

WHO'S AFRAID OF THE OHIO REVISED CODE?

Legal issues are sometimes complex. This one isn't.

There seems to be a demand for a comment from the Van Wert County Commissioners on the situation with the City of Van Wert and OSU Extension Economic Development (ED). I'll start by saying that we don't see what happens in Council Chambers as our conflict. We left the contract with OSU Extension last year and are happily going about our business and making good progress. The freedom from that morass is, to say the least, exhilarating. The current debate is not ours – it's the City's.

The OSU Extension ED proponents point at us in an apparent attempt to draw us into this new fray. To argue OSU Extension ED's proven merit is problematic at best and, to date, has not been attempted. So to have a discussion at all, the issue of whether or not the City should, as we did, dump Extension ED must be recast as City versus County.

Everyone found out last Monday what we've known since early last year when we first started the discussion about going a different direction with economic development -- that a majority of City Council agrees with us. OSU Extension ED's regional model is locally ineffective. There is no City versus County. But back then, when it became obvious that the Extension ED supporters preferred to shout, pound the table, and storm out of a meeting instead of talking, we all had a decision to make -- go ahead and make the change or try to work with the framework that existed to avoid a very loud disagreement.

We tried working in that framework up to the point where OSU Extension ED purposely cost the county a \$100,000 grant (half of which we subsequently were able to recover). When verification came from the state as to what had happened, we left the contract immediately and for cause. OSU Extension did not dispute our departure and we weren't required by the contract to provide financing to the program anyway. But -- and this is the legal point at issue here -- we were the necessary party to the OSU Extension contract for economic development. You might remember Extension acknowledging this when it immediately changed the name of its employee here to "Community Development Director."

Ohio State is a land grant college organized by Ohio statute. Further state statutes create OSU Extension. These "enabling statutes" allow Extension to carry on educational activities throughout the state. Entities created by enabling statutes can only do those specific things that the statutes allow them to do -- they cannot go beyond that authority. For example, a sheriff's office is created by an enabling statute. Nowhere is a county sheriff enabled to enter into a contract to engage in economic development efforts.

Imagine the chaos if the different government agencies created by Ohio's enabling statutes started acting outside of their authorities. It doesn't take an imagination if you live in Van Wert -- it is exactly what is currently happening and the very reason why there seems to be some measure of chaos.

OSU Extension's enabling statute for economic development is Ohio Revised Code (ORC) section 307.07(A)(2). [This law allows the county commissioners to](#) "Enter into an agreement with OSU Extension, providing for the use of employees hired by the Ohio State University under section 3335.36 of the Revised Code to carry out all of the functions and duties of a director of economic development under division (B) of this section. Any agreement shall set forth the procedure by which OSU extension shall gain

the approval of the Board of County Commissioners for any actions, functions, and duties under division (B) of this section.”

The authority is limited -- extremely limited. So limited, in fact, there has to be a writing that outlines how OSU Extension can gain the approval of the county commissioners to do anything in the realm of economic development -- not just a writing to do anything, a writing on the procedure on how to even ask. We have made it clear in multiple writings to OSU Extension that we do not give it any authority to continue any economic development related activities in Van Wert County.

There is no similar enabling statute that allows OSU Extension to enter into a contract with a municipality for economic development. There is one that would allow the city, along with a contiguous township, to enter into what’s called a Joint Economic Development District for a specific project in conjunction with OSU Extension (ORC 715.70). Recently, the Van Wert County Township Trustees’ Executive Board passed an unsolicited and unanimous resolution in support of our efforts -- I don’t think any of them are too anxious to jump into such a contract with the City and OSU Extension.

The new contract that Mayor Farmer signed references Extension’s broad authority under ORC 3335. Please take the time to read that series of statutes. It covers, indeed, a broad range of educational activities that Extension may conduct in the state. Somewhere in the middle is ORC 3335.36, the only subsection that enables Extension to conduct economic development efforts -- and it does so under the guidelines of ORC 307.07, under the County Commissioners’ authority referenced above.

That leaves the Mayor trying to enter the City into a contract with an entity that cannot legally contract with it alone. To do so, OSU Extension would be clearly acting outside of the authority of its enabling statutes. This is also known as illegal.

We’ll stay out of the City’s internal discussion until they ask us to participate, if ever, because it is their discussion. Despite what some have claimed, we don’t want ultimate control of economic development. By statute, we already have that. What we would like is to bring in partners interested in a new vision not dominated by a few local special interests. Crazy us, we’d prefer that those partners are here legally.