

As Reported by the House Local Government Committee

129th General Assembly

Regular Session

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Sub. H. B. No. 509

Representative Blair

Cosponsor: Representative Schuring

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A B I L L

To amend sections 9.833, 118.023, 118.06, 120.08, 1
120.53, 124.42, 305.171, 307.12, 307.86, 307.861, 2
307.87, 307.88, 308.13, 319.59, 329.40, 505.60, 3
505.601, 505.603, 511.23, 703.21, 731.141, 735.05, 4
737.03, 749.26, 749.28, 749.31, 753.15, 755.29, 5
755.30, 1545.07, 2907.27, 3316.04, 3316.06, 6
3709.08, 3709.28, 3709.34, 3709.36, 4123.41, 7
5705.392, 5705.41, 5715.19, 6115.20, 6119.02, and 8
6119.10, to enact sections 125.183, 319.09, and 9
505.012, and to repeal sections 507.07 and 10
3709.081 of the Revised Code to make changes to 11
the laws governing local governments, to modify 12
the requirements of arresting authorities and 13
courts regarding venereal disease testing of 14
individuals accused of certain offenses, and to 15
modify the manner in which funds are allocated 16
from the Ohio Legal Aid Fund. 17

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

Section 1. That sections 9.833, 118.023, 118.06, 120.08, 18
120.53, 124.42, 305.171, 307.12, 307.86, 307.861, 307.87, 307.88, 19
308.13, 319.59, 329.40, 505.60, 505.601, 505.603, 511.23, 703.21, 20

731.141, 735.05, 737.03, 749.26, 749.28, 749.31, 753.15, 755.29, 21
755.30, 1545.07, 2907.27, 3316.04, 3316.06, 3709.08, 3709.28, 22
3709.34, 3709.36, 4123.41, 5705.392, 5705.41, 5715.19, 6115.20, 23
6119.02, and 6119.10 be amended and sections 125.183, 319.09, and 24
505.012 of the Revised Code be enacted to read as follows: 25

Sec. 9.833. (A) As used in this section, "political 26
subdivision" has the meaning defined in sections 2744.01 and 27
3905.36 of the Revised Code. For purposes of this section, 28
"political subdivision" includes municipal corporations as defined 29
in section 5705.01 of the Revised Code. 30

(B) Political subdivisions that provide health care benefits 31
for their officers or employees may do any of the following: 32

(1) Establish and maintain an individual self-insurance 33
program with public moneys to provide authorized health care 34
benefits, including but not limited to, health care, prescription 35
drugs, dental care, and vision care, in accordance with division 36
(C) of this section; 37

(2) Establish and maintain a health savings account program 38
whereby employees or officers may establish and maintain health 39
savings accounts in accordance with section 223 of the Internal 40
Revenue Code. Public moneys may be used to pay for or fund 41
federally qualified high deductible health plans that are linked 42
to health savings accounts or to make contributions to health 43
savings accounts. A health savings account program may be a part 44
of a self-insurance program. 45

(3) After establishing an individual self-insurance program, 46
agree with other political subdivisions that have established 47
individual self-insurance programs for health care benefits, that 48
their programs will be jointly administered in a manner specified 49
in the agreement; 50

(4) Pursuant to a written agreement and in accordance with 51
division (C) of this section, join in any combination with other 52
political subdivisions to establish and maintain a joint 53
self-insurance program to provide health care benefits; 54

(5) Pursuant to a written agreement, join in any combination 55
with other political subdivisions to procure or contract for 56
policies, contracts, or plans of insurance to provide health care 57
benefits, which may include a health savings account program for 58
their officers and employees subject to the agreement; 59

(6) Use in any combination any of the policies, contracts, 60
plans, or programs authorized under this division. 61

(7) Any agreement made under ~~divisions~~ division (B)(3), (4), 62
(5), or (6) of this section shall be in writing, comply with 63
division (C) of this section, and contain best practices 64
established in consultation with and approved by the department of 65
administrative services. The best practices may be reviewed and 66
amended at the discretion of the political subdivisions in 67
consultation with the department. Detailed information regarding 68
the best practices shall be made available to any employee upon 69
that employee's request. 70

(8) Purchase plans approved by the department of 71
administrative services under section 9.901 of the Revised Code. 72

(C) Except as otherwise provided in division (E) of this 73
section, the following apply to individual or joint self-insurance 74
programs established pursuant to this section: 75

(1) Such funds shall be reserved as are necessary, in the 76
exercise of sound and prudent actuarial judgment, to cover 77
potential cost of health care benefits for the officers and 78
employees of the political subdivision. A certified audited 79
financial statement and a report of amounts so reserved and 80
disbursements made from such funds, together with a written report 81

of a member of the American academy of actuaries certifying 82
whether the amounts reserved conform to the requirements of this 83
division, are computed in accordance with accepted loss reserving 84
standards, and are fairly stated in accordance with sound loss 85
reserving principles, shall be prepared and maintained, within 86
ninety days after the last day of the fiscal year of the entity 87
for which the report is provided for that fiscal year, in the 88
office of the program administrator described in division (C)(3) 89
of this section. 90

The report required by division (C)(1) of this section shall 91
include, but not be limited to, disbursements made for the 92
administration of the program, including claims paid, costs of the 93
legal representation of political subdivisions and employees, and 94
fees paid to consultants. 95

The program administrator described in division (C)(3) of 96
this section shall make the report required by this division 97
available for inspection by any person at all reasonable times 98
during regular business hours, and, upon the request of such 99
person, shall make copies of the report available at cost within a 100
reasonable period of time. The program administrator shall further 101
provide the report to the auditor of state under Chapter 117. of 102
the Revised Code. 103

(2) Each political subdivision shall reserve funds necessary 104
for an individual or joint self-insurance program in a special 105
fund that may be established for political subdivisions other than 106
an agency or instrumentality pursuant to an ordinance or 107
resolution of the political subdivision and not subject to section 108
5705.12 of the Revised Code. An agency or instrumentality shall 109
reserve the funds necessary for an individual or joint 110
self-insurance program in a special fund established pursuant to a 111
resolution duly adopted by the agency's or instrumentality's 112
governing board. The political subdivision may allocate the costs 113

of insurance or any self-insurance program, or both, among the 114
funds or accounts established under this division on the basis of 115
relative exposure and loss experience. 116

(3) A contract may be awarded, without the necessity of 117
competitive bidding, to any person, political subdivision, 118
nonprofit corporation organized under Chapter 1702. of the Revised 119
Code, or regional council of governments created under Chapter 120
167. of the Revised Code for purposes of administration of an 121
individual or joint self-insurance program. No such contract shall 122
be entered into without full, prior, public disclosure of all 123
terms and conditions. The disclosure shall include, at a minimum, 124
a statement listing all representations made in connection with 125
any possible savings and losses resulting from the contract, and 126
potential liability of any political subdivision or employee. The 127
proposed contract and statement shall be disclosed and presented 128
at a meeting of the political subdivision not less than one week 129
prior to the meeting at which the political subdivision authorizes 130
the contract. 131

A contract awarded to a nonprofit corporation or a regional 132
council of governments under this division may provide that all 133
employees of the nonprofit corporation or regional council of 134
governments ~~and~~, the employees of all entities related to the 135
nonprofit corporation or regional council of governments, and the 136
employees of other nonprofit corporations that have fifty or fewer 137
employees and have been organized for the primary purpose of 138
representing the interests of political subdivisions, may be 139
covered by the individual or joint self-insurance program under 140
the terms and conditions set forth in the contract. 141

(4) The individual or joint self-insurance program shall 142
include a contract with a certified public accountant and a member 143
of the American academy of actuaries for the preparation of the 144
written evaluations required under division (C)(1) of this 145

section. 146

(5) A joint self-insurance program may allocate the costs of 147
funding the program among the funds or accounts established under 148
this division to the participating political subdivisions on the 149
basis of their relative exposure and loss experience. 150

(6) An individual self-insurance program may allocate the 151
costs of funding the program among the funds or accounts 152
established under this division to the political subdivision that 153
established the program. 154

(7) Two or more political subdivisions may also authorize the 155
establishment and maintenance of a joint health care cost 156
containment program, including, but not limited to, the employment 157
of risk managers, health care cost containment specialists, and 158
consultants, for the purpose of preventing and reducing health 159
care costs covered by insurance, individual self-insurance, or 160
joint self-insurance programs. 161

(8) A political subdivision is not liable under a joint 162
self-insurance program for any amount in excess of amounts payable 163
pursuant to the written agreement for the participation of the 164
political subdivision in the joint self-insurance program. Under a 165
joint self-insurance program agreement, a political subdivision 166
may, to the extent permitted under the written agreement, assume 167
the risks of any other political subdivision. A joint 168
self-insurance program established under this section is deemed a 169
separate legal entity for the public purpose of enabling the 170
members of the joint self-insurance program to obtain insurance or 171
to provide for a formalized, jointly administered self-insurance 172
fund for its members. An entity created pursuant to this section 173
is exempt from all state and local taxes. 174

(9) Any political subdivision, other than an agency or 175
instrumentality, may issue general obligation bonds, or special 176

obligation bonds that are not payable from real or personal 177
property taxes, and may also issue notes in anticipation of such 178
bonds, pursuant to an ordinance or resolution of its legislative 179
authority or other governing body for the purpose of providing 180
funds to pay expenses associated with the settlement of claims, 181
whether by way of a reserve or otherwise, and to pay the political 182
subdivision's portion of the cost of establishing and maintaining 183
an individual or joint self-insurance program or to provide for 184
the reserve in the special fund authorized by division (C)(2) of 185
this section. 186

In its ordinance or resolution authorizing bonds or notes 187
under this section, a political subdivision may elect to issue 188
such bonds or notes under the procedures set forth in Chapter 133. 189
of the Revised Code. In the event of such an election, 190
notwithstanding Chapter 133. of the Revised Code, the maturity of 191
the bonds may be for any period authorized in the ordinance or 192
resolution not exceeding twenty years, which period shall be the 193
maximum maturity of the bonds for purposes of section 133.22 of 194
the Revised Code. 195

Bonds and notes issued under this section shall not be 196
considered in calculating the net indebtedness of the political 197
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 198
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 199
hereby made applicable to bonds or notes authorized under this 200
section. 201

(10) A joint self-insurance program is not an insurance 202
company. Its operation does not constitute doing an insurance 203
business and is not subject to the insurance laws of this state. 204

(D) A political subdivision may procure group life insurance 205
for its employees in conjunction with an individual or joint 206
self-insurance program authorized by this section, provided that 207
the policy of group life insurance is not self-insured. 208

(E) This section does not apply to individual self-insurance programs created solely by municipal corporations as defined in section 5705.01 of the Revised Code.

(F) A public official or employee of a political subdivision who is or becomes a member of the governing body of the program administrator of a joint self-insurance program in which the political subdivision participates is not in violation of division (D) or (E) of section 102.03, division (C) of section 102.04, or section 2921.42 of the Revised Code as a result of either of the following:

(1) The political subdivision's entering under this section into the written agreement to participate in the joint self-insurance program;

(2) The political subdivision's entering under this section into any other contract with the joint self-insurance program.

Sec. 118.023. (A) Upon determining that one or more of the conditions described in section 118.022 of the Revised Code are present, the auditor of state shall issue a written declaration of the existence of a fiscal watch to the municipal corporation, county, or township and the county budget commission. The fiscal watch shall be in effect until the auditor of state determines that none of the conditions are any longer present and cancels the watch, or until the auditor of state determines that a state of fiscal emergency exists. The auditor of state, or a designee, shall provide such technical and support services to the municipal corporation, county, or township after a fiscal watch has been declared to exist as the auditor of state considers necessary.

(B) Within one hundred twenty days after the day a written declaration of the existence of a fiscal watch is issued under division (A) of this section, the mayor of the municipal corporation, the board of county commissioners of the county, or

the board of township trustees of the township for which a fiscal 240
watch was declared shall submit to the auditor of state a 241
financial recovery plan that shall identify actions to be taken to 242
eliminate all of the conditions described in section 118.022 of 243
the Revised Code, and shall include a schedule detailing the 244
approximate dates for beginning and completing the actions, ~~and~~ 245
~~include~~ a five-year forecast reflecting the effects of the 246
actions. The financial recovery plan also shall evaluate the 247
feasibility of entering into shared services agreements with other 248
political subdivisions for the joint exercise of any power, 249
performance of any function, or rendering of any service, if so 250
authorized by statute. The financial recovery plan is subject to 251
review and approval by the auditor of state. The auditor of state 252
may extend the amount of time by which a financial recovery plan 253
is required to be filed, for good cause shown. 254

(C) If a feasible financial recovery plan for a municipal 255
corporation, county, or township for which a fiscal watch was 256
declared is not submitted within the time period prescribed by 257
division (B) of this section, or within any extension of time 258
thereof, the auditor of state shall declare that a fiscal 259
emergency condition exists under section 118.04 of the Revised 260
Code in the municipal corporation, county, or township. 261

Sec. 118.06. (A) Within one hundred twenty days after the 262
first meeting of the commission, the mayor of the municipal 263
corporation or the board of county commissioners or board of 264
township trustees shall submit to the commission a detailed 265
financial plan, as approved or amended and approved by ordinance 266
or resolution of the legislative authority, containing the 267
following: 268

(1) Actions to be taken by the municipal corporation, county, 269
or township to: 270

