
LOCAL GOVERNMENT

- Permits a political subdivision to enter into a sale and leaseback agreement under which the legislative authority conveys a building to a purchaser who must lease all or portions of the building back to the legislative authority.
- Requires the agreement to obligate the lessor to make public improvements to the building.
- Authorizes a board of township trustees, by resolution, to authorize the acceptance of payments for township expenses by financial transaction devices, and specifies procedures for implementing a program to accept these payments.
- Allows a township to contract with any department, agency, or political subdivision for the purchase or sale of a motor vehicle.
- Authorizes a board of township trustees to purchase real or personal property at public auction through a designee.
- Allows a township to appropriate money for a community improvement corporation to fund any of the corporation's activities and programs, rather than solely to defray the corporation's administrative expenses.
- Removes the population necessary for a county to adopt and implement the procedures for the effective reutilization of nonproductive land through a county land reutilization corporation.
- Extends the time during which local governments may enter enterprise zone agreements with businesses by two years, to October 15, 2017.
- Increases the competitive bidding limit for conservancy district contracts for improvements from \$25,000 to \$50,000.
- Increases the salaries of county sheriffs and prosecuting attorneys by 5% per year for calendar years 2016 through 2019 and reduces the number of pay classes for sheriffs and prosecuting attorneys from eight to six beginning in 2017.
- Increases the annual salaries of county auditors, county treasurers, common pleas court clerks, county recorders, county commissioners, county engineers, and coroners by 5% in 2016 and by 5% in 2017.
- Reduces from eight to six the number of population classes that are used to determine the salaries of these county elected officers.



- Increases an appropriation for Operating Expenses—Judiciary/Supreme Court by \$33,840 in fiscal year 2017 to pay the state's share of salary increases for common pleas court clerks.
- Increases the per diem compensation amount for township trustees and the annual compensation of township fiscal officers by 5% in 2016 and by 5% in 2017.
- Revises the monetary size of the budgetary amounts that determine the pay ranges for township trustees and township fiscal officers.
- Increases the annual compensation of members of boards of elections by 5% in 2016 and by 5% in 2017.
- Enables certified local government building departments to issue building permits, conduct inspections, and conduct certain other administrative actions in relation to a park district upon approval of the board park commissioners of the park district in question.

Report of traffic camera penalties; LGF reductions

- Requires any local authority that has operated a traffic camera between March 23, 2015, and June 30, 2015, to file either of the following with the Auditor of State on or before July 31, 2015:
 - If the local authority has complied with the traffic camera law, a statement of compliance with the traffic camera law; or
 - If the local authority has not complied with the traffic camera law, a report including the civil fines the local authority has billed to drivers for any violation that is based upon evidence recorded by a traffic camera.
- Requires any local authority that operates a traffic camera to submit a report or statement of compliance, as discussed above, to the Auditor of State every three months beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015.
- Suspends Local Government Fund (LGF) payments to a subdivision that fails to comply with the reporting requirements.
- Reduces LGF payments to a subdivision reporting fines by the amount of such fines and redistributes that amount among other subdivisions in the county.



Hourly rates for indigent defense

- Provides a county with a supplemental amount for appointed counsel for indigent defense if the board of county commissioners establishes a fee schedule on an hourly basis for appointed counsel that exceeds \$50 per hour.

Minimum security jail

- Provides for the use of a minimum security jail for a person charged with a traffic violation or misdemeanor or a fourth or fifth degree felony who has not been released on bail and who is confined in jail pending trial, if the person is classified as a minimal security risk.

Regional transit authorities: private grants and loans

- Permits a regional transit authority to apply for and accept grants and loans from any private source, and to acquire real and personal property by borrowing from any federal, state, other governmental, or private sources.

Veteran identification cards

- Requires county recorders to issue veteran identification cards to individuals who satisfy specified requirements, commencing on January 1, 2017.
- Requires the Director of Veterans Services, in consultation with the Ohio Recorders Association, to establish material and design standards with which county recorders must comply in producing veteran identification cards.
- Specifies that veteran identification card application materials are not a public record under the Public Records Act.
- Requires county recorders to deposit fees received from the issuance of veteran identification cards into the county recorder's technology fund, if one exists in the county.

Township removal of unsafe buildings

- Provides an express right to a hearing to owners and lienholders of insecure, unsafe, or structurally defective or unfit buildings before a board of township trustees proceeds to remove, repair, or secure the buildings.
- Generally requires a board of township trustees to give notice including a statement informing parties in interest that each party is entitled to a hearing if requested in writing within 30 days after the day on which the notice was mailed.



- Establishes the time and manner of the hearing to be held before the board of township trustees if timely requested by a party in interest.

Maintenance of buffer around drinking water reservoir

- Requires a municipal corporation that has a watershed management program with regard to a drinking water reservoir to allow an owner of property that is contiguous to a buffer around such a reservoir to maintain the buffer if the maintenance is for specified purposes.
- Prohibits a peace officer or other specified officials from issuing a citation to an individual who enters the buffer for the sole purpose of mowing vegetation or for any of the specified purposes.

Regional council of government infrastructure loans

- Permits an educational service center serving as a fiscal agent for a regional council of governments to establish an infrastructure loan program for the member governments.

Health district licensing councils

- Makes the establishment of a health district licensing council in a city health district, general health district, or combined district permissive, rather than mandatory, at the discretion of the board of health.
- Eliminates a discrepancy in the health district licensing council law by clarifying that the licensing council appoints one member to the board of health, rather than appointing one of its own members to the board of health.

Annexation petitions

- Adopts, until January 1, 2017, in a chartered county with a population of at least one million, a lower petition signature threshold for purposes of an annexation of municipal territory to a contiguous municipal corporation.

Permanent cemetery endowment funds

- Allows a board of township trustees or a board of cemetery trustees to use the principal of a permanent cemetery endowment fund to maintain a cemetery if income from the fund is insufficient for this purpose and the board unanimously consents.



Refunding general obligation debt

- Modifies the last maturity of refunding securities issued by a subdivision.
- Expands the types of securities a subdivision may issue to fund or refund various types of outstanding securities.
- Expands the types of securities that a subdivision may issue securities to fund or refund.
- Specifies when certain special obligations issued to fund or refund other securities are payable.
- Authorizes a subdivision to hold in cash any money derived from proceeds of securities issued to fund or refund other securities or obligations that is in escrow.

Cemetery lots sold before July 24, 1986

- Grants townships the right of reentry for burial lots for which the deed of sale was executed prior to July 24, 1986, and for an entombment, columbarium, or other interment right for which the terms of sale or deed was executed before the effective date of the amendment.
- Expands the provisions regarding a township sale of burial lots to other interment rights, including entombment or columbarium.

Township payment via direct deposit

- Specifies that a board of township trustees may adopt a resolution authorizing the payment of lawful obligations of the township by direct deposit of funds by electronic transfer.

Force account limits for townships

- When a township proceeds by contract with regard to a road maintenance or repair project requires the board of township trustees to use competitive bidding when the contract exceeds \$90,000 rather than \$45,000 as under current law.
- When a board proceeds by force account for a road maintenance or repair project (i.e., using township employees, materials, etc.), requires the county engineer to conduct a force account assessment when the project costs \$45,000 or more rather than \$15,000 or more as under current law.
- When a township proceeds by contract with regard to a road construction or reconstruction project, requires the board of township trustees to use competitive



bidding when the total estimated cost of the work exceeds \$30,000 per mile rather than \$15,000 per mile as under current law.

