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Board of Commissioners of Medina County
144 North Broadway Street
Medina, Ohio 44256

Re: Mechanism to Place Courthouse Renovation on Ballot

Dear Commissioners,

You asked our office provide a written opinion as to whether a mechanism exists to place the Medina County Courthouse renovation project on the ballot for public approval. Based upon our review of Ohio law it is our opinion that there is no mechanism for this issue to be placed on the ballot. The decision whether to proceed with the Courthouse renovation rests solely within the legislative authority and discretion of the Board of County Commissioners of Medina County.


The Ohio Revised Code (ORC) authorizes a board of county commissioners to provide and regulate county courthouses. ORC Section 307.01(A) states, "A courthouse, jail, public comfort station, offices for county officers, and a county home shall be provided by the board of county commissioners when, in its judgement, any of them are needed." (Emphasis added). Additionally, ORC Section 307.02 states, "The board of county commissioners of any county, in addition to its other powers, may purchase, for cash or by installment payments, enter into lease-purchase agreements, lease with option to purchase, lease, appropriate, construct, enlarge, improve, rebuild, equip, and furnish a courthouse..."

A case from Ohio's 3rd District Court of Appeals, when interpreting these provisions in a case involving a board of commissioners' powers to build a new courthouse, stated, "it is undisputed that the General Assembly affirmatively granted the Board the authority under R.C. 307.01 to regulate the courthouse and other specified facilities. Clearly, a board has discretion to determine not only that a courthouse is needed, but also that one is not needed." *State ex rel. Cook v. Seneca Cty. Bd. of Commrs.*, 175 Ohio App.3d 721, 2008-Ohio-736, 889 N.E.2d 153 (3d Dist.). Pursuant to these statutory provisions, the ability to regulate county courthouses is solely invested in the discretion of a board of county commissioners and is a legislative decision of the board.

It is well-settled law under Ohio law that because a board of county commissioners is created wholly by statute, "in the absence of a specific statutory grant of authority, a board of county commissioners is powerless to enact legislation." *Geauga Cty. Bd. of Commers. v. Munn Rd. Sand & Gravel*, 67 Ohio St.3d 579, (1993). We find no authorization in the ORC for a board of county commissioners to place on the ballot an issue, like here, over which the board has sole authority. The Medina County Board of Commissioner cannot place the question whether to proceed with the Courthouse renovation project on the ballot because there is no statutory authority granting the Board the power to do so.

It is the opinion of this office, and you are so advised, the decision to proceed with the Medina County Courthouse renovation is solely within the legislative authority and discretion of the Board of Commissioners of Medina County, and there is no statutory authority for the Board to place the issue on the ballot for voter approval.

Very truly yours,


S. FORREST THOMPSON
Medina County Prosecuting Attorney


SAMUEL A. SHEFFIELD
Assistant Prosecuting Attorney