(a) Eliminate all fiscal emergency conditions determined to exist pursuant to section 118.04 of the Revised Code;	271 272
(b) Satisfy any judgments, past due accounts payable, and all past due and payable payroll and fringe benefits;	273 274
(c) Eliminate the deficits in all deficit funds;	275
(d) Restore to construction funds and other special funds moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such construction funds by the purchase of debt obligations of the municipal corporation, county, or township with the moneys of such funds, or missing from the construction funds or such special funds and not accounted for;	276 277 278 279 280 281 282
(e) Balance the budgets, avoid future deficits in any funds, and maintain current payments of payroll, fringe benefits, and all accounts;	283 284 285
(f) Avoid any fiscal emergency condition in the future;	286
(g) Restore the ability of the municipal corporation, county, or township to market long-term general obligation bonds under provisions of law applicable to municipal corporations, counties, or townships generally.	287 288 289 290
(2) The legal authorities permitting the municipal corporation, county, or township to take the actions enumerated pursuant to division (A)(1) of this section;	291 292 293
(3) The approximate dates of the commencement, progress upon, and completion of the actions enumerated pursuant to division (A)(1) of this section, a five-year forecast reflecting the effects of those actions, and a reasonable period of time expected to be required to implement the plan. The municipal corporation, county, or township, in consultation with the commission and the financial supervisor, shall prepare a reasonable time schedule for	294 295 296 297 298 299 300

progress toward and achievement of the requirements for the 301
financial plan and the financial plan shall be consistent with 302
that time schedule. 303

(4) The amount and purpose of any issue of debt obligations 304
that will be issued, together with assurances that any such debt 305
obligations that will be issued will not exceed debt limits 306
supported by appropriate certifications by the fiscal officer of 307
the municipal corporation, county, or township and the county 308
auditor; 309

(5) Assurances that the municipal corporation, county, or 310
township will establish monthly levels of expenditures and 311
encumbrances pursuant to division (B)(2) of section 118.07 of the 312
Revised Code; 313

(6) Assurances that the municipal corporation, county, or 314
township will conform to statutes with respect to tax budgets and 315
appropriation measures; 316

(7) The detail, the form, and the supporting information that 317
the commission may direct; 318

(8) An evaluation of the feasibility of entering into shared 319
services agreements with other political subdivisions for the 320
joint exercise of any power, performance of any function, or 321
rendering of any service, if so authorized by statute. 322

(B) The financial plan developed pursuant to division (A) of 323
this section shall be filed with the financial supervisor and the 324
financial planning and supervision commission and shall be updated 325
annually. After consultation with the financial supervisor, the 326
commission shall either approve or reject any initial or 327
subsequent financial plan. If the commission rejects the initial 328
or any subsequent financial plan, it shall forthwith inform the 329
mayor and legislative authority of the municipal corporation or 330
the board of county commissioners or board of township trustees of 331

the reasons for its rejection. Within thirty days after the 332
rejection of any plan, the mayor with the approval of the 333
legislative authority by the passage of an ordinance or 334
resolution, or the board of county commissioners or board of 335
township trustees, shall submit another plan meeting the 336
requirements of divisions (A)(1) to (7) of this section, to the 337
commission and the financial supervisor for approval or rejection 338
by the commission. 339

(C) Any initial or subsequent financial plan passed by the 340
municipal corporation, county, or township shall be approved by 341
the commission if it complies with divisions (A)(1) to (7) of this 342
section, and if the commission finds that the plan is bona fide 343
and can reasonably be expected to be implemented within the period 344
specified in the plan. 345

(D) Any financial plan may be amended subsequent to its 346
adoption in the same manner as the passage and approval of the 347
initial or subsequent plan pursuant to divisions (A) to (C) of 348
this section. 349

(E) If a municipal corporation, county, or township fails to 350
submit a financial plan as required by this section, or fails to 351
substantially comply with an approved financial plan, upon 352
certification of the commission, all state funding for that 353
municipal corporation, county, or township other than benefit 354
assistance to individuals shall be escrowed until a feasible plan 355
is submitted and approved or substantial compliance with the plan 356
is achieved, as the case may be. 357

Sec. 120.08. There is hereby created in the state treasury 358
the indigent defense support fund, consisting of money paid into 359
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 360
4511.19 of the Revised Code and pursuant to sections 2937.22, 361
2949.091, and 2949.094 of the Revised Code out of the additional 362

court costs imposed under those sections. The state public 363
defender shall use at least ~~ninety~~ eighty-eight per cent of the 364
money in the fund for the ~~purpose~~ purposes of reimbursing county 365
governments for expenses incurred pursuant to sections 120.18, 366
120.28, and 120.33 of the Revised Code and operating its system 367
pursuant to division (C)(7) of section 120.04 of the Revised Code 368
and division (B) of section 120.33 of the Revised Code. 369

Disbursements from the fund to county governments shall be made at 370
least once per year and shall be allocated proportionately so that 371
each county receives an equal percentage of its total cost for 372
operating its county public defender system, its joint county 373
public defender system, its county appointed counsel system, or 374
its system operated under division (C)(7) of section 120.04 of the 375
Revised Code and division (B) of section 120.33 of the Revised 376
Code. The state public defender may use not more than ~~ten~~ twelve 377
per cent of the money in the fund for the purposes of appointing 378
assistant state public defenders ~~or for~~, providing other 379
personnel, equipment, and facilities necessary for the operation 380
of the state public defender office, and providing training, 381
developing and implementing electronic forms, or establishing and 382
maintaining an information technology system used for the uniform 383
operation of this chapter. 384

Sec. 120.53. (A) A legal aid society that operates within the 385
state may apply to the Ohio legal assistance foundation for 386
financial assistance from the legal aid fund established by 387
section 120.52 of the Revised Code to be used for the funding of 388
the society during the calendar year following the calendar year 389
in which application is made. 390

(B) An application for financial assistance made under 391
division (A) of this section shall be submitted by the first day 392
of November of the calendar year preceding the calendar year for 393

which financial assistance is desired and shall include all of the	394
following:	395
(1) Evidence that the applicant is incorporated in this state	396
as a nonprofit corporation;	397
(2) A list of the trustees of the applicant;	398
(3) The proposed budget of the applicant for these funds for	399
the following calendar year;	400
(4) A summary of the services to be offered by the applicant	401
in the following calendar year;	402
(5) A specific description of the territory or constituency	403
served by the applicant;	404
(6) An estimate of the number of persons to be served by the	405
applicant during the following calendar year;	406
(7) A general description of the additional sources of the	407
applicant's funding;	408
(8) The amount of the applicant's total budget for the	409
calendar year in which the application is filed that it will	410
expend in that calendar year for legal services in each of the	411
counties it serves;	412
(9) A specific description of any services, programs,	413
training, and legal technical assistance to be delivered by the	414
applicant or by another person pursuant to a contract with the	415
applicant, including, but not limited to, by private attorneys or	416
through reduced fee plans, judicare panels, organized pro bono	417
programs, and mediation programs.	418
(C) The Ohio legal assistance foundation shall determine	419
whether each applicant that filed an application for financial	420
assistance under division (A) of this section in a calendar year	421
is eligible for financial assistance under this section. To be	422
eligible for such financial assistance, an applicant shall satisfy	423

the criteria for being a legal aid society and shall be in 424
compliance with the provisions of sections 120.51 to 120.55 of the 425
Revised Code and with the rules and requirements the foundation 426
establishes pursuant to section 120.52 of the Revised Code. The 427
Ohio legal assistance foundation then, on or before the fifteenth 428
day of December of the calendar year in which the application is 429
filed, shall notify each such applicant, in writing, whether it is 430
eligible for financial assistance under this section, and if it is 431
eligible, estimate the amount that will be available for that 432
applicant for each six-month distribution period, as determined 433
under division (D) of this section. 434

(D) The Ohio legal assistance foundation shall allocate 435
moneys contained in the legal aid fund monthly for distribution to 436
applicants that filed their applications in the previous calendar 437
year and are determined to be eligible applicants. 438

All moneys contained in the fund on the first day of each 439
month shall be allocated, after deduction of the costs of 440
administering sections 120.51 to 120.55 and sections 1901.26, 441
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 442
Code that are authorized by section 120.52 of the Revised Code, 443
according to this section and shall be distributed accordingly not 444
later than the last day of the month following the month the 445
moneys were received. In making the allocations under this 446
section, the moneys in the fund that were generated pursuant to 447
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 448
4705.10 of the Revised Code shall be apportioned as follows: 449

(1) After deduction of the amount authorized and used for 450
actual, reasonable administrative costs under section 120.52 of 451
the Revised Code: 452

(a) Five per cent of the moneys remaining in the fund shall 453
be reserved for use in the manner described in division (A) of 454
section 120.521 of the Revised Code or for distribution to legal 455

aid societies that provide assistance to special population groups 456
of their eligible clients, engage in special projects that have a 457
substantial impact on their local service area or on significant 458
segments of the state's poverty population, or provide legal 459
training or support to other legal aid societies in the state; 460

(b) After deduction of the amount described in division 461
(D)(1)(a) of this section, one and three-quarters per cent of the 462
moneys remaining in the fund shall be apportioned among entities 463
that received financial assistance from the legal aid fund prior 464
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 465
and after ~~the effective date of this amendment~~ July 1, 1993, no 466
longer qualify as a legal aid society that is eligible for 467
financial assistance under this section. 468

(c) After deduction of the amounts described in divisions 469
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 470
remaining in the fund shall be placed in the legal assistance 471
foundation fund for use in the manner described in division (A) of 472
section 120.521 of the Revised Code. 473

(2) After deduction of the actual, reasonable administrative 474
costs under section 120.52 of the Revised Code and after deduction 475
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 476
this section, the remaining moneys shall be apportioned among the 477
counties that are served by eligible legal aid societies that have 478
applied for financial assistance under this section so that each 479
such county is apportioned a portion of those moneys, based upon 480
the ratio of the number of indigents who reside in that county to 481
the total number of indigents who reside in all counties of this 482
state that are served by eligible legal aid societies that have 483
applied for financial assistance under this section. Subject to 484
division (E) of this section, the moneys apportioned to a county 485
under this division then shall be allocated to the eligible legal 486
aid society that serves the county and that has applied for 487

financial assistance under this section. For purposes of this 488
division, the source of data identifying the number of indigent 489
persons who reside in a county shall be ~~the most recent decennial~~ 490
~~census~~ selected by the Ohio legal assistance foundation from the 491
best available figures ~~from~~ maintained by the United States 492
~~department of commerce, division of~~ census bureau. 493

(E) If the Ohio legal assistance foundation, in attempting to 494
make an allocation of moneys under division (D)(2) of this 495
section, determines that a county that has been apportioned money 496
under that division is served by more than one eligible legal aid 497
society that has applied for financial assistance under this 498
section, the Ohio legal assistance foundation shall allocate the 499
moneys that have been apportioned to that county under division 500
(D)(2) of this section among all eligible legal aid societies that 501
serve that county and that have applied for financial assistance 502
under this section on a pro rata basis, so that each such eligible 503
society is allocated a portion based upon the amount of its total 504
budget expended in the prior calendar year for legal services in 505
that county as compared to the total amount expended in the prior 506
calendar year for legal services in that county by all eligible 507
legal aid societies that serve that county and that have applied 508
for financial assistance under this section. 509

(F) Moneys allocated to eligible applicants under this 510
section shall be paid monthly beginning the calendar year 511
following the calendar year in which the application is filed. 512

(G)(1) A legal aid society that receives financial assistance 513
in any calendar year under this section shall file an annual 514
report with the Ohio legal assistance foundation detailing the 515
number and types of cases handled, and the amount and types of 516
legal training, legal technical assistance, and other service 517
provided, by means of that financial assistance. No information 518
contained in the report shall identify or enable the 519

identification of any person served by the legal aid society or in 520
any way breach client confidentiality. 521

(2) The Ohio legal assistance foundation shall make an annual 522
report to the governor, the general assembly, and the supreme 523
court on the distribution and use of the legal aid fund. The 524
foundation also shall include in the annual report an audited 525
financial statement of all gifts, bequests, donations, 526
contributions, and other moneys the foundation receives. No 527
information contained in the report shall identify or enable the 528
identification of any person served by a legal aid society, or in 529
any way breach confidentiality. 530

(H) A legal aid society may enter into agreements for the 531
provision of services, programs, training, or legal technical 532
assistance for the legal aid society or to indigent persons. 533

Sec. 124.42. No person shall be eligible to receive an 534
original appointment as a firefighter in a fire department, 535
subject to the civil service laws of this state, unless the person 536
has reached the age of eighteen and has, not more than one hundred 537
twenty days prior to receiving such appointment, passed a physical 538
examination, given by a licensed physician, a ~~physician~~ physician 539
assistant, a clinical nurse specialist, a certified nurse 540
practitioner, or a certified nurse-midwife, certifying that the 541
applicant is free of cardiovascular and pulmonary diseases, and 542
showing that the person meets the physical requirements necessary 543
to perform the duties of a firefighter as established by the civil 544
service commission having jurisdiction over the appointment. The 545
appointing authority shall, prior to making any such appointment, 546
file with the Ohio police and fire pension fund a copy of the 547
report or findings of said licensed physician, physician 548
assistant, clinical nurse specialist, certified nurse 549
practitioner, or certified nurse-midwife. The professional fee for 550

such physical examination shall be paid by the civil service 551
commission. No person shall be eligible to receive an original 552
appointment on and after the person's ~~thirty-first~~ forty-first 553
birthday. 554

Notwithstanding this section, a municipal council may enact 555
an ordinance providing that a person between the age of eighteen 556
and ~~thirty-six~~ forty may receive an original appointment to the 557
fire department, or the board of trustees of a civil service 558
township may do so by resolution. Nothing in this section shall 559
prevent a municipal corporation or civil service township from 560
establishing a fire cadet program and employing persons as fire 561
cadets at age eighteen for the purpose of training persons to 562
become firefighters. The board of trustees of a civil service 563
township may establish by resolution such a cadet program. A 564
person participating in a municipal or township fire cadet program 565
shall not be permitted to carry or use any firearm in the 566
performance of the person's duties. 567