- When a board proceeds by force account for a road construction or reconstruction project, requires the county engineer to conduct a force account assessment when the project costs more than \$15,000 or more rather than \$5,000 or more as under current law.

County hospital board funds

- Specifies the disposition of charter county hospital funds and the permissible investment of such funds by the hospital board.
- Permits a regional council of governments established to provide health care benefits to pool funds, including from out-of-state members, for the payment of health care related claims and expenses.

New community authorities

- Eliminates or makes permanent provisions that applied only to new community authorities established between March 22, 2012, and March 22, 2015.
- Includes telecommunications facilities in the definition of "community facility."
- Shifts various roles from the board of county commissioners with which the petition was filed to the organizational board of commissioners.
- Eliminates the requirement that the acreage included in a proposed new community district be developable as one functionally interrelated community.
- Specifies differing hearing and notice requirements if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district.
- Eliminates the requirement that the organizational board of commissioners' resolution be entered of record in its journal and in the journal of the board of county commissioners with which a petition was filed.
- Modifies how the property of a new community authority is distributed upon dissolution.



Political subdivision sale and leaseback agreement

(R.C. 9.483)

Notwithstanding contrary statutory limitations, the bill permits a political subdivision to enter into a sale and leaseback agreement under which the legislative authority agrees to convey a building owned by the political subdivision to a purchaser who is obligated, immediately upon closing, to lease all or portions of the building back to the legislative authority. The sale and leaseback agreement must obligate the lessor to make public improvements to all or portions of the building subject to the lease, including renovations, energy conservation measures, and other measures that are necessary to improve the functionality and reduce the operating costs of the portions of the building that are subject to the lease.

Townships acceptance of payments by financial transaction device

(R.C. 503.55)

The bill authorizes a board of township trustees to adopt a resolution authorizing the acceptance of payments by financial transaction devices for township expenses. The resolution must include the following:

(1) A specification of those township offices that are authorized to accept payments by financial transaction devices;

(2) A list of township expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for township expenses; however, uniform acceptance of financial transaction devices among different types of township expenses is not required;

(4) The amount, if any, authorized as a surcharge or convenience fee for persons using a financial transaction device; however, uniform application of surcharges or convenience fees among different types of township expenses is not required;

(5) A specific provision requiring the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason; and

(6) A provision designating the township fiscal officer as an administrative agent to solicit proposals from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist township offices in implementing the township's



financial transaction devices program. The solicitation of proposals must be within guidelines established by the board in the resolution and in compliance with the procedures described below.

Procedures for soliciting proposals

The township fiscal officer must request proposals from financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution. Upon receiving the proposals, the fiscal officer must review them and make a recommendation to the board of trustees on which proposals to accept. The board of trustees must consider the fiscal officer's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities that have submitted proposals, as appropriate. The board of trustees must provide any financial institution, issuer, or processor that submitted a proposal, but with which the board does not enter into a contract, notice that its proposal is rejected. The notice must state the reasons for the rejection, indicate whose proposals were accepted, and provide a copy of the terms and conditions of the successful bids.

Posting the resolution

The board of township trustees must post a copy of the adopted resolution in each township office accepting payment by a financial transaction device. Each township office that is permitted by the resolution to accept the payments may use only the financial institutions, issuers of financial transaction devices, and processors of financial transaction devices with which the board of township trustees contracts, and each such office is subject to the terms of those contracts.

Convenience fee

A board of township trustees may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee may not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device. But, if a surcharge or convenience fee is imposed, every township office accepting payment by a financial transaction device must clearly post a notice in that office, and must notify each person making a payment by such a device, about the surcharge or fee. This notice must be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice must include all of the following:

- (1) A statement that there is a surcharge or convenience fee for using a financial transaction device;



(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever applies; and

(3) A clear statement that the surcharge or convenience fee is nonrefundable.

If a person elects to make a payment to the township by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee must be considered voluntary. The surcharge or convenience fee is not refundable.

Insufficient funds and liability

If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable for a penalty over and above the amount of the payment due. The board of township trustees must determine the amount of the penalty to be assessed. The penalty may be a fee not to exceed \$20 or payment of the amount necessary to reimburse the township for banking charges, legal fees, or other expenses incurred by the township in collecting the returned or dishonored payment.

The remedies and procedures described above are in addition to any other available civil or criminal remedies provided by law.

No person making any payment by financial transaction device to a township office may be relieved from liability for the underlying obligation except to the extent the township realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the township retains all remedies for enforcement that would have applied if the transaction had not occurred.

A township official or employee who accepts a financial transaction device payment in accordance with the procedures described above and any applicable state or local policies or rules is immune from personal liability for final collection of the payment.

Township sale of motor vehicle

(R.C. 505.101)

The bill allows a township to contract with any department, agency, or political subdivision for the purchase or sale of a motor vehicle. Currently, a township's only



means of selling a motor vehicle, if the fair market value of a motor vehicle exceeds \$2,500, is by public auction or sealed bid process.

Township purchases at public auction through a designee

(R.C. 505.1010)

The bill authorizes a board of township trustees to purchase real or personal property at public auction by adopting a resolution to designate an individual, officer, or employee to represent the board and tender bids at the auction. Purchases are subject to a maximum purchase price established by resolution of the board or by an appraisal obtained before the auction and approved by the board of township trustees. Purchases must comply with current law's requirement for expenditures to have a certificate of available funds signed by the township's fiscal officer; the certificate indicates that the amount of money required for the purchase has been lawfully appropriated for the purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Community improvement corporations: use of township funds

(R.C. 505.701)

The bill allows a township to appropriate money for a community improvement corporation to fund any of the corporation's activities and programs. Under current law, a township may provide funding only to defray a community improvement corporation's administrative expenses.

Continuing law allows townships, counties, and municipalities to create a community improvement corporation to perform economic development functions on behalf of the subdivision. Unlike townships, counties and municipalities are currently able to fund any of a community improvement corporation's economic development activities.

County land reutilization corporations

(R.C. 1724.04)

The bill removes the current population threshold necessary for a county to adopt and implement the procedures for the effective reutilization of nonproductive land through a county land reutilization corporation (CLRC). Current law allows any county having a population of more than 60,000 as of the most recent decennial census to elect to organize a county land reutilization corporation for that purpose. A CLRC's purpose under continuing law generally, is, to return blighted properties in the county



to productive use. As part of that purpose, CLRCs may administer a land bank program whereby it acquires (without paying) tax-foreclosed properties that failed to sell at the sheriff's sale, clears or rehabilitates the property, and attempts to sell it to pay the delinquent taxes and other costs and return the property to productive use.

Under the bill, there would be no population threshold; any county of any population would be allowed to create a CLRC.

