Board Appointee Handbook

DELAWARE COUNTY

Ohio

Congratulations on your appointment to a Delaware County board, commission, committee or new community authority. We are very grateful for your willingness to serve your community and to be part of making Delaware County such a great place to live, work and play.

DISCLAIMER

This handbook is intended to provide easy-to-understand information and a general overview of serving on a board, commission, committee or a new community authority.

It is intended to be informational only. It is not a legal authority and is not intended and should not be construed as a substitute for the Ohio Revised Code, Ohio case law, or any other legal authority.

If you have any questions about the information included in this handbook, please contact Director of Communications Jane Hawes, who manages the board-appointment process for the Delaware County Board of Commissioners.

She can be reached at 740-833-2109 or jhawes@co.delaware.oh.us.

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INTRODUCTION

For the sake of brevity, we will simply refer to all appointees as board members in this handbook, though you may be serving on a board, commission, committee or a new community authority.

This handbook is designed to inform you about:

- Delaware County and the county form of government;
- what boards are;
- how the board-appointment process works;
- how board meetings should be conducted; and
- how to be an effective board member.

The procedures and requirements outlined here will help you serve as a board member in accordance with the laws of the State of Ohio and the policies established by the Delaware County Board of Commissioners.

While some of the material in this handbook may not apply to your particular board, we hope that a broad understanding of how boards operate and contribute to the common good of our community will be helpful to you.

DELAWARE COUNTY AND COUNTY GOVERNMENT

With your appointment, you have become a public official representing Delaware County and its constituents. It is therefore essential that you understand the duties and obligations you are assuming, as well as the structure and functions of county government.

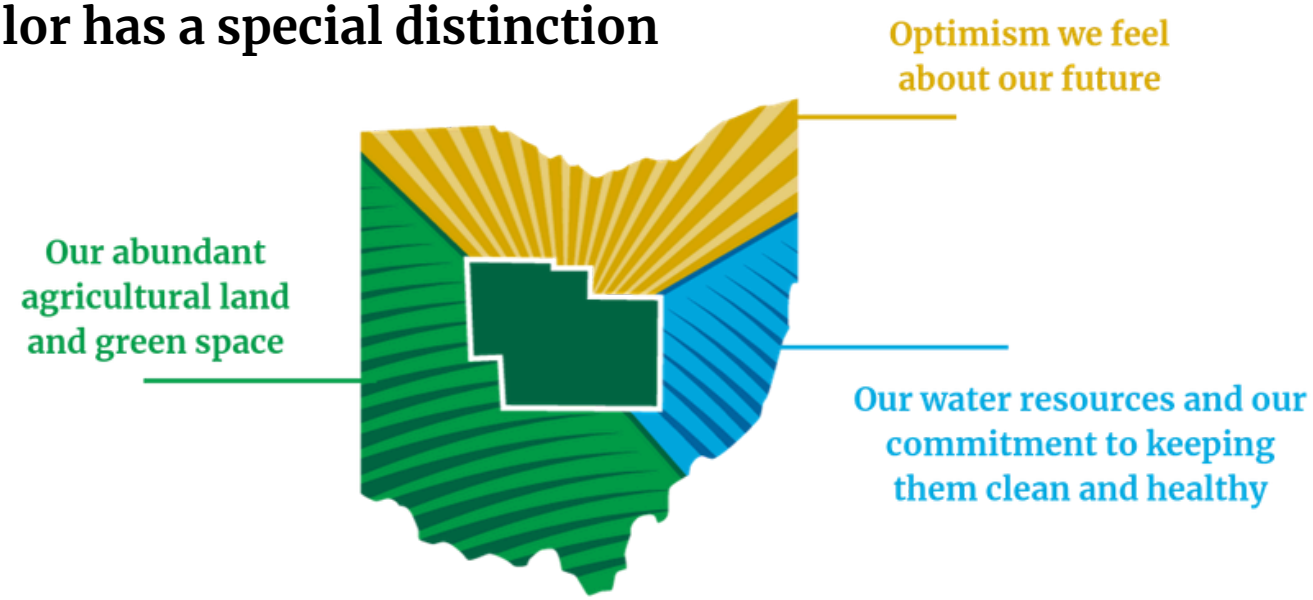
But first, a little history and information about Delaware County itself.

