
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 minimum population necessary for a county to be able to adopt and implement 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.

Pay increases

- 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, starting in 2017.
- 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, starting in 2016.
- Increases the annual compensation of members of boards of elections by 5% in 2016 and by 5% in 2017.
- Does not reinstate the annual cost-of-living adjustment that was last applied in 2008 to the salaries of those local elected officials.

Park district delegation of building standard administration

- Enables certified local government building departments to issue building permits, conduct inspections, and conduct certain other administrative actions in relation to a park district if the board of the park district so requests.

Report of traffic camera penalties; LGF reductions

- Requires any local authority that 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;
 - 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 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 that has not complied with the Traffic Camera Law and that reports fines, and redistributes that amount among other subdivisions in the county.

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 for the purpose of taking specified actions related to transit facilities and transit systems, and to acquire real and personal property by borrowing from any federal, state, other governmental, or private sources.

Township removal of unsafe buildings

- Specifies, if a board of township trustees pursues action to remove any insecure, unsafe, or structurally defective building or other structure, that the board must notify each party in interest that the party is entitled to a hearing.
- Requires a party in interest to request a hearing within 30 days after the notice is mailed.
- Requires the board to set the time, date, and place of the hearing, and specifies that the hearing must be recorded by stenographic or electronic means.
- Requires the board to issue an order resolving the matter, and specifies that a party in interest who requested and participated in a hearing and who is adversely affected by the order may appeal the order to the court of common pleas.
- Specifies that the cost of removing, repairing, or securing an insecure, unsafe, or structurally defective building or other structure must be paid out of the township general fund, but specifies that if the cost exceeds \$500, moneys may be borrowed.
- Specifies that the cost may be collected by placing it on the tax duplicate or by a lawsuit.
- Removes a provision specifying that when costs have been placed on the tax duplicate, the resulting lien can be collected the same as other taxes are collected.



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 the 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 councils of government

- 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.
- 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.

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 annexing 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 September 29, 2015.
- 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 (VETOED)

- Would have required a board of township trustees to use competitive bidding with regard to road maintenance or repair contracts exceeding \$90,000 rather than \$45,000 as under continuing law (VETOED).
- Would have required a county engineer to conduct a force account assessment when a board proceeds by force account (i.e., using township employees, materials, etc.) for a road maintenance or repair project that costs \$45,000 or more rather than \$15,000 or more as under continuing law (VETOED).



- Would have required a board to use competitive bidding with regard to road construction or reconstruction contracts exceeding \$30,000 per mile rather than \$15,000 per mile as under continuing law (VETOED).
- Would have required a county engineer to conduct a force account assessment when a board proceeds by force account for a road construction or reconstruction project that costs \$15,000 or more per mile rather than \$5,000 or more per mile as under continuing law (VETOED).

County hospital board funds

- Specifies the disposition of charter county hospital funds and the permissible investment of such funds by the hospital board.

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)

The act 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 accept payments by transaction device

(R.C. 503.55)

The act 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;

(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 financial transaction device. Each township office that is permitted by the resolution to accept the payments by financial transaction device 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 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 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;

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

If a person elects to make a payment to the township by financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee is 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. 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 is 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 act allows a township to contract with any department, agency, or political subdivision for the purchase or sale of a motor vehicle. Continuing law allows a township to sell a motor vehicle for which the fair market value exceeds \$2,500 by public auction or sealed bid process.



Township purchases at public auction through a designee

(R.C. 505.1010)

The act 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 at such an auction 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. Purchases must comply with continuing 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 act allows a township to appropriate money for a community improvement corporation to fund any of the corporation's activities and programs. Under prior law, a township could 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 political subdivision. Under prior law, only counties and municipalities could fund any of a community improvement corporation's economic development activities.

County land reutilization corporations

(R.C. 1724.04)

The act removes the former 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). Former law allowed 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. Under the act, there is no population threshold; any county of any population is allowed to create a CLRC.

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 tax-foreclosed properties that



failed to sell at the sheriff's sale, clears or rehabilitates the property, and attempts to sell the property to pay the delinquent taxes and other costs and return the property to productive use.

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.

Prior law authorized local governments to enter into enterprise zone agreements through October 15, 2015. The act 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 act 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 former limit of \$25,000, bids must be advertised as provided in continuing 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 act 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 September 29, 2015. The pay of sheriffs and prosecuting attorneys varies in accordance with population of the county. The act reduces the number of pay classes from eight to six beginning in 2017.



The following tables show the salaries of sheriffs and prosecuting attorneys for calendar years 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



Prosecutors without Private Practice						
6	\$ 115,703	\$ 121,488	6	\$ 133,759	\$ 140,447	\$ 147,469
7	\$ 118,513	\$ 124,439				
8	\$ 121,323	\$ 127,389				

Notwithstanding the compensation specified in the last table, beginning in 2020 a prosecuting attorney in a county with a population of 1,000,000 or more who does not have a private practice will be paid \$100 less than a common pleas judge in that county.

