

# As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 81

## Representative Core

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### A BILL

To amend section 1724.10 of the Revised Code to  
specify that a community improvement corporation  
designated as the agency of a political  
subdivision may be authorized to take certain  
other actions on behalf of the political  
subdivision and retains certain statutory powers  
to do all things necessary or convenient to carry  
out its organizational purposes.

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

**Section 1.** That section 1724.10 of the Revised Code be  
amended to read as follows:

**Sec. 1724.10.** (A) A community improvement corporation may be  
designated by a county, one or more townships, one or more  
municipal corporations, two or more adjoining counties, or any  
combination of ~~the foregoing~~ those political subdivisions as the  
agency of each ~~such~~ designating political subdivision for ~~the~~  
industrial, commercial, distribution, and research development in  
~~such~~ the political subdivision when the legislative authority of  
~~such~~ the political subdivision has determined that the policy of  
the political subdivision is to promote the health, safety,  
morals, and general welfare of its inhabitants through the

designation of a community improvement corporation as such an 21  
agency. ~~Such~~ The designation shall be made by the legislative 22  
authority of the political subdivision by resolution or ordinance. 23  
~~Any~~ 24

(B) Any political subdivision ~~which~~ that has designated a 25  
community improvement corporation as such an agency may enter into 26  
an agreement with it to provide any one or more of the following: 27

~~(A)~~(1) That the community improvement corporation shall 28  
prepare a plan for the political subdivision of industrial, 29  
commercial, distribution, and research development, and ~~such~~ the 30  
plan shall provide ~~therein~~ in it the extent to which the community 31  
improvement corporation shall participate as the agency of the 32  
political subdivision in carrying it out ~~such~~ plan. ~~Such~~ The plan 33  
shall be confirmed by the legislative authority of the political 34  
subdivision. ~~A~~ 35

A community improvement corporation may insure mortgage 36  
payments required by a first mortgage on any industrial, economic, 37  
commercial, or civic property for which funds have been loaned by 38  
any person, corporation, bank, or financial or lending institution 39  
upon ~~such~~ the terms and conditions ~~as~~ the community improvement 40  
corporation may prescribe. A community improvement corporation may 41  
incur debt, mortgage its property acquired under this section or 42  
otherwise, and issue its obligations, for the purpose of 43  
acquiring, constructing, improving, and equipping buildings, 44  
structures, and other properties, and acquiring sites ~~therefor~~ for 45  
buildings, structures, and other properties, for lease or sale by 46  
the community improvement corporation in order to carry out its 47  
participation in ~~such~~ the plan. Any such debt shall be solely that 48  
of the community improvement corporation and shall not be secured 49  
by the pledge of any moneys received or to be received from any 50  
political subdivision. All revenue bonds issued under ~~sections~~ 51

~~1724.02 and 1724.10 of the Revised Code this chapter are lawful~~ 52  
~~investments of banks, savings and loan associations, deposit~~ 53  
~~guarantee associations, trust companies, trustees, fiduciaries,~~ 54  
~~trustees or other officers having charge of sinking or bond~~ 55  
~~retirement funds of municipal corporations and other political~~ 56  
~~subdivisions of the state, and of domestic insurance companies~~ 57  
~~notwithstanding sections 3907.14 and 3925.08 of the Revised Code.~~ 58  
~~Not less than two fifths of the governing board of any community~~ 59  
~~improvement corporation designated as the agency of one or more~~ 60  
~~political subdivisions shall be composed of mayors, members of~~ 61  
~~municipal legislative authorities, members of boards of township~~ 62  
~~trustees, members of boards of county commissioners, or any other~~ 63  
~~appointed or elected officers of such political subdivisions,~~ 64  
~~provided that at least one officer from each political subdivision~~ 65  
~~shall be a member of the governing board. Membership on the~~ 66  
~~governing board of a community improvement corporation does not~~ 67  
~~constitute the holding of a public office or employment within the~~ 68  
~~meaning of sections 731.02 and 731.12 of the Revised Code or any~~ 69  
~~other section of the Revised Code. Membership on such governing~~ 70  
~~boards shall not constitute an interest, either direct or~~ 71  
~~indirect, in a contract or expenditure of money by any municipal~~ 72  
~~corporation, township, county, or other political subdivision. No~~ 73  
~~member of such governing boards shall be disqualified from holding~~ 74  
~~any public office or employment, nor shall such member forfeit any~~ 75  
~~such office or employment, by reason of his membership on the~~ 76  
~~governing board of a community improvement corporation~~ 77  
~~notwithstanding any law to the contrary.~~ 78

~~Actions taken under this section shall be in accordance with~~ 79  
~~any applicable planning or zoning regulations.~~ 80

~~Any agreement entered into under this section may be amended~~ 81  
~~or supplemented from time to time by the parties thereto.~~ 82

~~A community improvement corporation designated as the agency of a political subdivision under this section shall promote and encourage the establishment and growth in such subdivision of industrial, commercial, distribution, and research facilities.~~