ABOUT DELAWARE COUNTY

Delaware County, Ohio, came into existence Feb. 10, 1808, when the General Assembly of Ohio enacted legislation creating it. The land that became Delaware County previously had been part of Franklin County. Delaware County is the 27th county created in Ohio, which now comprises 88 counties.

The county has a total area of 457 square miles, of which 443 are land and 14 are water. Delaware County also has the unique distinction of possessing the most shoreline out of any county in the state, despite its land-locked location in the center of Ohio. Its 140 miles of shoreline are due to the many lakes, reservoirs, rivers, creeks and other small bodies of water within its boundaries.

About Delaware County's logo: Each color has a special distinction



The city of Delaware has been the county's seat since its founding, also in 1808. The city was incorporated in 1816. Other incorporated communities within the county include: the cities of Powell and Sunbury, and the villages of Ashley, Galena, Ostrander and Shawnee Hills. Portions of the cities of Columbus, Dublin and Westerville overlap into Delaware County. The unincorporated portions of the county include these townships: Berkshire, Berlin, Brown, Concord, Delaware, Genoa, Harlem, Kingston, Liberty, Marlboro, Orange, Oxford, Porter, Radnor, Scioto, Thompson, Trenton, Troy and Washington (parts of which overlap into Franklin and Union counties).

Delaware County is part of the Columbus (Ohio) Metropolitan Statistical Area, which also includes Franklin, Fairfield, Hocking, Licking, Madison, Morrow, Perry, Pickaway and Union counties. This area's population of just over 2 million ranks it second in Ohio and 32nd in the U.S.

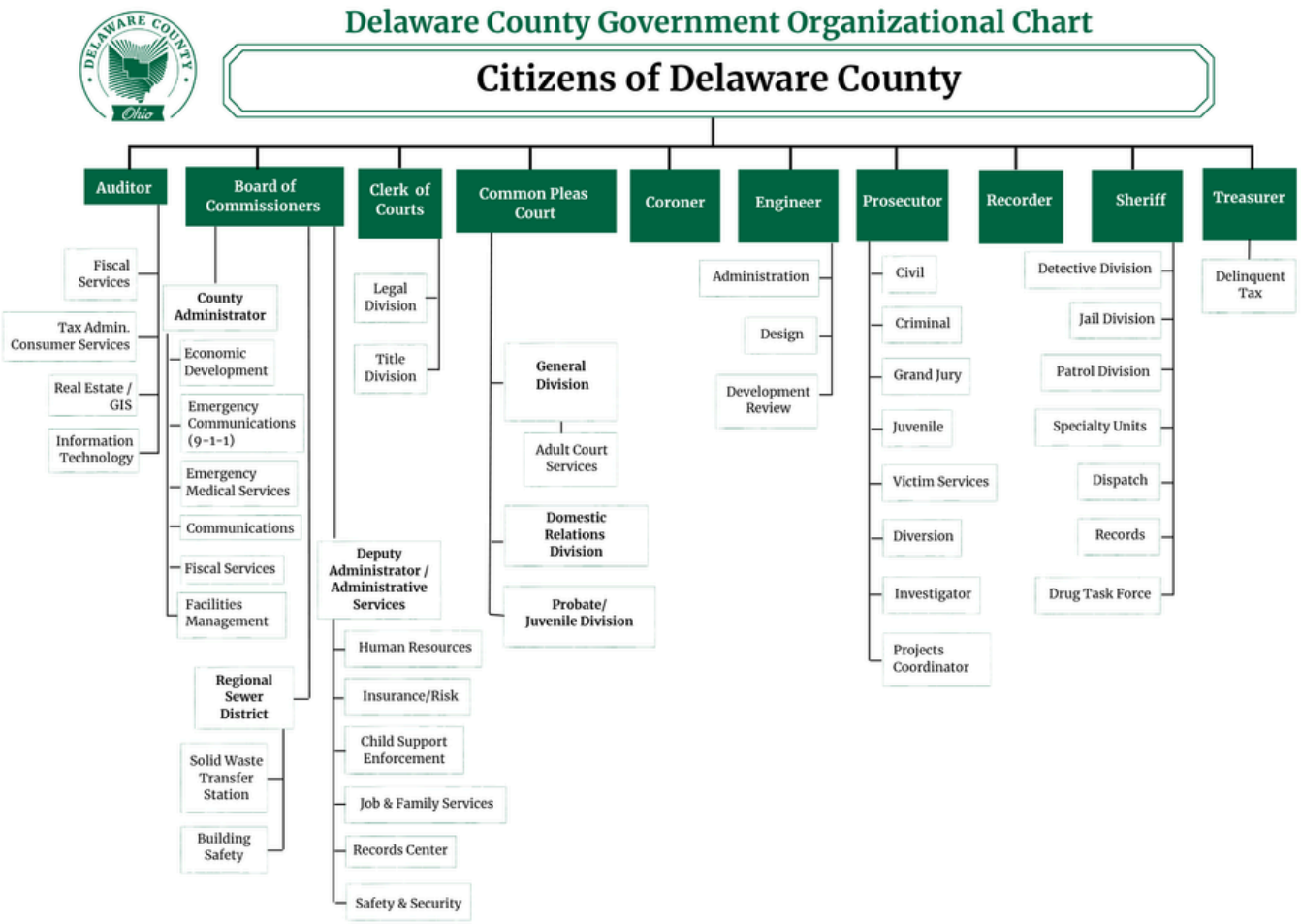
Delaware County remains one of the fastest growing counties in the state and the country. Since 1980, our 10-year population growth rate between U.S. Censuses has ranged from 22.9% to 64.3%. In the 2020 U.S. Census, the county's population was measured at 214,124, a 22.9% increase from 2010, when the population was 174,214.