Other pay increases

Overview

The act 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.¹⁷²

In H.B. 712, the salaries of these local elected officers were increased and then indexed to the consumer price index (CPI) each calendar year from 2002, 2003, or 2005 through 2008 (depending on the group whose salaries were being increased). 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 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.¹⁷³

¹⁷² *Neff v. Bd. of County Commissioners*, 166 Ohio St. 360 (1957); *State ex rel. Godfrey v. O'Brien*, 95 Ohio St. 166 (1917).

¹⁷³ R.C. 3501.12.



County elected officers

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

The act 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 act 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 act maintains this system of classification, but reduces the number of population classes from eight to six, beginning in 2017. The act's changes are shown in the following table:

2015 and 2016 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	95,001-200,000 ¹⁷⁴
4	55,001-95,000	4	200,001-400,000
5	95,001-200,000 ¹⁷⁵	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		

Pay increases

The act increases the annual salaries of county elected officers by 5% in 2016 and by 5% in 2017, as reflected in the tables below, but the percentage is higher for officers serving counties in the lower population classes when they are first combined in 2017.

¹⁷⁴ Under the act, for coroners without a private practice, population class 3 is 175,001-200,000. R.C. 325.15.

¹⁷⁵ Before 2017, for coroners without a private practice, population class 5 is 175,001-200,000.



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

County Auditor¹⁷⁶				
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 Treasurer¹⁷⁷				
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		

¹⁷⁶ R.C. 325.03.

¹⁷⁷ R.C. 325.04.



Common Pleas Court Clerk^{178,179}				
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 Recorder¹⁸⁰				
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
7	\$71,287	\$74,851		
8	\$74,423	\$78,144		

¹⁷⁸ R.C. 325.08. Under R.C. 2303.03, not in the act, 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.

¹⁷⁹ Under R.C. 1901.31 and 1907.20, not in the act, 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.

¹⁸⁰ R.C. 325.09.



County Commissioner¹⁸¹				
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 Practice¹⁸²				
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		

County Engineer without a Private Practice¹⁸³				
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

¹⁸¹ R.C. 325.10.

¹⁸² R.C. 325.14.

¹⁸³ R.C. 325.14.



County Engineer without a Private Practice¹⁸³				
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 Practice¹⁸⁴				
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 Practice¹⁸⁵					
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

Appropriation

(Section 311.10)

The act 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

¹⁸⁴ R.C. 325.15.

¹⁸⁵ R.C. 325.15.



pays one-eighth of the annual compensation that the clerk receives for acting as the clerk of the court of appeals of the county.

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 act 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 act retains the 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 act 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.

Because the smallest monetary budget ranges are combined, the percentage increase is higher than 5% for township trustees and fiscal officers serving townships with the smallest budget sizes.

The act 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 budget sizes and per day pay for township trustees in 2015, and the new budget sizes and 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 budget sizes and annual compensation for township fiscal officers in 2015, and the new budget sizes and 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
\$750,000.01-\$1.5 million	\$16,977	\$3,500,000.01-\$6 million	\$22,282	\$23,396
\$1,500,000.01-	\$19,806	\$6,000,000.01-	\$25,573	\$26,851



Township Fiscal Officers				
\$3.5 million		\$10 million		
\$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			

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 act for 2015 are not increases and merely reflect what board members currently are paid.

In 2016, the act 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 act 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 act 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.¹⁸⁶ But since the date of that decision, the General Assembly amended 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

¹⁸⁶ *State ex rel. Milburn v. Pethtel*, 153 Ohio St. 1 (1950).



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.¹⁸⁷

Building departments and park districts

(R.C. 3781.10)

The act enables a certified municipal, township, or county building department to exercise enforcement authority, accept and approve plans and specifications, and make inspections for a park district, if the board of park commissioners of the park district, by resolution, requests the municipal, township, or county building department, as appropriate, to exercise that authority and conduct those functions for the park district.

Report of traffic camera penalties

(R.C. 4511.0915)

The act 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 act, 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 camera, 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.

¹⁸⁷ 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 act suspends or reduces LGF payments (1) to a subdivision that fails to file a civil fine report or statement of compliance with the Auditor of State ("delinquent subdivision") or (2) to a subdivision filing a civil fine report with the Auditor of State when the subdivision has not fully complied with the Traffic Camera Law ("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.¹⁸⁸ 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 act 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 municipality 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.

¹⁸⁸ R.C. 131.51(B), not in the act.



