

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 192

Representative Coley

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A B I L L

To amend sections 349.01, 349.03, 349.04, 349.06, 1
349.09, and 349.14 of the Revised Code to modify 2
the New Community Authority Law. 3

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

Section 1. That sections 349.01, 349.03, 349.04, 349.06, 4
349.09, and 349.14 of the Revised Code be amended to read as 5
follows: 6

Sec. 349.01. As used in this chapter: 7

(A) "New community" means a community or an addition to an 8
existing community planned pursuant to this chapter so that it 9
includes facilities for the conduct of industrial, commercial, 10
residential, cultural, educational, and recreational activities, 11
and designed in accordance with planning concepts for the 12
placement of utility, open space, and other supportive facilities. 13

~~In the case of a new community authority established on or 14
after the effective date of this amendment and before January 1, 15
2012, "new community" may mean~~ a community or development of 16
property planned under this chapter in relation to an existing 17
community so that the community includes facilities for the 18
conduct of community activities, and is designed in accordance 19
with planning concepts for the placement of utility, open space, 20

and other supportive facilities for the community. 21

(B) "New community development program" means a program for 22
the development of a new community characterized by well-balanced 23
and diversified land use patterns and which includes land 24
acquisition and land development, the acquisition, construction, 25
operation, and maintenance of community facilities, and the 26
provision of services authorized in this chapter. 27

~~In the case of a new community authority established on or 28
after the effective date of this amendment and before January 1, 29
2012, a~~ A new community development program may take into account 30
any existing community in relation to which a new community is 31
developed for purposes of being characterized by well-balanced and 32
diversified land use patterns. 33

(C) "New community district" means the area of land described 34
by the developer in the petition as set forth in division (A) of 35
section 349.03 of the Revised Code for development as a new 36
community and any lands added to the district by amendment of the 37
resolution establishing the community authority. 38

(D) "New community authority" means a body corporate and 39
politic in this state, established pursuant to section 349.03 of 40
the Revised Code and governed by a board of trustees as provided 41
in section 349.04 of the Revised Code. 42

(E) "Developer" means any person, organized for carrying out 43
a new community development program who owns or controls, through 44
leases of at least ~~seventy-five~~ forty years' duration, options, or 45
contracts to purchase, the land within a new community district, 46
or any municipal corporation, county, or port authority that owns 47
the land within a new community district, or has the ability to 48
acquire such land, either by voluntary acquisition or condemnation 49
in order to eliminate slum, blighted, and deteriorated or 50
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 51

~~ease of a new community authority established on or after the 52
effective date of this amendment and before January 1, 2012, 53
"developer" may mean a person, municipal corporation, county, or 54
port authority that controls land within a new community district 55
through leases of at least forty years' duration. 56~~

(F) "Organizational board of commissioners" means, if the new 57
community district is located in only one county, the board of 58
county commissioners of such county; if located in more than one 59
county, a board consisting of the members of the board of county 60
commissioners of each of the counties in which the district is 61
located, provided that action of such board shall require a 62
majority vote of the members of each separate board of county 63
commissioners; or, if more than half of the new community district 64
is located within the boundaries of ~~the most populous~~ a municipal 65
corporation ~~of a county~~, the legislative authority of the 66
municipal corporation. 67

(G) "Land acquisition" means the acquisition of real property 68
and interests in real property as part of a new community 69
development program. 70

(H) "Land development" means the process of clearing and 71
grading land, making, installing, or constructing water 72
distribution systems, sewers, sewage collection systems, steam, 73
gas, and electric lines, roads, streets, curbs, gutters, 74
sidewalks, storm drainage facilities, and other installations or 75
work, whether within or without the new community district, and 76
the construction of community facilities. 77

(I)~~(1)~~ "Community facilities" means all real property, 78
buildings, structures, or other facilities, including related 79
fixtures, equipment, and furnishings, to be owned, operated, 80
financed, constructed, and maintained under this chapter, 81
including public, community, village, neighborhood, or town 82
buildings, centers and plazas, auditoriums, day care centers, 83

recreation halls, educational facilities, hospital facilities as 84
defined in section 140.01 of the Revised Code, recreational 85
facilities, natural resource facilities, including parks and other 86
open space land, lakes and streams, cultural facilities, community 87
streets, including off-street parking facilities, pathway and 88
bikeway systems, pedestrian underpasses and overpasses, lighting 89
facilities, design amenities, or other community facilities, and 90
buildings needed in connection with water supply or sewage 91
disposal installations or steam, gas, or electric lines or 92
installation. 93

