

AN ACT

To amend sections 307.12 and 505.10 and to enact sections 9.48 and 133.151 of the Revised Code to authorize a county or township to participate in contracts of other counties or townships, or in joint purchasing programs of a national or state association of political subdivisions, for the acquisition of equipment, materials, supplies, or services, to authorize counties or townships to issue self-supporting securities for the purpose of paying the costs of their own and other counties' or townships' permanent improvements, and to establish a fair market value below which a county or township is not required to conduct a public auction for the sale of unnecessary personal property or sell it by sealed bid and may sell it without public notice.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 307.12 and 505.10 be amended and sections 9.48 and 133.151 of the Revised Code be enacted to read as follows:

Sec. 9.48. A county or township may do either of the following:

(A) Permit one or more other counties or townships to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating counties or townships a reasonable fee to cover any additional costs incurred as a result of their participation;

(B) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing county or township is eligible for membership.

any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a competitive selection procedure, and, in the case of participation in a joint purchasing program operated by or through a national or state association of political subdivisions, if the program has employed a competitive selection procedure substantially similar to the procedure that would have been required of the purchasing county or township acting alone. No county or township shall acquire equipment, materials, supplies, or services by participating in a contract under this section if it has received bids for such acquisition, unless its participation enables it to make the acquisition upon the same terms, conditions, and specifications at a lower price.

Sec. 133.151. (A) A county or township may issue, for itself or on behalf of any other county or township or in a joint exercise of their powers, self-supporting securities for either or both of the following purposes:

(1) Paying the costs of any permanent improvements that it is authorized to acquire, improve, or construct;

(2) Making loans or otherwise providing, by cooperative action, financial assistance to one or more counties or townships to assist such other counties or townships in paying the costs of permanent improvements.

(B) Self-supporting securities issued under this section shall not be general obligations of the issuer, but shall be secured by any of the following:

(1) A pledge of and a lien upon the revenues of the issuer, derived from ownership or operation of the permanent improvements, including those rates, charges, or rents and any interest subsidies or debt charges, grants, or other payments by federal or state agencies therefor, and the covenants of the issuer to maintain sufficient rates, charges, and rentals to produce revenues sufficient to pay all current expenses of the permanent improvements payable by the issuer, and to pay debt service charges on the securities and establish and maintain any contractually required special funds relating to the securities, and, if the securities are anticipatory securities, to issue the self-supporting securities for which the anticipatory securities are issued;

(2) Amounts received from other counties or townships as repayment of loans or other cooperative financial assistance made to them from the proceeds of such self-supporting securities;

(3) a pledge of and lien on the proceeds of any securities issued to fund or refund those self-supporting securities.

(C) A county or township issuing self-supporting securities under this section shall do so by resolution, and such resolution shall set forth the

terms of the securities, the date of the securities, the amount to be issued, and the maximum rate of interest. The securities shall mature at such times not exceeding the maximum limits specified for general obligations in section 133.20 of the Revised Code, and shall be executed in such manner as the resolution provides. The securities shall be negotiable, bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be payable in such medium of payment at such place or places, and be subject to such terms of redemption as the issuer may authorize. The securities may be sold at public or private sale.

(D) Self-supporting securities issued under this section, their transfer, and any income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

(E) Costs of permanent improvements that may be financed with, and paid from the proceeds of, self-supporting securities issued under this section include, without limitation as to other costs properly allocable to the permanent improvements, the costs of: acquiring, constructing, reconstructing, rehabilitating, installing, remodeling, renovating, enlarging, equipping, furnishing, or otherwise improving permanent improvements; site clearance, improvement, and preparation; acquisition of real or personal property; indemnity and surety bonds and premiums on insurance; all related direct administrative expenses and allocable portions of direct costs of the issuer; engineering, architectural, legal, and other consulting and professional services; designs, plans, specifications, feasibility or rate studies, appraisals, surveys, and estimates of cost; interest or interest equivalent on the securities, whether capitalized or not; financing costs; title work and title commitment, insurance, and guaranties; amounts necessary to establish any debt service reserve or other reserves as required by the proceedings for the securities; audits; the reimbursement of moneys advanced or applied by or borrowed from any person, whether to or by the issuer or others, from whatever source provided, for the payment of any item or items of cost of the permanent improvements; and all other expenses necessary or incidental to planning or determining feasibility or practicability with respect to permanent improvements or necessary or incidental to the acquisition, construction, reconstruction, rehabilitation, installation, remodeling, renovation, enlargement, equipping, furnishing, or other improvement of the permanent improvements, the financing of the permanent improvements, and the placing of the permanent improvements in condition for use and operation, and all like or related costs, including any one, part, or combination of, or the issuer's share of, those costs and expenses.

Sec. 307.12. (A) When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and when the fair market value of the property to be sold under this division is, in the opinion of the board, in excess of two thousand five hundred dollars, the board may do either of the following:

(1) Sell such property at public auction or by sealed bid to the highest bidder, ~~after giving at least ten days' notice of the time, place, and manner of sale by posting a typewritten or printed notice in the offices of the county auditor and board. In case the fair market value of the property to be sold pursuant to this division is, in the opinion of the board, in excess of two thousand dollars, notice. Notice~~ of the time, place, and manner of the sale shall also be published in a newspaper of general circulation in the county at least ten days prior to ~~such~~ the sale, and a typewritten or printed notice of the time, place, and manner of the sale shall be posted at least ten days before the sale in the offices of the county auditor and the board of county commissioners. The board of county commissioners may authorize the sale of such personal property without advertisement or public notification and competitive bidding to the federal government, state, or any political subdivision of the state.