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 act requires the Tax Commissioner to do both of the following, when informed by the Auditor of State that a subdivision has filed a civil fine report but has not fully complied with the Traffic Camera Law:

(1) If the noncompliant subdivision is a municipality 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 municipality 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.

Minimum security jail

(R.C. 341.34)

The act 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.

The act specifies that nothing in these provisions 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 act permits a regional transit authority (RTA) to apply for and accept grants and loans from any private source for the purpose of taking specified actions related to the development of transit facilities and the purchase of transit systems. The act also authorizes an RTA to acquire real and personal property by borrowing from federal, state, other governmental, or private sources. The act adds to provisions of continuing law that permit an RTA to apply for and accept grants and loans 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.

Unsafe buildings or other structures

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

Notice of unsafe buildings or other structures

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 act additionally authorizes the township to take this action with respect to buildings or structures that have been declared to be in a condition dangerous to life or health. The act also clarifies that this action must be taken by



resolution, and specifies that the certified mail notice must be sent return receipt requested.

The act defines "party in 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. Prior law, repealed by the act, referred 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.

Removal of unsafe buildings or other structures

If the board of township trustees, in the resolution adopted under the act, pursues action to remove any insecure, unsafe, or structurally defective building or other structure, the notice described above must include a statement informing the parties in interest that each party in interest is entitled to a hearing, if the party in interest requests a hearing in writing within 30 days after the notice was mailed. The hearing request must be made to the township fiscal officer.

If a hearing is timely requested, the board of township trustees must set the date, time, and place for the hearing, and must notify the party in interest, by certified mail, return receipt requested, of this information. The date set for the hearing must be within 15 days, but not earlier than seven days, after the hearing was requested, unless otherwise agreed to by both the board and the party in interest. The hearing must be recorded by stenographic or electronic means.

The board must make an order deciding the matter not later than 30 days after a hearing, or not later than 30 days after mailing notice of the unsafe building or other structure if 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. At any time, a party in interest may consent to an order.

A party in interest who requested and participated in a hearing, and who is adversely affected by the board's order, may appeal the order to the court of common pleas under the Little Administrative Procedure Act.¹⁸⁹

Cost of removal, repair, or securance

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

¹⁸⁹ R.C. 505.86(C). The Little Administrative Procedure Act, which is not in the act, is located in R.C. Chapter 2506. It provides a procedure for appealing the quasi-adjudicative orders of political subdivisions to the court of common pleas.



costs incurred exceed \$500, the board may borrow moneys from a financial institution to pay for the costs in whole or in part.¹⁹⁰

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 act 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 act 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 act requires a municipality 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 the following purposes:

- (1) Creation of an access path that is not wider than five feet to the body of water;
- (2) Creation of a view corridor along adjacent property boundaries;
- (3) Removal of invasive plant species;
- (4) 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;
- (5) Beautification of the property.

The act prohibits a peace officer or other official with authority to cite trespassers on property that is owned by a municipality 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 grass, weeds, or other vegetation or for any of the purposes outlined above.

¹⁹⁰ R.C. 505.86(F).



Regional councils of government

Infrastructure loans

(R.C. 167.041)

The act authorizes 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.

Pooling of funds

(R.C. 167.06)

The act 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.

Health district licensing councils

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

The act 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 act eliminates a discrepancy in the health district licensing council law, R.C. 3709.41. Three statutes¹⁹¹ 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.

Annexation petitions

(Section 707.10)

The act lowers the former petition signature threshold, until January 1, 2017, in a chartered county with a population of at least one million for an annexation petition for the annexation of municipal territory to a contiguous municipal corporation.¹⁹² The former petition signature requirement was a number not less than 25% of the number of electors who voted in the last regular municipal election. The act temporarily lowers that to a number not less than 10% of such electors.

Similarly, the former 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 act 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 act allows a board of cemetery trustees of a union cemetery, upon unanimous consent, to use the principal of its permanent cemetery endowment fund to

¹⁹¹ R.C. 3709.03(B), 3709.05(A), and 3709.07 (fourth paragraph).

¹⁹² R.C. 709.24, not in the act.



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 act 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. Prior law required that the last maturity not be later than 30 years from the date of issuance of the original securities issued for the original purposes.

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

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

The act 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 act 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 in whole or in part, if and to the extent authorized by the taxing authority. Under prior law, a subdivision is required to invest the proceeds.



Cemetery lots sold before July 24, 1986

(R.C. 517.07 and 517.073)

The act 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 is executed before September 29, 2015. Previously, a township had 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 act requires the board of township trustees to provide notice before reentering a lot or right.