Enterprise zone agreement extension

(R.C. 5709.62, 5709.63, and 5709.632)

Under continuing law, counties and municipal corporations may designate areas within the county or municipal corporation as "enterprise zones." After designating an area as an enterprise zone, the county or municipal corporation must petition the Director of Development Services for certification of the designated enterprise zone. If the Director certifies a designated enterprise zone, the county or municipal corporation may then enter into enterprise zone agreements with businesses for the purpose of fostering economic development in the enterprise zone. Under an enterprise zone agreement, the business agrees to establish or expand within the enterprise zone or to relocate its operations to the zone in exchange for property tax exemptions and other incentives.

Current law authorizes local governments to enter into enterprise zone agreements through October 15, 2015. The bill extends the time during which local governments may enter into these agreements to October 15, 2017.

Competitive bidding threshold for conservancy districts

(R.C. 6101.16)

The bill increases the limit above which contracts for improvements of a conservancy district must be competitively bid. If the contract amount will exceed \$50,000, instead of the current limit of \$25,000, bids must be advertised as provided in current law, and the contract generally must be awarded to the lowest responsive and most responsible bidder under continuing law.

Salaries of sheriffs and prosecuting attorneys

(R.C. 325.06 and 325.11)

The bill increases the salaries of county sheriffs and prosecuting attorneys by 5% each calendar year from 2016 through 2019. The increases for 2016 do not apply to any sheriff or prosecuting attorney who holds office on the bill's effective date. Under both



current law and the bill, the pay of sheriffs and prosecuting attorneys varies in accordance with population of the county. The bill reduces the number of pay classes from eight to six beginning in 2017.

The following charts show the salaries of sheriffs and prosecuting attorneys for calendars 2015 (current) through 2019.

County Sheriffs						
Salary Class	Current	CY 2016	Salary Class	CY 2017	CY 2018	CY 2019
1	\$ 47,900	\$ 50,295	1	\$ 58,347	\$ 61,264	\$ 64,327
2	\$ 50,912	\$ 53,458	2	\$ 67,985	\$ 71,384	\$ 74,953
3	\$ 52,922	\$ 55,568	3	\$ 82,832	\$ 86,974	\$ 91,322
4	\$ 61,664	\$ 64,747	4	\$ 92,797	\$ 97,437	\$ 102,309
5	\$ 75,131	\$ 78,888	5	\$ 98,332	\$ 103,249	\$ 108,411
6	\$ 84,170	\$ 88,379	6	\$ 101,182	\$ 106,241	\$ 111,553
7	\$ 89,190	\$ 93,650				
8	\$ 91,775	\$ 96,364				

Prosecutors with Private Practice						
Salary Class	Current	CY 2016	Salary Class	CY 2017	CY 2018	CY 2019
1	\$ 54,218	\$ 56,929	1	\$ 64,203	\$ 67,413	\$ 70,784
2	\$ 56,226	\$ 59,037	2	\$ 71,399	\$ 74,969	\$ 78,717
3	\$ 58,234	\$ 61,146	3	\$ 77,488	\$ 81,363	\$ 85,431
4	\$ 64,761	\$ 67,999	4	\$ 86,344	\$ 90,662	\$ 95,195
5	\$ 70,284	\$ 73,798	5	\$ 91,877	\$ 96,471	\$ 101,294
6	\$ 78,317	\$ 82,233	6	\$ 95,276	\$ 100,040	\$ 105,042
7	\$ 83,335	\$ 87,502				
8	\$ 86,418	\$ 90,739				



Prosecutors without Private Practice						
Salary Class	Current	CY 2016	Salary Class	CY 2017	CY 2018	CY 2019
1	\$ 92,565	\$ 97,193	1	\$ 114,809	\$ 120,549	\$ 126,577
2	\$ 104,135	\$ 109,342	2	\$ 127,563	\$ 133,941	\$ 140,638
3	\$ 104,135	\$ 109,342	3	\$ 127,563	\$ 133,941	\$ 140,638
4	\$ 115,703	\$ 121,488	4	\$ 127,563	\$ 133,941	\$ 140,638
5	\$ 115,703	\$ 121,488	5	\$ 130,661	\$ 137,194	\$ 144,053
6	\$ 115,703	\$ 121,488	6	\$ 133,759	\$ 140,447	\$ 147,469
7	\$ 118,513	\$ 124,439				
8	\$ 121,323	\$ 127,389				

Pay increases for certain county elected officers, township trustees, township fiscal officers, and members of boards of elections

Overview

The bill increases the compensation of county auditors, county treasurers, common pleas court clerks, county recorders, county commissioners, county engineers, and coroners; township trustees and township fiscal officers; and members of boards of elections. (Pay increases for sheriffs and prosecuting attorneys are discussed above.) The salaries of these elected officers were last increased by H.B. 712 of the 123rd General Assembly, which took effect December 8, 2000. Ohio Constitution, Article II, Section 20 requires the General Assembly, in cases not provided for in the Constitution, to fix the compensation of all officers. The Ohio Supreme Court has ruled that the General Assembly cannot delegate the authority to fix the compensation of officers conferred upon it by this constitutional provision.²²⁸

In H.B. 712, the salaries of these local elected officers were increased and then indexed to the consumer price index²²⁹ (CPI) each calendar year from 2002, 2003, or 2005 (depending on the group whose salaries were being increased) through 2008. The annual cost-of-living adjustment, or COLA, that was applied to the salaries was the lesser of 3% or the percentage increase, if any, in the CPI for the previous year. Because the COLA ceased after 2008, salaries have not changed since that year. The exception to

²²⁸ *Neff v. Bd. of County Commissioners*, 166 Ohio St. 360 (1957); *State ex rel. Godfrey v. O'Brien*, 95 Ohio St. 166 (1917).

²²⁹ The CPI used is the U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100. If that index is no longer published, a generally available comparable index may be used.



this appears to be members of boards of elections, whose salaries were not adjusted by the COLA, but instead were given 3% increases in 2001, 2002, and 2003, with no increases in 2004 or thereafter.²³⁰

County elected officers

(R.C. 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15)

The bill has two major components that affect the compensation of county auditors, county treasurers, common pleas court clerks, county recorders, county commissioners, county engineers, and coroners (county elected officers). The bill increases the annual compensation they receive in calendar years 2016 and 2017, and collapses the eight population classes presently used to determine the officers' salaries into six classes, starting in 2017. Because the change to the population classes is incorporated into the salary increases, it is addressed first.

New salary classification schedules

The salaries of the county elected officers are established by separate schedules that classify an officer according to the population of the county. In general, the larger the county population, the larger the salary. The bill maintains this system of classification, but reduces the number of population classes from eight to six, beginning in 2017. The bill's changes are shown in the following table:

Former Classifications		2017 New Classifications	
Class	Population Range	Class	Population Range
1	1-20,000	1	1-55,000
2	20,001-35,000	2	55,001-95,000
3	35,001-55,000	3	95,001-200,000 ²³¹
4	55,001-95,000	4	200,001-400,000
5	95,001-200,000 ²³²	5	400,001-1,000,000
6	200,001-400,000	6	1,000,001 or more
7	400,001-1,000,000		
8	1,000,001 or more		

²³⁰ R.C. 3501.12.

²³¹ Under the bill, for coroners without a private practice, population class 3 is 175,001-200,000. See R.C. 325.15.

²³² Under current law, for coroners without a private practice, population class 5 is 175,001-200,000.



Pay increases

The bill increases the annual salaries of county elected officers by 5% in 2016 and by 5% in 2017, as reflected in the charts below. The bill does not reinstate the annual COLA that was last applied to their salaries in 2008.