~~(2) In the case of a new community authority established on 94
or after the effective date of this amendment and before January 95
1, 2012, "community facilities" may mean, in addition to the 96
facilities authorized in division (I)(1) of this section, any 97
other community facilities that are owned, operated, financed, 98
constructed, or maintained for, relating to, or in furtherance of 99
community activities, including, but not limited to, town 100
buildings or other facilities, and health care facilities 101
including, but limited to, hospital facilities, ~~and off-street 102
parking facilities.~~ 103~~

(J) "Cost" as applied to a new community development program 104
means all costs related to land acquisition and land development, 105
the acquisition, construction, maintenance, and operation of 106
community facilities and offices of the community authority, and 107
of providing furnishings and equipment therefor, financing charges 108
including interest prior to and during construction and for the 109
duration of the new community development program, planning 110
expenses, engineering expenses, administrative expenses including 111
working capital, and all other expenses necessary and incident to 112
the carrying forward of the new community development program. 113

(K) "Income source" means any and all sources of income to 114
the community authority, including community development charges 115

of which the new community authority is the beneficiary as 116
provided in section 349.07 of the Revised Code, rentals, user fees 117
and other charges received by the new community authority, any 118
gift or grant received, any moneys received from any funds 119
invested by or on behalf of the new community authority, and 120
proceeds from the sale or lease of land and community facilities. 121

(L) "Community development charge" means: 122

(1) A dollar amount ~~which~~ that shall be determined on the 123
basis of the assessed valuation of real property or interests in 124
real property in a new community district sold, leased, or 125
otherwise conveyed by the developer or the new community 126
authority, the income of the residents of such property subject to 127
such charge under section 349.07 of the Revised Code, if such 128
property is devoted to residential uses or to the profits of any 129
business, a uniform fee on each parcel of such real property 130
originally sold, leased, or otherwise conveyed by the developer or 131
new community authority, or any combination of the foregoing 132
bases. 133

~~(2) For a new community authority that is established on or 134
after the effective date of this amendment and before January 1, 135
2012, "community development charge" includes, in addition to the 136
charges authorized in division (L)(1) of this section, a A charge 137
determined on the basis of all or a part of the income of the 138
residents of real property within the new community district if 139
such property is devoted to residential uses, or all or a part of 140
the profits, gross receipts, sales or other revenues of any 141
business operating in the new community district. If the charge is 142
based on the purchase price paid or charged on sales or purchases 143
of tangible personal property at retail, the charge is not part of 144
the price but is a collection for the benefit of the new community 145
authority levying the charge. 146~~

(M) "Proximate city" means, as of the date of filing of the 147

petition under section 349.03 of the Revised Code, any municipal 148
corporation in which any portion of the proposed new community 149
district is located, or if more than one-half of the proposed new 150
community district is contained within a joint economic 151
development district under sections 715.70 to 715.83 of the 152
Revised Code, "proximate city" means the township containing the 153
greatest portion of such district. Otherwise, "proximate city" 154
means any city that, as of the date of filing of the petition 155
under section 349.03 of the Revised Code, is the city with the 156
greatest population located in the county in which the proposed 157
new community district is located, is the city with the greatest 158
population located in an adjoining county if any portion of such 159
city is within five miles of any part of the boundaries of such 160
district, or exercises extraterritorial subdivision authority 161
under section 711.09 of the Revised Code with respect to any part 162
of such district. 163

(N) "Community activities" means cultural, educational, 164
governmental, recreational, residential, industrial, commercial, 165
distribution and research activities, or any combination thereof 166
that includes residential activities. 167

Sec. 349.03. (A) Proceedings for the organization of a new 168
community authority shall be initiated by a petition filed by the 169
developer ~~in the office of~~ with the clerk of the organizational 170
board of ~~county~~ commissioners ~~of one of the counties in which all~~ 171
~~or part of~~ for the proposed new community district ~~is located.~~ 172
Such petition shall be signed by the developer and may be signed 173
by each proximate city. The legislative authorities of each such 174
proximate city shall act in behalf of such proximate city. Such 175
petition shall contain: 176