Sec. 125.183. (A)(1) There is hereby created the statewide 568
emergency services internet protocol network steering committee, 569
consisting of the following ten members: 570

(a) The state chief information officer or the officer's 571
designee; 572

(b) Two members of the house of representatives appointed by 573
the speaker, one from the majority party and one from the minority 574
party; 575

(c) Two members of the senate appointed by the president, one 576
from the majority party and one from the minority party; 577

(d) Five members appointed by the governor. 578

(2) In appointing the five members under division (A)(1)(d) 579
of this section, the governor shall appoint two representatives of 580

the county commissioners' association of Ohio or a successor 581
organization, two representatives of the Ohio municipal league or 582
a successor organization, and one representative of the Ohio 583
township association or a successor organization. For each of 584
these appointments, the governor shall consider a nominee proposed 585
by the association or successor organization. The governor may 586
reject any of the nominees and may request that a nominating 587
entity submit alternative nominees. 588

(3) Initial appointments shall be made not later than ten 589
days after the effective date of this section. 590

(B)(1) The state chief information officer or the officer's 591
designee shall serve as the chairperson of the committee and shall 592
be a nonvoting member. All other members shall be voting members. 593

(2) A member of the committee appointed from the membership 594
of the senate or the house of representatives shall serve during 595
the member's term as a member of the general assembly and until a 596
successor is appointed and qualified, notwithstanding adjournment 597
of the general assembly or the expiration of the member's term as 598
a member of the general assembly. 599

(3) The initial terms of one of the representatives of the 600
county commissioners' association of Ohio, one of the 601
representatives of the Ohio municipal league, and the 602
representative of the Ohio township association shall all expire 603
on December 31, 2016. The initial terms of the other 604
representatives of the county commissioners' association of Ohio 605
and the Ohio municipal league shall expire on December 31, 2014. 606
Thereafter, terms of the members appointed by the governor shall 607
be for four years, with each term ending on the same day of the 608
same month as the term it succeeds. Each member appointed by the 609
governor shall hold office from the date of the member's 610
appointment until the end of the term for which the member was 611
appointed, and may be reappointed. A member appointed by the 612

governor shall continue in office after the expiration date of the 613
member's term until the member's successor takes office or until a 614
period of sixty days has elapsed, whichever occurs first. Members 615
appointed by the governor shall serve without compensation and 616
shall not be reimbursed for expenses. 617

(4) A vacancy in the position of any member of the committee 618
shall be filled for the unexpired term in the same manner as the 619
original appointment. 620

(C) The committee shall generally advise the state on the 621
implementation, operation, and maintenance of a statewide 622
emergency services internet protocol network that would support 623
state and local government next-generation 9-1-1 and the dispatch 624
of emergency service providers. The committee shall do all of the 625
following: 626

(1) On or before November 15, 2012, deliver an initial report 627
to the speaker of the house of representatives, the president of 628
the senate, and the governor providing recommendations for the 629
state to address the development of a statewide emergency services 630
internet protocol network, including a review of the current 631
funding model for this state's 9-1-1 systems; 632

(2) Examine the readiness of the state's current technology 633
infrastructure for a statewide emergency services internet 634
protocol network; 635

(3) Research legislative authority with regard to governance 636
and funding of a statewide emergency services internet protocol 637
network, and provide recommendations on best practices to limit 638
duplicative efforts to ensure an effective transition to 639
next-generation 9-1-1; 640

(4) Make recommendations for consolidation of 641
public-safety-answering-point operations in this state, to 642
accommodate next-generation 9-1-1 technology and to facilitate a 643

more efficient and effective emergency services system; 644

(5) Recommend policies, procedures, and statutory or 645
regulatory authority to effectively govern a statewide emergency 646
services internet protocol network; 647

(6) Designate a next-generation 9-1-1 statewide coordinator 648
to serve as the primary point of contact for federal initiatives; 649

(7) Coordinate with statewide initiatives and associations 650
such as the state interoperable executive committee, the Ohio 651
geographically referenced information program council, the Ohio 652
multi-agency radio communications system steering committee, and 653
other interested parties. 654

(D) The committee shall hold its inaugural meeting not later 655
than thirty days after the effective date of this section. 656
Thereafter, the committee shall meet at least once a month, either 657
in person or utilizing telecommunication-conferencing technology. 658
A majority of the voting members shall constitute a quorum. 659

(E)(1) The committee shall have a permanent 660
technical-standards subcommittee and a permanent 661
public-safety-answering-point-operations subcommittee, and may, 662
from time to time, establish additional subcommittees, to advise 663
and assist the committee based upon the subcommittees' areas of 664
expertise. 665

(2) The membership of subcommittees shall be determined by 666
the committee. 667

(a) The technical-standards subcommittee shall include one 668
member representing a wireline or wireless service provider that 669
participates in the state's 9-1-1 system, one representative of 670
the Ohio academic resources network, one representative of the 671
Ohio multi-agency radio communications system steering committee, 672
one representative of the Ohio geographically referenced 673
information program, and one member representing each of the 674

following associations selected by the committee from nominations 675
received from that association: 676

(i) The Ohio telephone association; 677

(ii) The Ohio chapter of the association of public-safety 678
communications officials; 679

(iii) The Ohio chapter of the national emergency number 680
association. 681

(b) The public-safety-answering-point-operations subcommittee 682
shall include one member representing the division of emergency 683
management of the department of public safety, one member 684
representing the state highway patrol, two members recommended by 685
the county commissioners' association of Ohio who are managers of 686
public safety answering points, two members recommended by the 687
Ohio municipal league who are managers of public safety answering 688
points, and one member from each of the following associations 689
selected by the committee from nominations received from that 690
association: 691

(i) The buckeye state sheriffs' association; 692

(ii) The Ohio association of chiefs of police; 693

(iii) The Ohio association of fire chiefs; 694

(iv) The Ohio chapter of the association of public-safety 695
communications officials; 696

(v) The Ohio chapter of the national emergency number 697
association. 698

(F) The committee is not an agency, as defined in section 699
101.82 of the Revised Code, for purposes of sections 101.82 to 700
101.87 of the Revised Code. 701

(G) As used in this section, "9-1-1 system," "wireless 702
service provider," "wireline service provider," "emergency service 703
provider," and "public safety answering point" have the same 704

meanings as in section 4931.40 of the Revised Code. 705

~~Sec. 305.171. The following applies until the department of 706
administrative services implements for counties the health care 707
plans under section 9.901 of the Revised Code. If those plans do 708
not include or address any benefits listed in division (A) of this 709
section, the following provisions continue in effect for those 710
benefits. 711~~

(A) The board of county commissioners of any county may 712
contract for, purchase, or otherwise procure and pay all or any 713
part of the cost of any of the following insurance, coverage, or 714
benefits issued by an insurance company or administered by a board 715
of county commissioners or a contractor, for county officers and 716
employees and their immediate dependents from the funds or budgets 717
from which the county officers or employees are compensated for 718
services: 719

(1) Group insurance policies that may provide any of the 720
following: 721

(a) Benefits including, but not limited to, hospitalization, 722
surgical care, major medical care, disability, dental care, eye 723
care, medical care, hearing aids, or prescription drugs; 724

(b) Sickness and accident insurance; 725

(c) Group legal services; 726

(d) Group life insurance. 727

(2) Any other qualified benefit available under section 125 728
of the "Internal Revenue Code of 1986," 26 U.S.C. 125; 729

(3) A health and wellness benefit program through which the 730
county provides a benefit or incentive to county officers, 731
employees, and their immediate dependents to maintain a healthy 732
lifestyle, including, but not limited to, programs to encourage 733
healthy eating and nutrition, exercise and physical activity, 734

weight control or the elimination of obesity, and cessation of 735
smoking or alcohol use. 736

(4) Any combination of any of the foregoing types of 737
insurance, coverage, or benefits. 738

(B) The board of county commissioners also may negotiate and 739
contract for any plan or plans of health care services with health 740
insuring corporations holding a certificate of authority under 741
Chapter 1751. of the Revised Code, provided that each county 742
officer or employee shall be permitted to do both of the 743
following: 744

(1) Exercise an option between a plan offered by an insurance 745
company and a plan or plans offered by health insuring 746
corporations under this division, on the condition that the county 747
officer or employee shall pay any amount by which the cost of the 748
plan chosen by the county officer or employee pursuant to this 749
division exceeds the cost of the plan offered under division (A) 750
of this section; 751

(2) Change from one of the plans to another at a time each 752
year as determined by the board. 753

(C) Section 307.86 of the Revised Code does not apply to the 754
purchase of benefits for county officers or employees under 755
divisions (A) and (B) of this section when those benefits are 756
provided through a jointly administered health and welfare trust 757
fund in which the county or contracting authority and a collective 758
bargaining representative of the county employees or contracting 759
authority agree to participate. 760

(D) The board of trustees of a jointly administered trust 761
fund that receives contributions pursuant to collective bargaining 762
agreements entered into between the board of county commissioners 763
of any county and a collective bargaining representative of the 764
employees of the county may provide for self-insurance of all risk 765

in the provision of fringe benefits, and may provide through the self-insurance method specific fringe benefits as authorized by the rules of the board of trustees of the jointly administered trust fund. The fringe benefits may include, but are not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination of any of the foregoing types of insurance or coverage, for county employees and their dependents.

(E) The board of county commissioners may provide the benefits described in divisions (A) to (D) of this section through an individual self-insurance program or a joint self-insurance program as provided in section 9.833 of the Revised Code.

(F) When a board of county commissioners offers benefits authorized under this section to a county officer or employee, the board may offer the benefits through a cafeteria plan meeting the requirements of section 125 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125, as amended, and, as part of that plan, may offer the county officer or employee the option of receiving a cash payment in any form permissible under such cafeteria plans. A cash payment made to a county officer or employee under this division shall not exceed twenty-five per cent of the cost of premiums or payments that otherwise would be paid by the board for benefits for the county officer or employee under a policy or plan.

(G) The board of county commissioners may establish a policy authorizing any county appointing authority to make a cash payment to any county officer or employee in lieu of providing a benefit authorized under this section if the county officer or employee elects to take the cash payment instead of the offered benefit. A cash payment made to a county officer or employee under this

division shall not exceed twenty-five per cent of the cost of 798
premiums or payments that otherwise would be paid by the board for 799
benefits for the county officer or employee under an offered 800
policy or plan. 801

(H) No cash payment in lieu of a health benefit shall be made 802
to a county officer or employee under division (F) or (G) of this 803
section unless the county officer or employee signs a statement 804
affirming that the county officer or employee is covered under 805
another health insurance or health care policy, contract, or plan, 806
and setting forth the name of the employer, if any, that sponsors 807
the coverage, the name of the carrier that provides the coverage, 808
and the identifying number of the policy, contract, or plan. 809

(I) The legislative authority of a county-operated municipal 810
court, after consultation with the judges, or the clerk and deputy 811
clerks, of the municipal court, shall negotiate and contract for, 812
purchase, or otherwise procure, and pay the costs, premiums, or 813
charges for, group health care coverage for the judges, and group 814
health care coverage for the clerk and deputy clerks, in 815
accordance with section 1901.111 or 1901.312 of the Revised Code. 816

(J) As used in this section: 817

(1) "County officer or employee" includes, but is not limited 818
to, a member or employee of the county board of elections. 819

(2) "County-operated municipal court" and "legislative 820
authority" have the same meanings as in section 1901.03 of the 821
Revised Code. 822

(3) "Health care coverage" has the same meaning as in section 823
1901.111 of the Revised Code. 824

Sec. 307.12. (A) Except as otherwise provided in divisions 825
(D), (E), and (G) of this section, when the board of county 826
commissioners finds, by resolution, that the county has personal 827

property, including motor vehicles acquired for the use of county 828
officers and departments, and road machinery, equipment, tools, or 829
supplies, that is not needed for public use, is obsolete, or is 830
unfit for the use for which it was acquired, and when the fair 831
market value of the property to be sold or donated under this 832
division is, in the opinion of the board, in excess of two 833
thousand five hundred dollars, the board may do either of the 834
following: 835

(1) Sell the property at public auction or by sealed bid to 836
the highest bidder. Notice of the time, place, and manner of the 837
sale shall be published in a newspaper of general circulation in 838
the county at least ten days prior to the sale, and a typewritten 839
or printed notice of the time, place, and manner of the sale shall 840
be posted at least ten days before the sale in the offices of the 841
county auditor and the board of county commissioners. 842

If a board conducts a sale of property by sealed bid, the 843
form of the bid shall be as prescribed by the board, and each bid 844
shall contain the name of the person submitting it. Bids received 845
shall be opened and tabulated at the time stated in the notice. 846
The property shall be sold to the highest bidder, except that the 847
board may reject all bids and hold another sale, by public auction 848
or sealed bid, in the manner prescribed by this section. 849

(2) Donate any motor vehicle that does not exceed four 850
thousand five hundred dollars in value to a nonprofit organization 851
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 852
and (c)(3) for the purpose of meeting the transportation needs of 853
participants in the Ohio works first program established under 854
Chapter 5107. of the Revised Code and participants in the 855
prevention, retention, and contingency program established under 856
Chapter 5108. of the Revised Code. 857

(B) When the board of county commissioners finds, by 858
resolution, that the county has personal property, including motor 859

vehicles acquired for the use of county officers and departments, 860
and road machinery, equipment, tools, or supplies, that is not 861
needed for public use, is obsolete, or is unfit for the use for 862
which it was acquired, and when the fair market value of the 863
property to be sold or donated under this division is, in the 864
opinion of the board, two thousand five hundred dollars or less, 865
the board may do either of the following: 866

