

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

124th General Assembly

Regular Session

2001-2002

Am. Sub. H. B. No. 513

**REPRESENTATIVES Seitz, Schmidt, Raga, Brinkman, Hagan, Faber, Collier,
Carano, Seaver, Schaffer, Lendrum, Fessler, Grendell, Blasdel, Schneider,
Roman, Sferra, Hughes, Setzer, Distel, Flowers, Wolpert, Niehaus, Calvert,
Webster, Allen, Otterman, Gilb, Manning, Olman, Clancy, Damschroder, Latta,
Womer Benjamin, Sulzer, Reidelbach, Kearns, Willamowski, Latell, Cates
SENATOR Robert Gardner**

A B I L L

To amend sections 124.23, 124.27, 133.01, 505.10,	1
505.82, 505.87, 507.11, 517.15, 5543.10, 5571.14,	2
5571.16, 5705.13, and 5705.19, to enact section	3
505.401, and to repeal sections 517.16, 517.17, and	4
517.18 of the Revised Code to authorize taxing	5
authorities to create multiple reserve balance	6
accounts for rainy day funds; to permit political	7
subdivisions to levy a tax in excess of the	8
ten-mill limitation for parks and recreational	9
purposes and to permit a township to levy such a	10
tax on a permanent continuous basis; to expand the	11
authority of townships pertaining to the permanent	12
endowment fund for their cemeteries; to authorize	13
townships to sell real property under certain	14
circumstances without a public auction or	15
competitive bidding; to authorize townships to	16
declare a road obstruction to be a nuisance and to	17
order its removal; to permit counties and townships	18

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to provide curbs, including driveway aprons, and 19
gutters along public highways; to permit a board of 20
township trustees to require a permit for the 21
installation of a driveway culvert; to permit a 22
board of township trustees to declare an emergency 23
for up to six months in order to remove, among 24
other things, snow and ice from private roads; to 25
permit notice by posting and photograph in certain 26
township nuisance abatement actions; to permit 27
authorized township officers and employees to incur 28
obligations of up to \$2500 without prior approval; 29
to make changes in the residency requirements for 30
employees in the classified civil service; and to 31
authorize township fire districts to issue bonds in 32
accordance with the Uniform Public Securities Law. 33

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 124.23, 124.27, 133.01, 505.10, 34
505.82, 505.87, 507.11, 517.15, 5543.10, 5571.14, 5571.16, 35
5705.13, and 5705.19 be amended and section 505.401 of the Revised 36
Code be enacted to read as follows: 37

Sec. 124.23. (A) All applicants for positions and places in 38
the classified service shall be subject to examination, except for 39
applicants for positions as professional or certified service and 40
paraprofessional employees of county boards of mental retardation 41
and developmental disabilities, who shall be hired in the manner 42
provided in section 124.241 of the Revised Code. 43

(B) Any examination administered under this section shall be 44
public, and open to all citizens of the United States and those 45
persons who have legally declared their intentions of becoming 46

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United States citizens, within certain limitations to be
determined by the director of administrative services, as to
citizenship, ~~residence~~, age, experience, education, health, habit,
and moral character; provided any soldier, sailor, marine, coast
guarder, member of the auxiliary corps as established by congress,
member of the army nurse corps or navy nurse corps, or red cross
nurse who has served in the army, navy, or hospital service of the
United States, and such other military service as is designated by
congress, including World War I, World War II, or during the
period beginning May 1, 1949, and lasting so long as the armed
forces of the United States are engaged in armed conflict or
occupation duty, or the selective service or similar conscriptive
acts are in effect in the United States, whichever is the later
date, who has been honorably discharged therefrom or transferred
to the reserve with evidence of satisfactory service, and is a
resident of Ohio, may file with the director of administrative
services a certificate of service or honorable discharge,
whereupon the person shall receive additional credit of twenty per
cent of the person's total grade given in the regular examination
in which the person receives a passing grade. Such examination may
include an evaluation of such factors as education, training,
capacity, knowledge, manual dexterity, and physical or
psychological fitness. Examinations shall consist of one or more
tests in any combination. Tests may be written, oral, physical,
demonstration of skill, or an evaluation of training and
experiences and shall be designed to fairly test the relative
capacity of the persons examined to discharge the particular
duties of the position for which appointment is sought. Where
minimum or maximum requirements are established for any
examination they shall be specified in the examination
announcement.

The director of administrative services shall have control of

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all examinations, except as otherwise provided in sections 124.01
to 124.64 of the Revised Code. No questions in any examination
shall relate to political or religious opinions or affiliations.
No credit for seniority, efficiency, or any other reason shall be
added to an applicant's examination grade unless the applicant
achieves at least the minimum passing grade on the examination
without counting such extra credit.

Except as otherwise provided in sections 124.01 to 124.64 of
the Revised Code, the director of administrative services shall
give reasonable notice of the time, place, and general scope of
every competitive examination for appointment to a position in the
civil service. The director of administrative services shall send
written, printed, or electronic notices of every examination of
the state classified service to each agency of the type the
director of job and family services specifies and, in the case of
a county in which no such agency is located, to the clerk of the
court of common pleas of that county and to the clerk of each city
of that county. Such notices, promptly upon receipt, shall be
posted in conspicuous public places in the designated agencies and
the courthouse, and city hall of the cities, of the counties in
which no such agency is located. Such notices shall be posted in a
conspicuous place in the office of the director of administrative
services for at least two weeks before any examination. In case of
examinations limited by the director of administrative services to
a district, county, city, or department, the director of
administrative services shall provide by rule for adequate
publicity of such examinations in the district, county, city, or
department within which competition is permitted.

Sec. 124.27. (A) The head of a department, office, or
institution, in which a position in the classified service is to
be filled, shall notify the director of administrative services of

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the fact, and the director shall, except as otherwise provided in 111
this section and sections 124.30 and 124.31 of the Revised Code, 112
certify to the appointing authority the names and addresses of the 113
ten candidates standing highest on the eligible list for the class 114
or grade to which the position belongs; provided that the director 115
may certify less than ten names if ten names are not available. 116
When less than ten names are certified to an appointing authority, 117
appointment from that list shall not be mandatory. When a position 118
in the classified service in the department of mental health or 119
the department of mental retardation and developmental 120
disabilities is to be filled, the director of administrative 121
services shall make such certification to the appointing authority 122
within seven working days of the date the eligible list is 123
requested. 124

(B) The appointing authority shall notify the director of 125
such position to be filled, and the appointing authority shall 126
fill such position by appointment of one of the ten persons 127
certified by the director. If more than one position is to be 128
filled, the director of administrative services may certify a 129
group of names from the eligible list and the appointing authority 130
shall appoint in the following manner: Beginning at the top of the 131
list, each time a selection is made it must be from one of the 132
first ten candidates remaining on the list who is willing to 133
accept consideration for the position. If an eligible list becomes 134
exhausted, and until a new list can be created, or when no 135
eligible list for such position exists, names may be certified 136
from eligible lists most appropriate for the group or class in 137
which the position to be filled is classified. A person certified 138
from an eligible list more than three times to the same appointing 139
authority for the same or similar positions, may be omitted from 140
future certification to such appointing authority, provided that 141
certification for a temporary appointment shall not be counted as 142
one of such certifications. Every soldier, sailor, marine, coast 143