The increased salaries will not be available to a county elected officer who is mid-term. Ohio Constitution, Article II, section 20 prohibits any change in the compensation of an officer during the officer's existing term, unless the office is abolished.

The following charts indicate the existing annual compensation of county elected officers in 2015, which are not increases, and show the 2016 and 2017 increases:

County Auditor²³³				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$53,431	\$56,103	\$64,091	Same as 2017
2	\$56,256	\$59,069	\$75,400	Same as 2017
3	\$58,132	\$61,039	\$84,621	Same as 2017
4	\$68,390	\$71,810	\$94,935	Same as 2017
5	\$76,754	\$80,592	\$100,601	Same as 2017
6	\$86,109	\$90,414	\$103,618	Same as 2017
7	\$91,248	\$95,810		
8	\$93,985	\$98,684		

County Treasurer²³⁴				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$39,157	\$41,115	\$49,813	Same as 2017
2	\$42,172	\$44,281	\$58,668	Same as 2017
3	\$45,182	\$47,441	\$67,525	Same as 2017
4	\$53,214	\$55,875	\$75,273	Same as 2017
5	\$61,247	\$64,309	\$80,807	Same as 2017
6	\$68,275	\$71,689	\$83,636	Same as 2017

²³³ R.C. 325.03.

²³⁴ R.C. 325.04.



County Treasurer²³⁴				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
7	\$73,294	\$76,959		
8	\$75,860	\$79,653		

Common Pleas Court Clerk^{235,236}				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$39,157	\$41,115	\$49,813	Same as 2017
2	\$42,172	\$44,281	\$58,668	Same as 2017
3	\$45,182	\$47,441	\$67,525	Same as 2017
4	\$53,214	\$55,875	\$75,273	Same as 2017
5	\$61,247	\$64,309	\$80,807	Same as 2017
6	\$68,275	\$71,689	\$83,636	Same as 2017
7	\$73,294	\$76,959		
8	\$75,860	\$79,653		

County Recorder²³⁷				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$38,153	\$40,061	\$47,599	Same as 2017
2	\$41,165	\$43,223	\$55,349	Same as 2017
3	\$43,174	\$45,333	\$63,098	Same as 2017
4	\$50,203	\$52,713	\$71,951	Same as 2017
5	\$57,232	\$60,094	\$78,594	Same as 2017
6	\$65,262	\$68,525	\$82,051	Same as 2017

²³⁵ R.C. 325.08. Under R.C. 2303.03, a common pleas court clerk who also serves as the clerk of the court of appeals receives from the state one-eighth of the clerk's county-paid compensation. As county-paid compensation increases, the amount paid by the state also increases.

²³⁶ Under R.C. 1901.31 and 1907.20, clerks serving as municipal or county court clerks are paid by the municipality or county an additional 25% of their county compensation. As their county compensation increases, so does this additional amount.

²³⁷ R.C. 325.09.



County Recorder²³⁷				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
7	\$71,287	\$74,851		
8	\$74,423	\$78,144		

County Commissioner²³⁸				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$37,353	\$39,221	\$48,974	Same as 2017
2	\$40,888	\$42,932	\$61,215	Same as 2017
3	\$44,421	\$46,642	\$72,346	Same as 2017
4	\$55,524	\$58,300	\$84,866	Same as 2017
5	\$65,620	\$68,901	\$96,000	Same as 2017
6	\$76,976	\$80,825	\$101,953	Same as 2017
7	\$87,075	\$91,429		
8	\$92,474	\$97,098		

County Engineer with a Private Practice²³⁹				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$56,629	\$59,460	\$67,746	Same as 2017
2	\$59,039	\$61,991	\$73,059	Same as 2017
3	\$61,448	\$64,520	\$78,594	Same as 2017
4	\$66,267	\$69,580	\$83,022	Same as 2017
5	\$71,287	\$74,851	\$88,556	Same as 2017
6	\$75,303	\$79,068	\$92,009	Same as 2017
7	\$80,323	\$84,339		
8	\$83,455	\$87,628		

²³⁸ R.C. 325.10.

²³⁹ R.C. 325.14.



County Engineer without a Private Practice²⁴⁰				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$80,536	\$84,563	\$94,103	Same as 2017
2	\$82,944	\$87,091	\$99,417	Same as 2017
3	\$85,354	\$89,622	\$104,950	Same as 2017
4	\$90,174	\$94,683	\$109,378	Same as 2017
5	\$95,193	\$99,953	\$114,914	Same as 2017
6	\$99,209	\$104,169	\$118,361	Same as 2017
7	\$104,230	\$109,442		
8	\$107,357	\$112,725		

Coroner with a Private Practice²⁴¹				
Class	2015 Compensation	2016 Compensation	2017 Compensation	Compensation in 2018 and after
1	\$22,090	\$23,195	\$30,993	Same as 2017
2	\$25,102	\$26,357	\$45,384	Same as 2017
3	\$28,112	\$29,518	\$56,458	Same as 2017
4	\$41,165	\$43,223	\$69,739	Same as 2017
5	\$51,209	\$53,769	\$78,594	Same as 2017
6	\$63,255	\$66,418	\$83,310	Same as 2017
7	\$71,287	\$74,851		
8	\$75,565	\$79,343		

Coroner without a Private Practice²⁴²					
Class	2015 Compensation	2016 Compensation	Class	2017 Compensation	Compensation in 2018 and after
5	\$115,703	\$121,488	3	\$127,563	Same as 2017
6	\$115,703	\$121,488	4	\$127,563	Same as 2017
7	\$118,513	\$124,439	5	\$130,661	Same as 2017
8	\$121,323	\$127,389	6	\$133,759	Same as 2017

²⁴⁰ R.C. 325.14.

²⁴¹ R.C. 325.15.

²⁴² R.C. 325.15.



Appropriation

(Section 311.10)

The bill appropriates an additional \$33,840 in fiscal year 2017 to GRF appropriation item 005321, Operating Expenses – Judiciary/Supreme Court, to be used to pay the state share of the salary increases for common pleas court clerks. The state pays one-eighth of the annual compensation that the clerk receives for acting as the clerk of the court of appeals of the county.

Salary increases for township trustees and township fiscal officers

(R.C. 505.24 and 507.09)

Township trustees are paid an amount for each day of service, based on the monetary size of the township's budget. The days of service for which township trustees can be paid are capped at 200 days. The bill increases the compensation of township trustees by 5% in calendar year 2016 and by 5% in calendar year 2017, and, in 2016, revises the monetary ranges of the budgets they oversee. For example, for 2015, the smallest budget size for a township is \$50,000 or less, for which a township trustee is paid \$25.72 per day for not more than 200 days, but for 2016, the smallest budget size is \$250,000 or less, for which a township trustee will be paid \$38.49 per day for not more than 200 days. The bill retains the existing law requirement that the number of days of service for which a township trustee can be paid cannot exceed 200 days.

Like township trustees, township fiscal officers are paid a salary that is based on the monetary size of the township's budget. The bill increases the annual compensation of township fiscal officers by 5% in calendar year 2016 and by 5% in calendar year 2017, and, in 2016, also revises the budget sizes they manage. For example, for 2015, the smallest budget size is \$50,000 or less, for which a township fiscal officer is paid \$4,502 annually, but for 2016, the smallest budget size is \$250,000 or less, for which a township fiscal officer will be paid \$10,398.

