



Ohio Revised Code

Section 5705.221 Additional levy for county alcohol, drug addiction, and mental health programs.

Effective: April 3, 2023

Legislation: House Bill 66

(A) At any time, the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of elections of the county that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county's alcohol, drug addiction, and mental health service district established pursuant to Chapter 340. of the Revised Code, or the county's contribution to a joint-county district of which the county is a part, and that it is necessary to levy a tax in excess of such limitation for the operation of community addiction services providers and community mental health services providers and the acquisition, construction, renovation, financing, maintenance, and operation of alcohol and drug addiction facilities and mental health facilities.

Such resolution shall conform to section 5705.19 of the Revised Code, except that the increased rate may be in effect for any number of years not exceeding ten.

The resolution shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any election, and except as otherwise provided in division (G) of this section. The resolution shall be certified to the board of elections not less than ninety days before the election at which it will be voted upon.

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of the comprehensive community addiction and mental health services providers vote in favor of the levy, the board may levy a tax within the county at the additional rate outside the ten-mill limitation during the specified period, for the purpose stated in the resolution.

(B) When electors have approved a tax levy under this section, the board of county commissioners may anticipate a fraction of the proceeds of the levy and, from time to time, issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.



(C) The county auditor who is the fiscal officer of the alcohol, drug addiction, and mental health service district, upon receipt of a resolution from the board of alcohol, drug addiction, and mental health services, shall establish for the district a capital improvements account or a reserve balance account, or both, as specified in the resolution. The capital improvements account shall be a contingency fund for the necessary acquisition, replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the board, funds not needed to pay for current expenses may be appropriated to the capital improvements account, in amounts such that the account does not exceed twenty-five per cent of the replacement value of all capital facilities and equipment currently used by the board for programs and services. Other funds which are available for current capital expenses from federal, state, or local sources may also be appropriated to this account.

The reserve balance account shall contain those funds that are not needed to pay for current operating expenses and not deposited in the capital improvements account but that will be needed to pay for operating expenses in the future. Upon the request of a board, such funds shall be appropriated to the reserve balance account. Payments from the capital improvements account and the reserve balance account shall be made by the county treasurer who is the custodian of funds for the district upon warrants issued by the county auditor who is the fiscal officer of the district pursuant to orders of the board.

(D) If a board of county commissioners levies a tax under this section for the county's contribution to a joint-county district of which the county is a part, revenue from the tax shall only be expended for the benefit of the residents of the county.

(E) If a board of county commissioners levies a tax under this section for the county's contribution to a joint-county district of which the county is a part and that district expands or contracts due to the addition or withdrawal of another county, the board, provided that county remains a part of the newly expanded or contracted joint-county district, shall continue to levy and collect that tax, pursuant to the terms originally approved by electors, for the county's contribution to the newly expanded or contracted joint-county district of which the county is a part. Notwithstanding sections 5705.192 and 5705.25 of the Revised Code, the election notice and ballot language of a renewal or replacement of such a levy shall identify the name of the newly expanded or contracted joint-county district.



(F) If a board of county commissioners levies a tax under this section for the county's contribution to a joint-county district of which the county is a part and the county withdraws from the district, the board shall continue to levy and collect that tax, pursuant to the terms originally approved by electors, for one of the following purposes, if either situation applies:

(1) For the county's contribution to a newly joined joint-county district, if the county joins such a joint-county district in the tax year after the year in which the county withdraws from the other joint-county district;

(2) To provide the necessary requirements of the county's alcohol, drug addiction, and mental health service district, if the county establishes such a district under Chapter 340. of the Revised Code in the tax year after the year in which the county withdraws from the joint-county district.

Notwithstanding sections 5705.192 and 5705.25 of the Revised Code, the election notice and ballot language of a renewal or replacement of such a levy shall identify the name of the newly established district or newly joined joint-county district.

(G) Division (G) of this section applies only if all of the following apply:

(1) The county withdraws from a joint-county district.

(2) The board of alcohol, drug addiction, and mental health services of that joint-county district levies a tax under section 5705.19 of the Revised Code in the tax year for which the county withdraws from the joint-county district.

(3) The board of county commissioners of the withdrawing county adopts a resolution under division (A) of this section proposing a tax under this section that specifies that the first tax year the tax is to be levied by the board is the tax year after the year the tax described in division (G)(2) of this section expires or is renewed or replaced, as authorized under division (B) of section 340.01 of the Revised Code.

The proposed tax described in division (G)(3) of this section may be a renewal, renewal and



decrease, or renewal and increase of the tax described in division (G)(2) of this section, except that, notwithstanding section 5705.25 of the Revised Code, the election notice and ballot language of a renewal of such a levy shall identify the county as the subdivision within which the tax will be levied and not the joint-county district from which the county withdrew.

Alternatively, the tax described in division (G)(3) of this section may be a replacement, replacement and decrease, or replacement and increase of the tax described in division (G)(2) of this section, as authorized under section 5705.192 of the Revised Code, except that, notwithstanding that section, the election notice and ballot language of a replacement of such a levy shall identify the county as the subdivision within which the tax will be levied and not the joint-county district from which the county withdrew.