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guarder, member of the auxiliary corps as established by congress, 144
member of the army nurse corps, or navy nurse corps, or red cross 145
nurse who has served in the army, navy, or hospital service of the 146
United States, and such other military service as is designated by 147
congress in the war with Spain, including the Philippine 148
insurrection and the Chinese relief expedition, or from April 21, 149
1898, to July 4, 1902, World War I, World War II, or during the 150
period beginning May 1, 1949, and lasting so long as the armed 151
forces of the United States are engaged in armed conflict or 152
occupation duty, or the selective service or similar conscriptive 153
acts are in effect in the United States, whichever is the later 154
date, who has been honorably discharged or separated under 155
honorable conditions therefrom, who is a resident of this state, 156
and whose name is on the eligible list for a position, shall be 157
entitled to preference in original appointments to any such 158
competitive position in the civil service of the state and the 159
civil divisions thereof, over all persons eligible for such 160
appointments and standing on the list therefor, with a rating 161
equal to that of each such person. Appointments to all positions 162
in the classified service, that are not filled by promotion, 163
transfer, or reduction, as provided in sections 124.01 to 124.64 164
of the Revised Code and the rules of the director prescribed under 165
those sections, shall be made only from those persons whose names 166
are certified to the appointing authority, and no employment, 167
except as provided in those sections, shall be otherwise given in 168
the classified service of this state or any political subdivision 169
of the state. 170

(C) All original and promotional appointments, including 171
provisional appointments made pursuant to section 124.30 of the 172
Revised Code, shall be for a probationary period, not less than 173
sixty days nor more than one year, to be fixed by the rules of the 174
director, except as provided in section 124.231 of the Revised 175

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Code, or except original appointments to a police department as a
police officer, or to a fire department as a firefighter which
shall be for a probationary period of one year, and no appointment
or promotion is final until the appointee has satisfactorily
served the probationary period. Service as a provisional employee
in the same or similar class shall be included in the probationary
period. If the service of the probationary employee is
unsatisfactory, the employee may be removed or reduced at any time
during the probationary period. If the appointing authority's
decision is to remove the appointee, the appointing authority's
communication to the director shall indicate the reason for that
decision. A probationary employee duly removed or reduced in
position for unsatisfactory service does not have the right to
appeal the removal or reduction under section 124.34 of the
Revised Code.

~~Any person appointed to a position in the classified service
under sections 124.01 to 124.64 of the Revised Code, except
temporary and exceptional appointments, shall be or become
forthwith a resident of the state.~~

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96,
and 2151.655 of the Revised Code, in other sections of the Revised
Code that make reference to this chapter unless the context does
not permit, and in related proceedings, unless otherwise expressly
provided:

(A) "Acquisition" as applied to real or personal property
includes, among other forms of acquisition, acquisition by
exercise of a purchase option, and acquisition of interests in
property, including, without limitation, easements and
rights-of-way, and leasehold and other lease interests initially
extending or extendable for a period of at least sixty months.

(B) "Anticipatory securities" means securities, including

notes, issued in anticipation of the issuance of other securities. 207

(C) "Board of elections" means the county board of elections 208
of the county in which the subdivision is located. If the 209
subdivision is located in more than one county, "board of 210
elections" means the county board of elections of the county that 211
contains the largest portion of the population of the subdivision 212
or that otherwise has jurisdiction in practice over and 213
customarily handles election matters relating to the subdivision. 214

(D) "Bond retirement fund" means the bond retirement fund 215
provided for in section 5705.09 of the Revised Code, and also 216
means a sinking fund or any other special fund, regardless of the 217
name applied to it, established by or pursuant to law or the 218
proceedings for the payment of debt charges. Provision may be made 219
in the applicable proceedings for the establishment in a bond 220
retirement fund of separate accounts relating to debt charges on 221
particular securities, or on securities payable from the same or 222
common sources, and for the application of moneys in those 223
accounts only to specified debt charges on specified securities or 224
categories of securities. Subject to law and any provisions in the 225
applicable proceedings, moneys in a bond retirement fund or 226
separate account in a bond retirement fund may be transferred to 227
other funds and accounts. 228

(E) "Capitalized interest" means all or a portion of the 229
interest payable on securities from their date to a date stated or 230
provided for in the applicable legislation, which interest is to 231
be paid from the proceeds of the securities. 232

(F) "Chapter 133. securities" means securities authorized by 233
or issued pursuant to or in accordance with this chapter. 234

(G) "County auditor" means the county auditor of the county 235
in which the subdivision is located. If the subdivision is located 236
in more than one county, "county auditor" means the county auditor 237

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of the county that contains the highest amount of the tax 238
valuation of the subdivision or that otherwise has jurisdiction in 239
practice over and customarily handles property tax matters 240
relating to the subdivision. In the case of a county that has 241
adopted a charter, "county auditor" means the officer who 242
generally has the duties and functions provided in the Revised 243
Code for a county auditor. 244

(H) "Credit enhancement facilities" means letters of credit, 245
lines of credit, stand-by, contingent, or firm securities purchase 246
agreements, insurance, or surety arrangements, guarantees, and 247
other arrangements that provide for direct or contingent payment 248
of debt charges, for security or additional security in the event 249
of nonpayment or default in respect of securities, or for making 250
payment of debt charges to and at the option and on demand of 251
securities holders or at the option of the issuer or upon certain 252
conditions occurring under put or similar arrangements, or for 253
otherwise supporting the credit or liquidity of the securities, 254
and includes credit, reimbursement, marketing, remarketing, 255
indexing, carrying, interest rate hedge, and subrogation 256
agreements, and other agreements and arrangements for payment and 257
reimbursement of the person providing the credit enhancement 258
facility and the security for that payment and reimbursement. 259

(I) "Current operating expenses" or "current expenses" means 260
the lawful expenditures of a subdivision, except those for 261
permanent improvements and for payments of debt charges of the 262
subdivision. 263

(J) "Debt charges" means the principal, including any 264
mandatory sinking fund deposits and mandatory redemption payments, 265
interest, and any redemption premium, payable on securities as 266
those payments come due and are payable. The use of "debt charges" 267
for this purpose does not imply that any particular securities 268
constitute debt within the meaning of the Ohio Constitution or 269

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other laws.	270
(K) "Financing costs" means all costs and expenses relating	271
to the authorization, including any required election, issuance,	272
sale, delivery, authentication, deposit, custody, clearing,	273
registration, transfer, exchange, fractionalization, replacement,	274
payment, and servicing of securities, including, without	275
limitation, costs and expenses for or relating to publication and	276
printing, postage, delivery, preliminary and final official	277
statements, offering circulars, and informational statements,	278
travel and transportation, underwriters, placement agents,	279
investment bankers, paying agents, registrars, authenticating	280
agents, remarketing agents, custodians, clearing agencies or	281
corporations, securities depositories, financial advisory	282
services, certifications, audits, federal or state regulatory	283
agencies, accounting and computation services, legal services and	284
obtaining approving legal opinions and other legal opinions,	285
credit ratings, redemption premiums, and credit enhancement	286
facilities. Financing costs may be paid from any moneys available	287
for the purpose, including, unless otherwise provided in the	288
proceedings, from the proceeds of the securities to which they	289
relate and, as to future financing costs, from the same sources	290
from which debt charges on the securities are paid and as though	291
debt charges.	292
(L) "Fiscal officer" means the following, or, in the case of	293
absence or vacancy in the office, a deputy or assistant authorized	294
by law or charter to act in the place of the named officer, or if	295
there is no such authorization then the deputy or assistant	296
authorized by legislation to act in the place of the named officer	297
for purposes of this chapter, in the case of the following	298
subdivisions:	299
(1) A county, the county auditor;	300
(2) A municipal corporation, the city auditor or village	301