The act 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 allows a public official to make, by direct deposit of funds by electronic transfer, any payment the official is required or authorized to make.¹⁹³ 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 act 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 (VETOED)

(R.C. 5575.01)

The Governor vetoed a provision of the act that would have altered the law governing township force account limits. When a township proceeds by force account, it generally uses township employees and materials to complete a project rather than proceeding by contract. The act would have altered the monetary thresholds that trigger competitive bidding and a force account assessment as follows:

Type of project	Competitive bidding thresholds	Force account assessment thresholds
Road maintenance and repair	Would have required a board of township trustees to use competitive bidding with regard to contracts exceeding \$90,000 rather than \$45,000 as under	Would have required a county engineer to conduct a force account assessment when a board proceeds by force account for a project that costs

¹⁹³ R.C. 9.37.



	continuing law	\$45,000 or more rather than \$15,000 or more as under continuing law
Road construction or reconstruction	Would have required a board to use competitive bidding with regard to contracts exceeding \$30,000 per mile rather than \$15,000 per mile as under continuing law	Would have required a county engineer to conduct a force account assessment when a board proceeds by force account for a project that costs \$15,000 or more per mile rather than \$5,000 or more per mile as under continuing law

County hospital board funds

(R.C. 339.06 and 339.061)

The act specifies that the board of county hospital trustees of a charter county hospital hold and administer all money received from the operation of the county hospital, including money arising from rendering medical services to patients and all other fees, deposits, charges, receipts, and income received as the result of the operation of the county hospital and medical staff.

The board must invest the money pursuant to an investment policy the board has adopted in a public meeting. The investment policy is ineffective unless it has been approved by the county investment advisory committee.

Title to the investments is not vested in the county. Rather, it is held in trust by the board of county hospital trustees, presumably for the benefit of the county hospital.

The investment policy must provide for all of the following:

(1) That all fiduciaries are to discharge their duties with the care, skill, prudence, and diligence under prevailing circumstances that a prudent person acting in like capacity and familiar with the circumstances would use in the conduct of an enterprise of a like character and with like aims;

(2) That at least 25% of the average amount of the investment portfolio over the course of the preceding fiscal year must be invested, as a reserve, in U.S. government securities, the Ohio Subdivisions Fund, Ohio state or political subdivision securities, certificates of deposit issued by national banks located in Ohio, repurchase agreements with Ohio financial institutions that are members of the Federal Reserve System or Federal Home Loan Bank, money market funds, or bankers acceptances maturing within 270 days or less that are eligible for purchase by the Federal Reserve System;



(3) That money not required to be invested as a reserve may be pooled with other institutional funds and invested;

(4) That an investment committee is to be created, and that an investment advisor may be retained.

The investment committee is created within the board of county hospital trustees. It is to meet quarterly to review and recommend revisions to the board's investment policy and to advise the board on the investments described in (1), (2), and (3) above, for the purpose of assisting the board in meeting its obligations as trustee of the investments.

An investment advisor must be licensed by the Division of Securities or registered with the U.S. Securities and Exchange Commission, and must have experience in the management of investments of public funds, and especially in the investment of state government investment portfolios, or be an institution that is eligible to be a public depository.

This investment authority is supplemental to the investment authority in continuing law and to any investment authority granted under the county charter or ordinances.

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," money appropriated by a board of county commissioners, and special tax levies. The 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 act, but there are differences in type and in description.)

A county hospital board of trustees of a charter county hospital may invest its funds as provided in continuing law or as provided in an ordinance adopted by the legislative authority of the county. In either case, the investments are subject to approval by the county investment advisory committee.

New community authorities

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

The act eliminates or makes permanent provisions that applied only to new community authorities established between March 22, 2012, and March 22, 2015. For example, 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 act makes this temporary, additional representation permanent.

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

The act 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,¹⁹⁴ 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 prior law. The act similarly shifts various roles from the former to the latter.

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

The act 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. Prior law required the hearing be held not less than 95 nor more than 115 days after the petition filing date, and required the clerk to provide written notice.

The act eliminates a previous 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.

Prior law specified that, upon dissolution, any property of a new community authority that is located within a municipality vested in that municipality, and any property not located within a municipality vested in the county in which it was located. 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 act changes this process for all new community authorities, and specifies that property vests with a municipality, township,

¹⁹⁴ The "board of commissioners" referred to in this analysis is the governing board of the new community authority. It is *not* a shortened form of "board of county commissioners."



county, or developer as provided in a resolution adopted by the organizational board of commissioners. Continuing 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 act applies this restriction also to a municipality by requiring approval by its legislative authority before property vests.

The act specifies that its new community authority amendments apply to any proceedings commenced after September 29, 2015, and, so far as their provisions support the actions taken, also apply to proceedings that, on September 29, 2015, 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 act specifies that any proceedings pending or in progress on September 29, 2015, are to be deemed to have been taken in conformity with the amendments.