- (1) The name of the proposed new community authority; 177
- (2) The address where the principal office of the authority 178

will be located or the manner in which the location will be 179
selected; 180

(3) A map and a full and accurate description of the 181
boundaries of the new community district together with a 182
description of the properties within such boundaries, if any, 183
which will not be included in the new community district. Unless 184
more than one-half of the proposed new community district is or 185
was contained within a joint economic development district under 186
sections 715.70 to 715.83 of the Revised Code or the district is 187
wholly contained within municipalities, the total acreage included 188
in such district shall not be less than one thousand acres, all of 189
which acreage shall be owned by, or under the control through 190
leases of at least ~~seventy-five~~ forty years' duration, options, or 191
contracts to purchase, of the developer, if the developer is a 192
private entity. Such acreage shall be developable as one 193
functionally interrelated community. ~~In the case of a new~~ 194
~~community authority established on or after the effective date of~~ 195
~~this amendment and before January 1, 2012, such leases may be of~~ 196
~~not less than forty years' duration, and the acreage may be~~ 197
developable so that the community is one functionally interrelated 198
community. 199

(4) A statement setting forth the zoning regulations proposed 200
for zoning the area within the boundaries of the new community 201
district for comprehensive development as a new community, and if 202
the area has been zoned for such development, a certified copy of 203
the applicable zoning regulations therefor; 204

(5) A current plan indicating the proposed development 205
program for the new community district, the land acquisition and 206
land development activities, community facilities, services 207
proposed to be undertaken by the new community authority under 208
such program, the proposed method of financing such activities and 209
services, including a description of the bases, timing, and manner 210

of collecting any proposed community development charges, and the 211
projected total residential population of, and employment within, 212
the new community; 213

(6) A suggested number of members, consistent with section 214
349.04 of the Revised Code, for the board of trustees; 215

(7) A preliminary economic feasibility analysis, including 216
the area development pattern and demand, location and proposed new 217
community district size, present and future socio-economic 218
conditions, public services provision, financial plan, and the 219
developer's management capability; 220

(8) A statement that the development will comply with all 221
applicable environmental laws and regulations. 222

Upon the filing of such petition, the organizational board of 223
commissioners shall determine whether such petition complies with 224
the requirements of this section as to form and substance. The 225
board in subsequent proceedings may at any time permit the 226
petition to be amended in form and substance to conform to the 227
facts by correcting any errors in the description of the proposed 228
new community district or in any other particular. 229

Upon the determination of the organizational board of 230
commissioners that a sufficient petition has been filed in 231
accordance with this section, the board shall fix the time and 232
place of a hearing on the petition for the establishment of the 233
proposed new community authority. ~~Such hearing shall be held not~~ 234
~~less than ninety five nor more than one hundred fifteen days after~~ 235
~~the petition filing date, except that if the petition has been~~ 236
~~signed by all proximate cities, such hearing shall be held not~~ 237
less than thirty nor more than forty-five days after the petition 238
filing date. The clerk of the organizational board of ~~county~~ 239
commissioners with which the petition was filed shall give notice 240
thereof by publication once each week for three consecutive weeks 241

in a newspaper of general circulation in any county of which a 242
portion is within the proposed new community district. Such clerk 243
shall also give written notice of the date, time, and place of the 244
hearing and furnish a certified copy of the petition to the clerk 245
of the legislative authority of each proximate city which has not 246
signed such petition. In the event that the legislative authority 247
of a proximate city which did not sign the petition ~~does not~~ 248
~~approve~~ disapproves by ordinance, resolution, or motion the 249
establishment of the proposed new community authority and ~~does not~~ 250
~~deliver~~ delivers such ordinance, resolution, or motion to the 251
clerk of the organizational board of ~~county~~ commissioners with 252
which the petition was filed within ~~ninety~~ twenty-eight days 253
following the date of the ~~first publication of the notice~~ 254
delivered to the clerk of the public hearing legislative authority 255
of the proximate city, the organizational board of commissioners 256
shall cancel such public hearing and terminate the proceedings for 257
the establishment of the new community authority. Any disapproval 258
by the proximate city must be for good cause shown that the 259
proposed new community district will not be conducive to the 260
public health, safety, convenience, and welfare, and is not 261
intended to result in the development of a new community. 262