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clerk or clerk-treasurer, or the officer who, by virtue of a	302
charter, has the duties and functions provided in the Revised Code	303
for the city auditor or village clerk or clerk-treasurer;	304
(3) A school district, the treasurer of the board of	305
education;	306
(4) A regional water and sewer district, the secretary of the	307
board of trustees;	308
(5) A joint township hospital district, the treasurer of the	309
district;	310
(6) A joint ambulance district, the clerk of the board of	311
trustees;	312
(7) A joint recreation district, the person designated	313
pursuant to section 755.15 of the Revised Code;	314
(8) A detention facility district or a district organized	315
under section 2151.65 of the Revised Code or a combined district	316
organized under sections 2152.41 and 2151.65 of the Revised Code,	317
the county auditor of the county designated by law to act as the	318
auditor of the district;	319
(9) A township, <u>a fire district organized under division (C)</u>	320
<u>of section 505.37 of the Revised Code,</u> or a township police	321
district, the clerk of the township;	322
(10) A joint fire district, the clerk of the board of	323
trustees of that district;	324
(11) A regional or county library district, the person	325
responsible for the financial affairs of that district;	326
(12) A joint solid waste management district, the fiscal	327
officer appointed by the board of directors of the district under	328
section 343.01 of the Revised Code;	329
(13) A joint emergency medical services district, the person	330

appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; 331
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(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code; 333
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(15) A subdivision described in division (MM)~~(16)~~(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer. 336
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(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code. 339
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(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations. 341
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(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner. 348
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(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise. 351
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(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged. 354
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(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or 358
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- for deferring the receipt of payment of money to a future time. 361
- (S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and includes any laws of the United States providing for application of that code. 362
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- (T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer. 366
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- (U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority. 369
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- (V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year. 374
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- (W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year. 381
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- (X) "Net indebtedness" has the same meaning as in division (A) of section 133.04 of the Revised Code. 386
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- (Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer. 388
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(Z) "One purpose" relating to permanent improvements means 392
any one permanent improvement or group or category of permanent 393
improvements for the same utility, enterprise, system, or project, 394
development or redevelopment project, or for or devoted to the 395
same general purpose, function, or use or for which 396
self-supporting securities, based on the same or different sources 397
of revenues, may be issued or for which special assessments may be 398
levied by a single ordinance or resolution. "One purpose" 399
includes, but is not limited to, in any case any off-street 400
parking facilities relating to another permanent improvement, and: 401

(1) Any number of roads, highways, streets, bridges, 402
sidewalks, and viaducts; 403

(2) Any number of off-street parking facilities; 404

(3) In the case of a county, any number of permanent 405
improvements for courthouse, jail, county offices, and other 406
county buildings, and related facilities; 407

(4) In the case of a school district, any number of 408
facilities and buildings for school district purposes, and related 409
facilities. 410

(AA) "Outstanding," referring to securities, means securities 411
that have been issued, delivered, and paid for, except any of the 412
following: 413

(1) Securities canceled upon surrender, exchange, or 414
transfer, or upon payment or redemption; 415

(2) Securities in replacement of which or in exchange for 416
which other securities have been issued; 417

(3) Securities for the payment, or redemption or purchase for 418
cancellation prior to maturity, of which sufficient moneys or 419
investments, in accordance with the applicable legislation or 420
other proceedings or any applicable law, by mandatory sinking fund 421

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redemption requirements, mandatory sinking fund requirements, or
otherwise, have been deposited, and credited for the purpose in a
bond retirement fund or with a trustee or paying or escrow agent,
whether at or prior to their maturity or redemption, and, in the
case of securities to be redeemed prior to their stated maturity,
notice of redemption has been given or satisfactory arrangements
have been made for giving notice of that redemption, or waiver of
that notice by or on behalf of the affected security holders has
been filed with the subdivision or its agent for the purpose.

(BB) "Paying agent" means the one or more banks, trust
companies, or other financial institutions or qualified persons,
including an appropriate office or officer of the subdivision,
designated as a paying agent or place of payment of debt charges
on the particular securities.

(CC) "Permanent improvement" or "improvement" means any
property, asset, or improvement certified by the fiscal officer,
which certification is conclusive, as having an estimated life or
period of usefulness of five years or more, and includes, but is
not limited to, real estate, buildings, and personal property and
interests in real estate, buildings, and personal property,
equipment, furnishings, and site improvements, and reconstruction,
rehabilitation, renovation, installation, improvement,
enlargement, and extension of property, assets, or improvements so
certified as having an estimated life or period of usefulness of
five years or more. The acquisition of all the stock ownership of
a corporation is the acquisition of a permanent improvement to the
extent that the value of that stock is represented by permanent
improvements. A permanent improvement for parking, highway, road,
and street purposes includes resurfacing, but does not include
ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the
Revised Code and also includes any federal, state, interstate,

regional, or local governmental agency, any subdivision, and any
combination of those persons.

(EE) "Proceedings" means the legislation, certifications,
notices, orders, sale proceedings, trust agreement or indenture,
mortgage, lease, lease-purchase agreement, assignment, credit
enhancement facility agreements, and other agreements,
instruments, and documents, as amended and supplemented, and any
election proceedings, authorizing, or providing for the terms and
conditions applicable to, or providing for the security or sale or
award of, public obligations, and includes the provisions set
forth or incorporated in those public obligations and proceedings.

(FF) "Public issuer" means any of the following that is
authorized by law to issue securities or enter into public
obligations:

(1) The state, including an agency, commission, officer,
institution, board, authority, or other instrumentality of the
state;

(2) A taxing authority, subdivision, district, or other local
public or governmental entity, and any combination or consortium,
or public division, district, commission, authority, department,
board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public
entity.

(GG) "Public obligations" means both of the following:

(1) Securities;

(2) Obligations of a public issuer to make payments under
installment sale, lease, lease purchase, or similar agreements,
which obligations bear interest or interest equivalent.

(HH) "Refund" means to fund and retire outstanding
securities, including advance refunding with or without payment or

redemption prior to maturity. 484

(II) "Register" means the books kept and maintained by the 485
registrar for registration, exchange, and transfer of registered 486
securities. 487

(JJ) "Registrar" means the person responsible for keeping the 488
register for the particular registered securities, designated by 489
or pursuant to the proceedings. 490

(KK) "Securities" means bonds, notes, certificates of 491
indebtedness, commercial paper, and other instruments in writing, 492
including, unless the context does not admit, anticipatory 493
securities, issued by an issuer to evidence its obligation to 494
repay money borrowed, or to pay interest, by, or to pay at any 495
future time other money obligations of, the issuer of the 496
securities, but not including public obligations described in 497
division (GG)(2) of this section. 498

(LL) "Self-supporting securities" means securities or 499
portions of securities issued for the purpose of paying costs of 500
permanent improvements to the extent that receipts of the 501
subdivision, other than the proceeds of taxes levied by that 502
subdivision, derived from or with respect to the improvements or 503
the operation of the improvements being financed, or the 504
enterprise, system, project, or category of improvements of which 505
the improvements being financed are part, are estimated by the 506
fiscal officer to be sufficient to pay the current expenses of 507
that operation or of those improvements or enterprise, system, 508
project, or categories of improvements and the debt charges 509
payable from those receipts on securities issued for the purpose. 510
Until such time as the improvements or increases in rates and 511
charges have been in operation or effect for a period of at least 512
six months, the receipts therefrom, for purposes of this 513
definition, shall be those estimated by the fiscal officer, except 514
that those receipts may include, without limitation, payments made 515

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and to be made to the subdivision under leases or agreements in effect at the time the estimate is made. In the case of an operation, improvements, or enterprise, system, project, or category of improvements without at least a six-month history of receipts, the estimate of receipts by the fiscal officer, other than those to be derived under leases and agreements then in effect, shall be confirmed by the taxing authority.