If a board conducts a sale of personal property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the notice. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) Donate any motor vehicle that does not exceed four thousand five hundred dollars in value to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

(B) When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit

for the use for which it was acquired, and when the fair market value of the property to be sold under this division is, in the opinion of the board, two thousand five hundred dollars or less, the board may sell the property by private sale, without advertisement or public notification. Notwithstanding anything to the contrary in division (A) of this section and regardless of the property's value, the board may sell personal property not needed for public use or obsolete or unfit for the use for which it was acquired to the federal government, the state, or any political subdivision of the state without advertisement or public notification.

(C) When a county officer or department head determines that county-owned personal property under the jurisdiction of the officer or department head, including motor vehicles, road machinery, equipment, tools, or supplies, is not of immediate need, the county officer or department head may notify the board of county commissioners and the board may lease such personal property to any municipal corporation, township, or other political subdivision of the state. Such lease shall require the county to be reimbursed under terms, conditions, and fees established by the board of county commissioners, or under contracts ~~approved~~ executed by the board.

~~(C)~~(D) Where the board finds, by resolution, that the county has vehicles, equipment, or machinery which is not needed, or is unfit for public use, and the board desires to sell such vehicles, equipment, or machinery to the person or firm from which it proposes to purchase other vehicles, equipment, or machinery, the board may offer to sell the vehicles, equipment, or machinery to such person or firm, and to have such selling price credited to the person or firm against the purchase price of other vehicles, equipment, or machinery.

~~(D)~~(E) Where the board advertises for bids for the sale of new vehicles, equipment, or machinery to the county, it may include in the same advertisement a notice of the willingness of such board to accept bids for the purchase of county-owned vehicles, equipment, or machinery which is obsolete or not needed for public use, and to have the amount of such bids subtracted from the selling price of the other vehicles, equipment, or machinery as a means of determining the lowest responsible bidder.

Sec. 505.10. The board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any property, real or personal, for any township use. When the township has property, including motor vehicles, road machinery, equipment, and tools, which the board, by resolution, finds it does not need, the board may sell and convey such property. Except as otherwise provided in division ~~(C)~~(A) or (B) of this section and in sections 505.08 and 505.101 of the Revised

Code, the sale must be by public auction and upon notice thereof being given as follows:

~~(A) If the fair market value of the property to be sold is, in the opinion of the board, two thousand dollars or less, the board shall post a typewritten or printed notice of the time, place, and manner of the sale in the office of the board for at least ten days prior to the sale. The board shall not hold in any calendar month more than one sale for which notice is given under this division, and each such sale shall be held on the same day of the week, at the same time of day, and at the same place.~~

~~(B) If the fair market value of the property to be sold is, in the opinion of the board, in excess of two thousand five hundred dollars, the board shall ~~post notice as provided in division (A) of this section and shall~~ publish notice of the time, place, and manner of the sale once a week for three weeks in a newspaper published, or of general circulation, in ~~such~~ the township, the last of such publications to be at least five days before the date of sale, and shall post a typewritten or printed notice of the time, place, and manner of the sale in the office of the board for at least ten days prior to the sale. If the fair market value of the property to be sold is, in the opinion of the board, two thousand five hundred dollars or less, the board may sell the property by private sale, without advertisement or public notification.~~

Where the board finds, by resolution, that the township has motor vehicles, road machinery, equipment, or tools which are not needed, or which are unfit for public use, and the board wishes to sell such motor vehicles, road machinery, equipment, or tools to the person or firm from which it proposes to purchase other motor vehicles, road machinery, equipment, or tools, the board may offer to sell the motor vehicles, road machinery, equipment, or tools to such person or firm, and to have such selling price credited to the person or firm against the purchase price of other motor vehicles, road machinery, equipment, or tools.

Where the board advertises for bids for the sale of new motor vehicles, road machinery, equipment, or tools to the township, it may include in the same advertisement a notice of the willingness of the board to accept bids for the purchase of township-owned motor vehicles, road machinery, equipment, or tools, which are obsolete or not needed for public use, and to have the amount of such bids subtracted from the selling price of the new motor vehicles, road machinery, equipment, or tools, as a means of determining the lowest responsible bidder.

When a township has title to real property, the board of such township may, by resolution, authorize the transfer and conveyance of such property to any other political subdivision of the state upon such terms as are agreed

to between such board and the legislative authority of such political subdivision.

~~(C)~~(B) When the board has offered property at public auction under this section and has not received an acceptable offer, the board, by resolution, may enter into a contract, without advertising or bidding, for the sale of that property. The resolution shall specify a minimum acceptable price and the minimum acceptable terms for the contract. The minimum acceptable price shall not be lower than the minimum price established for the public auction.

SECTION 2. That existing sections 307.12 and 505.10 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____