Upon the hearing, if the organizational board of 263
commissioners determines by resolution that the proposed new 264
community district will be conducive to the public health, safety, 265
convenience, and welfare, and is intended to result in the 266
development of a new community, and if at least twenty-eight days 267
have elapsed following the date of the notice delivered to the 268
clerk of the legislative authority of each proximate city that has 269
not signed the petition and no disapproval of a proximate city for 270
good cause shown has been received by the clerk of the 271
organizational board of commissioners, the board shall by its 272
resolution, entered of record in its journal ~~and the journal of~~ 273
~~the board of county commissioners with which the petition was~~ 274

~~filed~~, declare the new community authority to be organized and a 275
body politic and corporate with the corporate name designated in 276
the resolution, and define the boundary of the new community 277
district. In addition, the resolution shall provide the method of 278
selecting the board of trustees of the new community authority and 279
fix the surety for their bonds in accordance with section 349.04 280
of the Revised Code. 281

If the organizational board of commissioners finds that the 282
establishment of the district will not be conducive to the public 283
health, safety, convenience, or welfare, or is not intended to 284
result in the development of a new community, or if the clerk of 285
the organizational board of commissioners has received a 286
disapproval for good cause shown from a proximate city, it shall 287
reject the petition thereby terminating the proceedings for the 288
establishment of the new community authority. 289

(B) At any time after the creation of a new community 290
authority, the developer may file an application with the ~~clerk of~~ 291
~~the organizational~~ board of ~~county~~ commissioners ~~of the county in~~ 292
with which the original petition was filed, setting forth a 293
general description of territory it desires to add or to delete 294
from such district, that such change will be conducive to the 295
public health, safety, convenience, and welfare, and will be 296
consistent with the development of a new community and will not 297
jeopardize the plan of the new community. If the developer is not 298
a municipal corporation, port authority, or county, all of such an 299
addition to such a district shall be owned by, or under the 300
control through leases of at least ~~seventy five~~ forty years' 301
duration, options, or contracts to purchase, of the developer. ~~In~~ 302
~~the case of a new community authority established on or after the~~ 303
~~effective date of this amendment and before January 1, 2012, such~~ 304
~~leases may be of not less than forty years' duration.~~ Upon the 305
filing of the application, the organizational board of 306

commissioners shall follow the same procedure as required by this 307
section in relation to the petition for the establishment of the 308
proposed new community. 309

(C) If all or any part of the new community district is 310
annexed to one or more existing municipal corporations, their 311
legislative authorities may appoint persons to replace any 312
appointed citizen member of the board of trustees. The number of 313
such trustees to be replaced by the municipal corporation shall be 314
the number, rounded to the lowest integer, bearing the 315
proportionate relationship to the number of existing appointed 316
citizen members as the acreage of the new community district 317
within such municipal corporation bears to the total acreage of 318
the new community district. If any such municipal corporation 319
chooses to replace an appointed citizen member, it shall do so by 320
ordinance, the term of the trustee being replaced shall terminate 321
thirty days from the date of passage of such ordinance, and the 322
trustee to be replaced shall be determined by lot. Each newly 323
appointed member shall assume the term of the member's 324
predecessor. 325

Sec. 349.04. The following method of selecting a board of 326
trustees is deemed to be a compelling state interest. Within ten 327
days after the new community authority has been established, as 328
provided in section 349.03 of the Revised Code, an initial board 329
of trustees shall be appointed as follows: the organizational 330
board of commissioners shall appoint by resolution at least three, 331
but not more than six, citizen members of the board of trustees to 332
represent the interests of present and future residents and 333
employers of the new community district and one member to serve as 334
a representative of local government, and the developer shall 335
appoint a number of members equal to the number of citizen members 336
to serve as representatives of the developer. ~~In the case of a new~~ 337
~~community authority established on or after the effective date of~~ 338

~~this amendment and before January 1, 2012, the citizen members may 339
represent present and future employers within the new community 340
district and any present or future residents of the district. 341~~

Members shall serve two-year overlapping terms, with two of 342
each of the initial citizen and developer members appointed to 343
serve initial one year terms. The organizational board of 344
commissioners shall adopt, by further resolution adopted within 345
one year of such resolution establishing such initial board of 346
trustees ~~adopt~~, a method for selection of successor members 347
thereof which determines the projected total population of the 348
projected new community and meets the following criteria: 349

(A) The appointed citizen members shall be replaced by 350
elected citizen members according to a schedule established by the 351
organizational board of commissioners calculated to achieve one 352
such replacement each time the new community district gains a 353
proportion, having a numerator of one and a denominator of twice 354
the number of citizen members, of its projected total population 355
until such time as all of the appointed citizen members are 356
replaced. 357