(MM) "Subdivision" means any of the following:

(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;

(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;

(3) A school district;

(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;

(5) A joint township hospital district organized under section 513.07 of the Revised Code;

(6) A joint ambulance district organized under section 505.71 of the Revised Code;

(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;

(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;

(9) A township police district organized under section 505.48 of the Revised Code;

(10) A township;

(11) A joint fire district organized under section 505.371 of the Revised Code; 545
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(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code; 547
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(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code; 550
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(14) A joint emergency medical services district organized under section 307.052 of the Revised Code; 552
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(15) A fire and ambulance district organized under section 505.375 of the Revised Code; 554
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(16) A fire district organized under division (C) of section 505.37 of the Revised Code; 556
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(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities. 558
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(NN) "Taxing authority" means in the case of the following subdivisions: 561
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(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district; 563
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(2) A municipal corporation, the legislative authority; 569

(3) A school district, the board of education; 570

(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the 571
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district;	574
(5) A joint township hospital district, the joint township hospital board;	575 576
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	577 578 579 580 581
(7) <u>A township, a fire district organized under division (C) of section 505.37 of the Revised Code,</u> or a township police district, the board of township trustees;	582 583 584
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	585 586 587
(9) A subdivision described in division (MM) (16) (17) of this section, the legislative or governing body or official.	588 589
(OO) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a different charter limitation on property taxes levied to pay debt charges on unvoted securities, that charter limitation. Those limitations shall be respectively referred to as the "ten-mill limitation" and the "charter tax limitation."	590 591 592 593 594 595 596 597
(PP) "Tax valuation" means the aggregate of the valuations of property subject to ad valorem property taxation by the subdivision on the real property, personal property, and public utility property tax lists and duplicates most recently certified for collection, and shall be calculated without deductions of the valuations of otherwise taxable property exempt in whole or in part from taxation by reason of exemptions of certain amounts of	598 599 600 601 602 603 604

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taxable value under division (C) of section 5709.01 or section 323.152 of the Revised Code, or similar laws now or in the future in effect.

(QQ) "Year" means the calendar year.

(RR) "Interest rate hedge" means any arrangement by which either:

(1) The different interest costs or receipts at fixed interest rates and at floating interest rates, or at different maturities, are exchanged on stated amounts of bonds or investments, or on notional amounts;

(2) A party will pay interest costs in excess of an agreed limitation.

(SS) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(TT) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

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 real or personal property 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 for public use, ~~are~~ is obsolete, or ~~are~~ is unfit for the use for which ~~they were~~ it was acquired, the board may sell and convey that property or otherwise dispose of it in accordance with this section. Except as otherwise provided in sections 505.08 ~~and~~, 505.101, and 505.102 of the

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Revised Code, the sale or other disposition of unneeded, obsolete, 635
or unfit property shall be made in accordance with one of the 636
following: 637

(A)(1) If the fair market value of property to be sold is, in 638
the opinion of the board, in excess of two thousand five hundred 639
dollars, the sale shall be by public auction, and the board shall 640
publish notice of the time, place, and manner of the sale once a 641
week for three weeks in a newspaper published, or of general 642
circulation, in the township, the last of those publications to be 643
at least five days before the date of sale, and shall post a 644
typewritten or printed notice of the time, place, and manner of 645
the sale in the office of the board for at least ten days prior to 646
the sale. 647

(2) If the fair market value of property to be sold is, in 648
the opinion of the board, two thousand five hundred dollars or 649
less, the board may sell the property by private sale, without 650
advertisement or public notification. 651

(3) If the board finds, by resolution, that the township has 652
motor vehicles, road machinery, equipment, or tools which are not 653
needed, or are unfit for public use, and the board wishes to sell 654
the motor vehicles, road machinery, equipment, or tools to the 655
person or firm from which it proposes to purchase other motor 656
vehicles, road machinery, equipment, or tools, the board may offer 657
to sell the motor vehicles, road machinery, equipment, or tools to 658
that person or firm, and to have the selling price credited to the 659
person or firm against the purchase price of other motor vehicles, 660
road machinery, equipment, or tools. 661

(4) If the board advertises for bids for the sale of new 662
motor vehicles, road machinery, equipment, or tools to the 663
township, it may include in the same advertisement a notice of the 664
willingness of the board to accept bids for the purchase of 665
township-owned motor vehicles, road machinery, equipment, or tools 666

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which are obsolete or not needed for public use, and to have the amount of those 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.

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(5) When a township has title to real property, the board of township trustees, by resolution, may authorize the transfer and conveyance of that property to any other political subdivision of the state upon such terms as are agreed to between the board and the legislative authority of that political subdivision.

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(6) When a township has title to real property and the board of township trustees wishes to sell or otherwise transfer the property, the board, upon a unanimous vote of its members and by resolution, may authorize the transfer and conveyance of that real property to any person upon whatever terms are agreed to between the board and that person.

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(7) If the board of township trustees determines that township personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property.

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(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.

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(C) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the board of township trustees may sell personal property, including

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motor vehicles, road machinery, equipment, tools, or supplies, 698
which is not needed for public use, or is obsolete or unfit for 699
the use for which it was acquired, by internet auction. The board 700
shall adopt, during each calendar year, a resolution expressing 701
its intent to sell that property by internet auction. The 702
resolution shall include a description of how the auctions will be 703
conducted and shall specify the number of days for bidding on the 704
property, which shall be no less than fifteen days, including 705
Saturdays, Sundays, and legal holidays. The resolution shall 706
indicate whether the township will conduct the auction or the 707
board will contract with a representative to conduct the auction 708
and shall establish the general terms and conditions of sale. If a 709
representative is known when the resolution is adopted, the 710
resolution shall provide contact information such as the 711
representative's name, address, and telephone number. 712

After adoption of the resolution, the board shall publish, in 713
a newspaper of general circulation in the township, notice of its 714
intent to sell unneeded, obsolete, or unfit township personal 715
property by internet auction. The notice shall include a summary 716
of the information provided in the resolution and shall be 717
published at least twice. The second and any subsequent notice 718
shall be published not less than ten nor more than twenty days 719
after the previous notice. A clerk also shall post a similar 720
notice throughout the calendar year in a conspicuous place in the 721
board's office, and, if the township maintains a website on the 722
internet, the notice shall be posted continually throughout the 723
calendar year at that website. 724

When property is to be sold by internet auction, the board or 725
its representative may establish a minimum price that will be 726
accepted for specific items and may establish any other terms and 727
conditions for the particular sale, including requirements for 728
pick-up or delivery, method of payment, and sales tax. This type 729

of information shall be provided on the internet at the time of
the auction and may be provided before that time upon request
after the terms and conditions have been determined by the board
or its representative.

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As used in this section, "internet" means the international
computer network of both federal and nonfederal interoperable
packet switched data networks, including the graphical subnetwork
called the world wide web.

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Sec. 505.401. Pursuant to Chapter 133. of the Revised Code,
the board of trustees of a fire district organized under division
(C) of section 505.37 of the Revised Code may issue bonds for the
purpose of acquiring fire-fighting equipment, buildings, and sites
for the district or for the purpose of constructing or improving
buildings to house fire-fighting equipment.

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Sec. 505.82. (A) If a board of township trustees by a
unanimous vote or, in the event of the unavoidable absence of one
trustee, by an affirmative vote of two trustees adopts a
resolution declaring that an emergency exists that threatens life
or property within the unincorporated territory of the township or
that such an emergency is imminent, the board may exercise the
following powers described in divisions (A)(1) and (2) and (B) of
this section during the emergency in the one month for a period of
time not exceeding six months following the adoption of the
resolution. The resolution shall state the specific time period
for which the emergency powers are in effect.

