



NEWS RELEASE – January 27, 2010

Auditor Roger Reynolds Identifies \$2.3 Million Assessment Error Butler County Property Owners Will Save \$200,000 This Year

HAMILTON, Ohio – Butler County taxpayers will benefit a minimum of \$200,000 this year following an auditor review of a conservation assessment that has inappropriately collected more than \$2.3 million from property owners since 1996.

Butler County Auditor Roger Reynolds questioned the legal foundation of a resolution first passed in 1996 by the Butler County Board of Commissioners – and renewed each year thereafter – that levied an assessment on county homeowners to pay a county general fund obligation to the Miami Conservancy District.

The county Prosecutor's Office concurred with the auditor that the language of commissioners Resolution No. 08-09-1545 has no basis in law and therefore the assessment cannot be collected this year. Refunds from the inappropriate collection of past assessments may also be warranted, Reynolds said. The assessment has collected more than \$207,000 each year since 2005 and averaged \$161,408 in the years prior to 2005.

“The implementation of more stringent internal controls led us to this discovery,” Reynolds said. “Since taking office in 2008 I have emphasized a heightened review of policies and empowered the staff to question past practices. I must admit that when I found the error, I was stunned that this was assessed so long without review. It is certainly not the way to conduct the people's business.”

According to the Prosecutor's Office and a review of Ohio Revised Code Section 6101, when the board of directors of the conservancy district certifies its annual levy, including an assessment against a political subdivision, the governing body of the political subdivision is required to 1) include the amount of the assessment in its tax budget for the ensuing year; and 2) levy a tax (not an assessment) at a uniform rate upon all of the taxable property within the political subdivision to provide sufficient funds to pay the amount of the assessment against the political subdivision.

The Board of Commissioners has the authority to levy a tax to pay its obligation to the conservancy district but no such tax has been enacted, Reynolds said. As such, the commissioners have no right to collect this assessment directly from taxpayers. “Government needs to keep working to find ways to save taxpayer money, instead of ways to spend it,” Reynolds said. “I have requested a legal review from the Prosecutor's Office regarding refunds of the previous collections and I'm pushing for the maximum refund allowed by law.”