



Ohio Administrative Code

Rule 5120:1-5-07 Reduction in local funding prohibited.

Effective: April 8, 2022

(A) If a municipal corporation, county, or group of contiguous counties receiving a subsidy from the department of rehabilitation and correction ("department") for the development, implementation, and operation of community control sanctions violates any provision of this rule, then the department may discontinue subsidy payments to the recipient, unless a petition for reconsideration has been approved pursuant to paragraph (D) of this rule.

(B) No municipal corporation, county, or group of counties receiving subsidy funds from the department for corrections programs shall reduce, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections, including, but not limited to, expenditures for the operation of local corrections agencies and for any county or municipal probation department. Each subsidy shall be used to make corrections expenditures in excess of those being made from local, nonfederal funds.

(C) No municipal corporation, county, or group of counties receiving subsidy funds from the department for corrections programs shall use such funds for capital improvements. If a recipient uses such funds for capital improvements, the department shall discontinue subsidy payments to the recipient according to the procedure outlined in paragraph (D) of this rule and require the recipient to reimburse the department to the extent a subsidy was used for capital improvements.

(D) If a municipal corporation, county, or group of counties is found to have violated paragraphs (B) and/or (C) of this rule, the appropriate board of county commissioners, mayor or city manager shall be given written notice, by the director or designee of the department, of the reason(s) for the intent to discontinue subsidy payments to the recipient, sixty days prior to the actual discontinuation of funding. The commissioners, mayor or city manager shall have thirty days following the receipt of such notice in which to present a petition for reconsideration to the director. Within thirty days of receipt of the petition, the director or designee shall respond, in writing, either approving the petition by continuing or reducing subsidy payments or disapproving the petition and stating the reason(s) for the disapproval.



(E) A municipal corporation, county, or group of counties wishing to withdraw from participating in the department's funding of community control sanctions shall notify, in writing, the director or designee of the department of their intention to withdraw from the program and include a copy of the appropriate board of county commissioner's, mayor's or city manager's resolution to that effect.

(F) If a municipal corporation, county, or group of counties ceases to participate in the Community Corrections Act program pursuant to paragraph (D) or (E) of this rule, the department's bureau of community sanctions shall make arrangements to have a financial close-out audit conducted of their fiscal records equipment, supplies, and other tangible property that relate to the Community Corrections Act program. Any funds, equipment, supplies, or other tangible property determined by the audit to be due to or owned by the department, shall be returned to the department unless a written waiver is granted.

(G) If a municipal corporation, county or group of counties receiving subsidy funding does not meet the requirements set forth in rule 5120:1-5-04 of the Administrative Code, the department's bureau of community sanctions may reduce funding in whole or in part. If funding is reduced, the department's bureau of community sanctions will provide to the county commissioners, mayor or city manager written notification detailing the reason for the reduction. The commissioners, mayor or city manager shall have thirty days following the receipt of such notice in which to present a petition for reconsideration to the director. Within thirty days of receipt of the petition, the director or designee shall respond, in writing, either approving the petition by continuing or reducing subsidy payments or disapproving the petition and stating the reason(s) for the disapproval.

(H) This rule, including, but not limited to, its provisions relative to notice and reconsideration, does not apply to any funding reduction imposed pursuant to paragraph (D) of rule 5120-5-06 of the Administrative Code.