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(1) If an owner of an undedicated road or stream bank in the
unincorporated territory of the township has not provided for the
removal of snow, ice, debris, or other obstructions from the road
or bank, the board may provide for that removal. Prior to
providing for the removal, the board of ~~township trustees~~ shall

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give, or make a good faith attempt to give, oral notice to the 760
owner or owners of the road or bank of the ~~trustees'~~ board's 761
intent to clear the road or bank and to impose a service charge 762
for doing so. The board shall establish just and equitable service 763
charges for the removal to be paid, except as provided in division 764
(B) of this section, by the owners of the road or bank. ~~The~~ 765
~~trustees~~ 766

The board shall keep a record of the costs incurred by the 767
township in removing snow, ice, debris, or other obstructions from 768
the road or bank. The service charges shall be based on these 769
costs and shall be in an amount sufficient to recover these costs. 770
If there is more than one owner of the road or bank, the board, 771
except as provided in division (B) of this section, shall allocate 772
the service charges among the owners on an equitable basis. The 773
board shall notify, in writing, each owner of the road or bank of 774
the amount of the service ~~charge~~ charges and shall certify the 775
charges to the county auditor. The service charges shall 776
constitute a lien upon the property. The auditor shall place the 777
service charges on a special duplicate to be collected as other 778
taxes and returned to the township general fund. 779

(2) ~~Contract~~ The board may contract for the immediate 780
acquisition, replacement, or repair of equipment needed for the 781
emergency situation, without following the competitive bidding 782
requirements of section 5549.21 or any other section of the 783
Revised Code. 784

(B) In lieu of collecting service charges from owners for the 785
removal of snow or ice from an undedicated road by the board of 786
township trustees as provided in division (A)(1) of this section, 787
the board may enter into a contract with a developer whereby the 788
developer agrees to pay the service charges for the snow and ice 789
removal instead of the owners. 790

(C) The removal of snow, ice, debris, or other obstructions 791

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from an undedicated road by a board of township trustees acting 792
pursuant to a resolution adopted under division (A) of this 793
section does not constitute approval or acceptance of the 794
undedicated road. 795

~~(C)~~(D) As used in this section, "undedicated road" means a 796
road that has not been approved and accepted by the board of 797
county commissioners and is not a part of the state, county, or 798
township road systems as provided in section 5535.01 of the 799
Revised Code. 800

~~(D)~~(E) Nothing in this section shall be construed to waive 801
the requirement under section 1517.16 of the Revised Code that 802
approval of plans be obtained from the director of natural 803
resources or the director's representative prior to modifying or 804
causing the modification of the channel of any watercourse in a 805
wild, scenic, or recreational river area outside the limits of a 806
municipal corporation. 807

Sec. 505.87. (A) A board of township trustees may provide for 808
the abatement, control, or removal of vegetation, garbage, refuse, 809
and other debris from land in the township, if the board 810
determines that the owner's maintenance of such vegetation, 811
garbage, refuse, and other debris constitutes a nuisance. 812

(B) At least seven days ~~prior to~~ before providing for the 813
abatement, control, or removal of any vegetation, garbage, refuse, 814
or debris, the board of township trustees shall notify the owner 815
of the land and any holders of liens of record upon the land that: 816

(1) The owner is ordered to abate, control, or remove the 817
vegetation, garbage, refuse, or other debris, the owner's 818
maintenance of which has been determined by the board to be a 819
nuisance; 820

(2) If such vegetation, garbage, refuse, or debris is not 821
abated, controlled, or removed, or if provision for its abatement, 822

control, or removal is not made, within seven days, the board ~~will~~ 823
shall provide for the abatement, control, or removal, and any 824
expenses incurred by the board in performing that task ~~will~~ shall 825
be entered upon the tax duplicate and ~~will be~~ become a lien upon 826
the land from the date of entry. 827

The board shall send the notice to the owner of the land by 828
certified mail if the owner is a resident of the township or is a 829
nonresident whose address is known, and by certified mail to 830
lienholders of record; alternatively, if the owner is a resident 831
of the township or is a nonresident whose address is known, the 832
board may give notice to the owner by causing any of its agents or 833
employees to post the notice on the principal structure on the 834
land and to photograph that posted notice with a camera capable of 835
recording the date of the photograph on it. If the owner's address 836
is unknown and cannot reasonably be obtained, it is sufficient to 837
publish the notice once in a newspaper of general circulation in 838
the township. The owner of the land or holders of liens of record 839
upon the land may enter into an agreement with the board of 840
township trustees providing for either party to the agreement to 841
perform the abatement, control, or removal ~~prior to~~ before the 842
time the board is required to provide for the abatement, control, 843
or removal under division (C) of this section. 844

(C) If, within seven days after notice is given, the owner of 845
the land fails to abate, control, or remove the vegetation, 846
garbage, refuse, or debris, or no agreement for its abatement, 847
control, or removal is entered into under division (B) of this 848
section, the board of township trustees shall provide for the 849
abatement, control, or removal and may employ the necessary labor, 850
materials, and equipment to perform the task. All expenses 851
incurred shall, when approved by the board, be paid out of the 852
township general fund from moneys not otherwise appropriated. 853

(D) The board of township trustees shall make a written 854

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report to the county auditor of the board's action under this
 section. The board shall include in the report a statement of all
 expenses incurred in providing for the abatement, control, or
 removal of any vegetation, garbage, refuse, or debris, as provided
 in division (C) of this section, including the board's charges for
 its services, notification, the amount paid for the labor,
 materials, and equipment, and a proper description of the
 premises. The expenses incurred, when allowed, shall be entered
 upon the tax duplicate, are a lien upon the land from the date of
 the entry, and shall be collected as other taxes and returned to
 the township and placed in the township general fund.

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Sec. 507.11. (A) The board of township trustees may
~~authorize~~, by resolution, ~~authorize~~ township officers and
 employees to incur obligations of ~~seven~~ two thousand five hundred
~~fifty~~ dollars or less on behalf of the township, ~~or it may~~
~~authorize, by resolution, the township administrator to so~~
~~authorize township officers and employees.~~ The obligations
 incurred on behalf of the township by a township officer or
 employee acting pursuant to any such resolution shall be
 subsequently approved by the adoption of a formal resolution of
 the board of township trustees.

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(B) No money belonging to the township shall be paid out,
 except upon an order ~~sign personally~~ signed by at least two of the
 township trustees, and countersigned by the township clerk.

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Sec. 517.15. ~~The~~ A board of township trustees may ~~receive by~~
~~gift, devise, bequest, or otherwise, any money, securities, or~~
~~other property, in trust, as a permanent fund to be held and~~
~~invested by the board and its successors in office, the income~~
~~therefrom to be used and expended under its direction, in~~ create a
permanent cemetery endowment fund for the purpose of maintaining,
improving, and beautifying township cemeteries and burial lots in

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township cemeteries. The fund shall consist of money arising from 886
the following sources: 887

(A) Gifts, devises, or bequests received for the purpose of 888
maintaining, improving, or beautifying township cemeteries; 889

(B) Charges added to the price regularly charged for burial 890
lots for the purpose of maintaining, improving, or beautifying 891
township cemeteries; 892

(C) Contributions of money from the township general fund; 893

(D) An individual agreement with the purchaser of a burial 894
lot providing that a part of the purchase price is to be applied 895
to the purpose of maintaining, improving, or beautifying any 896
burial lot designated and named by the purchaser; 897

(E) Individual gifts, devises, or bequests made for the care 898
maintenance, improvement, and beautifying beautification of any 899
burial lot designated and named by the person making such the 900
gift, devise, or bequest, in any township cemetery over which such 901
board has jurisdiction. 902

Sec. 5543.10. (A) The county engineer, upon the order of the 903
board of county commissioners or board of township trustees, shall 904
construct sidewalks, curbs, or gutters of suitable materials, 905
along or connecting the public highways, outside any municipal 906
corporation, upon the petition of a majority of the abutting 907
property owners, ~~and the.~~ The expense of the construction of ~~such~~ 908
~~sidewalks~~ these improvements may be paid by the county or 909
township, or by the county or township and abutting property 910
owners in such proportion as determined by the board of county 911
commissioners or board of township trustees. The board of county 912
commissioners or board of township trustees may assess part or all 913
of the cost of ~~such sidewalks~~ these improvements against the 914
abutting property owners, in proportion to benefits accruing to 915
~~such~~ their property. 916

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The board of county commissioners or board of township trustees ~~may~~, by unanimous vote, ~~may~~ order the construction, repair, or maintenance of sidewalks, curbs, and gutters along or connecting the public highways, outside a municipal corporation, without a petition ~~therefor~~ for that construction, repair, or maintenance, and may assess none, all, or any part of the cost against abutting property owners, provided that notice is given by publication for three successive weeks in a newspaper of general circulation within the county, stating the intention of the board of county commissioners or board of township trustees to construct, repair, or maintain ~~such sidewalks,~~ the specified improvements and fixing a date for a hearing on ~~the improvement them.~~ As part of ~~these~~ a sidewalk improvements improvement, the board may include the repair or reconstruction of a driveway within the sidewalk easement. As part of a curb improvement, the board may include construction or repair of a driveway apron.