(1) Sell the property by private sale, without advertisement 867
or public notification; 868

(2) Donate the property to an eligible nonprofit organization 869
that is located in this state and is exempt from federal income 870
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 871
any property under this division, the board shall adopt a 872
resolution expressing its intent to make unneeded, obsolete, or 873
unfit-for-use county personal property available to these 874
organizations. The resolution shall include guidelines and 875
procedures the board considers necessary to implement a donation 876
program under this division and shall indicate whether the county 877
will conduct the donation program or the board will contract with 878
a representative to conduct it. If a representative is known when 879
the resolution is adopted, the resolution shall provide contact 880
information such as the representative's name, address, and 881
telephone number. 882

The resolution shall include within its procedures a 883
requirement that any nonprofit organization desiring to obtain 884
donated property under this division shall submit a written notice 885
to the board or its representative. The written notice shall 886
include evidence that the organization is a nonprofit organization 887
that is located in this state and is exempt from federal income 888
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 889
the organization's primary purpose; a description of the type or 890
types of property the organization needs; and the name, address, 891

and telephone number of a person designated by the organization's 892
governing board to receive donated property and to serve as its 893
agent. 894

After adoption of the resolution, the board shall publish, in 895
a newspaper of general circulation in the county, notice of its 896
intent to donate unneeded, obsolete, or unfit-for-use county 897
personal property to eligible nonprofit organizations. The notice 898
shall include a summary of the information provided in the 899
resolution and shall be published twice or as provided in section 900
7.16 of the Revised Code. The second and any subsequent notice 901
shall be published not less than ten nor more than twenty days 902
after the previous notice. A similar notice also shall be posted 903
continually in a conspicuous place in the offices of the county 904
auditor and the board of county commissioners. If the county 905
maintains a web site on the internet, the notice shall be posted 906
continually at that web site. 907

The board or its representative shall maintain a list of all 908
nonprofit organizations that notify the board or its 909
representative of their desire to obtain donated property under 910
this division and that the board or its representative determines 911
to be eligible, in accordance with the requirements set forth in 912
this section and in the donation program's guidelines and 913
procedures, to receive donated property. 914

The board or its representatives also shall maintain a list 915
of all county personal property the board finds to be unneeded, 916
obsolete, or unfit for use and to be available for donation under 917
this division. The list shall be posted continually in a 918
conspicuous location in the offices of the county auditor and the 919
board of county commissioners, and, if the county maintains a web 920
site on the internet, the list shall be posted continually at that 921
web site. An item of property on the list shall be donated to the 922
eligible nonprofit organization that first declares to the board 923

or its representative its desire to obtain the item unless the 924
board previously has established, by resolution, a list of 925
eligible nonprofit organizations that shall be given priority with 926
respect to the item's donation. Priority may be given on the basis 927
that the purposes of a nonprofit organization have a direct 928
relationship to specific public purposes of programs provided or 929
administered by the board. A resolution giving priority to certain 930
nonprofit organizations with respect to the donation of an item of 931
property shall specify the reasons why the organizations are given 932
that priority. 933

(C) Members of the board of county commissioners shall 934
consult with the Ohio ethics commission, and comply with the 935
provisions of Chapters 102. and 2921. of the Revised Code, with 936
respect to any sale or donation under division (A) or (B) of this 937
section to a nonprofit organization of which a county 938
commissioner, any member of the county commissioner's family, or 939
any business associate of the county commissioner is a trustee, 940
officer, board member, or employee. 941

(D) Notwithstanding anything to the contrary in division (A), 942
(B), or (E) of this section and regardless of the property's 943
value, the board of county commissioners may sell or donate county 944
personal property, including motor vehicles, to the federal 945
government, the state, any political subdivision of the state, or 946
a county land reutilization corporation without advertisement or 947
public notification. 948

(E) Notwithstanding anything to the contrary in division (A), 949
(B), or (G) of this section and regardless of the property's 950
value, the board of county commissioners may sell personal 951
property, including motor vehicles acquired for the use of county 952
officers and departments, and road machinery, equipment, tools, or 953
supplies, that is not needed for public use, is obsolete, or is 954
unfit for the use for which it was acquired, by internet auction. 955

The board shall adopt, ~~during each calendar year~~, a resolution 956
expressing its intent to sell ~~that~~ property by internet auction. 957
The resolution shall include a description of how the internet 958
auctions will be conducted and shall specify the number of days 959
for bidding on the property, which shall be no less than ten days, 960
including Saturdays, Sundays, and legal holidays. The resolution 961
shall indicate whether the county will conduct the ~~auction~~ 962
internet auctions or the board will contract with a representative 963
to conduct the ~~auction~~ internet auctions and shall establish the 964
general terms and conditions of sale. If a representative is known 965
when the resolution is adopted, the resolution shall provide 966
contact information such as the representative's name, address, 967
and telephone number. 968

After adoption of the resolution, the board shall publish, in 969
a newspaper of general circulation in the county, notice of its 970
intent to sell unneeded, obsolete, or unfit-for-use county 971
personal property by internet auction. The notice shall include a 972
summary of the information provided in the resolution and shall be 973
published twice or as provided in section 7.16 of the Revised 974
Code. The second and any subsequent notice shall be published not 975
less than ten nor more than twenty days after the previous notice. 976
A similar notice also shall be posted continually ~~throughout the~~ 977
~~calendar year~~ in a conspicuous place in the offices of the county 978
auditor and the board of county commissioners. If the county 979
maintains a web site on the internet, the notice shall be posted 980
continually ~~throughout the calendar year~~ at that web site. 981

When property is to be sold by internet auction, the board or 982
its representative may establish a minimum price that will be 983
accepted for specific items and may establish any other terms and 984
conditions for ~~the~~ a particular sale, including requirements for 985
pick-up or delivery, method of payment, and sales tax. This type 986
of information shall be provided on the internet at the time of 987

the auction and may be provided before that time upon request 988
after the terms and conditions have been determined by the board 989
or its representative. 990

(F) When a county officer or department head determines that 991
county-owned personal property under the jurisdiction of the 992
officer or department head, including motor vehicles, road 993
machinery, equipment, tools, or supplies, is not of immediate 994
need, the county officer or department head may notify the board 995
of county commissioners, and the board may lease that personal 996
property to any municipal corporation, township, other political 997
subdivision of the state, or to a county land reutilization 998
corporation. The lease shall require the county to be reimbursed 999
under terms, conditions, and fees established by the board, or 1000
under contracts executed by the board. 1001

(G) If the board of county commissioners finds, by 1002
resolution, that the county has vehicles, equipment, or machinery 1003
that is not needed, or is unfit for public use, and the board 1004
desires to sell the vehicles, equipment, or machinery to the 1005
person or firm from which it proposes to purchase other vehicles, 1006
equipment, or machinery, the board may offer to sell the vehicles, 1007
equipment, or machinery to that person or firm, and to have the 1008
selling price credited to the person or firm against the purchase 1009
price of other vehicles, equipment, or machinery. 1010

(H) If the board of county commissioners advertises for bids 1011
for the sale of new vehicles, equipment, or machinery to the 1012
county, it may include in the same advertisement a notice of the 1013
willingness of the board to accept bids for the purchase of 1014
county-owned vehicles, equipment, or machinery that is obsolete or 1015
not needed for public use, and to have the amount of those bids 1016
subtracted from the selling price of the other vehicles, 1017
equipment, or machinery as a means of determining the lowest 1018
responsible bidder. 1019

(I) If a board of county commissioners determines that county 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.

(J) A county engineer, in the engineer's discretion, may dispose of scrap construction materials on such terms as the engineer determines reasonable, including disposal without recovery of costs, if the total value of the materials does not exceed twenty-five thousand dollars. The engineer shall maintain records of all dispositions made under this division, including identification of the origin of the materials, the final disposition, and copies of all receipts resulting from the dispositions.

As used in division (I) of this section, "scrap construction materials" means construction materials that result from a road or bridge improvement, remain after the improvement is completed, and are not reusable. Construction material that is metal and that results from a road or bridge improvement and remains after the improvement is completed is scrap construction material only if it cannot be used in any other road or bridge improvement or other project in its current state.

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of ~~twenty-five~~ fifty thousand dollars, except as otherwise provided in division (D) of section

713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 1051
307.041, 307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 1052
5119.16, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised 1053
Code, shall be obtained through competitive bidding. However, 1054
competitive bidding is not required when any of the following 1055
applies: 1056

(A) The board of county commissioners, by a unanimous vote of 1057
its members, makes a determination that a real and present 1058
emergency exists, and that determination and the reasons for it 1059
are entered in the minutes of the proceedings of the board, when 1060
either of the following applies: 1061

(1) The estimated cost is less than ~~fifty~~ one hundred 1062
thousand dollars. 1063

(2) There is actual physical disaster to structures, radio 1064
communications equipment, or computers. 1065

For purposes of this division, "unanimous vote" means all 1066
three members of a board of county commissioners when all three 1067
members are present, or two members of the board if only two 1068
members, constituting a quorum, are present. 1069

Whenever a contract of purchase, lease, or construction is 1070
exempted from competitive bidding under division (A)(1) of this 1071
section because the estimated cost is less than ~~fifty~~ one hundred 1072
thousand dollars, but the estimated cost is ~~twenty-five~~ fifty 1073
thousand dollars or more, the county or contracting authority 1074
shall solicit informal estimates from no fewer than three persons 1075
who could perform the contract, before awarding the contract. With 1076
regard to each such contract, the county or contracting authority 1077
shall maintain a record of such estimates, including the name of 1078
each person from whom an estimate is solicited. The county or 1079
contracting authority shall maintain the record for the longer of 1080
at least one year after the contract is awarded or the amount of 1081

time the federal government requires. 1082

(B)(1) The purchase consists of supplies or a replacement or 1083
supplemental part or parts for a product or equipment owned or 1084
leased by the county, and the only source of supply for the 1085
supplies, part, or parts is limited to a single supplier. 1086

(2) The purchase consists of services related to information 1087
technology, such as programming services, that are proprietary or 1088
limited to a single source. 1089

(C) The purchase is from the federal government, the state, 1090
another county or contracting authority of another county, or a 1091
board of education, educational service center, township, or 1092
municipal corporation. 1093

(D) The purchase is made by a county department of job and 1094
family services under section 329.04 of the Revised Code and 1095
consists of family services duties or workforce development 1096
activities or is made by a county board of developmental 1097
disabilities under section 5126.05 of the Revised Code and 1098
consists of program services, such as direct and ancillary client 1099
services, child care, case management services, residential 1100
services, and family resource services. 1101

(E) The purchase consists of criminal justice services, 1102
social services programs, family services, or workforce 1103
development activities by the board of county commissioners from 1104
nonprofit corporations or associations under programs funded by 1105
the federal government or by state grants. 1106

(F) The purchase consists of any form of an insurance policy 1107
or contract authorized to be issued under Title XXXIX of the 1108
Revised Code or any form of health care plan authorized to be 1109
issued under Chapter 1751. of the Revised Code, or any combination 1110
of such policies, contracts, plans, or services that the 1111
contracting authority is authorized to purchase, and the 1112

contracting authority does all of the following: 1113

(1) Determines that compliance with the requirements of this 1114
section would increase, rather than decrease, the cost of the 1115
purchase; 1116

(2) Requests issuers of the policies, contracts, plans, or 1117
services to submit proposals to the contracting authority, in a 1118
form prescribed by the contracting authority, setting forth the 1119
coverage and cost of the policies, contracts, plans, or services 1120
as the contracting authority desires to purchase; 1121

(3) Negotiates with the issuers for the purpose of purchasing 1122
the policies, contracts, plans, or services at the best and lowest 1123
price reasonably possible. 1124

(G) The purchase consists of computer hardware, software, or 1125
consulting services that are necessary to implement a computerized 1126
case management automation project administered by the Ohio 1127
prosecuting attorneys association and funded by a grant from the 1128
federal government. 1129

(H) Child care services are purchased for provision to county 1130
employees. 1131

(I)(1) Property, including land, buildings, and other real 1132
property, is leased for offices, storage, parking, or other 1133
purposes, and all of the following apply: 1134

(a) The contracting authority is authorized by the Revised 1135
Code to lease the property. 1136

(b) The contracting authority develops requests for proposals 1137
for leasing the property, specifying the criteria that will be 1138
considered prior to leasing the property, including the desired 1139
size and geographic location of the property. 1140

(c) The contracting authority receives responses from 1141
prospective lessors with property meeting the criteria specified 1142

in the requests for proposals by giving notice in a manner 1143
substantially similar to the procedures established for giving 1144
notice under section 307.87 of the Revised Code. 1145

(d) The contracting authority negotiates with the prospective 1146
lessors to obtain a lease at the best and lowest price reasonably 1147
possible considering the fair market value of the property and any 1148
relocation and operational costs that may be incurred during the 1149
period the lease is in effect. 1150

(2) The contracting authority may use the services of a real 1151
estate appraiser to obtain advice, consultations, or other 1152
recommendations regarding the lease of property under this 1153
division. 1154

(J) The purchase is made pursuant to section 5139.34 or 1155
sections 5139.41 to 5139.46 of the Revised Code and is of programs 1156
or services that provide case management, treatment, or prevention 1157
services to any felony or misdemeanor delinquent, unruly youth, 1158
or status offender under the supervision of the juvenile court, 1159
including, but not limited to, community residential care, day 1160
treatment, services to children in their home, or electronic 1161
monitoring. 1162

(K) The purchase is made by a public children services agency 1163
pursuant to section 307.92 or 5153.16 of the Revised Code and 1164
consists of family services, programs, or ancillary services that 1165
provide case management, prevention, or treatment services for 1166
children at risk of being or alleged to be abused, neglected, or 1167
dependent children. 1168