In 2020, the Delaware County Regional Planning Commission (DCRPC) estimated that Delaware County's 2030 population will be 293,225 and 2040's will be 392,071.

The County's economy is a mixture of rural agricultural in the northern geographic half of the county and service/retail/light manufacturing in the southern half. Approximately 70 percent of its residents commute south to Franklin County for work. The unemployment rate consistently is one of the lowest in the state and its residents are ranked as the best educated in Ohio, as measured by completion of a bachelor's degree.

A. ABOUT DELAWARE COUNTY GOVERNMENT

Delaware County government is headed by 15 elected officials*:



***These elected officials head organizations known as Offices.**

Under an Office, there can be Departments and/or Divisions.

In 2025, the Delaware County government organization as a whole employed approximately 1,200 people in full-time positions, making it one of the largest employers in the county.

The Commissioners employ a County Administrator, who is the senior-most staff member in their Office. More than 400 employees from a wide variety of Departments report to the Commissioners.

The Board of Commissioners has the authority to approve the annual budgets for all other elected officials, but it does not have authority over the other elected officials' policies or operations.

None of these elected officials, including the Board of Commissioners, have authority over any other form of government in the county, including cities, villages, townships, school districts or park districts. It is a common misconception that county officials have authority over these other forms of government, but they do not.

This is the same case with boards: While the Commissioners have the authority and statutory duty to appoint board members to more than 25 boards in the county, they do not have authority over those boards' policies or operations.

ABOUT BOARDS

APPOINTED AND STATUTORY BOARDS

Boards are another form of local government and they play an important role in ensuring that our citizens' needs are served well.

Most boards exist in the first place because state law requires it and their members are appointed by elected officials. However, it is important to note that these officials have only the authority to appoint. They do not have authority over that board's operations and policies.

<u>You are a member of what is known as an appointed board.</u> The County Commissioners appoint some or all members of 25+ different boards. The judges of the Delaware County Common Pleas Court also make appointments to several boards, but their appointment process is separate from the Commissioners.