Notice to all abutting property owners shall be given by two publications in a newspaper of general circulation in ~~such~~ the county, at least ten days prior to the date fixed in the notice for the making of ~~such~~ assessments. ~~Such~~ The notice shall state the time and place when abutting property owners will be given an opportunity to be heard with reference to assessments, ~~and the.~~ The board of county commissioners or board of township trustees shall determine whether ~~such~~ assessments shall be paid in one or more installments.

(B) The county engineer may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the county, and the board of township trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or

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connecting the public highways and maintained by the township, as
 is necessary in the engineer's or board's judgment to facilitate
 the right of the public to improvement and maintenance of, and
 uninterrupted travel on, public sidewalks in the county or
 township.

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Sec. 5571.14. Whenever any fence (A) A board of township
trustees or township highway superintendent may determine that an
object bounding any ~~public highway,~~ township road and located
 wholly or in part on the land belonging to ~~such highway,~~ in any
~~way~~ the road interferes with snow or ice removal from, the
maintenance of, or the proper grading, draining, or dragging of
~~such highway~~ the road, or causes the drifting of snow on the road,
 or in any other manner obstructs or endangers the public travel of
~~such highway,~~ the road. ~~The board of township trustees or~~
~~superintendent then~~ may declare ~~such fence~~ the object to be a
 public nuisance and order the owner, agent, or occupant of the
~~lands~~ land on or bordering upon which ~~such fence~~ the object is
 maintained, to remove it ~~from such highway~~ within thirty days. If
~~such that~~ that person refuses or neglects to comply with ~~their~~ the
 order, the board or superintendent shall have the ~~fence~~ object
 removed, ~~and the.~~ The expense incurred in that removal shall be
 certified to the county auditor and entered on the tax duplicate
 against ~~such that~~ that land, to be collected in the same manner as
 other taxes.

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(B)(1) The authority granted in this section is in addition
to the authority granted in section 5543.14 of the Revised Code to
remove vegetation and the authority granted in section 5547.03 of
the Revised Code to remove objects or structures constituting
obstructions.

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(2) The authority granted in this section applies to land
belonging to a township road whether owned in fee simple or by

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<u>easement.</u>	980
<u>(3) Objects that may be declared to be a public nuisance</u>	981
<u>under this section include a fence, post, pole, athletic or</u>	982
<u>recreational apparatus, rock, or berm, any vegetation, or any</u>	983
<u>other object identified by the board or superintendent as</u>	984
<u>interfering with or obstructing the township road under division</u>	985
<u>(A) of this section.</u>	986
<u>(C) The authority granted in this section does not apply to</u>	987
<u>an object that is lawfully entitled to be maintained on land</u>	988
<u>belonging to a township road pursuant to a franchise or other</u>	989
<u>grant of public authority.</u>	990
Sec. 5571.16. The board of township trustees, by resolution,	991
may require any person to obtain a permit before <u>installing a</u>	992
<u>driveway culvert or</u> making any excavation in a <u>public township</u>	993
highway or highway right-of-way within its jurisdiction, except an	994
excavation to repair, rehabilitate, or replace a pole already	995
installed for the purpose of providing electric or	996
telecommunications service. The board may , as a condition to the	997
granting of such <u>the permit, may do any of the following:</u>	998
(A) Require the applicant to submit plans indicating the	999
location, size, type, and duration of the <u>culvert or</u> excavation	1000
contemplated;	1001
(B) Specify methods of excavation, refilling, and resurfacing	1002
to be followed;	1003
(C) Require the use of such warning devices as it deems	1004
<u>considers</u> necessary to protect travelers on the highway;	1005
(D) Require the applicant to indemnify the township against	1006
liability or damage as the result of such <u>the installation of the</u>	1007
<u>culvert or as a result of the</u> excavation;	1008
(E) Require the applicant to post a deposit or bond, with	1009

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sureties to the satisfaction of the board, conditioned upon the performance of all conditions ~~to such~~ in the permit.

Applications for permits under this section shall be made to the township clerk upon forms to be furnished by the board. ~~Such applications~~ Applications, including, but not limited to, a single application for an excavation project to install six or more poles for the purpose of providing electric or telecommunications service or to install a pole associated with underground electric or telecommunications service, shall be accompanied by a fee of fifty dollars per application, which fee shall be returned to the applicant if the application is denied. Except as otherwise provided in this section, no application or fee shall be required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the person making that excavation shall provide verifiable notice of the excavation to the township clerk at least three business days prior to the date of the excavation.

No person shall install a driveway culvert or make an excavation in any township highway or highway right-of-way in violation of any resolution adopted pursuant to this section~~+~~, except that, in the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, if ~~such~~ an application is made at the earliest possible opportunity.

As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code, and "right-of-way" has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.

Sec. 5705.13. (A) A taxing authority of a subdivision, by resolution or ordinance, may establish ~~a~~ reserve balance ~~account~~ accounts to accumulate currently available resources for ~~any~~ of

the following purposes: 1041

(1) To stabilize subdivision budgets against cyclical changes 1042
in revenues and expenditures; 1043

(2) Except as otherwise provided by this section, to provide 1044
for the payment of claims under a self-insurance program for the 1045
subdivision, if the subdivision is permitted by law to establish 1046
such a program; 1047

(3) To provide for the payment of claims under a 1048
retrospective ratings plan for workers' compensation. 1049

The ordinance or resolution establishing a reserve balance 1050
account shall state the purpose for which the ~~reserve balance~~ 1051
account is established, the fund in which the account is to be 1052
established, and the total amount of money to be reserved in the 1053
account. 1054

A subdivision that participates in a risk-sharing pool, by 1055
which governments pool risks and funds and share in the costs of 1056
losses, shall not establish a reserve balance account to provide 1057
self-insurance for the subdivision. 1058

~~A taxing authority of a subdivision shall not have more than~~ 1059
~~three reserve balance accounts at any time.~~ Not more than one 1060
reserve balance account may be established for each of the 1061
purposes permitted under divisions (A)(2) and (3) of this section. 1062
Money to the credit of a reserve balance account may be expended 1063
only for the purpose for which the account was established. 1064

A reserve balance account established for the purpose 1065
described in division (A)(1) of this section ~~shall~~ may be 1066
established in the general fund or in one or more special funds 1067
for operating purposes of the subdivision, ~~and the.~~ The amount of 1068
money to be reserved in ~~that~~ such an account in any fiscal year 1069
shall not exceed five per cent of the ~~general fund revenue for~~ 1070

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credited in the preceding fiscal year to the fund in which the 1071
account is established. Subject to division (G) of section 5705.29 1072
of the Revised Code, any reserve balance in an account established 1073
under division (A)(1) of this section shall not be considered part 1074
of the unencumbered balance or revenue of the subdivision under 1075
division (A) of section 5705.35 or division (A)(1) of section 1076
5705.36 of the Revised Code. 1077

At any time, a taxing authority of a subdivision, by 1078
resolution or ordinance, may reduce or eliminate the reserve 1079
balance in a reserve balance account established for the purpose 1080
described in division (A)(1) of this section. 1081