(L) The purchase is to obtain the services of emergency 1169
medical service organizations under a contract made by the board 1170
of county commissioners pursuant to section 307.05 of the Revised 1171
Code with a joint emergency medical services district. 1172

(M) The county contracting authority determines that the use 1173

of competitive sealed proposals would be advantageous to the 1174
county and the contracting authority complies with section 307.862 1175
of the Revised Code. 1176

Any issuer of policies, contracts, plans, or services listed 1177
in division (F) of this section and any prospective lessor under 1178
division (I) of this section may have the issuer's or prospective 1179
lessor's name and address, or the name and address of an agent, 1180
placed on a special notification list to be kept by the 1181
contracting authority, by sending the contracting authority that 1182
name and address. The contracting authority shall send notice to 1183
all persons listed on the special notification list. Notices shall 1184
state the deadline and place for submitting proposals. The 1185
contracting authority shall mail the notices at least six weeks 1186
prior to the deadline set by the contracting authority for 1187
submitting proposals. Every five years the contracting authority 1188
may review this list and remove any person from the list after 1189
mailing the person notification of that action. 1190

Any contracting authority that negotiates a contract under 1191
division (F) of this section shall request proposals and negotiate 1192
with issuers in accordance with that division at least every three 1193
years from the date of the signing of such a contract, unless the 1194
parties agree upon terms for extensions or renewals of the 1195
contract. Such extension or renewal periods shall not exceed six 1196
years from the date the initial contract is signed. 1197

Any real estate appraiser employed pursuant to division (I) 1198
of this section shall disclose any fees or compensation received 1199
from any source in connection with that employment. 1200

Sec. 307.861. The county or contracting authority, as defined 1201
in section 307.92 of the Revised Code, may renew a lease which has 1202
been entered into for electronic data processing equipment, 1203
services, or systems, or a radio communications system at a cost 1204

in excess of ~~ten~~ fifty thousand dollars as follows: 1205

(A) The lessor shall submit a written bid to the county or 1206
contracting authority ~~which~~ that is the lessee under the lease, 1207
stating the terms under which the lease would be renewed, 1208
including the length of the renewal lease, and the cost of the 1209
renewal lease to the county or contracting authority. The county 1210
or contracting authority may require the lessor to submit a bond 1211
with the bid. 1212

(B) The county or contracting authority shall advertise for 1213
and receive competitive bids, as provided in sections 307.87 to 1214
307.90 of the Revised Code, for a lease under the same terms and 1215
for the same period as provided in the bid of the lessor submitted 1216
under division (A) of this section. 1217

(C) The county or contracting authority may renew the lease 1218
with the lessor only if the bid submitted by the lessor under 1219
division (A) of this section is an amount less than the lowest and 1220
best bid submitted pursuant to competitive bidding under division 1221
(B) of this section. 1222

Sec. 307.87. Where competitive bidding is required by section 1223
307.86 of the Revised Code, notice thereof shall be given in the 1224
following manner: 1225

(A) Notice shall be published once a week for not less than 1226
two consecutive weeks preceding the day of the opening of bids in 1227
a newspaper of general circulation within the county for any 1228
purchase, lease, lease with option or agreement to purchase, or 1229
construction contract in excess of ~~twenty-five~~ fifty thousand 1230
dollars. The contracting authority may also cause notice to be 1231
inserted in trade papers or other publications designated by it or 1232
to be distributed by electronic means, including posting the 1233
notice on the contracting authority's internet site on the world 1234
wide web. If the contracting authority posts the notice on that 1235

location on the world wide web, it may eliminate the second notice 1236
otherwise required to be published in a newspaper of general 1237
circulation within the county, provided that the first notice 1238
published in such a newspaper meets all of the following 1239
requirements: 1240

(1) It is published at least two weeks before the opening of 1241
bids. 1242

(2) It includes a statement that the notice is posted on the 1243
contracting authority's internet site on the world wide web. 1244

(3) It includes the internet address of the contracting 1245
authority's internet site on the world wide web. 1246

(4) It includes instructions describing how the notice may be 1247
accessed on the contracting authority's internet site on the world 1248
wide web. 1249

(B) Notices shall state all of the following: 1250

(1) A general description of the subject of the proposed 1251
contract and the time and place where the plans and specifications 1252
or itemized list of supplies, facilities, or equipment and 1253
estimated quantities can be obtained or examined; 1254

(2) The time and place where bids will be opened; 1255

(3) The time and place for filing bids; 1256

(4) The terms of the proposed purchase; 1257

(5) Conditions under which bids will be received; 1258

(6) The existence of a system of preference, if any, for 1259
products mined and produced in Ohio and the United States adopted 1260
pursuant to section 307.90 of the Revised Code. 1261

(C) The contracting authority shall also maintain in a public 1262
place in its office or other suitable public place a bulletin 1263
board upon which it shall post and maintain a copy of such notice 1264

for at least two weeks preceding the day of the opening of the 1265
bids. 1266

Sec. 307.88. (A) Bids submitted pursuant to sections 307.86 1267
to 307.92 of the Revised Code shall be in a form prescribed by the 1268
contracting authority and filed in the manner and at the time and 1269
place mentioned in the notice. The bids received shall be opened 1270
and tabulated at the time stated in the notice. Each bid shall 1271
contain the full name of each person submitting the bid. If the 1272
bid is in excess of ~~twenty-five~~ fifty thousand dollars and for a 1273
contract for the construction, demolition, alteration, repair, or 1274
reconstruction of an improvement, it shall meet the requirements 1275
of section 153.54 of the Revised Code. If the bid is in excess of 1276
~~twenty-five~~ fifty thousand dollars and for any other contract 1277
authorized by sections 307.86 to 307.92 of the Revised Code, it 1278
~~shall~~ may be accompanied by a bond or certified check, cashier's 1279
check, or money order on a solvent bank or savings and loan 1280
association in a reasonable amount stated in the notice but not to 1281
exceed five per cent of the bid, conditioned that the bidder, if 1282
the bidder's bid is accepted, shall execute a contract in 1283
conformity to the invitation and the bid. 1284

(B) The board of county commissioners, by a unanimous vote of 1285
the entire board, may permit a contracting authority to exempt a 1286
bid from any or all of the requirements of section 153.54 of the 1287
Revised Code if the estimated cost is ~~twenty-five~~ one hundred 1288
thousand dollars or less. If the board exempts a bid from any but 1289
not all of those requirements, the bid notice published in the 1290
newspaper pursuant to section 307.87 of the Revised Code shall 1291
state the specific bid guaranty requirements that apply. If the 1292
board exempts a bid from all requirements of section 153.54 of the 1293
Revised Code, the notice shall state that none of the requirements 1294
of that section apply. 1295

Sec. 308.13. (A) The board of trustees of a regional airport 1296
authority or any officer or employee designated by such board may 1297
make without competitive bidding any contract for ~~the~~ any purchase 1298
~~of supplies or material or for labor, lease, lease with option or~~ 1299
agreement to purchase any property, or any construction contract 1300
for any work, ~~under the supervision of the board,~~ the cost of 1301
which shall not exceed ~~fifteen~~ fifty thousand dollars. ~~Except~~ 1302
~~where the contract is for equipment, materials, or supplies~~ 1303
~~available from a qualified nonprofit agency pursuant to sections~~ 1304
~~4115.31 to 4115.35 of the Revised Code, when an expenditure, other~~ 1305
~~than for the acquisition of real estate, the discharge of~~ 1306
~~noncontractual claims, personal services, or for the product or~~ 1307
~~services of public utilities, exceeds fifteen~~ Any purchase, lease, 1308
lease with option or agreement to purchase, or construction 1309
contract in excess of fifty thousand dollars, ~~such expenditure~~ 1310
~~shall be made only after~~ require that a notice calling for bids 1311
~~has been~~ be published once a week for ~~three~~ not less than two 1312
consecutive weeks preceding the day of the opening of the bids in 1313
a newspaper of general circulation within the territorial 1314
boundaries of the regional airport authority, ~~or as provided in~~ 1315
~~section 7.16 of the Revised Code. If~~ The regional airport 1316
authority also may cause notice to be inserted in trade papers or 1317
other publications designated by it or to be distributed by 1318
electronic means, including posting the notice on the internet 1319
site on the world wide web of the regional airport authority. If 1320
the contracting authority posts the notice on that internet web 1321
site, the requirement that a second notice be published in a 1322
newspaper of general circulation within the territorial boundaries 1323
of the regional airport authority does not apply provided the 1324
first notice published in that newspaper meets all of the 1325
following requirements: 1326

(1) It is published at least two weeks prior to the day of 1327

the opening of the bids. 1328

(2) It includes a statement that the notice is posted on the internet site on the world wide web of the regional airport authority. 1329
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(3) It includes the internet address of the internet site on the world wide web of the regional airport authority. 1332
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(4) It includes instructions describing how the notice may be accessed on the internet site on the world wide web of the regional airport authority. 1334
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If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract authorized by this section, it shall be accompanied by a good and approved bond with ample security conditioned on the carrying out of the contract as determined by the board. The board may let the contract to the lowest and best bidder. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, as approved by the board. The plans and specifications ~~shall~~ at all times shall be made and considered part of the contract. ~~Said~~ The contract shall be approved by the board and signed by its chief executive officer and by the contractor, and shall be executed in duplicate. 1337
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~~(B) Whenever a board of trustees of a regional airport authority or any officer or employee designated by the board makes a contract for the purchase of supplies or material or for labor for any work, the cost of which is greater than one thousand dollars but no more than fifteen thousand dollars, the board or designated officer or employee shall solicit informal estimates from no fewer than three potential suppliers before awarding the contract. With regard to each such contract, the board shall~~ 1351
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~~maintain a record of such estimates, including the name of each~~ 1359
~~person from whom an estimate is solicited, for no less than one~~ 1360
~~year after the contract is awarded~~ The competitive bidding 1361
procedures described in division (A) of this section do not apply 1362
in any of the following circumstances: 1363

(1) The board of trustees of a regional airport authority, by 1364
a majority vote of its members present at any meeting, determines 1365
that a real and present emergency exists under any of the 1366
following conditions, and the board enters its determination and 1367
the reasons for it in its proceedings: 1368

(a) Affecting safety, welfare, or the ability to deliver 1369
services; 1370

(b) Arising out of an interruption of contracts essential to 1371
the provision of daily air services and other services related to 1372
the airport; 1373

(c) Involving actual physical damage to structures, supplies, 1374
equipment, or property requiring immediate repair or replacement. 1375

(2) The purchase consists of goods or services, or any 1376
combination thereof, and after reasonable inquiry the board or any 1377
officer or designee of the board finds that only one source of 1378
supply is reasonably available. 1379

(3) The expenditure is for a renewal or renegotiation of a 1380
lease or license for telecommunications or informational 1381
technology equipment, services, or systems, or for the upgrade of 1382
such equipment, services, or systems, or for the maintenance 1383
thereof as supplied by the original source or its successors or 1384
assigns. 1385

(4) The purchase of goods or services is made from another 1386
political subdivision, public agency, public transit system, 1387
regional transit authority, the state, or the federal government, 1388
or as a third-party beneficiary under a state or federal 1389

procurement contract, or as a participant in a department of 1390
administrative services contract under division (B) of section 1391
125.04 of the Revised Code or under an approved purchasing plan of 1392
this state. 1393

(5) The purchase substantially involves services of a 1394
personal, professional, highly technical, or scientific nature, 1395
including the services of an attorney, physician, engineer, 1396
architect, surveyor, appraiser, investigator, adjuster, 1397
advertising consultant, or licensed broker, or involves the 1398
special skills or proprietary knowledge required for the operation 1399
of the airport owned by the regional transit authority. 1400

(6) Services or supplies are available from a qualified 1401
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 1402
Revised Code. 1403

(7) The purchase consists of the product or services of a 1404
public utility. 1405

Sec. 319.09. The county auditor, if authorized by a 1406
resolution of the board of county commissioners, may serve as the 1407
fiscal officer of any department, office, or agency of the county, 1408
except that the county auditor may not serve as the fiscal officer 1409
for the office of any county elected officer or any agency 1410
governed by an appointed board or commission without the written 1411
agreement of that elected officer or agency. 1412

Sec. 319.59. (A)(1) Each county sealer of weights and 1413
measures shall appoint, by writing under ~~his~~ the county sealer's 1414
hand and seal, one or more inspectors, who shall compare weights 1415
and measures ~~wherever~~ wherever they are used or maintained for 1416
use within ~~his~~ the county sealer's county, or which are brought to 1417
the office of the county sealer for that purpose, with the copies 1418
of the standards in the possession of the county sealer. ~~Such~~ 1419

inspectors A county sealer may share the services of an inspector 1420
or inspectors appointed under this division with another county 1421
sealer, provided that the inspector remains a part-time employee 1422
of each county by whom the inspector is employed. If the inspector 1423
becomes a full-time employee of one county, the inspector's 1424
employment with the other county shall be terminated. 1425

(2) In lieu of appointing or sharing inspectors under 1426
division (A)(1) of this section, the county sealer may enter into 1427
a contract with a private person to employ the person to perform 1428
the same services that an inspector appointed under this section 1429
would perform. Each person employed under this division shall meet 1430
the training and continuing education requirements established for 1431
weights and measures inspector personnel by the director of 1432
agriculture under Chapter 1327. of the Revised Code and under 1433
rules promulgated thereunder. 1434

(B) Inspectors appointed under division (A)(1) of this 1435
section shall receive a salary fixed by the county sealer and 1436
private persons employed under division (A)(2) of this section 1437
shall receive the compensation specified in the contract, to be 1438
paid by the county, which shall be instead of all fees or charges 1439
otherwise allowed by law. Such inspectors and private persons 1440
shall also be employed by the county sealer to assist in the 1441
prosecution of all violations of law relating to weights and 1442
measures. 1443