Here is a list of the boards to which the Commissioners make appointments:

- **Berkshire Landing New Community Authority**
- **Berlin Meadows New Community Authority**
- **Concord-Scioto Community Authority**
- **Delaware City Airport Commission**
- **Delaware County Board of Building Appeals**
- **Delaware County Board of Developmental Disabilities**
- **Delaware County Board of Zoning Appeals**
- **Delaware County Community Corrections Planning Board**
- **Delaware County Convention & Visitors Bureau Board**
- **Delaware County Transit Board**
- **Delaware County District Library Board**
- **Delaware County Finance Authority**
- **Delaware County Job & Family Services Planning Committee**
- **Delaware County Law Library Resource Board**
- **Delaware County Public Defenders Commission**
- **Delaware County Rural Zoning Commission**
- **Delaware County Transportation Improvement District**
- **Delaware County Volunteer Peace Officers' Dependents Fund**
- **Delaware Metropolitan Housing Authority Board**
- **Delaware-Knox-Marion-Morrow Solid Waste District Policy Committee**
- **Delaware-Morrow Mental Health & Recovery Services Board**
- **Evans Farm New Community Authority**
- **Liberty Grand New Community Authority**
- **Mid-Ohio Regional Planning Commission**
- **Millstone Community Authority**
- **NorthStar New Community Authority**
- **Ohio Children's Trust Fund: Central Ohio Child Abuse and Child Neglect Regional Prevention Council**
- **West Central Community Correctional Facility Governing Board**

Some boards are considered statutory boards, whose members are not appointed by elected officials. In Delaware County, these are some of the statutory boards and commissions:

· Delaware County Board of Elections
· Delaware County Department of Homeland Security and Emergency Management
· Delaware County Regional Planning Commission
· Delaware County Soil & Water Conservation District
· Delaware County Veterans Service Commission

ADVISORY, GOVERNING AND REGULATORY BOARDS

Boards also have different kinds of duties and authority. In this regard, there are three main types:

Advisory Boards. The members serve as advisors on policy matters to the appointing authority responsible for administering policy. Advisory boards may study existing policy and make recommendations for changes or implementation. Advisory boards do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of county government.

Examples: Delaware County Job & Family Services Planning Committee; Delaware County Community Corrections Planning Board.

Governing (or Policy-Making) Boards. These boards may be responsible for directing an agency, approving budgets, creating and implementing agency policy, and making hiring and firing decisions about the agency director (if there is one). They do not have authority about other hiring decisions for that agency's staff (if there are any), nor do they have authority over day-to-day operations.

Examples: Delaware County Board of Developmental Disabilities; Delaware County Transit; Delaware-Morrow Mental Health & Recovery Services Board; Delaware County Finance Authority; NorthStar New Community Authority.

Regulatory Boards. These boards may operate as a legislative body or as a review and appeals body. As an appeals body, regulatory boards hear individual cases and issue rulings; board decisions, however, are subject to judicial appeal.

Examples: Delaware County Board of Zoning Appeals; Delaware County Rural Zoning Commission.

ABOUT THE BOARD-APPOINTMENT PROCESS

State law establishes the process by which appointments must be made, but also allows for considerable leeway on the part of the Commissioners. There are several steps to the appointment process. The Commissioners can choose to skip a step, but this must be formally acknowledged when an appointment is made.

Before digging into appointment process details, let's define some key terms:

KEY TERMS

Member: An appointee who occupies a "seat" on a board. All board appointees are members and some may also be elected by the board as a whole to serve in additional roles, such as Chair, Vice Chair or Secretary. Many boards also have committees that address functional areas like marketing, operations, facilities and finances. Members may be required to serve on at least one committee.

Staff contact: This may be a county employee who serves as a liaison between that board and the Commissioners, or it may be an attorney who is paid from revenues generated by that board. It may also be staff employed by that board.

Executive Director: Some boards oversee agencies or organizations that are headed by an executive director. The board has hiring and firing authority over this director, but the board members do not have authority over other hiring decisions or day-to-day operations.

Resolution: This is the document that serves as a formal and legal record of the Commissioners' vote and action on a matter. An appointment to a board is made through a resolution.

Terms: The length of time that a member can serve after appointment. The state law that established the need for a board will define how long terms are for that board and whether there are limits on how many terms a member can serve.

Unexpired term: When a member leaves a board before the end of their term, that seat is said to have an "unexpired term." Whoever is appointed to that seat will fill out the rest of that term. A "full term" is one that fills the entire statutory length of a term and generally has start and end dates that are defined by state law.

