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Senate Bill 239 Sponsor Testimony
Senate Government Oversight and Reform Committee
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Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and distinguished members of the Government Oversight and Reform Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 239. This bill would modify the law concerning regional councils of government to improve transparency, conflicts of interest, and reporting to the Auditor of State's office.

A regional Council of Government (COG) is a collection of governments that organize to perform a specific function such as insurance pooling, energy consortiums, or advocacy functions. COG's are an effective and efficient way for local jurisdictions to join together to pool resources and share services. However, I have been working with the Auditor of State's office to remedy problems that arise when COG's are used to benefit particular individuals, and not serve the public's interest. In order to preserve the integrity of these cooperative organizations, this legislation proposes several accountability measures and would achieve the following:

1. The legislation would state that a COG cannot take any legally binding action, other than formation, until it notifies the Auditor of State of its existence. COG's are required to notify the Auditor of State of their existence and submit their bylaws, but frequently they don't do this because there is no enforcement mechanism. This change will provide for that enforcement.
2. Prevent officers from asserting the trade secret exception to the public records act to avoid disclosure of public documents such as the names of the member government entities.
3. Language present in the bill would make COG members who are not public officials subject to Ohio's Ethics laws, but not the financial disclosure provisions of the ethics laws.

I would also like to address the provision regarding sovereign immunity and the reason for introducing a sub-bill. The original version of SB 239 contained an unintended consequence that it excludes from coverage (under sovereign immunity), those employees who are ONLY employed by the COG, but not by another public entity. It is my intent to make sure sovereign immunity still covers these employees – employed only by a COG – such as joint dispatchers. With input from various interested parties, we determined the preferable approach would be for the bill to retain sovereign immunity for COGs and COG-only employees, but to specify that sovereign immunity does not cover a COG-only employee for actions that would constitute a violation of the Ethics Law.

COG's have the ability to offer more flexible solutions to local problems, and this legislation would not hinder their ability to operate. The language seeks to improve transparency and ensure that the public's best interest is being served.

Thank you, Chairman Coley and members of the committee, for allowing me to speak to this legislation. I would be happy to answer any questions at this time.