(B) Representatives of the developer shall be replaced by 358
elected citizen members according to a schedule established by the 359
organizational board of commissioners calculated to achieve one 360
such replacement each time the new community district gains a 361
proportion, having a numerator of one and a denominator equal to 362
the number of developer members, of its projected total population 363
until such time as all of the developer's representatives are 364
replaced. 365

(C) The representative of local government shall be replaced 366
by an elected citizen member at the time the new community 367
district gains three-quarters of its projected total population. 368

Elected citizen members of the board of trustees shall be 369

370 elected by a majority of the residents of the new community
371 district voting at elections held on the first Tuesday after the
372 first Monday in December of each year. Each citizen member except
373 an appointed citizen member shall be a qualified elector who
374 resides within the new community district. ~~In the case of a new~~
375 ~~community authority established on or after the effective date of~~
376 ~~this amendment and before January 1, 2012, The petition or the~~
377 organizational board of ~~directors~~ commissioners, by resolution,
378 may adopt an alternative method of selection or election of
379 successor members of the board of trustees. If the alternative
380 method provides for the election of citizen members, the elections
381 may be held at the times and in the manner provided in ~~a~~ the
382 petition or resolution of the organizational board of
383 commissioners, and ~~the~~ any elected citizen members shall be
384 qualified electors who ~~resides~~ reside in the new community
385 district.

386 Citizen members shall not be employees of or have financial
387 interest in the developer. If a vacancy occurs in the office of a
388 member other than a member appointed by the developer, the
389 organizational board of commissioners may appoint a successor
390 member for the remainder of the unexpired term. Any appointed
391 member of the board of trustees may at any time be removed by the
392 organizational board of commissioners for misfeasance,
393 nonfeasance, or malfeasance in office. Members appointed by the
394 developer may also at any time be removed by the developer without
395 a showing of cause.

396 Each member of the board of trustees, before entering upon
397 official duties, shall take and subscribe to an oath before an
398 officer authorized to administer oaths in Ohio that the member
399 will honestly and faithfully perform the duties of the member's
400 office. Such oath shall be filed in the office of the clerk of the
401 organizational board of ~~county~~ commissioners ~~in which the petition~~

~~was filed.~~ Upon taking the oath, the board of trustees shall elect 402
one of its number as chairperson and another as vice-chairperson, 403
and shall appoint suitable persons as secretary and treasurer who 404
need not be members of the board. The treasurer shall be the 405
fiscal officer of the authority. The board shall adopt by-laws 406
governing the administration of the affairs of the new community 407
authority. Each member of the board shall post a bond for the 408
faithful performance of official duties and give surety therefor 409
in such amount, but not less than ten thousand dollars, as the 410
resolution creating such board shall prescribe. 411

All of the powers of the new community authority shall be 412
exercised by its board of trustees, but without relief of such 413
responsibility, such powers may be delegated to committees of the 414
board or its officers and employees in accordance with its 415
by-laws. A majority of the board shall constitute a quorum, and a 416
concurrence of a majority of a quorum in any matter within the 417
board's duties is sufficient for its determination, provided a 418
quorum is present when such concurrence is had and a majority of 419
those members constituting such quorum are trustees not appointed 420
by the developer. All trustees shall be empowered to vote on all 421
matters within the authority of the board of trustees, and no vote 422
by a member appointed by the developer shall be construed to give 423
rise to civil or criminal liability for conflict of interest on 424
the part of public officials. 425

Sec. 349.06. In furtherance of the purposes of this chapter, 426
a new community authority may: 427

(A) Acquire by purchase, lease, gift, or otherwise, on such 428
terms and in such manner as it considers proper, real and personal 429
property or any estate, interest, or right therein, within or 430
without the new community district; 431

(B) Improve, maintain, sell, lease or otherwise dispose of 432

real and personal property and community facilities, on such terms 433
and in such manner as it considers proper; 434

(C) Landscape and otherwise aesthetically improve areas 435
within the new community district, including but not limited to 436
maintenance, landscaping and other community improvement services; 437

(D) Provide, engage in, or otherwise sponsor recreational, 438
educational, health, social, vocational, cultural, beautification, 439
and amusement activities and related services primarily for 440
~~residents of the district. In the case of a new community~~ 441
~~authority established on or after the effective date of this~~ 442
~~amendment and before January 1, 2012, such activities and services~~ 443
may be for residents of, visitors to, employees working within, or 444
employers operating businesses in the district, or any combination 445
thereof. 446