Eligibility requirements: Some but not all boards have very specific requirements for eligibility. Residency within a county is the most common, but not all boards require this. Some boards require members to have specific professional experience - e.g., the Delaware County Board of Building Appeals must have a registered architect, a registered engineer, a contractor and a realtor among its members. On the Delaware County Transit Authority, no more than four members can be registered to vote in the same political party. The Delaware County Community Corrections Planning Committee must have at least two members who are part of the "largest racial minority" in the county, as defined by the most recent U.S. Census (in Delaware County, these are Asians). The Delaware County Rural Zoning Commission must have a balance of residents from specific townships on it.

Chair: The Chair is selected by a vote of the whole board or commission each year. This person has several duties, including:

1. Presiding over meetings and ensuring that business is conducted in an orderly fashion.
2. Acting as the spokesperson for the board or commission, if needed and only with the approval of a majority of the members.
3. Compiles and distributes each meeting's agenda in consultation with the board or commission's staff contact, prior to that meeting.

Vice Chair: In the absence of the Chair, this person performs the Chair's duties, as outlined above.

Secretary: This person maintains the meeting minutes for the board or commission's formal meetings, and can also serve as meeting Chair if the Chair and Vice Chair are absent.

STEPS OF THE APPOINTMENT PROCESS

Step 1: Posting – Opportunities to join a board occur because either a member's term is about to expire or a member has left the board before their term ended. Posting involves publicizing the opportunity to apply for that board. In Delaware County, we do this using a variety of tools: a press release that is sent to local media; a post on our social-media accounts; an email sent to people who have registered for our board-appointment notification list; and a posting on the county's website. However, the Commissioners may choose not to post publicly for a vacancy on a board. Some of the reasons for this include: a desire to reappoint a current member or they have already identified a viable candidate for that seat. If they choose to not post, this must be acknowledged in the resolution of appointment.

Step 2: Receiving applications – In some counties and cities, general applications are collected and staff identifies candidates for specific boards from them. In Delaware County, we ask people to apply for specific boards only when there are openings. We use an online application portal to collect applications. If someone is unable to complete an online application, our Human Resources Department can work with them to complete their application in another way.

Step 3: Interviewing – The Commissioners can choose to interview some, all or none of the candidates who have applied for a board opening. Interviews are generally done in-person at The Historic Courthouse (91 N. Sandusky St., Delaware, Ohio). Interviews take place during what's known as "executive session." This is the portion of a public meeting that can legally take place "behind closed doors" and the content of that meeting is not subject to public disclosure. Interviews generally take 15-20 minutes.

Step 4: Appointing – The Commissioners make the decision on whom to appoint during public session when they vote on the resolution of appointment. A copy of that resolution is provided to the appointee and to the staff contact for that board.

HOW BOARDS OPERATE AND MEET

By-Laws. Each board has a set of by-laws that direct and clarify its actions, procedures and organization. You should be provided a copy when you join your board.

Meetings. A meeting is a pre-arranged gathering of a majority (or quorum) of board members for the purpose of publicly discussing that board's business.

If quorum is not achieved, discussion may take place but votes/action may not be taken.

Please note: It is a violation of the Ohio Open Meetings Act if a majority of board members meet to discuss board business in private.

A "meeting" can include group texts or email chains.

Open Meetings Act. Speaking of the Ohio Open Meetings Act, this is a very important part of what's known as the Ohio Sunshine Laws. Along with the Ohio Public Records Act, these laws give all citizens the right to have broad access to government records and meetings.

It is strongly advised that you attend a course on Ohio Sunshine Laws, which is offered several times a year, both online and in-person, by the Ohio Attorney General's Office and the Ohio Auditor of State's Office, as outlined on the next page.

SUNSHINE LAWS: RESOURCES AND RECOMMENDED TRAINING

The Ohio Sunshine Laws course, sometimes called "Certified Training," is an excellent resource to help you understand your rights and responsibilities when it comes to public-record and open-meetings laws.

The course is provided free of charge, is open to any member of the public, and takes about 3-4 hours.

You can find more information about this course here:

Attorney General:

https://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws/Sunshine-Law-Training.

Auditor of State:

https://ohioauditor.gov/trainings/publicrecords.html.

