

AN ACT

To amend sections 133.09, 504.01, 504.02, and 505.031 of the Revised Code and to amend Section 555.10 of Am. Sub. H.B. 67 of the 127th General Assembly to authorize transportation projects entered into on or before May 1, 2008, between transportation improvement districts and two or more governmental agencies for the joint financing of projects and to permit townships with a population of at least three thousand five hundred but less than five thousand in its unincorporated territory to adopt a limited home rule government under certain conditions.

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

SECTION 1. That sections 133.09, 504.01, 504.02, and 505.031 of the Revised Code be amended to read as follows:

Sec. 133.09. (A) Unless it is a township that has adopted a limited home rule government under Chapter 504. of the Revised Code, a township shall not incur net indebtedness that exceeds an amount equal to five per cent of its tax valuation and, except as specifically authorized by section 505.262 of the Revised Code or other laws, shall not incur any net indebtedness unless authorized by vote of the electors.

(B) A township that has adopted a limited home rule government under Chapter 504. of the Revised Code shall not incur net indebtedness that exceeds an amount equal to ten and one-half per cent of its tax valuation, or incur without a vote of the electors net indebtedness that exceeds an amount equal to five and one-half per cent of that tax valuation. In calculating the net indebtedness of a township that has adopted a limited home rule government, none of the following securities shall be considered:

- (1) Self-supporting securities issued for any purpose;
- (2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or

facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the township amounts equivalent to debt charges on the securities;

(3) Securities that are not general obligations of the township;

(4) Voted securities issued for the purposes of redevelopment to the extent that their principal amount does not exceed an amount equal to two per cent of the tax valuation of the township;

(5) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, or for the purpose of acquiring or making other highway permanent improvements, to the extent that the resolution of the board of township trustees authorizing the issuance of the securities includes a covenant to appropriate from money distributed to the township under Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due;

(6) Securities issued for energy conservation measures under section 505.264 of the Revised Code.

(C) In calculating the net indebtedness of any township, no obligation incurred under division (B) of section 513.17 or under section 505.261, 505.264, 505.265, 505.267, or 505.37 of the Revised Code, or in connection with a project undertaken pursuant to Section 515.03 of H.B. 66 of the 126th ~~General Assembly~~ general assembly or Section 555.10 of H.B. 67 of the 127th general assembly, shall be considered.

Sec. 504.01. A township that meets the qualifications of this section may adopt a limited home rule government in the manner provided in this section.

(A)(1) If a township has a population of at least three thousand five hundred but less than five thousand in the unincorporated territory of the township, a limited home rule government under which the township exercises limited powers of local self-government and limited police powers may be adopted if all the following apply:

(a) The electors of the unincorporated territory of the township petition the board of township trustees to adopt limited home rule government;

(b) The petition has been signed by ten per cent of the electors of the unincorporated territory of the township, as determined by the total number of votes cast in that territory for the office of governor at the most recent general election for that office;

(c) The board of township trustees appoints a township administrator under division (A)(2) of section 505.031 of the Revised Code; and

(d) The total amount certified in the official certificate of estimated

resources or in an amended official certificate of estimated resources for the township under section 5705.36 of the Revised Code is at least three million five hundred thousand dollars for the most recently concluded fiscal year.

If the conditions enumerated in this division have been met, the board shall adopt and certify to the board of elections a resolution directing the board of elections to submit to the electors of the unincorporated territory the question whether the township should adopt a limited home rule government. The question shall be voted upon at the next general election occurring at least seventy-five days after certification of the resolution to the board of elections.

(2) If a township has a population of at least five thousand but less than fifteen thousand in the unincorporated territory of the township, the board of township trustees, by a majority vote, may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at the next general election occurring at least seventy-five days after certification of the resolution to the board of elections.

~~(B)~~(3) If a township has a population of fifteen thousand or more in the unincorporated territory of the township, the board of township trustees, after at least one public hearing, may do either of the following:

~~(1)~~(a) By a unanimous vote, adopt a resolution establishing a limited home rule government under which the township exercises limited powers of local self-government and limited police powers as authorized by this chapter. The resolution shall become effective thirty days after the date of its adoption unless within that thirty-day period there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township equal to at least ten per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the question of establishing a limited home rule government to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least seventy-five days after the petition is presented. Each part of the petition shall meet the requirements specified in section 3501.38 of the Revised Code. Upon timely receipt of the petition, the board of township trustees shall adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the

question of whether the township should adopt a limited home rule government.

~~(2)~~(b) By a majority vote, adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at the next general election occurring at least seventy-five days after certification of the resolution to the board of elections.