A reserve balance account established for the purpose 1082
described in division (A)(2) or (3) of this section shall be 1083
established in the general fund of the subdivision or by the 1084
establishment of a separate internal service fund established to 1085
account for the operation of the self-insurance or retrospective 1086
ratings plan program, and shall be based on sound actuarial 1087
principles. The total amount of money in a reserve balance account 1088
for self-insurance may be expressed in dollars or as the amount 1089
determined to represent an adequate reserve according to sound 1090
actuarial principles. 1091

A taxing authority of a subdivision, by resolution or 1092
ordinance, may rescind a reserve balance account established under 1093
this division. If a reserve balance account is rescinded, money 1094
that has accumulated in the account shall be transferred to the 1095
fund or funds from which the money originally was transferred. 1096

(B) A taxing authority of a subdivision, by resolution or 1097
ordinance, may establish a special revenue fund for the purpose of 1098
accumulating resources for the payment of accumulated sick leave 1099
and vacation leave, and for payments in lieu of taking 1100
compensatory time off, upon the termination of employment or the 1101
retirement of officers and employees of the subdivision. The 1102

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special revenue fund may also accumulate resources for payment of 1103
salaries during any fiscal year when the number of pay periods 1104
exceeds the usual and customary number of pay periods. 1105
Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 1106
Revised Code, the taxing authority, by resolution or ordinance, 1107
may transfer money to the special revenue fund from any other fund 1108
of the subdivision from which such payments may lawfully be made. 1109
The taxing authority, by resolution or ordinance, may rescind a 1110
special revenue fund established under this division. If a special 1111
revenue fund is rescinded, money that has accumulated in the fund 1112
shall be transferred to the fund or funds from which the money 1113
originally was transferred. 1114

(C) A taxing authority of a subdivision, by resolution or 1115
ordinance, may establish a capital projects fund for the purpose 1116
of accumulating resources for the acquisition, construction, or 1117
improvement of fixed assets of the subdivision. For the purposes 1118
of this section, "fixed assets" includes motor vehicles. More than 1119
one capital projects fund may be established and may exist at any 1120
time. The ordinance or resolution shall identify the source of the 1121
money to be used to acquire, construct, or improve the fixed 1122
assets identified in the resolution or ordinance, the amount of 1123
money to be accumulated for that purpose, the period of time over 1124
which that amount is to be accumulated, and the fixed assets that 1125
the taxing authority intends to acquire, construct, or improve 1126
with the money to be accumulated in the fund. 1127

A taxing authority of a subdivision shall not accumulate 1128
money in a capital projects fund for more than ~~five~~ ten years 1129
after the resolution or ordinance establishing the fund is 1130
adopted. If the subdivision has not entered into a contract for 1131
the acquisition, construction, or improvement of fixed assets for 1132
which money was accumulated in such a fund before the end of that 1133
~~five-year~~ ten-year period, the fiscal officer of the subdivision 1134

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shall transfer all money in the fund to the fund or funds from 1135
which that money originally was transferred or the fund that 1136
originally was intended to receive the money. 1137

A taxing authority of a subdivision, by resolution or 1138
ordinance, may rescind a capital projects fund. If a capital 1139
projects fund is rescinded, money that has accumulated in the fund 1140
shall be transferred to the fund or funds from which the money 1141
originally was transferred. 1142

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 1143
Revised Code, the taxing authority of a subdivision, by resolution 1144
or ordinance, may transfer money to the capital projects fund from 1145
any other fund of the subdivision that may lawfully be used for 1146
the purpose of acquiring, constructing, or improving the fixed 1147
assets identified in the resolution or ordinance. 1148

Sec. 5705.19. This section does not apply to school districts 1149
or county school financing districts. 1150

The taxing authority of any subdivision at any time and in 1151
any year, by vote of two-thirds of all the members of the taxing 1152
authority, may declare by resolution and certify the resolution to 1153
the board of elections not less than seventy-five days before the 1154
election upon which it will be voted that the amount of taxes that 1155
may be raised within the ten-mill limitation will be insufficient 1156
to provide for the necessary requirements of the subdivision and 1157
that it is necessary to levy a tax in excess of that limitation 1158
for any of the following purposes: 1159

(A) For current expenses of the subdivision, except that the 1160
total levy for current expenses of a detention facility district 1161
or district organized under section 2151.65 of the Revised Code 1162
shall not exceed two mills and that the total levy for current 1163
expenses of a combined district organized under sections 2152.41 1164
and 2151.65 of the Revised Code shall not exceed four mills; 1165

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(B) For the payment of debt charges on certain described	1166
bonds, notes, or certificates of indebtedness of the subdivision	1167
issued subsequent to January 1, 1925;	1168
(C) For the debt charges on all bonds, notes, and	1169
certificates of indebtedness issued and authorized to be issued	1170
prior to January 1, 1925;	1171
(D) For a public library of, or supported by, the subdivision	1172
under whatever law organized or authorized to be supported;	1173
	1174
(E) For a municipal university, not to exceed two mills over	1175
the limitation of one mill prescribed in section 3349.13 of the	1176
Revised Code;	1177
(F) For the construction or acquisition of any specific	1178
permanent improvement or class of improvements that the taxing	1179
authority of the subdivision may include in a single bond issue;	1180
(G) For the general construction, reconstruction,	1181
resurfacing, and repair of streets, roads, and bridges in	1182
municipal corporations, counties, or townships;	1183
(H) For <u>parks and</u> recreational purposes;	1184
(I) For the purpose of providing and maintaining fire	1185
apparatus, appliances, buildings, or sites therefor, or sources of	1186
water supply and materials therefor, or the establishment and	1187
maintenance of lines of fire alarm telegraph, or the payment of	1188
permanent, part-time, or volunteer firefighters or firefighting	1189
companies to operate the same, including the payment of the	1190
firefighter employers' contribution required under section 742.34	1191
of the Revised Code, or the purchase of ambulance equipment, or	1192
the provision of ambulance, paramedic, or other emergency medical	1193
services operated by a fire department or firefighting company;	1194
(J) For the purpose of providing and maintaining motor	1195

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vehicles, communications, and other equipment used directly in the	1196
operation of a police department, or the payment of salaries of	1197
permanent police personnel, including the payment of the police	1198
officer employers' contribution required under section 742.33 of	1199
the Revised Code, or the payment of the costs incurred by	1200
townships as a result of contracts made with other political	1201
subdivisions in order to obtain police protection, or the	1202
provision of ambulance or emergency medical services operated by a	1203
police department;	1204
(K) For the maintenance and operation of a county home or	1205
detention facility;	1206
(L) For community mental retardation and developmental	1207
disabilities programs and services pursuant to Chapter 5126. of	1208
the Revised Code, except that the procedure for such levies shall	1209
be as provided in section 5705.222 of the Revised Code;	1210
(M) For regional planning;	1211
(N) For a county's share of the cost of maintaining and	1212
operating schools, district detention facilities, forestry camps,	1213
or other facilities, or any combination thereof, established under	1214
section 2152.41 or 2151.65 of the Revised Code or both of those	1215
sections;	1216
(O) For providing for flood defense, providing and	1217
maintaining a flood wall or pumps, and other purposes to prevent	1218
floods;	1219
(P) For maintaining and operating sewage disposal plants and	1220
facilities;	1221
(Q) For the purpose of purchasing, acquiring, constructing,	1222
enlarging, improving, equipping, repairing, maintaining, or	1223
operating, or any combination of the foregoing, a county transit	1224
system pursuant to sections 306.01 to 306.13 of the Revised Code,	1225
or of making any payment to a board of county commissioners	1226