Sec. 329.40. (A)(1) The boards of county commissioners of the 1444
counties of Hocking, Ross, and Vinton, by entering into a written 1445
agreement, may form a joint county department of job and family 1446
services to perform the duties, provide the services, and operate 1447
the programs required under this chapter. The formation of this 1448
joint county department of job and family services is a pilot 1449
project. The agreement shall be ratified by resolution of the 1450

board of county commissioners of each county that entered into the 1451
agreement. Each board of county commissioners that enters into the 1452
agreement shall give notice of the agreement to the Ohio 1453
department of job and family services at least ninety days before 1454
the agreement's effective date. The agreement shall take effect 1455
not earlier than the first day of the calendar quarter following 1456
the ninety-day notice period. The director of job and family 1457
services shall adopt, as an internal management rule under section 1458
111.15 of the Revised Code, the form in which the notice shall be 1459
given. 1460

(2) The boards of county commissioners of the counties 1461
forming the joint county department shall constitute, 1462
collectively, the board of directors of the joint county 1463
department of job and family services. On the effective date of 1464
the agreement, the board of directors shall take control of and 1465
manage the joint county department subject to this chapter and all 1466
other sections of the Revised Code that govern the authority and 1467
responsibilities of a single board of county commissioners in the 1468
operation of a single county department of job and family 1469
services. 1470

(B)(1) The agreement to establish the joint county department 1471
shall specify all of the following: 1472

(a) The obligations of each board of county commissioners in 1473
operating the joint county department, including requiring each 1474
board to provide state, federal, and county funds to the operation 1475
of the joint county department and the schedule for provision of 1476
those funds; 1477

(b) How and which facilities, equipment, and personnel will 1478
be shared; 1479

(c) Procedures for the division of resources and obligations 1480
should a county or counties withdraw from the joint county 1481

department, or should the department cease to exist;	1482
(d) Any contributions of participating counties establishing the joint county department and the rights of those counties in lands or personal property, or rights or interests therein, contributed to or otherwise acquired by the joint county department.	1483 1484 1485 1486 1487
(2) The agreement to establish the joint county department may set forth any or all of the following:	1488 1489
(a) Quality, timeliness, and other standards to be met by each county;	1490 1491
(b) Which family service programs and functions are to be included in the joint county department;	1492 1493
(c) Procedures for the operation of the board of directors, including procedures governing the frequency of meetings and the number of members of the board required to constitute a quorum to take action;	1494 1495 1496 1497
(d) Any other procedures or standards necessary for the joint county department to perform its duties and operate efficiently.	1498 1499
(C) The agreement may be amended by a majority vote of the board of directors of the joint county department, but no amendment shall divest a participating county of any right or interest in lands or personal property without its consent.	1500 1501 1502 1503
(D) Costs incurred in operating the joint county department shall be paid from a joint general fund created by the board of directors, except as may be otherwise provided in the agreement.	1504 1505 1506
<u>(E) A joint county department established under this section is a public office as defined in section 117.01 of the Revised Code.</u>	1507 1508 1509
<u>Sec. 505.012. A member of a board of township trustees may be</u>	1510

elected or appointed to serve on the governing body of any 1511
district that is organized or created by the board of township 1512
trustees, including a district organized or created under section 1513
505.28, 505.37, 505.371, 505.375, 505.482, 505.71, 511.18, or 1514
6119.02 of the Revised Code. 1515

~~Sec. 505.60. The following applies until the department of~~ 1516
~~administrative services implements for townships the health care~~ 1517
~~plans under section 9.901 of the Revised Code. If those plans do~~ 1518
~~not include or address any benefits listed in division (A) of this~~ 1519
~~section, the following provisions continue in effect for those~~ 1520
~~benefits.~~ 1521

(A) As provided in this section and section 505.601 of the 1522
Revised Code, the board of township trustees of any township may 1523
procure and pay all or any part of the cost of insurance policies 1524
that may provide benefits for hospitalization, surgical care, 1525
major medical care, disability, dental care, eye care, medical 1526
care, hearing aids, prescription drugs, or sickness and accident 1527
insurance, or a combination of any of the foregoing types of 1528
insurance for township officers and employees. The board of 1529
township trustees of any township may negotiate and contract for 1530
the purchase of a policy of long-term care insurance for township 1531
officers and employees pursuant to section 124.841 of the Revised 1532
Code. 1533

If the board procures any insurance policies under this 1534
section, the board shall provide uniform coverage under these 1535
policies for township officers and full-time township employees 1536
and their immediate dependents, and may provide coverage under 1537
these policies for part-time township employees and their 1538
immediate dependents, from the funds or budgets from which the 1539
officers or employees are compensated for services, such policies 1540
to be issued by an insurance company duly authorized to do 1541

business in this state. 1542

(B) The board may also provide coverage for any or all of the 1543
benefits described in division (A) of this section by entering 1544
into a contract for group health care services with health 1545
insuring corporations holding certificates of authority under 1546
Chapter 1751. of the Revised Code for township officers and 1547
employees and their immediate dependents. If the board so 1548
contracts, it shall provide uniform coverage under any such 1549
contracts for township officers and full-time township employees 1550
and their immediate dependents, from the funds or budgets from 1551
which the officers or employees are compensated for services, and 1552
may provide coverage under such contracts for part-time township 1553
employees and their immediate dependents, from the funds or 1554
budgets from which the officers or employees are compensated for 1555
services, provided that each officer and employee so covered is 1556
permitted to: 1557

(1) Choose between a plan offered by an insurance company and 1558
a plan offered by a health insuring corporation, and provided 1559
further that the officer or employee pays any amount by which the 1560
cost of the plan chosen exceeds the cost of the plan offered by 1561
the board under this section; 1562

(2) Change the choice made under this division at a time each 1563
year as determined in advance by the board. 1564

An addition of a class or change of definition of coverage to 1565
the plan offered under this division by the board may be made at 1566
any time that it is determined by the board to be in the best 1567
interest of the township. If the total cost to the township of the 1568
revised plan for any trustee's coverage does not exceed that cost 1569
under the plan in effect during the prior policy year, the 1570
revision of the plan does not cause an increase in that trustee's 1571
compensation. 1572

(C) Any township officer or employee may refuse to accept any coverage authorized by this section without affecting the availability of such coverage to other township officers and employees.

(D) If any township officer or employee is denied coverage under a health care plan procured under this section or if any township officer or employee elects not to participate in the township's health care plan, the township may reimburse the officer or employee for each out-of-pocket premium attributable to the coverage provided for the officer or employee for insurance benefits described in division (A) of this section that the officer or employee otherwise obtains, but not to exceed an amount equal to the average premium paid by the township for its officers and employees under any health care plan it procures under this section.

(E) The board may provide the benefits authorized under this section, without competitive bidding, by contributing to a health and welfare trust fund administered through or in conjunction with a collective bargaining representative of the township employees.

The board may also provide the benefits described in this section through an individual self-insurance program or a joint self-insurance program as provided in section 9.833 of the Revised Code.

(F) If a board of township trustees fails to pay one or more premiums for a policy, contract, or plan of insurance or health care services authorized under this section and the failure causes a lapse, cancellation, or other termination of coverage under the policy, contract, or plan, it may reimburse a township officer or employee for, or pay on behalf of the officer or employee, any expenses incurred that would have been covered under the policy, contract, or plan.

(G) As used in this section and section 505.601 of the Revised Code: 1604
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(1) "Part-time township employee" means a township employee who is hired with the expectation that the employee will work not more than one thousand five hundred hours in any year. 1606
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(2) "Premium" does not include any deductible or health care costs paid directly by a township officer or employee. 1609
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~~Sec. 505.601. The following applies until the department of administrative services implements for townships the health care plans under section 9.901 of the Revised Code.~~ 1611
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If a board of township trustees does not procure an insurance policy or group health care services as provided in section 505.60 of the Revised Code, the board of township trustees may reimburse any township officer or employee for each out-of-pocket premium attributable to the coverage provided for that officer or employee for insurance benefits described in division (A) of section 505.60 of the Revised Code that the officer or employee otherwise obtains, if all of the following conditions are met: 1614
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(A) The board of township trustees adopts a resolution that states that the township has chosen not to procure a health care plan under section 505.60 of the Revised Code and has chosen instead to reimburse its officers and employees for each out-of-pocket premium attributable to the coverage provided for them for insurance benefits described in division (A) of section 505.60 of the Revised Code that they otherwise obtain. 1622
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(B) That resolution provides for a uniform maximum monthly or yearly payment amount for each officer or employee to cover themselves and their immediate dependents, beyond which the township will not reimburse the officer or employee. 1629
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(C) That resolution states the specific benefits listed in 1633

division (A) of section 505.60 of the Revised Code for which the 1634
township will reimburse all officers and employees of the 1635
township. The township may not reimburse officers and employees 1636
for benefits other than those listed in division (A) of section 1637
505.60 of the Revised Code. 1638

~~Sec. 505.603. The following applies until the department of 1639
administrative services implements for townships the health care 1640
plans under section 9.901 of the Revised Code. If those plans do 1641
not include or address any benefits incorporated in this section, 1642
the following provisions continue in effect for those benefits. 1643~~

(A) In addition to or in lieu of providing benefits to 1644
township officers and employees under section 505.60, 505.601, or 1645
505.602 of the Revised Code, a board of township trustees may 1646
offer benefits to officers and employees through a cafeteria plan 1647
that meets the requirements of section 125 of the "Internal 1648
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125, as 1649
amended, after first adopting a policy authorizing an officer or 1650
employee to receive a cash payment in lieu of a benefit otherwise 1651
offered to township officers or employees under any of those 1652
sections, but only if the cash payment does not exceed twenty-five 1653
per cent of the cost of premiums or payments that otherwise would 1654
be paid by the board for benefits for the officer or employee 1655
under an offered policy, contract, or plan. No cash payment in 1656
lieu of a benefit shall be made pursuant to this section unless 1657
the officer or employee signs a statement affirming that the 1658
officer or employee is covered under another health insurance or 1659
health care policy, contract, or plan in the case of a health 1660
benefit, or a life insurance policy in the case of a life 1661
insurance benefit, and setting forth the name of the employer, if 1662
any, that sponsors the coverage, the name of the carrier that 1663
provides the coverage, and an identifying number of the applicable 1664
policy, contract, or plan. 1665

(B) In addition to providing the benefits to township officers and employees under section 505.60, 505.601, or 505.602 of the Revised Code, a board of township trustees may offer a health and wellness benefit program through which the township provides a benefit or incentive to township officers, employees, and their immediate dependents to maintain a healthy lifestyle, including, but not limited to, programs to encourage healthy eating and nutrition, exercise and physical activity, weight control or the elimination of obesity, and cessation of smoking or alcohol use.

(C) The township fiscal officer may deduct from a township employee's salary or wages the amount authorized to be paid by the employee for one or more qualified benefits available under section 125 of the "Internal Revenue Code of 1986," 26 U.S.C. 125, and under the sections listed in division (B) of this section, if the employee authorizes in writing that the township fiscal officer may deduct that amount from the employee's salary or wages, and the benefit is offered to the employee on a group basis and at least ten per cent of the township employees voluntarily elect to participate in the receipt of that benefit. The township fiscal officer may issue warrants for amounts deducted under this division to pay program administrators or other insurers for benefits authorized under this section or those sections listed in division (B) of this section.

Sec. 511.23. (A) When the vote under section 511.22 of the Revised Code is in favor of establishing one or more public parks, the board of park commissioners shall constitute a board, to be called the board of park commissioners of that township park district, and they shall be a body politic and corporate. Their office is not a township office within the meaning of section 703.22 of the Revised Code but is an office of the township park district. The members of the board shall serve without

compensation but shall be allowed their actual and necessary 1698
expenses incurred in the performance of their duties. 1699

(B) The board may locate, establish, improve, maintain, and 1700
operate a public park or parks in accordance with division (B) of 1701
section 511.18 of the Revised Code, with or without recreational 1702
facilities. Any township park district that contains only 1703
unincorporated territory and that operated a public park or parks 1704
outside the township immediately prior to July 18, 1990, may 1705
continue to improve, maintain, and operate these parks outside the 1706
township, but further acquisitions of land shall not affect the 1707
boundaries of the park district itself or the appointing authority 1708
for the board of park commissioners. 1709

The board may lease, accept a conveyance of, or purchase 1710
suitable lands for cash, by purchase by installment payments with 1711
or without a mortgage, by lease or lease-purchase agreements, or 1712
by lease with option to purchase, may acquire suitable lands 1713
through an exchange under section 511.241 of the Revised Code, or 1714
may appropriate suitable lands and materials for park district 1715
purposes. The board also may lease facilities from other political 1716
subdivisions or private sources. The board shall have careful 1717
surveys and plats made of the lands acquired for park district 1718
purposes and shall establish permanent monuments on the boundaries 1719
of the lands. Those plats, when executed according to sections 1720
711.01 to 711.38 of the Revised Code, shall be recorded in the 1721
office of the county recorder, and those records shall be 1722
admissible in evidence for the purpose of locating and 1723
ascertaining the true boundaries of the park or parks. 1724

(C) In furtherance of the use and enjoyment of the lands 1725
controlled by it, the board may accept donations of money or other 1726
property or act as trustees of land, money, or other property, and 1727
may use and administer the land, money, or other property as 1728
stipulated by the donor or as provided in the trust agreement. 1729

The board may receive and expend grants for park purposes 1730
from agencies and instrumentalities of the United States and this 1731
state and may enter into contracts or agreements with those 1732
agencies and instrumentalities to carry out the purposes for which 1733
the grants were furnished. 1734

