

**Ohio Attorney General Opinion 2009-49**  
(For Fulton County)

**Executive Summary**

Holding: The County Prosecutor cannot appoint himself or herself to the CLLRB, but an Assistant Prosecutor can serve on the Board.

- As you all know, 1 of the 5 seats on the CLLRB is chosen by the local County prosecutor pursuant to ORC 307.511(A)(1).
- The County prosecutor can't appoint himself or herself because s/he holds the apptmt. power.
- IT IS A CONFLICT OF INTEREST: THE PROSECUTOR ADVISES THE CLLRB.
- Assistant County prosecutors can sit on the CLLRB under 5 conditions:
  1. Can't participate in civil or criminal proceedings against CLLRB members.
  2. Can't represent or provide legal advice to CLLRB.
  3. Can't assist in preparing the CLLRB's County budget.
  4. Can't substitute for the Prosecutor on the County Budget Commission.
  5. Must abstain from ALL deliberations, discussions, negotiations, & voting on Prosecutor requests for legal resources.

**\*\*NB**

- FN3: Prosecutors must use vacation leave, personal leave, or leave without pay for CLLRB work.
- FN. 5: The Prosecutor's office has to represent the CLLRB.

**Ohio Attorney General Opinion 2010-01**  
(For Erie County)

**Executive Summary**

Holdings under HB 420 (eff. 12/30/2008):

1. Commissioners have a duty under ORC 307.01 to provide the CLLRB with “offices and necessary facilities.”
  2. Commissioners cannot charge CLLRBs for space, utilities, indirect costs, overhead, centralized services, or support services because there is no statutory authority that allows any of that.
  3. Commissioners can, but are not required to, give the CLLRB general revenue funds. ORC 307.513(B) only says Commissioners “may,” which is discretionary, optional, and not mandatory.
- We are supposed to be treated like all other county officers and offices: ORC 307.01 states that Commissioners must provide all county officers with offices and “such facilities as will result in expeditious and economical administration of such [county] offices.”
  - However, there is no express or implied authority to charge us for space or utilities.
  - There is also no authority for the Commissioners to charge us a “cost allocation fee” which is also considered as “indirect costs” or “administrative fees” and include: indirect costs, overhead, centralized services, and support services.

So a ROSE, BY ANY OTHER NAME, would still be prohibited!!

- If the legislature had intended for us to pay, it would have said so.
- The legislature has specially stated when many other agencies and boards have to pay.
- However, under ORC 307.846, the County ADP (Automatic Data Processing) Board can charge CLLRBs for IT-related services.

\*\*NB: Page 2: Under ORC 307.513(B), we are supposed to request appropriation from the General Fund as part of our budget requests, but Commissioners do not have to give any GF money to us.

**Ohio Attorney General Opinion 2010-014**  
(For Belmont County)

**Executive Summary**

Holding: CLLRB members cannot get paid any “compensation.”

- Compensation is not mentioned in our statutes, and the AG opinion does not define it either.
- However, the AG opinion suggests that compensation could include:
  - per diem rates
  - \$250.00 per meeting
  - payment under ORC 124.15 (pay ranges and step values for board and commission members)
  - as determined by the Commissioners
  - as determined by the governing board

[Also, ORC 325.03-.11 discuss “compensation” which is listed as salaries or wages for the auditor, treasurer, Sheriff, CP clerk, recorder, commissioners, & prosecuting attorney]

[Also, “compensation” appears in the context of pay, vacation and holiday pay in ORC 325.19, as mentioned in AG Op, 2005-18].

[Also, pages 2-3 of AG Op. 2008-012 states that the authority to fix “compensation” includes the authority to fix “salary and fringe benefits, such as medical insurance, life insurance, and paid leave...”]

- There is no express statutory authority for paying CLLRB members in ORC 307.51 et seq.
- Standards for paying public officials are well-established, and statutes governing payments to public officials are strictly construed.
- Service by CLLRB members is considered “gratuitous.”
- Private law library association money given to CLLRBs cannot be used to pay for CLLRB members either since it becomes “public money” once it is donated.

\*\*NB: The opinion is silent on whether CLLRB members can get reimbursed for expenses,

... BUT “gratuitous” service ...