to the year 1000 AD.

The creation of shires in early England was a mechanism for kings to divide up their land and implement a system of localized governance, with strong ties to the king. The earliest American colonists brought this concept with them to what was to become the United States of America. The county system of government reflected the strong desire of early settlers to maintain and preserve government at the local level.

The colonists modified the early county system to fit the needs of such an expansive landscape. Different types of county offices were adopted. Geographic issues sometimes dictated the location of county government. Some areas adopted systems that largely vested more authority in cities and towns than in counties while other areas adopted the system of wards and town supervisors. As the country expanded westward, hybrid variations were adopted to best suit the needs of the earliest settlers.

The post-World War II era brought about new societal trends including the growth of urban centers. City centers became focal points for housing and commerce. In the late 1940s and 1950s through the mid- to end- of the 20th Century, entrepreneurial individuals and companies developed means to deliver the Great American Dream to the middle class – home ownership. Needing developable land upon which to place thousands and thousands of homes, communities across the country began developing unincorporated green spaces, thus the birth of suburban communities. Though many individuals moved to these newly developed unincorporated spaces, they

still expected to receive the public services they had grown accustomed to receiving. The counties seemed best positioned to provide these services. However, as the growth expanded, counties were not very well equipped to deliver services to the far reaches of suburbia.

As legal creatures of their respective states, counties remained arms of their state government, including possession of limited-to-nonexistent powers to deliver services beyond that which was constitutionally allowed by their state. Given this pull in one direction by citizens who needed and wanted services, and pull from another direction by states who wanted counties to remain an arm of the state, and pull from yet another direction by cities whose boundaries no longer included citizens who fled the urban core, counties were placed in precarious situations.

As counties increasingly found themselves in difficult situations, they pushed forth a movement across the country to gain home rule powers, whereby counties gained authority from their state legislatures to determine their own organizational structure, levy taxes, raise revenue, manage human resources, and expend resources on various services. This was often done through a Charter Form of Government. The movement toward charter laws began slowly in the early part of the 20th Century. By 1996, almost every state had adopted home rule legislation. More than 2,300 counties were covered by the change, and about 130 counties operated under a charter. Still, the “commission” or traditional form of county government (as currently exists in Lucas County) remained the most prevalent form of county government.

Ohio became a state with eighty-eight counties that followed requirements of the Northwest Ordinance of 1787. Lucas County was formally organized in 1835 and named after Governor Robert Lucas.*

*The Growth and Development of Ohio's Counties: 1777-1851

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Better Government, Better Future, Better Jobs

LUCAS COUNTY CITIZEN REVIEW

www.lucascountystudy.org