



**County
Commissioners
Association of Ohio**

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March 21, 2018

TO: Senate Ways & Means Committee

FROM: John R. Leutz, Esq., CCAO Legislative Counsel

SUBJECT: CCAO support for Senate Bill 252

SB 252 would authorize local elected officers of political subdivisions that have levied a hotel lodging excise tax to serve as an officer or member of the board of trustees of the convention and visitors' bureau (CVB) which receives the proceeds from that tax. The Ohio Attorney General, in Opinion 2017-036, determined that holding their public office and serving in such capacity on the private, nonprofit CVG constituted a conflict of interest when applying the common law test developed by the office of Attorney General to determine whether a person may hold simultaneously a public position and a private position.

However, it is within the purview of the General Assembly to statutorily sanction the simultaneous holding of positions regardless of a determination by the Attorney General that a conflict exists. SB 252 exercises that prerogative of the General Assembly and specifically sanctions the simultaneous holding of these two positions.

While a CVB is a private nonprofit corporation organized under ORC Chapter 1702, the General Assembly has seen fit to authorize a board of county commissioners to both impose a hotel lodging excise tax under ORC 5739.08 and, at its discretion, appropriate county general funds to contribute to a CVB. Consequently, the General Assembly has already recognized the valuable nature of a CVB and condoned governmental action to support it.

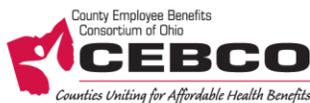
It seems prudent to ensure that appropriate governmental oversight and involvement is also provided, and given the determination of conflict by the Attorney General, the General Assembly must authorize the simultaneous holding of both offices.

CCAO believes such action is in the best interest of the county and its citizens and asks the Committee's support for passage of SB 252.



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