The bill does not reinstate the annual COLA that was last applied in 2008 to the salaries of township trustees and township fiscal officers.

The increased salaries will not be available to a township trustee or a township fiscal officer who is mid-term. Ohio Constitution, Article II, Section 20 prohibits any change in the compensation of an officer during the officer's existing term, unless the office is abolished.

The following table shows the current budget sizes and per day pay for township trustees in 2015, and what the bill proposes for increases in 2016 and 2017:



Township Trustees (Amount per day, not to exceed 200 days)				
2015 Budget Size	2015 Amount	Budget Size in 2016 and after	2016 Amount	2017 Amount
\$50,000 or less	\$25.72	\$250,000 or less	\$38.49	\$40.42
\$50,000.01- \$100,000	\$30.87	\$250,000.01- \$500,000	\$44.57	\$46.80
\$100,000.01- \$250,000	\$36.66	\$500,000.01- \$750,000	\$47.27	\$49.63
\$250,000.01- \$500,000	\$42.45	\$750,000.01- \$1.5 million	\$54.01	\$56.71
\$500,000.01- \$750,000	\$45.02	\$1,500,000.01- \$3.5 million	\$59.42	\$62.39
\$750,000.01- \$1.5 million	\$51.44	\$3,500,000.01- \$6 million	\$64.82	\$68.06
\$1,500,000.01- \$3.5 million	\$56.59	\$6,000,000.01- \$10 million	\$83.99	\$88.19
\$3,500,000.01- \$6 million	\$61.73	More than \$10 million	\$107.98	\$113.38
\$6,000,000.01- \$10 million	\$79.99			
More than \$10 million	\$102.84			

The current budget sizes and annual compensation for township fiscal officers in 2015, and what the bill proposes for increases in 2016 and 2017, are as follows:

Township Fiscal Officers				
2015 Budget Size	2015 Annual Compensation	Budget Size in 2016 and after	2016 Annual Compensation	2017 Annual Compensation
\$50,000 or less	\$4,502	\$250,000 or less	\$10,398	\$10,918
\$50,000.01- \$100,000	\$7,074	\$250,000.01- \$500,000	\$13,370	\$14,038
\$100,000.01- \$250,000	\$9,903	\$500,000.01- \$750,000	\$14,854	\$15,597
\$250,000.01- \$500,000	\$12,733	\$750,000.01- \$1.5 million	\$17,826	\$18,717
\$500,000.01- \$750,000	\$14,147	\$1,500,000.01- \$3.5 million	\$20,796	\$21,836



Township Fiscal Officers				
\$750,000.01- \$1.5 million	\$16,977	\$3,500,000.01- \$6 million	\$22,282	\$23,396
\$1,500,000.01- \$3.5 million	\$19,806	\$6,000,000.01- \$10 million	\$25,573	\$26,851
\$3,500,000.01- \$6 million	\$21,221	More than \$10 million	\$29,585	\$31,064
\$6,000,000.01- \$10 million	\$24,355			
More than \$10 million	\$28,176			

Salary increases for members of county boards of elections

(R.C. 3501.12)

The annual compensation of a member of a county board of elections is based on the population of the county the member serves. Since 2004, a member of a board of elections has been paid \$92.89 for each full 1,000 of the first 100,000 population, \$44.26 for each full 1,000 of the second 100,000 population, \$24.04 for each full 1,000 of the third 100,000 population, and \$7.37 for each full 1,000 above 300,000 population. The minimum annual compensation of a member of the board is \$3,687, but the annual salary cannot exceed \$21,855. The revisions in the bill for 2015 are not increases and merely reflect what board members are currently paid.

In 2016, the bill increases each member's annual compensation by 5% over the preceding year, and specifies that a member's compensation cannot be less than \$4,830. In 2017, the bill increases each member's annual compensation by 5% over the preceding year, and specifies that a member's compensation cannot be less than \$6,000. In calendar year 2018, and in each calendar year thereafter, the annual compensation and compensation minimum is the same as in 2017.

The bill does not reinstate the annual COLA that was last applied in 2003 to elections board members' compensation.

The Ohio Supreme Court, in 1950, held that members of a county board of elections, although appointed by the Secretary of State, are officers whose compensation is subject to Ohio Constitution, Article II, Section 20, which precludes an in-term change of compensation.²⁴³ But since the date of that decision, the General Assembly amended

²⁴³ *State ex rel. Milburn v. Pethtel*, 153 Ohio St. 1 (1950).



the compensation statute, R.C. 3501.12, to provide that members of boards of elections are not subject to that constitutional provision. The Ohio Attorney General has advised that, in the absence of a judicial determination as to the constitutionality of the changes to R.C. 3501.12, members of boards of elections are entitled to receive in-term raises.²⁴⁴

Local government building departments and park districts

(R.C. 3781.10)

The bill enables certified local government building departments to issue building permits, conduct inspections, and conduct certain other administrative actions in relation to a park district upon approval of the board park commissioners of the park district in question.

Report of traffic camera penalties

(R.C. 4511.0915)

The bill specifies that on or before July 31, 2015, any local authority that has operated a traffic law photo-monitoring device ("traffic camera") between March 23, 2015, and June 30, 2015, must file either a report or statement of compliance with the Auditor of State as follows:

(1) If the local authority operated any traffic camera during the specified period without fully complying with the traffic camera law, the local authority must file a report that includes a detailed statement of the civil fines that the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic camera, including the gross amount of fines that have been billed.

(2) If the local authority has fully complied with the traffic camera law during the specified period, in lieu of a report, the local authority must submit a signed statement affirming compliance with all requirements of the traffic camera law.

Additionally, under the bill, beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority must file either a report or a signed statement of compliance with the Auditor of State in the same manner as described above. The local authority must file the report or statement not later than 30 days after the end of the three-month period.

²⁴⁴ O.A.G. 97-027 (1997).



The Auditor of State must immediately forward a copy of each report or signed statement of compliance to the Tax Commissioner for purposes of calculating Local Government Fund (LGF) payments (see "**LGF adjustments**," below) and must notify the Commissioner about each subdivision that was required to file a report or signed statement and that did not do so. The Auditor of State also must notify the Commissioner when a subdivision that failed to submit a report or signed statement does file a report or signed statement.

LGF adjustments

(R.C. 5747.50, 5747.502, 5747.51, and 5747.53)

The bill suspends or reduces LGF payments to a subdivision that fails to file a civil fine report or statement of compliance with the Auditor of State ("delinquent subdivision") or to a subdivision filing a civil fine report with the Auditor ("noncompliant subdivision").

Under continuing law, 1.66% of general revenue tax receipts are credited monthly to the LGF to provide revenue to counties, townships, municipal corporations, and other subdivisions.²⁴⁵ Continuing law allocates LGF funds through two mechanisms. First, the bulk of LGF revenue is divided between the undivided local government funds of each county. This revenue is distributed to the county and subdivisions located in that county pursuant to a formula either prescribed in state law or adopted by the county budget commission. Under the second mechanism, the remaining money is distributed directly to municipal corporations that levied a municipal income tax in 2006. Payments are made monthly.

