



OFFICE OF THE GREENE COUNTY PROSECUTING ATTORNEY

David D. Hayes

June 9, 2026

Criminal and Juvenile
Divisions
61 Greene Street
Suite 200
Second Floor
Xenia, Ohio 45385

P: (937) 562-5250
F: (937) 562-5107

Ohio Attorney General Andy Wilson
Via email only

RE: Request for an opinion regarding the obligations of the Greene County Board of County Commissioners as it concerns budget appropriations to the Greene County Veterans Services Commission pursuant to O.R.C. §5901.11.

Greetings:

Victim/Witness Division
61 Greene Street
Lower Level
Xenia, Ohio 45385

P: (937) 562-5087
F: (937) 562-5647

The Board of Commissioners of Greene County, Ohio (BOCC) provides annual funding to the Greene County Veterans' Services Commission (VSC). Each year, the VSC submits a budget request pursuant to Ohio Revised Code Section 5901.11, and each year the BOCC appropriates funds to the VSC from the County general fund. Questions have arisen regarding the responsibilities of the BOCC under this statute. The BOCC seeks to ensure that it is acting in compliance with all applicable statutory requirements regarding funding for the VSC.

Civil Division
55 Greene Street
Xenia, Ohio 45385

P: (937) 562-5669
F: (937) 562-5258

Therefore, the Greene County Prosecutor's Office, on behalf of its client the Greene County Board of County Commissioners, requests an opinion regarding the following:

- 1) ORC 5901.11 provides that the BOCC "...shall make the necessary levy, not to exceed five-tenths of a mill per dollar on the assessed value of property in the county...." Does this statute require the BOCC to levy the full five-tenths of a mill per dollar on the assessed value of property in the county regardless of the amount requested by the VSC?
- 2) The County receives 2.5 of the 10 mills of inside millage. Is the "necessary levy" in R.C. 5901.11 part of that or would it be in addition to the 2.5 mills?
- 3) Can the VSC lawfully request more funds than the VSC determines to be the probable amount necessary for the aid and financial assistance of persons entitled to such aid and assistance and for the operation of the VSC office for the ensuing year?
- 4) Can the BOCC lawfully levy and/or appropriate more funds than the VSC has requested in any given year?

Child Support
Enforcement Division
541 Ledbetter Road
Upper Level
Xenia, Ohio 45385

P: (937) 562-6380
F: (937) 562-6385

- 5) Is the BOCC required to make a special levy, or are the funds for the VSC's raised through the County's general levy?
- 6) Are the amounts appropriated for the VSC's budget to be kept in a separate fund, or is the VSC's budget paid out of the County's general fund?
- 7) If the funds levied and appropriated for the VSC's annual budget are not ultimately required to meet the VSC's annual needs, does this create an excess of funds to be maintained in a separate fund for the VSC's future use, or is the unused amount maintained as part of the County's general fund?
- 8) Is the VSC lawfully permitted to maintain a reserve balance of excess funds from one year to the next to be used for future unknown expenses?

I appreciate your time and attention to this matter. If you have any questions or require further information, do not hesitate to contact me at (937) 562-5255, or via email at david.hayes@greenecountyohio.gov.

Sincerely,



David D. Hayes (#0078356)
Prosecuting Attorney