(E) Fix, alter, impose, collect and receive service and user 447
fees, rentals, and other charges to cover all costs in carrying 448
out the new community development program; 449

(F) Adopt, modify, and enforce reasonable rules and 450
regulations governing the use of community facilities; 451

(G) Employ such managers, administrative officers, agents, 452
engineers, architects, attorneys, contractors, sub-contractors, 453
and employees as may be appropriate in the exercise of the rights, 454
powers and duties conferred upon it, prescribe the duties and 455
compensation for such persons, require bonds to be given by any 456
such persons and by officers of the authority for the faithful 457
performance of their duties, and fix the amount and surety 458
therefor; and pay the same; 459

(H) Sue and be sued in its corporate name; 460

(I) Make and enter into all contracts and agreements and 461
execute all instruments relating to a new community development 462
program, including contracts with the developer and other persons 463

or entities related thereto for land acquisition and land 464
development; acquisition, construction, and maintenance of 465
community facilities; the provision of community services and 466
management and coordinating services; with federal, state, 467
interstate, regional, and local agencies and political 468
subdivisions or combinations thereof in connection with the 469
financing of such program, and with any municipal corporation or 470
other public body, or combination thereof, providing for the 471
acquisition, construction, improvement, extension, maintenance or 472
operation of joint lands or facilities or for the provision of any 473
services or activities relating to and in furtherance of a new 474
community development program, including the creation of or 475
participation in a regional transit authority created pursuant to 476
the Revised Code; 477

(J) Apply for and accept grants, loans or commitments of 478
guarantee or insurance including any guarantees of community 479
authority bonds and notes, from the United States, the state, or 480
other public body or other sources, and provide any consideration 481
which may be required in order to obtain such grants, loans or 482
contracts of guarantee or insurance. Such loans or contracts of 483
guarantee or insurance may be evidenced by the issuance of bonds 484
as provided in section 349.08 of the Revised Code; 485

(K) Procure insurance against loss to it by reason of damage 486
to its properties resulting from fire, theft, accident, or other 487
casualties, or by reason of its liability for any damages to 488
persons or property occurring in the construction or operation of 489
facilities or areas under its jurisdiction or the conduct of its 490
activities; 491

(L) Maintain such funds or reserves as it considers necessary 492
for the efficient performance of its duties; 493

(M) Enter agreements with the boards of education of any 494
school districts in which all or part of the new community 495

district lies, whereby the community authority may acquire 496
property for, may construct and equip, and may sell, lease, 497
dedicate, with or without consideration, or otherwise transfer 498
lands, schools, classrooms, or other facilities, whether or not 499
within the new community district, from the authority to the 500
school district for school and related purposes; 501

(N) Prepare plans for acquisition and development of lands 502
and facilities, and enter into agreements with city, county, or 503
regional planning commissions to perform or obtain all or any part 504
of planning services for the new community district; 505

(O) Engage in planning for the new community district, which 506
may be predominantly residential and open space, and prepare or 507
approve a development plan or plans therefor, and engage in land 508
acquisitions and land development in accordance with such plan or 509
plans; 510

(P) Issue new community authority bonds and notes and 511
community authority refunding bonds, payable solely from the 512
income source provided in section 349.08 of the Revised Code, 513
unless the bonds are refunded by refunding bonds, for the purpose 514
of paying any part of the cost as applied to the new community 515
development program or parts thereof; 516

(Q) Enforce any covenants running with the land of which the 517
new community authority is the beneficiary, including but not 518
limited to the collection by any and all appropriate means of any 519
community development charge deemed to be a covenant running with 520
the land and enforceable by the new community authority pursuant 521
to section 349.07 of the Revised Code; and to waive, reduce, or 522
terminate any community development charge of which it is the 523
beneficiary to the extent not needed for any of the purposes 524
provided in section 349.07 of the Revised Code, the procedure for 525
which shall be provided in such covenants, and if new community 526
authority bonds have been issued pledging any such community 527

development charge, to the extent not prohibited in the resolution 528
authorizing the issuance of such new community authority bonds or 529
the trust agreement or indenture of mortgage securing the bonds; 530