~~(B)(2)~~ Authorization for the community improvement corporation to sell or to lease any lands or interests in lands owned by the political subdivision determined from time to time by ~~the~~ its legislative authority ~~thereof~~ not to be required by ~~such~~ the political subdivision for its purposes, for uses determined by the legislative authority as those that will promote the welfare of the people of the political subdivision, stabilize the economy, provide employment, ~~and~~ assist in the development of industrial, commercial, distribution, and research activities to the benefit of the people of the political subdivision, ~~and will~~ provide additional opportunities for their gainful employment. The legislative authority shall specify the consideration for such a sale or lease and any other terms ~~thereof~~ of the sale or lease. Any determinations made by the legislative authority under this division shall be conclusive. ~~The~~

The community improvement corporation, acting through its officers and on behalf and as agent of the political subdivision, shall execute the necessary instruments, including deeds conveying the title of the political subdivision or leases, to accomplish such a sale or lease. Such a conveyance or lease shall be made without advertising and receipt of bids. ~~A~~

A copy of ~~such~~ the agreement providing the authorization described in this division shall be recorded in the office of the county recorder of any county in which lands or interests in lands to be sold or leased are situated prior to the recording of a deed or lease executed pursuant to ~~such~~ the agreement. The county recorder shall charge the same fee for the recording, indexing, or making of a certified copy ~~thereof~~ of the agreement as provided in

section 317.32 of the Revised Code. 115

~~(C)(3)~~ That the political subdivision ~~executing the agreement~~ 116  
will convey or lease to the community improvement corporation 117  
lands ~~and or~~ or interests in lands owned by the political subdivision 118  
~~and determined by the that its~~ legislative authority ~~thereof~~ 119  
determines are not to be required by the political subdivision for 120  
its purposes ~~and that such, the~~ conveyance or lease of ~~such land~~ 121  
~~or interests in land~~ which will promote the welfare of the people 122  
of the political subdivision, stabilize the economy, provide 123  
employment, ~~and~~ assist in the development of industrial, 124  
commercial, distribution, and research activities to the benefit 125  
of the people of the political subdivision, and provide additional 126  
opportunities for their gainful employment, for the consideration 127  
and upon the terms established in the agreement, and further that, 128  
as the agency for development, the community improvement 129  
corporation may acquire from others additional lands or interests 130  
in lands, and any lands or interests in ~~land~~ lands so conveyed or 131  
leased to the community improvement corporation may be sold or 132  
leased by it for uses that will promote the welfare of the people 133  
of the political subdivision, stabilize the economy, provide 134  
employment, and assist in the development of industrial, 135  
commercial, distribution, and research activities required for the 136  
people of the political subdivision and for their gainful 137  
employment. Any conveyance or lease by the political subdivision 138  
to the community improvement corporation shall be made without 139  
advertising and receipt of bids. If any lands or interests in ~~land~~ 140  
lands conveyed by a political subdivision under this division are 141  
sold by the community improvement corporation at a price in excess 142  
of the consideration received by the political subdivision from 143  
the community improvement corporation, ~~such the~~ excess shall be 144  
paid to ~~such the~~ political subdivision after deducting, to the 145  
extent and in the manner provided in the agreement, the costs of 146  
such acquisition and sale, taxes, assessments, costs of 147

maintenance, costs of improvements to the land by the community 148  
improvement corporation, service fees, and any debt service 149  
charges of the corporation attributable to ~~such~~ the land or 150  
interests. 151

(4) Authorization for the community improvement corporation 152  
to take any other actions on behalf of the political subdivision 153  
that are consistent with the purposes of this chapter. 154

(C) Not less than two-fifths of the governing board of any 155  
community improvement corporation designated as the agency of one 156  
or more political subdivisions shall be composed of mayors, 157  
members of municipal legislative authorities, members of boards of 158  
township trustees, members of boards of county commissioners, or 159  
any other appointed or elected officers of the designating 160  
political subdivisions, and at least one officer from each 161  
designating political subdivision shall be a member of the 162  
governing board. Membership on the governing board does not 163  
constitute the holding of a public office or employment within the 164  
meaning of sections 731.02 and 731.12 or any other section of the 165  
Revised Code. Membership on the governing board also does not 166  
constitute an interest, either direct or indirect, in a contract 167  
or expenditure of money by any municipal corporation, township, 168  
county, or other political subdivision. No member of the governing 169  
board shall be disqualified from holding any public office or 170  
employment, or forfeit any public office or employment, by reason 171  
of membership on the governing board notwithstanding any law to 172  
the contrary. 173

(D) Actions taken under this section shall be in accordance 174  
with any applicable planning or zoning regulations. 175

(E) Any agreement entered into under this section may be 176  
amended or supplemented from time to time by the parties to it. 177

(F)(1) A community improvement corporation designated as the 178

agency of a political subdivision under this section shall promote 179  
and encourage the establishment and growth in that political 180  
subdivision of industrial, commercial, distribution, and research 181  
facilities. 182

(2) A community improvement corporation that enters into an 183  
agreement under this section retains the powers listed in section 184  
1724.02 of the Revised Code to do all things necessary or 185  
convenient to carry out the purposes stated in section 1724.01 of 186  
the Revised Code. 187

**Section 2.** That existing section 1724.10 of the Revised Code 188  
is hereby repealed. 189