(D) In exercising any powers conferred upon the board under 1735
divisions (B) and (C) of this section and for other types of 1736
assistance that the board finds necessary in carrying out its 1737
duties, the board may hire and contract for professional, 1738
technical, consulting, and other special services and may purchase 1739
goods and award contracts. The procuring of goods and awarding of 1740
contracts with a cost in excess of fifty thousand dollars shall be 1741
done in accordance with the procedures established for the board 1742
of county commissioners by sections 307.86 to 307.91 of the 1743
Revised Code. 1744

(E) The board may appoint an executive for the park or parks 1745
and may designate the executive or another person as the clerk of 1746
the board. It may appoint all other necessary officers and 1747
employees, fix their compensation, and prescribe their duties, or 1748
it may require the executive to appoint all other necessary 1749
officers and employees, and to fix their compensation and 1750
prescribe their duties, in accordance with guidelines and policies 1751
adopted by the board. 1752

(F) The board may adopt bylaws and rules that it considers 1753
advisable for the following purposes: 1754

(1) To prohibit selling, giving away, or using any 1755
intoxicating liquors in the park or parks; 1756

(2) For the government and control of the park or parks and 1757
the operation of motor vehicles in the park or parks; 1758

(3) To provide for the protection and preservation of all 1759
property and natural life within its jurisdiction. 1760

Before the bylaws and rules take effect, the board shall 1761
provide for a notice of their adoption to be published once a week 1762
for two consecutive weeks or as provided in section 7.16 of the 1763
Revised Code, in a newspaper of general circulation in the county 1764
within which the park district is located. 1765

No person shall violate any of the bylaws or rules. Fines 1766
levied and collected for violations shall be paid into the 1767
treasury of the township park district. The board may use moneys 1768
collected from those fines for any purpose that is not 1769
inconsistent with sections 511.18 to 511.37 of the Revised Code. 1770

(G) The board may do either of the following: 1771

(1) Establish and charge fees for the use of any facilities 1772
and services of the park or parks regardless of whether the park 1773
or parks were acquired before, on, or after September 21, 2000; 1774

(2) Enter into a lease agreement with an individual or 1775
organization that provides for the exclusive use of a specified 1776
portion of the park or parks within the township park district by 1777
that individual or organization for the duration of an event 1778
produced by the individual or organization. The board, for the 1779
specific portion of the park or parks covered by the lease 1780
agreement, may charge a fee to, or permit the individual or 1781
organization to charge a fee to, participants in and spectators at 1782
the event covered by the agreement. 1783

(H) If the board finds that real or personal property owned 1784
by the township park district is not currently needed for park 1785
purposes, the board may lease that property to other persons or 1786
organizations during any period of time the board determines the 1787
property will not be needed. If the board finds that competitive 1788
bidding on a lease is not feasible, it may lease the property 1789
without taking bids. 1790

(I) The board may exchange property owned by the township 1791

park district for property owned by the state, another political 1792
subdivision, or the federal government on terms that it considers 1793
desirable, without the necessity of competitive bidding. 1794

(J) Any rights or duties established under this section may 1795
be modified, shared, or assigned by an agreement pursuant to 1796
section 755.16 of the Revised Code. 1797

Sec. 703.21. The surrender of corporate powers by a village 1798
under section 703.20 or 703.201 of the Revised Code does not 1799
affect vested rights or accrued liabilities of the village, or the 1800
power to settle claims, dispose of property, or levy and collect 1801
taxes to pay existing obligations. But, after the presentation of 1802
the petition mentioned in section 703.20 of the Revised Code or 1803
receipt of the audit report and notice mentioned in section 1804
703.201 of the Revised Code, the legislative authority of the 1805
village shall not create any new liability until the result of the 1806
election under section 703.20 of the Revised Code is declared or 1807
the decision of the court of common pleas under division (C) of 1808
section 703.201 of the Revised Code is declared, or thereafter, if 1809
the result, in either case, is for the surrender of the village's 1810
corporate powers. If the auditor of state notifies the village 1811
that the attorney general may file a legal action under section 1812
703.201 of the Revised Code, but the attorney general does not 1813
file such an action, the village shall not create any new 1814
liability for thirty days after receipt of the auditor of state's 1815
notice. 1816

Due and unpaid taxes may be collected after the surrender of 1817
corporate powers, and all moneys or property remaining after the 1818
surrender belongs to the township or townships located wholly or 1819
partly within the village. If more than one township is to receive 1820
the remaining money or property, the money and property shall be 1821
divided among the townships in proportion to the amount of 1822

territory that each township has within the village boundaries as 1823
compared to the total territory within the village. 1824

After the surrender of corporate powers, all resolutions of 1825
the township or townships into which the village's territory was 1826
dissolved shall apply throughout the township's newly included 1827
territory. 1828

Sec. 731.141. In those villages that have established the 1829
position of village administrator, as provided by section 735.271 1830
of the Revised Code, the village administrator shall make 1831
contracts, purchase supplies and materials, and provide labor for 1832
any work under the administrator's supervision involving not more 1833
than ~~twenty-five~~ fifty thousand dollars. When an expenditure, 1834
other than the compensation of persons employed by the village, 1835
exceeds ~~twenty-five~~ fifty thousand dollars, the expenditure shall 1836
first be authorized and directed by ordinance of the legislative 1837
authority of the village. When so authorized and directed, except 1838
where the contract is for equipment, services, materials, or 1839
supplies to be purchased under division (D) of section 713.23 or 1840
section 125.04 or 5513.01 of the Revised Code, available from a 1841
qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 1842
of the Revised Code, or required to be purchased from a qualified 1843
nonprofit agency under sections 125.60 to 125.6012 of the Revised 1844
Code, the village administrator shall make a written contract with 1845
the lowest and best bidder after advertisement for not less than 1846
two nor more than four consecutive weeks in a newspaper of general 1847
circulation within the village or as provided in section 7.16 of 1848
the Revised Code. The bids shall be opened and shall be publicly 1849
read by the village administrator or a person designated by the 1850
village administrator at the time, date, and place as specified in 1851
the advertisement to bidders or specifications. The time, date, 1852
and place of bid openings may be extended to a later date by the 1853
village administrator, provided that written or oral notice of the 1854

change shall be given to all persons who have received or 1855
requested specifications no later than ninety-six hours prior to 1856
the original time and date fixed for the opening. All contracts 1857
shall be executed in the name of the village and signed on its 1858
behalf by the village administrator and the clerk. 1859

The legislative authority of a village may provide, by 1860
ordinance, for central purchasing for all offices, departments, 1861
divisions, boards, and commissions of the village, under the 1862
direction of the village administrator, who shall make contracts, 1863
purchase supplies or materials, and provide labor for any work of 1864
the village in the manner provided by this section. 1865

Sec. 735.05. The director of public service may make any 1866
contract, purchase supplies or material, or provide labor for any 1867
work under the supervision of the department of public service 1868
involving not more than ~~twenty-five~~ fifty thousand dollars. When 1869
an expenditure within the department, other than the compensation 1870
of persons employed in the department, exceeds ~~twenty-five~~ fifty 1871
thousand dollars, the expenditure shall first be authorized and 1872
directed by ordinance of the city legislative authority. When so 1873
authorized and directed, except where the contract is for 1874
equipment, services, materials, or supplies to be purchased under 1875
division (D) of section 713.23 or section 125.04 or 5513.01 of the 1876
Revised Code or available from a qualified nonprofit agency 1877
pursuant to sections 4115.31 to 4115.35 of the Revised Code, the 1878
director shall make a written contract with the lowest and best 1879
bidder after advertisement for not less than two nor more than 1880
four consecutive weeks in a newspaper of general circulation 1881
within the city or as provided in section 7.16 of the Revised 1882
Code. 1883

Sec. 737.03. The director of public safety shall manage and 1884
make all contracts with reference to police stations, fire houses, 1885

reform schools, infirmaries, hospitals other than municipal 1886
hospitals operated pursuant to Chapter 749. of the Revised Code, 1887
workhouses, farms, pesthouses, and all other charitable and 1888
reformatory institutions. In the control and supervision of those 1889
institutions, the director shall be governed by the provisions of 1890
Title VII of the Revised Code relating to those institutions. 1891

The director may make all contracts and expenditures of money 1892
for acquiring lands for the erection or repairing of station 1893
houses, police stations, fire department buildings, fire cisterns, 1894
and plugs, that are required, for the purchase of engines, 1895
apparatus, and all other supplies necessary for the police and 1896
fire departments, and for other undertakings and departments under 1897
the director's supervision, but no obligation involving an 1898
expenditure of more than ~~twenty-five~~ fifty thousand dollars shall 1899
be created unless first authorized and directed by ordinance. In 1900
making, altering, or modifying those contracts, the director shall 1901
be governed by sections 735.05 to 735.09 of the Revised Code, 1902
except that all bids shall be filed with and opened by the 1903
director. The director shall make no sale or disposition of any 1904
property belonging to the city without first being authorized by 1905
resolution or ordinance of the city legislative authority. 1906

Sec. 749.26. The board of hospital trustees, before entering 1907
into any contract for the erection of a hospital building, or for 1908
the rebuilding or repair of a hospital building, the cost of which 1909
exceeds ~~ten~~ fifty thousand dollars, shall have plans, 1910
specifications, detailed drawings, and forms of bids prepared, and 1911
when adopted by the board it shall have them printed for 1912
distribution among the bidders. 1913

Sec. 749.28. The board of hospital trustees shall not enter 1914
into a contract for work or supplies where the estimated cost 1915
exceeds ~~ten~~ fifty thousand dollars, without first giving thirty 1916

days' notice in one newspaper of general circulation in the 1917
municipal corporation that sealed proposals will be received for 1918
doing the work or furnishing the materials and supplies. 1919

Sec. 749.31. Except where the contract is for equipment, 1920
services, materials, or supplies available from a qualified 1921
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 1922
Revised Code, the board of hospital trustees shall enter into a 1923
contract for work or supplies where the estimated cost exceeds ~~ten~~ 1924
fifty thousand dollars with the lowest and best bidder. Where the 1925
contract is for other than the construction, demolition, 1926
alteration, repair, or reconstruction of an improvement, the board 1927
shall enter into the contract when the bidder gives bond to the 1928
board, with such security as the board approves, that ~~he~~ the 1929
bidder will perform the work and furnish materials or supplies in 1930
accordance with the contract. On the failure of such bidder within 1931
a reasonable time, to be fixed by the board, to enter into bond 1932
with such security, a contract may be made with the next lowest 1933
and best bidder, and so on until a contract is effected by a 1934
contractor giving such bond. The board may reject any bid. 1935

Sec. 753.15. (A) Except as provided in division (B) of this 1936
section, in a city, a workhouse erected for the joint use of the 1937
city and the county in which such city is located shall be managed 1938
and controlled by a joint board composed of the board of county 1939
commissioners and the board of control of the city, and in a 1940
village by the board of county commissioners and the board of 1941
trustees of public affairs. Such joint board shall have all the 1942
powers and duties in the management, control, and maintenance of 1943
such workhouse as are conferred upon the director of public safety 1944
in cities, and in addition thereto it may construct sewers for 1945
such workhouse and pay therefor from funds raised by taxation for 1946
the maintenance of such institution. 1947

The joint board may lease or purchase suitable property and buildings for a workhouse, or real estate for the purpose of erecting and maintaining a workhouse thereon, but it shall not expend more than ~~ten~~ fifty thousand dollars for any such purpose unless such amount is approved by a majority of the voters of the county, exclusive of the municipal corporation, voting at a general election.

(B) In lieu of forming a joint board to manage and control a workhouse erected for the joint use of the city and the county in which the city is located, the board of county commissioners and the legislative authority of the city may enter into a contract for the private operation and management of the workhouse as provided in section 9.06 of the Revised Code, but only if the workhouse is used solely for misdemeanor inmates. In order to enter into a contract under section 9.06 of the Revised Code, both the board and the legislative authority shall approve and be parties to the contract.

Sec. 755.29. The board of park trustees, before entering into any contract for the performance of any work, the cost of which exceeds ~~twenty-five~~ fifty thousand dollars, shall cause plans and specifications and forms of bids to be prepared, and when adopted by the board, shall have them printed for distribution among bidders.

Sec. 755.30. The board of park trustees shall not enter into any contract for work or supplies, where the estimated cost thereof exceeds ~~ten~~ fifty thousand dollars, without first giving thirty days' notice in one newspaper of general circulation in the municipal corporation that sealed proposals may be received for doing the work or furnishing such materials and supplies.

Sec. 1545.07. The commissioners appointed in accordance with

section 1545.05 or pursuant to section 1545.041 of the Revised Code shall constitute the board of park commissioners of the park district. Such board shall be a body politic and corporate, and may sue and be sued as provided in sections 1545.01 to 1545.28 of the Revised Code. Such board may employ a secretary and such other employees as are necessary in the performance of the powers conferred in such sections. The board may appoint a treasurer to act as custodian of the board's funds and as fiscal officer for the park district. For the purposes of acquiring, planning, developing, protecting, maintaining, or improving lands and facilities thereon under section 1545.11 of the Revised Code, and for other types of assistance which it finds necessary in carrying out its duties under Chapter 1545. of the Revised Code, the board may hire and contract for professional, technical, consulting, and other special services, including, in accordance with division (D) of section 309.09 of the Revised Code, the legal services of the prosecuting attorney of the county in which the park district is located, and may purchase goods. In procuring any goods with a cost in excess of fifty thousand dollars, the board shall contract as a contracting authority under sections 307.86 to 307.91 of the Revised Code, to the same extent and with the same limitations as a board of county commissioners. In procuring services, the board shall contract in the manner and under procedures established by the bylaws of the board as required in section 1545.09 of the Revised Code.