~~If the population of the unincorporated territory of any township that adopts a limited home rule government under division (B) or (D) of this section is fifteen thousand or more, the township shall be called an "urban township."~~

~~(C) Townships with a population of less than five thousand in the unincorporated territory of the township are not permitted to adopt a limited home rule government.~~

~~(D)~~(4) If a township meets the population requirements of division (A)(2) or ~~(B)~~(3) of this section, the electors of the unincorporated area of the township may petition the board of township trustees to adopt a resolution causing the board of elections to submit to the electors the question of whether the township should adopt a limited home rule government. Upon receipt of a petition signed by ten per cent of the electors of the unincorporated area of the township, as determined by the total number of votes cast in that area for the office of governor at the most recent general election for that office, the board of township trustees shall adopt the resolution. The question shall be voted upon at the next general election occurring at least seventy-five days after the certification of the resolution to the board of elections.

(B) If the population of the unincorporated territory of any township that adopts a limited home rule government under division (A)(3) or (4) of this section is fifteen thousand or more, the township shall be called an "urban township."

(C) Except as otherwise provided in division (A)(1) of this section, townships with a population of less than five thousand in the unincorporated territory of the township are not permitted to adopt a limited home rule government.

Sec. 504.02. (A) After certification of a resolution as provided in division (A), ~~(B)~~, or ~~(D)~~ of section 504.01 of the Revised Code, the board of elections shall submit the question of whether to adopt a limited home rule

government to the electors of the unincorporated area of the township, and the ballot language shall be substantially as follows:

"Shall the township of (name) adopt a limited home rule government, under which government the board of township trustees, by resolution, may exercise limited powers of local self-government and limited police powers?

..... For adoption of a limited home rule government

..... Against adoption of a limited home rule government"

(B)(1) At least forty-five days before the election on this question, the board of township trustees shall have notice of the election and a description of the proposed limited home rule government published in a newspaper of general circulation in the township once a week for two consecutive weeks and have the notice and description posted in five conspicuous places in the unincorporated area of the township.

(2) If a board of elections operates and maintains a web site, notice of the election and a description of the proposed limited home rule government shall be posted on that web site for at least thirty days before the election on this question.

(C) If a majority of the votes cast on the proposition of adopting a limited home rule government is in the affirmative, that government is adopted and becomes the government of the township on the first day of January immediately following the election.

Sec. 505.031. ~~The~~ (A)(1) Except as otherwise provided in division (B) of this section, the board of township trustees may appoint a township administrator, who shall be the administrative head of the township under the direction and supervision of the board and who shall hold office at the pleasure of the board.

(2) The board of township trustees shall appoint a township administrator before the adoption of a resolution under division (A)(1) of section 504.01 of the Revised Code directing the board of elections to submit to the electors of the unincorporated territory of the township the question of whether the township should adopt a limited home rule government. The administrator shall be the administrative head of the township under the direction and supervision of the board and shall hold office at the pleasure of the board.

(B) In the event that the township administrator is absent from his that office by reason of illness, death, vacation, resignation, or removal, the chairman chairperson of the board or a qualified person designated by him the chairperson with the approval of the board shall act as township administrator and perform all duties of such township office, until such time

as the township administrator returns to ~~his~~ official duties or the board appoints a new township administrator to fill the vacancy.

(C) The board shall fix the salary of the township administrator and cause the same to be paid.

SECTION 2. That existing sections 133.09, 504.01, 504.02, and 505.031 of the Revised Code are hereby repealed.

SECTION 3. That Section 555.10 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

SECTION 555.10. (A) On or before ~~December 31, 2007~~ May 1, 2008, a transportation improvement district and any two or more governmental agencies may enter into an agreement providing for the joint financing of any street, highway, interchange, or other transportation project. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to such agreement, which resolution or ordinance shall authorize the execution thereof by a designated official or officials of each of such parties, and such agreement, when so approved and executed, shall be in full force and effect.

(B)(1) Subject to division (B)(2) of this section, any party to such an agreement may issue and, notwithstanding any other provision of the Revised Code, a district may purchase directly from the party as an investment, securities to evidence the obligations of that party to the district pursuant to the agreement for its portion of the cost of the project pursuant to Chapter 133. or other applicable provisions of the Revised Code.

(2) More than half of the property necessary for any project undertaken pursuant to an agreement under this section for which a district is purchasing securities under division (B)(1) of this section shall be located within the territory of the transportation improvement district.

(C) Any term used in this section has the same meaning as defined in section 5540.01 of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 67 of the 127th General Assembly, unless the context clearly requires another meaning.

SECTION 4. That existing Section 555.10 of Am. Sub. H.B. 67 of the 127th General Assembly is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. S. B. No. 36

127th G.A.

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

Director, Legislative Service Commission.

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

Secretary of State.

File No. _____ Effective Date _____