"Delinquent" subdivisions

The bill requires the Tax Commissioner, when informed by the Auditor of State that a subdivision has not reported fines or filed a statement of compliance, to do both of the following:

(1) If the subdivision is a municipal corporation receiving direct LGF payments, suspend such payments beginning with the next required monthly disbursement.

(2) Immediately instruct the appropriate county auditor and treasurer to suspend payments to the subdivision from the county undivided local government fund beginning with the next required disbursement.

²⁴⁵ R.C. 131.51(B), not in the bill.



Payments to a delinquent subdivision remain suspended until the subdivision files all delinquent reports or statements of compliance with the Auditor. Once the Auditor notifies the Commissioner that all required reports or statements have been filed, the LGF payments to the subdivision resume.

"Noncompliant" subdivisions

The bill requires the Tax Commissioner, when informed by the Auditor that a subdivision is a noncompliant subdivision, to do both of the following:

(1) If the noncompliant subdivision is a municipal corporation receiving direct municipal payments, reduce the amount of the next three such payments by one-third of the gross civil fine revenue reported by the subdivision in its most-recent quarterly report.

(2) In the case of other subdivisions, immediately instruct the county auditor and treasurer to reduce the amount of the next three payments to the subdivision from the county undivided local government fund by one-third of the gross civil fine revenue reported by the subdivision in its most-recent quarterly report.

If the noncompliant subdivision is a municipal corporation receiving direct LGF payments and one-third of the amount of its gross fines would exceed the amount of its monthly direct LGF payment, its next three payments from the county undivided local government fund are reduced by the difference.

Distribution of suspended or reduced LGF payments

If a delinquent or noncompliant subdivision's LGF payments are suspended or reduced, the unpaid amount is distributed to other subdivisions in the same county that are not delinquent or noncompliant. Those subdivisions receive a share of such money based on the proportion of undivided local government fund revenue the subdivision would receive compared to amounts received by all subdivisions in the county that are not delinquent or noncompliant.

Any subdivision receiving an increased undivided local government fund payment must use the increase for the same purpose as other undivided local government distributions – to pay for the subdivision's operating expenses.

Hourly rates for indigent defense

(R.C. 120.33 and 2941.51)

Under the bill, if the board of county commissioners establishes a fee schedule on an hourly basis for appointed counsel for indigent defense (required under existing



law) that exceeds \$50 per hour, the county will receive a supplemental amount that constitutes 5% of the total reimbursement the county receives from the State Public Defender for appointed counsel.

Minimum security jail

(R.C. 341.34)

The bill provides that a person may be confined in a minimal security jail if the person meets all of the following conditions:

(1) The person is charged with a traffic violation, a misdemeanor, or a fourth or fifth degree felony.

(2) The person has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial.

(3) The jail administrator or the jail administrator's designee has classified the person as a minimal security risk.

In determining whether the person is a minimal security risk, the administrator or designee must consider all relevant factors, including the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Additionally, the bill specifies that nothing in the provision described in the paragraph above authorizes the operation or management of a minimum security jail by a private entity.

Regional transit authorities: private grants and loans

(R.C. 306.35)

The bill permits a regional transit authority to apply for and accept grants and loans from any private source, and to acquire real and personal property by borrowing from federal, state, other governmental, or private sources. Current law permits a regional transit authority to apply for and accept grants and loans only from the United States, the state, or another public body, and to acquire real and personal property by installment payments, lease-purchase agreement, by lease with an option to purchase, or by condemnation.



Veteran identification cards

(R.C. 317.241 and 5902.09; Section 759.20)

Issuance

The bill, commencing on January 1, 2017, requires county recorders to issue an Ohio veteran identification card to an individual who has met the requirements of the bill for the Ohio card, and who is not eligible for a federally issued veterans identification card. To obtain a veterans ID card, an individual must satisfy the following requirements: (1) present the individual's armed forces discharge record for recording in the county recorder's office, (2) provide, in person at the county recorder's office, two forms of current and valid identification, one of which bears a photograph of the individual, and (3) pay a fee. The fee may not exceed \$2.

The bill specifies that the following documents are valid forms of identification for purposes of satisfying the identification requirement:

- An original or a certified birth certificate.
- An identification card issued by the U.S. Department of Veterans Affairs.
- A U.S. military identification card.
- A Social Security card.
- A license or permit to carry a concealed weapon issued by Ohio or another state.
- A motor vehicle operator's license, issued by Ohio or another state that bears a photograph of the licensee.
- An identification card, issued by Ohio or another state, that bears a photograph of the individual identified.
- A valid passport that bears a photograph of the individual to whom the passport was issued.
- A U.S. armed forces discharge record.

An applicant must be photographed in color when an application for the veteran identification card is made. A county recorder must provide the necessary equipment to take color photographs of card applicants. The bill specifies that all photographic



records obtained by issuance of veteran identification cards are the property of the county recorder's office.

Veteran identification cards must conform to the material and design standards established by the Director of Veterans Services.

An individual whose current veteran identification card is lost or damaged may apply for a replacement card. A veteran identification card expires 10 years after it is issued; an individual may apply to receive a new card upon expiration. A replacement or renewal veteran identification card requires the individual to meet the requirements for issuance of the card.

Application materials not public record

The bill also specifies that all application materials, including application, photographs, documents, or other information submitted with an application or obtained by a county recorder are not public records under the Public Records Act. A county recorder is authorized to release the application materials only as follows: (1) to a state, local, or federal governmental agency for criminal justice purposes or to a court for any purpose arising in the court, (2) to the Department of Veterans Services, but only if the veteran gives prior signed, written approval, or (3) to a county veterans service commission, but only if the veteran gives prior signed, written approval. The recipient of application materials must maintain the confidentiality of any materials received.

County recorder's technology fund

A county recorder must deposit fees collected from the issuance of veteran identification cards into the county treasury to the credit of the recorder's technology fund. But if no such fund exists in the county, the fees must be deposited into the county's general fund.²⁴⁶

Miscellaneous

A county recorder may contract with any other political subdivision of the state for the production of veteran identification cards.²⁴⁷

²⁴⁶ R.C. 317.241(C). County recorder technology funds are created under R.C. 317.321.

²⁴⁷ R.C. 317.241(F).



A county recorder may accept donations in the form of supplies and equipment to be used in the production of veteran identification cards.²⁴⁸

Material and design standards

The Director of Veterans Services, in consultation with the Ohio Recorders Association, must establish material and design standards for veteran identification cards, which must be prescribed in rules adopted under the Administrative Procedure Act. Initial standards must be adopted not later than six months after the bill's effective date.²⁴⁹

The rules must require that a veteran identification card include "Ohio," a distinguishing number assigned to the cardholder, the name of the issuing county, the indexing number that has been assigned to the veteran's record of discharge, the date of the cards issuance and expiration, a color photograph of the cardholder, and the cardholder's name and residence address, branch of service, dates of service, and date of discharge. The card may not display the cardholder's Social Security number unless the display is required by federal law.²⁵⁰

Township removal of unsafe buildings

(R.C. 505.86; R.C. 3929.86 (conforming))

Notice of hearing

Continuing law authorizes a board of township trustees to provide for the removal, repair, or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire, health, or building enforcement authority after giving parties in interest certified mail notice at least 30 days before doing so. The bill additionally authorizes the township to take such action with respect to buildings or structures declared to be in a condition dangerous to life or health.

