

OPINION NO. 68-029

Syllabus:

1. It is not mandatory or necessary for members of the Automatic Data Processing Board to elect a President or Chairman.

2. A separate appropriation account may be established for the Automatic Data Processing Board which could be credited for services rendered other offices and departments while at the same time the appropriation accounts of such offices and departments serviced by the Data Processing Center would be debited.

To: Roger Cloud, Auditor of State, Columbus, Ohio
By: William B. Saxbe, Attorney General, February 6, 1968

I have before me your request for my opinion of December 6, 1967, as amended by your supplemental request of January 15, 1968, wherein you pose the following questions:

"(1) Is it mandatory, or necessary, for members of the Automatic Data Processing Board to elect a President or Chairman, or does the Auditor, as Secretary and Chief Administrative Officer of the Board, fulfill this responsibility?

"(2) May a separate appropriation account be established for the Automatic Data Processing Board, which could be credited on a cost basis for services rendered other of-

ices and departments at their request while, at the same time, debiting the appropriation accounts of such offices and departments serviced by the Data Processing Center?"

The 107th General Assembly of the State of Ohio enacted Amended Substitute Senate Bill No. 269, the purpose of which was to enact Sections 307.84 to 307.846, inclusive, of the Revised Code, relative to the establishment and operation of a County Data Processing Board. The Bill became effective September 20, 1967.

Section 307.844, Revised Code, provides:

"The county auditor shall be the chief administrator of the county automatic data processing board and may employ a deputy who shall serve under his direction. The auditor or his deputy shall supervise the operation of the automatic data processing center. Subject to approval by the board, the administrator shall employ such other persons as are necessary for the operation of the center and shall fix the compensation of the deputy and all such employees. Salaries and expenses of the center shall be paid from funds budgeted and appropriated to the board by the board of county commissioners. The administrator may adopt such rules and regulations as are necessary for the operation of the center."

The initial provisions of Section 307.844, supra, answer your first question. It is clear that the County Auditor is the Chief Administrator of the County Automatic Data Processing Board, that he or his deputy shall supervise the operations of the Center, that he shall initially employ those necessary for the operation of the Center and shall fix their compensation and may adopt rules and regulations necessary for the operation of the Center. This authority is that usually reposed in a president or chairman of a board and I cannot conceive what additional authority would be given to a president or chairman who was not the county auditor.

Section 307.846, Revised Code, provides:

"The county automatic data processing board may enter into a contract with the legislative authorities of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, conservancy district, or other taxing district, or with the board of county commissioners

or the automatic data processing board of any other county, and such authorities may enter into contracts with the county automatic data processing board, to provide automatic data processing services to any of them. The board shall establish a schedule of charges upon which the cost of providing such services shall be based. All moneys collected by the board for services rendered pursuant to contracts entered into under this section shall be deposited in the county general fund; however, such moneys may be segregated into a special fund in the county treasury until the end of the calendar year. County offices may also be charged for such services and the appropriation so charged and the appropriation of the board so credited."

The County Automatic Data Processing Board may be credited for the charges for service with any agency of government with which it has a contract pursuant to Section 307.846, supra, and the account of the governmental agency receiving the service would be debited in like amount.

Accordingly, it is my opinion and you are hereby advised as follows:

1. It is not mandatory or necessary for members of the Automatic Data Processing Board to elect a President or Chairman.
2. A separate appropriation account may be established for the Automatic Data Processing Board which could be credited for services rendered other offices and departments while at the same time the appropriation accounts of such offices and departments serviced by the Data Processing Center would be debited.