The Ohio Attorney General also publishes *Ohio Sunshine Laws, An Open Government Resource Manual.* This manual is an excellent resource on both open meetings and public records. You are encouraged to obtain a copy and read this manual. The manual can be found here electronically or you can complete a form online to order a hard copy: **https://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws.**

Public Notice of All Meetings. Board meetings must be conducted publicly and the board's staff contact is responsible for ensuring that proper notice of a meeting is provided.

MEETING PROCEDURES

Meeting Procedures. In the absence of a specific set of procedural rules for how business is to be conducted by a board, meetings should be conducted in accordance with rules of parliamentary law (for example, Robert's Rules of Order). Some of the other key rules include:

Meeting structure: this is dictated by an agenda that lists the items to be addressed in order. It is the Chair or presiding officer's responsibility to make sure the meeting sticks to this agenda.

Order of business: After the Chair or presiding officer calls the meeting to order, the agenda generally follows this order:1) pledge of allegiance; 2) roll call; 3) reading, amending and approving of minutes of previous meeting(s); 4) unfinished or old business matters from previous meetings; 5) new business; 6) other business (items not on the pre-meeting agenda); 7) adjourn.

Motion: this is a formal proposal put forward by any board member for the board to discuss and act on. Every motion has six steps: 1) motion – member raises hand and the Chair calls on them to state what they want to discuss; 2) second – another member "seconds" the motion, agreeing that the board can discuss it, and if no other member seconds, that motion is said to "die for lack of a second"; 3) restate motion – done by the Chair, noting who made the motion, who seconded it, and opening the item up for discussion; 4) debate – the board and any invited members of the public discuss the motion; 5) vote – the Chair calls for a vote on the motion; and 6) announce the vote – the Chair announces the result of the vote.

Voting: A majority of board members must be present in order for any voting to occur and, for most motions, a simple majority must vote "yes" or "aye" to pass an item. Some motions may require more than a simple majority, such as a "super-majority" or unanimous vote. Voting must take place publicly. Voting by secret ballot is prohibited by Ohio's Open Meetings Law.

Executive Session: Closed-door sessions may be held by a board **only** for the few specific purposes listed in Ohio's Open Meetings Law, such as considering the appointment of a public official, purchasing property, conferring with an attorney about pending court action, or considering confidential information related to economic-development assistance.

Discussion but not voting can take place during executive session (which the board adjourns to from open session). When executive-session discussion is completed, the board reconvenes in open session and may then openly conduct a vote. According to state law, anything discussed in executive session may be designated as confidential.

Minutes. Another important requirement of the Ohio Open Meetings Act is that full and accurate minutes of all board meetings must be taken (usually by the board secretary) and made available to the public. Minutes are not taken during executive session.

Guidelines for Public Participation. Though members of the public are always welcome to attend any appointed board's meeting, not many do. Nevertheless, it is essential that the following rules are followed when and if they do.

- ✓ A member of the public wishing to make a comment or ask a question should wait for the Chair to recognize them.
- ✓ The length of time that a member of the public can speak on a topic can be limited. This time limit should be established as a general organizational rule and be announced at each meeting before public comment begins by the Chair.
- ✓ Comments or questions must be relevant to the item under discussion by the board.
- ✓ Generally, no one should be asked to leave a meeting unless they are disrupting the proceedings.

HOW TO BE AN EFFECTIVE BOARD MEMBER

THE BASIC PRINCIPLES

Prepare. Prior to each meeting, you will likely receive either a digital or physical packet of materials that you will need to read and be prepared to discuss and/or act upon in the meetIng. These could include minutes from a previous meeting and information related to matters coming before the board for consideration.

Attend. Boards will establish a schedule each year for their meetings. Some meet monthly, others quarterly or annually, and others only as needed. Because a "quorum" (a simple majority of members) must be achieved in order for the board to vote on any matter, your regular attendance at meetings is absolutely essential. Most by-laws or charters for boards contain a provision that allows for the removal of a member who misses a defined number of meetings.

Participate. While becoming a member of a board is an honor and looks great on a resumé, please remember that important and sometimes difficult decisions will need to be made. Taking an active role in discussions and research will enable you to make the best possible decisions and to be a positive influence in your community.