The bill defines "party of interest" as an owner of record of the real property on which the building or structure is located, and includes a holder of a legal or equitable lien of record on the real property or the building or other structure. Current law applies to the holders of legal or equitable liens of record upon the real property on which the building is located and to owners of record of the property.

²⁴⁸ R.C. 317.241(G).

²⁴⁹ Section 2 of the bill.

²⁵⁰ R.C. 5902.05.



The bill requires that the notice be mailed return receipt requested, and also that the notice include a statement informing the parties in interest that each party is entitled to a hearing if the party requests it, in writing, within 30 days after the date on which the notice was mailed. Under continuing law, if a party's address is unknown and cannot reasonably be obtained, the notice must be published once in a newspaper of general circulation in the township.²⁵¹

Hearing requirements

A written request for a hearing must be made to the township fiscal officer. And if a party in interest timely requests a hearing, the board of township trustees must set the date, time, and place for the hearing and notify the party by certified mail, return receipt requested. The hearing must occur between 7 and 15 days after the party requested it, unless otherwise agreed to by the board and the party.

The hearing must be recorded by stenographic or electronic means.²⁵²

The order

The bill requires a board of township trustees to make an order within 30 days after the hearing, or not later than 30 days after mailing the initial notice of a right to hearing when no party in interest requested a hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. A party in interest may consent to an order at any time.

A party in interest who is adversely affected by the order, and who requested and participated in a hearing may appeal the order to a court of common pleas under the continuing authority to appeal final orders or decisions of a political subdivision.²⁵³

As under continuing law, the bill allows a party in interest to enter into an agreement with the board of township trustees to perform the removal, repair, or securance. The bill specifies that such an agreement may be entered into at any time.

Cost of removal

The bill requires that the cost of removing, repairing, or securing the buildings or other structures, when approved by the board, must be paid out of the township general fund from moneys not otherwise appropriated, except that, if the costs incurred

²⁵¹ R.C. 505.86(B).

²⁵² R.C. 505.86(C)(2).

²⁵³ R.C. 505.86(C)(3) and (4).



exceed \$500, the board may borrow moneys from a financial institution to pay for the costs in whole or in part.²⁵⁴

The total costs may be collected in either of two ways. On the one hand, the board may have the fiscal officer certify the total costs and a description of the land to the county auditor, who must place the costs upon the tax duplicate. The total costs then are a lien upon the land from and after the date of entry on the tax list. The bill removes a sentence specifying that the costs are to be collected as other taxes and returned to the township general fund. On the other hand, the board can sue to recover the total costs from the owner. The bill clarifies that this authorization is referring to the owner of record of the real property on which the building or structure is located, and not to any other party in interest.

Maintenance of buffer around drinking water reservoir

(R.C. 743.50)

The bill requires a municipal corporation that has established and implemented a watershed management program with regard to a drinking water reservoir to allow an owner of property that is contiguous to property that constitutes a buffer around a body of water that is part of such a reservoir to maintain property that constitutes a buffer if the maintenance is for any of specified purposes, including the following:

- (1) Creation of an access path that is not wider than five feet to the body of water;
- (2) Removal of invasive plant species; and

(3) Creation and maintenance of a filter strip of plants and grass that are native to the area surrounding the reservoir in order to provide adequate filtering of wastewater and polluted runoff from the owner's property to the body of water.

The bill then prohibits a peace officer or other official with authority to cite trespassers on property that is owned by a municipal corporation and that constitutes a buffer as described above from issuing a civil or criminal citation to an individual who enters the property for the sole purpose of mowing vegetation or for any of the purposes specified in the bill.

²⁵⁴ R.C. 505.86(F).



Regional council of government infrastructure loans

(R.C. 167.041)

The bill permits an educational service center serving as a fiscal agent for a regional council of governments to establish a program for the council in which the fiscal agent can enter into agreements with the governing body of one or more member governments to lend money to the member or members for the purpose of improving infrastructure within the territory of the member or members located within Ohio.

Health district licensing councils

(R.C. 3709.03, 3709.05, 3709.07, and 3709.41)

The bill makes the establishment of a health district licensing council in a city health district, general health district, or combined district permissive, rather than mandatory. The board of health decides whether to establish the health district licensing council. The effect is that in a general health district, the district advisory council appoints five members to the board of health, but if the board of health has established a health district licensing council, the district advisory council appoints four members of the board of health, and the health district licensing council appoints one member of the board of health. In a city health district, the mayor, with the confirmation of the legislative authority, appoints five members to the board of health, but if the board of health has established a health district licensing council, the mayor, with the confirmation of the legislative authority, appoints four members of the board of health, and the health district licensing council appoints one member of the board of health. And in a combined district, one member of the combined board of health is appointed by the health district licensing council, if such council is established.

The bill eliminates a discrepancy in the health district licensing council law, R.C. 3709.41. Three statutes²⁵⁵ require that the licensing council appoint one member or one individual to the board of health, but R.C. 3709.41 requires that the licensing council appoint *one of its own members* to serve on the board of health. The discrepancy is resolved in favor of the three statutes by having the health district licensing council appoint one member to the board of health.

²⁵⁵ R.C. 3709.03(B), 3709.05(A), and 3709.07 (fourth paragraph).



Annexation petitions

(Section 707.10)

The bill lowers the current petition signature threshold, until January 1, 2017, in a chartered county with a population of at least one million for an annexation petition under R.C. 709.24. An annexation petition under R.C. 709.24 is for the annexation of municipal territory to a contiguous municipal corporation. The current petition signature requirement is a number not less than 25% of the number of electors who voted in the last regular municipal election. The bill lowers that to a number not less than 10% of such electors.

Similarly, the existing required number of signatures necessary to compel the legislative authority of the municipal corporation with which annexation is proposed to adopt an ordinance designating three commissioners to represent it in annexation negotiations is reduced from a number that is not less than 25%, to one that is not less than 10%, of the number of electors who voted in the last regular municipal election in the municipal corporation with which annexation is proposed. This petition is necessary only when the municipal corporation with which annexation is proposed fails to designate its three representative commissioners within 30 days after receipt of a certified copy of the ordinance from the municipality proposing annexation.

Permanent cemetery endowment funds

(R.C. 517.15 and 759.36)

The bill allows a board of township trustees, upon unanimous consent, to use the principal of its permanent cemetery endowment fund to maintain, improve, and beautify its cemeteries if the board is unable to do so using only the income from the fund.

Similarly, the bill allows a board of cemetery trustees of a union cemetery, upon unanimous consent, to use the principal of its permanent cemetery endowment fund to keep its cemetery clean and in good order if the board is unable to do so using only the income from the fund.

Refunding general obligation debt

(R.C. 133.34)

The bill requires the last maturity of refunding securities issued by a subdivision to be not later than the later of: (1) 30 years from the date of issuance of the original securities issued for the original purpose, or (2) the year of the last maturity that would



have been permitted for the original securities if they had been issued as general obligation securities and the law as to the maximum maturity of general obligation securities issued for the original purpose was the same at the time the original securities were issued as the law existing at the time the refunding securities are issued. Currently, the last maturity may not be later than 30 years from the date of issuance of the original securities issued for the original purposes.