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operating a transit system or a county transit board pursuant to	1227
section 306.06 of the Revised Code;	1228
(R) For the subdivision's share of the cost of acquiring or	1229
constructing any schools, forestry camps, detention facilities, or	1230
other facilities, or any combination thereof, under section	1231
2152.41 or 2151.65 of the Revised Code or both of those sections;	1232
(S) For the prevention, control, and abatement of air	1233
pollution;	1234
(T) For maintaining and operating cemeteries;	1235
(U) For providing ambulance service, emergency medical	1236
service, or both;	1237
(V) For providing for the collection and disposal of garbage	1238
or refuse, including yard waste;	1239
(W) For the payment of the police officer employers'	1240
contribution or the firefighter employers' contribution required	1241
under sections 742.33 and 742.34 of the Revised Code;	1242
(X) For the construction and maintenance of a drainage	1243
improvement pursuant to section 6131.52 of the Revised Code;	1244
(Y) For providing or maintaining senior citizens services or	1245
facilities as authorized by section 307.694, 307.85, 505.70, or	1246
505.706 or division (EE) of section 717.01 of the Revised Code;	1247
(Z) For the provision and maintenance of zoological park	1248
services and facilities as authorized under section 307.76 of the	1249
Revised Code;	1250
(AA) For the maintenance and operation of a free public	1251
museum of art, science, or history;	1252
(BB) For the establishment and operation of a 9-1-1 system,	1253
as defined in section 4931.40 of the Revised Code;	1254
(CC) For the purpose of acquiring, rehabilitating, or	1255

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developing rail property or rail service. As used in this 1256
 division, "rail property" and "rail service" have the same 1257
 meanings as in section 4981.01 of the Revised Code. This division 1258
 applies only to a county, township, or municipal corporation. 1259

(DD) For the purpose of acquiring property for, constructing, 1260
 operating, and maintaining community centers as provided for in 1261
 section 755.16 of the Revised Code; 1262

(EE) For the creation and operation of an office or joint 1263
 office of economic development, for any economic development 1264
 purpose of the office, and to otherwise provide for the 1265
 establishment and operation of a program of economic development 1266
 pursuant to sections 307.07 and 307.64 of the Revised Code; 1267

(FF) For the purpose of acquiring, establishing, 1268
 constructing, improving, equipping, maintaining, or operating, or 1269
 any combination of the foregoing, a township airport, landing 1270
 field, or other air navigation facility pursuant to section 505.15 1271
 of the Revised Code; 1272

(GG) For the payment of costs incurred by a township as a 1273
 result of a contract made with a county pursuant to section 1274
 505.263 of the Revised Code in order to pay all or any part of the 1275
 cost of constructing, maintaining, repairing, or operating a water 1276
 supply improvement; 1277

(HH) For a board of township trustees to acquire, other than 1278
 by appropriation, an ownership interest in land, water, or 1279
 wetlands, or to restore or maintain land, water, or wetlands in 1280
 which the board has an ownership interest, not for purposes of 1281
 recreation, but for the purposes of protecting and preserving the 1282
 natural, scenic, open, or wooded condition of the land, water, or 1283
 wetlands against modification or encroachment resulting from 1284
 occupation, development, or other use, which may be styled as 1285
 protecting or preserving "greenspace" in the resolution, notice of 1286

election, or ballot form;	1287
(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;	1288 1289 1290 1291
(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.	1292 1293 1294
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	1295 1296 1297
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	1298 1299
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	1300 1301 1302
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	1303 1304 1305
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;	1306 1307 1308 1309
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.	1310 1311
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	1312 1313
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural	1314 1315 1316

easements, as defined in section 5301.67 of the Revised Code, and
to supervise and enforce the easements.

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(SS) For both of the purposes set forth in divisions (BB) and
(KK) of this section. This division applies only to a county.

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The resolution shall be confined to the purpose or purposes
described in one division of this section, to which the revenue
derived therefrom shall be applied. The existence in any other
division of this section of authority to levy a tax for any part
or all of the same purpose or purposes does not preclude the use
of such revenues for any part of the purpose or purposes of the
division under which the resolution is adopted.

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The resolution shall specify the amount of the increase in
rate that it is necessary to levy, the purpose of that increase in
rate, and the number of years during which the increase in rate
shall be in effect, which may or may not include a levy upon the
duplicate of the current year. The number of years may be any
number not exceeding five, except as follows:

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(1) When the additional rate is for the payment of debt
charges, the increased rate shall be for the life of the
indebtedness.

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(2) When the additional rate is for any of the following, the
increased rate shall be for a continuing period of time:

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(a) For the current expenses for a detention facility
district, a district organized under section 2151.65 of the
Revised Code, or a combined district organized under sections
2152.41 and 2151.65 of the Revised Code;

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(b) For providing a county's share of the cost of maintaining
and operating schools, district detention facilities, forestry
camps, or other facilities, or any combination thereof,
established under section 2152.41 or 2151.65 of the Revised Code
or under both of those sections.

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(3) When the additional rate is for ~~any~~ either of the 1348
following, the increased rate may be for a continuing period of 1349
time: 1350

(a) For the purposes set forth in division (I), (J), (U), or 1351
(KK) of this section; 1352

(b) For the maintenance and operation of a joint recreation 1353
district; 1354

~~(c) A levy imposed by a township for the purposes set forth 1355
in division (G) of this section. 1356~~

(4) When the increase is for the purpose or purposes set 1357
forth in division (D), (G), (H), (CC), or (PP) of this section, 1358
the tax levy may be for any specified number of years or for a 1359
continuing period of time, as set forth in the resolution. 1360

(5) When the additional rate is for the purpose described in 1361
division (Z) of this section, the increased rate shall be for any 1362
number of years not exceeding ten. 1363

A levy for one of the purposes set forth in division (G), 1364
(I), (J), or (U) of this section may be reduced pursuant to 1365
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 1366
the purposes set forth in division (G), (I), (J), or (U) of this 1367
section may also be terminated or permanently reduced by the 1368
taxing authority if it adopts a resolution stating that the 1369
continuance of the levy is unnecessary and the levy shall be 1370
terminated or that the millage is excessive and the levy shall be 1371
decreased by a designated amount. 1372

A resolution of a detention facility district, a district 1373
organized under section 2151.65 of the Revised Code, or a combined 1374
district organized under both sections 2152.41 and 2151.65 of the 1375
Revised Code may include both current expenses and other purposes, 1376
provided that the resolution shall apportion the annual rate of 1377
levy between the current expenses and the other purpose or 1378

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purposes. The apportionment need not be the same for each year of
the levy, but the respective portions of the rate actually levied
each year for the current expenses and the other purpose or
purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as
the taxing authority of its county or as the taxing authority of a
sewer district or subdistrict created under Chapter 6117. of the
Revised Code, by resolution declares it necessary to levy a tax in
excess of the ten-mill limitation for the purpose of constructing,
improving, or extending sewage disposal plants or sewage systems,
the tax may be in effect for any number of years not exceeding
twenty, and the proceeds of the tax, notwithstanding the general
provisions of this section, may be used to pay debt charges on any
obligations issued and outstanding on behalf of the subdivision
for the purposes enumerated in this paragraph, provided that any
such obligations have been specifically described in the
resolution.

The resolution shall go into immediate effect upon its
passage, and no publication of the resolution is necessary other
than that provided for in the notice of election.

When the electors of a subdivision have approved a tax levy
under this section, the taxing authority of the subdivision may
anticipate a fraction of the proceeds of the levy and issue
anticipation notes in accordance with section 5705.191 or 5705.193
of the Revised Code.

Section 2. That existing sections 124.23, 124.27, 133.01,
505.10, 505.82, 505.87, 507.11, 517.15, 5543.10, 5571.14, 5571.16,
5705.13, and 5705.19 and sections 517.16, 517.17, and 517.18 of
the Revised Code are hereby repealed.