Respect the office. Public office is to be used for the public good and not for personal gain. As a public official, you are subject to many of the same laws and policies that govern the conduct of an elected official. Undertake official business in full compliance with all state or local requirements, such as the Ohio Sunshine Laws and Ohio Ethics Laws.

Respect your fellow board members. You should treat all members of your board with respect, even if there are differences of opinion.

Respect the public. Always demonstrate respect for the public you serve. The public should always be made to feel welcome at any public meeting. No signs of partiality, prejudice or disrespect should be evident in your behavior. Every effort should be made to be fair and impartial in listening to public testimony.

PUBLIC RECORDS

As a public official, any of your communications and especially those regarding the business of your board can be considered a public record. This includes: emails, texts, voice mails, written correspondence and all social-media posts, even if written while using a personal account. Each board should adopt a public records policy and records-retention schedule. Destroying a public record without proper authority under a records-retention schedule is a violation of law.

Even if not required, it is advised that you create and use a separate email account for any communications related to board business. Using your personal email account for public business could make your personal email account subject to public-records requests.

[Advice so good, we're going to repeat it here - as seen on p. 13]
It is strongly advised that you attend a course on Ohio Sunshine Laws, which is offered several times a year, both online and in-person, by the Ohio Attorney General's Office and the Ohio Auditor of State's Office. This course, sometimes called the "Certified Training," is an excellent resource to help you understand your rights and responsibilities when it comes to public-record and open-meetings laws. The course is provided free of charge, is open to any member of the public, and takes about 3-4 hours.

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SOCIAL MEDIA USAGE

If you use social media platforms, remember that your online persona is not only a reflection on your personal character, but also on Delaware County and the public body you were appointed to represent. You should not use social media to post rumors or to conjecture about Delaware County, its employees, constituents, elected officials, suppliers, vendors or contractors. You should refrain from providing your individual opinion on social media for any matter that is being considered by your board or commission.

OHIO ETHICS LAW

The Ohio Ethics Law requires that new public officials and employees receive a copy of the Ohio Ethics Law and related statutes within 15 days of beginning your official duties. The copy of the law must be provided by your board and you will need to acknowledge receipt of the law in writing. To learn more about Ohio Ethics law, including training information, how to seek advice on an ethical issue, and how to file a complaint, visit: **https://ethics.ohio.gov/ or call 614-466-7090.**

CONFLICTS OF INTEREST

Certain laws apply to board members when they are not participating in a matter strictly as a board member. Most of these laws deal with conflicts of interest in business relationships and can be found in Chapters 102 and 2921 of the Ohio Revised Code.
https://codes.ohio.gov/ohio-revised-code/chapter-102
https://codes.ohio.gov/ohio-revised-code/chapter-2921

A conflict of interest can be related to your personal interests or to those of a friend, relative or company where you are an employee or officer. Board members can avoid conflict of interest problems by being aware of statutory restrictions, using good judgment and being fair in decision-making.

ADMINISTRATIVE HEARINGS

Some boards, like the Delaware County Board of Zoning Appeals, may act as an administrative hearing body to render a decision whether to grant or deny an application or permit. In these situations, the board is acting as a quasi-judicial body, which differs from making policy recommendations.

As with a judicial trial, board members may not independently investigate an issue before them and they must refrain from discussing the issue with anyone outside of the formal hearing. To do so would be called an "ex-parte communication" and is strictly prohibited. If a member of the public wants to engage with you in ex-parte communication (spoken or written), you should direct them to the staff contact for your board.

GIFTS

A board member is prohibited from soliciting or accepting anything of value, such as a gift, loan, promise of future employment, favor or service that is based on an understanding or desire that your vote, official action or judgment would or could be influenced by such a gift.

Even if there is no intention to influence you, avoiding the appearance of undue influence is very important and another reason why you should never accept gifts.

PENALTIES

Possible consequences for violation of the Ohio Sunshine Laws or other laws addressing conflicts of interest, gifts and ethics include:

· Criminal penalties · Fines · Removal from office	· Board's action on an issue is voided · Payment of attorney's fees for someone seeking remedy for a violation

Thank you
for your willingness to serve
Delaware County!

DELAWARE
COUNTY
Ohio