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October 6, 2026

Attorney General Andy Wilson
Ohio Attorney General, Opinions Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

Re: Request for Attorney General Opinion

Dear Attorney General Wilson:

I am writing to request your opinion regarding whether a member of a county board of alcohol, drug addiction, and mental health services appointed under R.C. 340.02 (the "ADM Board") may simultaneously serve as a member of the County of Summit Social Services Advisory Board (the "SSAB") established under Chapter 148 of the Codified Ordinances of the County of Summit. My questions are:

1. Are the positions of member of the ADM Board and member of the SSAB compatible, such that one person may hold both positions at the same time?

2. Codified Ordinances Section 148.02(b) requires the ADM Board to designate a member of its board or its chief executive officer to serve on the SSAB as a "Levy Agency Member." Under R.C. Chapter 340 and the common-law compatibility doctrine, may more than one ADM Board member serve on the SSAB at the same time, such that an ADM Board member other than the designated Levy Agency Member may also be appointed to the SSAB as an at-large member? Does R.C. Chapter 340 or any other provision of state law prohibit such an appointment?

3. If the positions are compatible, must the individual abstain from matters before the SSAB concerning the ADM Board's budget, annual appropriations, performance metrics, or levy requests? If so, does that abstention extend to deliberation and discussion, or is it limited to voting?
4. If the positions are compatible, must the individual also abstain from SSAB matters concerning the other levy-funded agencies the SSAB reviews, i.e., observe the same restrictions that Section 148.02(b) imposes on the designated Levy Agency Member?

Summit County is a charter county. Under R.C. 340.02 and the Charter of the County of Summit, the County Executive appoints eight members of the ADM Board, subject to

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confirmation by County Council, and the Ohio Department of Mental Health and Addiction Services appoints the remaining six members.

The SSAB was established by Chapter 148 of the Codified Ordinances. Its members are appointed by the County Executive and confirmed by County Council. Under Section 148.01, the SSAB reviews, and makes recommendations to the County Executive and County Council on, the budgets, annual appropriations, performance metrics, and levy requests of the County's levy-funded human services agencies: the ADM Board, the Summit County Children Services Board, and the Summit County Developmental Disabilities Board. The SSAB serves in an advisory capacity and has no independent authority to enter into contracts, appropriate or distribute funds, or make binding operational decisions. The SSAB meets quarterly.

Section 148.02(b) requires the ADM Board to designate a representative to serve on the SSAB as a Levy Agency Member, and requires that member to abstain from voting on budgets, annual appropriations, and levy requests. Chapter 148 does not expressly address whether an ADM Board member may also be appointed to the SSAB in another membership category.

R.C. 340.02(D) provides in relevant part:

> No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any provider with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any provider with which the board has entered into a contract for the provision of services or facilities. No person shall be an employee of a board and such a provider unless the board and provider both agree in writing.

Your office has addressed the compatibility of public positions under the framework set forth in 1979 Op. Att'y Gen. No. 79-111. Questions of personal interest under R.C. 102.03 and R.C. 2921.42 are within the jurisdiction of the Ohio Ethics Commission, and I do not ask your office to address them here.

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Thank you in advance for your consideration of these questions, and I look forward to your opinion on this matter. Should you have any questions or need any additional information, please contact Chief Assistant Prosecutor of the Civil Division, John Galonski, at (330) 643-8379.

Sincerely,

ELLIOT KOLKOVICH
Summit County Prosecutor

EK/trf