The bill expands, to any special obligation security, the types of securities a subdivision may issue to fund or refund various types of outstanding securities. Currently, only sales tax supported securities may be issued.

The bill also expands, to include sales tax supported securities, the types of securities a subdivision may issue securities to fund or refund. Under current law, a subdivision may issue securities to fund or refund any outstanding revenue or mortgage revenue or general obligation or other special obligation securities.

The bill specifies that special obligation securities issued to fund or refund other securities, other than sales tax supported securities, are payable as to principal at such times and in such installments as determined by the taxing authority and not subject to the provisions of the Public Utilities Law regarding payment of principal of securities. The last maturity of these refunding securities may be not later than the year of last maturity permitted by law for the obligations being refunded.

The bill authorizes subdivisions to hold in cash any money derived from the proceeds of securities issued to fund or refund other securities or obligations that is in escrow, and specifies that the political subdivision may invest such proceeds if and to the extent authorized by the taxing authority. Under current law, a subdivision is required to invest the proceeds.

Cemetery lots sold before July 24, 1986

(R.C. 517.07 and 517.073)

The bill grants townships the right of reentry for burial lots for which the deed of sale was executed prior to July 24, 1986, and for an entombment, columbarium, or other interment right for which the terms of sale or deed was executed before the effective date of the amendment. Currently, a township has a right of reentry only for burial lots for which the deed of sale was executed after July 24, 1986. As under continuing law, the bill requires the board of township trustees to provide notice before reentering a lot or right.

The bill expands the provisions regarding a township sale of burial lots to other interment rights, including entombment or columbarium.



Township payment via direct deposit

(R.C. 507.11)

Ohio law currently allows a public official to make, by direct deposit of funds by electronic transfer, any payment the official is required or authorized to make.²⁵⁶ However, the law regarding payment of township funds contains a requirement that money belonging to a township be paid out only upon an order signed by at least two township trustees. The bill specifies that, notwithstanding this requirement, a board of township trustees may adopt a resolution authorizing the payment of lawful obligations of the township by direct deposit of funds by electronic transfer.

Force account limits for townships

(R.C. 5575.01)

When a township proceeds by contract with regard to a road maintenance or repair project, the bill requires the board of township trustees to use competitive bidding for when the contract exceeds \$90,000 rather than \$45,000 as under current law. If a board proceeds by force account for a road maintenance or repair project, the bill requires the county engineer to conduct a force account assessment when the project costs \$45,000 or more rather than \$15,000 or more as under current law. When a township proceeds by force account, it generally uses its own employees, tools, equipment, and materials for the project.

Additionally, when a township proceeds by contract with regard to a road construction or reconstruction project, the bill requires a board to use competitive bidding when the total estimated cost of the work exceeds \$30,000 per mile rather than \$15,000 per mile as under current law. Further, if the board proceeds by force account for a road construction or reconstruction project, the bill requires the county engineer to conduct a force account assessment when the project costs \$15,000 or more rather than \$5,000 or more as under current law.

County hospital board funds

(R.C. 339.06 and 339.061)

The bill states that the board of trustees of a county hospital in a charter county (i.e., Cuyahoga and Summit) shall hold, administer, and possess title to funds derived from operation of the hospital and the hospital medical staff, and specifies some of the particular sources of such money. The bill also authorizes such a hospital board to

²⁵⁶ R.C. 9.37.



invest money not needed for current demands as provided in a county ordinance, and to adopt an investment policy for such money that includes all of the following:

- Requires fiduciaries to act with a specified standard of prudence;
- Specifies certain classes of instruments or deposits in which such money may be invested, including a required reserve equal to at least 25% of prior year portfolio, and with nonreserve investments pooled and invested under the Uniform Management of Institutional Funds Act;
- Creates an investment committee within the board of trustees to oversee the policy and advise the board;
- Authorizes the committee to retain investment advisory services from an advisor satisfying certain experience and licensing requirements.

The county investment advisory committee would have to approve investments made under a county ordinance or approve the investment policy, if one is adopted.

Under continuing law, all county hospital boards of trustees have "control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital" as well as money appropriated to them by a board of county commissioners. The hospital boards may invest any money not needed for current demands in the same classes of investments as "inactive" money in the county treasury may be invested in, subject to the county investment advisory committee's approval (these classes overlap largely with the classes allowed by the bill, but there are differences in type and in description).

Regional council of governments pooling of funds

(R.C. 167.06)

The bill provides that a regional council of governments established to provide health care benefits to the member governments' employees and the employees' dependents can pool funds received from all the members of the council, including members from other states to the extent that the laws of such other states permit, for the payment of health care related claims and expenses.

New community authorities

(R.C. 349.01, 349.03, 349.04, 349.06, 349.07, and 349.14; Section 703.10)

The bill eliminates or makes permanent provisions that applied only to new community authorities established between March 22, 2012, and March 22, 2015. For



example, under continuing law, members of the board of trustees of a new community authority represent the interest of present and future residents of the district. For a new community authority established between March 22, 2012, and March 22, 2015, the members also represent the interests of employers within the district. The bill makes this temporary, additional representation permanent.

Under the bill, telecommunications facilities are included in the definition of "community facility."

The bill requires that proceedings for the organization of a new community authority be initiated by the developer filing a petition in the office of the clerk of the organizational board of commissioners, instead of with the clerk of the board of county commissioners of one of the counties in which all or part of the proposed new community district is located, as under current law. The bill similarly shifts various roles from the former to the latter.

The current requirement that the acreage included in a proposed district be developable as one functionally interrelated community is eliminated by the bill.

The bill specifies that, if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, then: (1) the required hearing on the petition for the establishment of the proposed new community authority must be held not less than 30 nor more than 45 days after the petition filing date, and (2) the clerk of the board is not required to provide written notice of the date, time, and place of the hearing or to furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city that has not signed the petition. Current law requires the hearing be held not less than 95 nor more than 115 days after the petition filing date, and requires the clerk to provide written notice.

The bill eliminates the current requirement that the organizational board of commissioners' resolution be entered of record in its journal and in the journal of the board of county commissioners with which a petition was filed.

Current law specifies that, upon dissolution, any property of a new community authority that is located within a municipality vests in that municipality, and any property not located within a municipality vests in the county in which it is located (subject to acceptance by the county). A provision that applies to new community authorities established between March 22, 2012, and March 22, 2015, allows the property not located within a municipality to be vested in a township or in the developer according to a resolution adopted by the organizational board of commissioners. The bill changes this process, and specifies that property vests with a



municipal corporation, township, county, or developer as provided in a resolution adopted by the organizational board of commissioners. Current law requires the vesting of property in a county or township to be subject to acceptance of the property by resolution of the board of township trustees or board of county commissioners. The bill applies this restriction also to a municipality by requiring approval by its legislative authority before property vests.

The bill specifies that its new community authority amendments apply to any proceedings commenced after the effective date of the amendments and, so far as their provisions support the actions taken, also apply to proceedings that on their effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding.

Finally, the bill specifies that any proceedings pending or in progress on the effective date of the new community authority amendments are to be deemed to have been taken in conformity with the amendments.