(R) Appropriate for its use, under sections 163.01 to 163.22 531
of the Revised Code, any land, easement, rights, rights-of-way, 532
franchises, or other property in the new community district 533
required by the authority for community facilities. The authority 534
may not so appropriate any land, easement, rights, rights-of-way, 535
franchises, or other property that is not included in the new 536
community district. 537

(S) ~~In the case of a new community authority established on~~ 538
~~or after the effective date of this amendment and before January~~ 539
~~1, 2012, enter~~ Enter into any agreements as may be necessary, 540
appropriate, or useful to support a new community development 541
program, including, but not limited to, cooperative agreements or 542
other agreements with political subdivisions for services, 543
materials, or products; for the administration, calculation, or 544
collection of community development charges; or for sharing of 545
revenue derived from community development charges, community 546
facilities, or other sources. The agreements may be made with or 547
without consideration as the parties determine. 548

Sec. 349.09. The issuance of new community authority bonds 549
and notes or new community authority refunding bonds under this 550
chapter need not comply with any other law applicable to the 551
issuance of bonds or notes; however, sections 9.98 and 9.981 to 552
9.983 and division (A) of section 133.03 of the Revised Code apply 553
to such bonds and notes. 554

Sec. 349.14. Except as provided in section 349.03 of the 555
Revised Code, or as otherwise provided in a resolution adopted by 556
the organizational board of commissioners, ~~of a new community~~ 557

~~authority established on or after the effective date of this~~ 558
~~amendment and before January 1, 2012,~~ a new community authority 559
organized under this chapter may be dissolved only on the vote of 560
a majority of the voters of the new community district at a 561
special election called by the board of trustees on the question 562
of dissolution. Such an election may be called only after the 563
board has determined that the new community development program 564
has been completed, when no community authority bonds or notes are 565
outstanding, and other legal indebtedness of the authority has 566
been discharged or provided for, and only after there has been 567
filed with the board of trustees a petition requesting such 568
election, signed by a number of qualified electors residing in the 569
new community district equal to not less than eight per cent of 570
the total vote cast for all candidates for governor in the new 571
community district at the most recent general election at which a 572
governor was elected. If a majority of the votes cast favor 573
dissolution, the board of trustees shall, by resolution, declare 574
the authority dissolved and thereupon the community authority 575
shall be dissolved. A certified copy of the resolution shall, 576
within fifteen days after its adoption, be filed with the clerk of 577
the organizational board of ~~county~~ commissioners ~~of the county in~~ 578
with which the petition for the organization of the new community 579
authority was filed. 580

Upon dissolution of a new community authority, the powers 581
thereof shall cease to exist. Any property of the new community 582
authority which is located within the corporate limits of a 583
municipality shall vest in that municipal corporation and all 584
other property of the community authority shall vest in the county 585
or township in which said property is located, as provided in the 586
resolution or petition providing for dissolution. Any funds of the 587
community authority at the time of dissolution shall be 588
transferred to the municipal corporation and county or township, 589
as provided in the resolution or petition providing for 590

dissolution, in which the new community district is located in the 591
proportion to the assessed valuation of taxable real property of 592
the new community authority within such municipal corporation and 593
county or township as said valuation appears on the current 594
assessment rolls. 595

Section 2. That existing sections 349.01, 349.03, 349.04, 596
349.06, 349.09, and 349.14 of the Revised Code are hereby 597
repealed. 598

Section 3. The amendments to Chapter 349. of the Revised Code 599
by Section 1 of this act apply to any proceedings commenced after 600
the amendments' effective date, and, so far as their provisions 601
support the actions taken, also apply to proceedings that on their 602
effective date are pending, in progress, or completed, 603
notwithstanding the applicable law previously in effect or any 604
provision to the contrary in a prior resolution, ordinance, order, 605
advertisement, notice, or other proceeding. Any proceedings 606
pending or in progress on the effective date of those amendments 607
shall be deemed to have been taken in conformity with the 608
amendment. 609

The authority provided in Section 1 of this act provides 610
additional and supplemental provisions for the subject matter that 611
may also be the subject of other laws, and is supplemental to and 612
not in derogation of any similar authority provided by, derived 613
from, or implied by, the Ohio Constitution, or any other law, 614
including laws amended by this act, or any charter, order, 615
resolution, or ordinance, and no inference shall be drawn to 616
negate the authority thereunder by reason of express provisions 617
contained in Section 1 of this act. 618