Sec. 2907.27. (A)(1) If a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to any of those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim and not later than forty-eight hours after the date on which the

complaint, information, or indictment is filed against the 2010
accused, shall cause the accused to submit to one or more 2011
appropriate tests to determine if the accused is suffering from a 2012
venereal disease. 2013

(2) If the accused is found to be suffering from a venereal 2014
disease in an infectious stage, the accused shall be required to 2015
submit to medical treatment for that disease. The cost of the 2016
medical treatment shall be charged to and paid by the accused who 2017
undergoes the treatment. If the accused is indigent, the court 2018
shall order the accused to report to a facility operated by a city 2019
health district or a general health district for treatment. If the 2020
accused is convicted of or pleads guilty to the offense with which 2021
the accused is charged and is placed under a community control 2022
sanction, a condition of community control shall be that the 2023
offender submit to and faithfully follow a course of medical 2024
treatment for the venereal disease. If the offender does not seek 2025
the required medical treatment, the court may revoke the 2026
offender's community control and order the offender to undergo 2027
medical treatment during the period of the offender's 2028
incarceration and to pay the cost of that treatment. 2029

(B)(1)(a) If a person is charged with a violation of division 2030
(B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2031
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 2032
Code or with a violation of a municipal ordinance that is 2033
substantially equivalent to that division or any of those 2034
sections, the court, upon the request of the prosecutor in the 2035
case, upon the request of the victim, or upon the request of any 2036
other person whom the court reasonably believes had contact with 2037
the accused in circumstances related to the violation that could 2038
have resulted in the transmission to that person the human 2039
immunodeficiency virus, shall cause the accused to submit to one 2040
or more tests designated by the director of health under section 2041

3701.241 of the Revised Code to determine if the accused is 2042
infected with HIV. The court, upon the request of the prosecutor 2043
in the case, upon the request of the victim with the agreement of 2044
the prosecutor, or upon the request of any other person with the 2045
agreement of the prosecutor, may cause an accused who is charged 2046
with a violation of any other section of the Revised Code or with 2047
a violation of any other municipal ordinance to submit to one or 2048
more tests so designated by the director of health if the 2049
circumstances of the violation indicate probable cause to believe 2050
that the accused, if the accused is infected with HIV, might have 2051
transmitted HIV to any of the following persons in committing the 2052
violation: 2053

(i) In relation to a request made by the prosecuting 2054
attorney, to the victim or to any other person; 2055

(ii) In relation to a request made by the victim, to the 2056
victim making the request; 2057

(iii) In relation to a request made by any other person, to 2058
the person making the request. 2059

(b) The results of a test performed under division (B)(1)(a) 2060
of this section shall be communicated in confidence to the court, 2061
and the court shall inform the accused of the result. The court 2062
shall inform the victim that the test was performed and that the 2063
victim has a right to receive the results on request. If the test 2064
was performed upon the request of a person other than the 2065
prosecutor in the case and other than the victim, the court shall 2066
inform the person who made the request that the test was performed 2067
and that the person has a right to receive the results upon 2068
request. Additionally, regardless of who made the request that was 2069
the basis of the test being performed, if the court reasonably 2070
believes that, in circumstances related to the violation, a person 2071
other than the victim had contact with the accused that could have 2072
resulted in the transmission of HIV to that person, the court may 2073

inform that person that the test was performed and that the person 2074
has a right to receive the results of the test on request. If the 2075
accused tests positive for HIV, the test results shall be reported 2076
to the department of health in accordance with section 3701.24 of 2077
the Revised Code and to the sheriff, head of the state 2078
correctional institution, or other person in charge of any jail or 2079
prison in which the accused is incarcerated. If the accused tests 2080
positive for HIV and the accused was charged with, and was 2081
convicted of or pleaded guilty to, a violation of section 2907.24, 2082
2907.241, or 2907.25 of the Revised Code or a violation of a 2083
municipal ordinance that is substantially equivalent to any of 2084
those sections, the test results also shall be reported to the law 2085
enforcement agency that arrested the accused, and the law 2086
enforcement agency may use the test results as the basis for any 2087
future charge of a violation of division (B) of any of those 2088
sections or a violation of a municipal ordinance that is 2089
substantially equivalent to division (B) of any of those sections. 2090
No other disclosure of the test results or the fact that a test 2091
was performed shall be made, other than as evidence in a grand 2092
jury proceeding or as evidence in a judicial proceeding in 2093
accordance with the Rules of Evidence. If the test result is 2094
negative, and the charge has not been dismissed or if the accused 2095
has been convicted of the charge or a different offense arising 2096
out of the same circumstances as the offense charged, the court 2097
shall order that the test be repeated not earlier than three 2098
months nor later than six months after the original test. 2099

(2) If an accused who is free on bond refuses to submit to a 2100
test ordered by the court pursuant to division (B)(1) of this 2101
section, the court may order that the accused's bond be revoked 2102
and that the accused be incarcerated until the test is performed. 2103
If an accused who is incarcerated refuses to submit to a test 2104
ordered by the court pursuant to division (B)(1) of this section, 2105
the court shall order the person in charge of the jail or prison 2106

in which the accused is incarcerated to take any action necessary 2107
to facilitate the performance of the test, including the forcible 2108
restraint of the accused for the purpose of drawing blood to be 2109
used in the test. 2110

(3) A state agency, a political subdivision of the state, or 2111
an employee of a state agency or of a political subdivision of the 2112
state is immune from liability in a civil action to recover 2113
damages for injury, death, or loss to person or property allegedly 2114
caused by any act or omission in connection with the performance 2115
of the duties required under division (B)(2) of this section 2116
unless the acts or omissions are with malicious purpose, in bad 2117
faith, or in a wanton or reckless manner. 2118

(C) As used in this section: 2119

(1) "Community control sanction" has the same meaning as in 2120
section 2929.01 of the Revised Code. 2121

(2) "HIV" means the human immunodeficiency virus. 2122

Sec. 3316.04. (A) Within sixty days of the auditor's 2123
declaration under division (A) of section 3316.03 of the Revised 2124
Code, the board of education of the school district shall prepare 2125
and submit to the superintendent of public instruction a financial 2126
plan delineating the steps the board will take to eliminate the 2127
district's current operating deficit and avoid incurring operating 2128
deficits in ensuing years, including the implementation of 2129
spending reductions. The financial plan also shall evaluate the 2130
feasibility of entering into shared services agreements with other 2131
political subdivisions for the joint exercise of any power, 2132
performance of any function, or rendering of any service, if so 2133
authorized by statute. The superintendent of public instruction 2134
shall evaluate the initial financial plan, and either approve or 2135
disapprove it within thirty calendar days from the date of its 2136
submission. If the initial financial plan is disapproved, the 2137

state superintendent shall recommend modifications that will 2138
render the financial plan acceptable. No school district board 2139
shall implement a financial plan submitted to the superintendent 2140
of public instruction under this section unless the superintendent 2141
has approved the plan. 2142

(B) Upon request of the board of education of a school 2143
district declared to be in a state of fiscal watch, the auditor of 2144
state and superintendent of public instruction shall provide 2145
technical assistance to the board in resolving the fiscal problems 2146
that gave rise to the declaration, including assistance in 2147
drafting the board's financial plan. 2148

(C) A financial plan adopted under this section may be 2149
amended at any time with the approval of the superintendent. The 2150
board of education of the school district shall submit an updated 2151
financial plan to the superintendent, for the superintendent's 2152
approval, every year that the district is in a state of fiscal 2153
watch. The updated plan shall be submitted in a form acceptable to 2154
the superintendent. The superintendent shall approve or disapprove 2155
each updated plan no later than the anniversary of the date on 2156
which the first such plan was approved. 2157

(D) A school district that has restructured or refinanced a 2158
loan under section 3316.041 of the Revised Code shall be declared 2159
to be in a state of fiscal emergency if any of the following 2160
occurs: 2161

(1) An operating deficit is certified for the district under 2162
section 3313.483 of the Revised Code for any year prior to the 2163
repayment of the restructured or refinanced loan; 2164

(2) The superintendent determines, in consultation with the 2165
auditor of state, that the school district is not satisfactorily 2166
complying with the terms of the financial plan required by this 2167
section; 2168

(3) The board of education of the school district fails to submit an updated plan that is acceptable to the superintendent under division (C) of this section.

Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;

(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;

(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;

(f) Avoid any fiscal emergency condition in the future;

(g) Restore the ability of the school district to market 2199
long-term general obligation bonds under provisions of law 2200
applicable to school districts generally. 2201

(2) The management structure that will enable the school 2202
district to take the actions enumerated in division (A)(1) of this 2203
section. The plan shall specify the level of fiscal and management 2204
control that the commission will exercise within the school 2205
district during the period of fiscal emergency, and shall 2206
enumerate respectively, the powers and duties of the commission 2207
and the powers and duties of the school board during that period. 2208
The commission may elect to assume any of the powers and duties of 2209
the school board it considers necessary, including all powers 2210
related to personnel, curriculum, and legal issues in order to 2211
successfully implement the actions described in division (A)(1) of 2212
this section. 2213

(3) The target dates for the commencement, progress upon, and 2214
completion of the actions enumerated in division (A)(1) of this 2215
section and a reasonable period of time expected to be required to 2216
implement the plan. The commission shall prepare a reasonable time 2217
schedule for progress toward and achievement of the requirements 2218
for the plan, and the plan shall be consistent with that time 2219
schedule. 2220

(4) The amount and purpose of any issue of debt obligations 2221
that will be issued, together with assurances that any such debt 2222
obligations that will be issued will not exceed debt limits 2223
supported by appropriate certifications by the fiscal officer of 2224
the school district and the county auditor. Debt obligations 2225
issued pursuant to section 133.301 of the Revised Code shall 2226
include assurances that such debt shall be in an amount not to 2227
exceed the amount certified under division (B) of such section. If 2228
the commission considers it necessary in order to maintain or 2229
improve educational opportunities of pupils in the school 2230

district, the plan may include a proposal to restructure or 2231
refinance outstanding debt obligations incurred by the board under 2232
section 3313.483 of the Revised Code contingent upon the approval, 2233
during the period of the fiscal emergency, by district voters of a 2234
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 2235
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 2236
renewal or replacement levy, or a levy under section 5705.199 of 2237
the Revised Code, and that will provide new operating revenue. 2238
Notwithstanding any provision of Chapter 133. or sections 3313.483 2239
to 3313.4811 of the Revised Code, following the required approval 2240
of the district voters and with the approval of the commission, 2241
the school district may issue securities to evidence the 2242
restructuring or refinancing. Those securities may extend the 2243
original period for repayment, not to exceed ten years, and may 2244
alter the frequency and amount of repayments, interest or other 2245
financing charges, and other terms of agreements under which the 2246
debt originally was contracted, at the discretion of the 2247
commission, provided that any loans received pursuant to section 2248
3313.483 of the Revised Code shall be paid from funds the district 2249
would otherwise receive under Chapter 3317. of the Revised Code, 2250
as required under division (E)(3) of section 3313.483 of the 2251
Revised Code. The securities issued for the purpose of 2252
restructuring or refinancing the debt shall be repaid in equal 2253
payments and at equal intervals over the term of the debt and are 2254
not eligible to be included in any subsequent proposal for the 2255
purpose of restructuring or refinancing debt under this section. 2256

(5) An evaluation of the feasibility of entering into shared 2257
services agreements with other political subdivisions for the 2258
joint exercise of any power, performance of any function, or 2259
rendering of any service, if so authorized by statute. 2260

(B) Any financial recovery plan may be amended subsequent to 2261
its adoption. Each financial recovery plan shall be updated 2262

annually. 2263

(C) Each school district financial planning and supervision 2264
commission shall submit the financial recovery plan it adopts or 2265
updates under this section to the state superintendent of public 2266
instruction for approval immediately following its adoption or 2267
updating. The state superintendent shall evaluate the plan and 2268
either approve or disapprove it within thirty calendar days from 2269
the date of its submission. If the plan is disapproved, the state 2270
superintendent shall recommend modifications that will render it 2271
acceptable. No financial planning and supervision commission shall 2272
implement a financial recovery plan that is adopted or updated on 2273
or after April 10, 2001, unless the state superintendent has 2274
approved it. 2275

Sec. 3709.08. (A) A city constituting board of health of a 2276
city or general health district or the authority having the duties 2277
of a board of health under section 3709.05 of the Revised Code may 2278
enter into a contract for to provide some or all public health 2279
service with the chief executive services for a board of health of 2280
another city constituting a city or general health district or the 2281
authority having the duties of a board of health under section 2282
3709.05 of the Revised Code, if one of the following, as 2283
applicable, is the case: 2284

(1) If the contract is with a city constituting a city health 2285
district, the chief executive of that city, with the approval of a 2286
the majority of the members of the legislative authority of such 2287
that city or with approves the contract. 2288

(2) If the contract is with the board of health of a general 2289
health district, the chairman chairperson of the district advisory 2290
council of the general health district, with the approval of a 2291
majority of the members of the district advisory council, approves 2292
the contract. 2293

(3) If the contract is with an authority having the duties of 2294
a board of health under section 3709.05 of the Revised Code, the 2295
majority of the members of the authority's governing body approves 2296
the contract. Such proposal shall be made by the city seeking 2297
health service and shall be approved by a majority of the members 2298
of the legislative authority of such city. Such a 2299

(B) Each contract entered into under division (A) of this 2300
section shall do all of the following: 2301

~~(A)~~(1) State the amount of money or the proportion of 2302
expenses to be paid by the city board of health or authority 2303
having the duties of a board of health for such service services 2304
and how it is to be paid; 2305

~~(B) Provide for (2) Specify~~ the amount and character of 2306
health service services to be given to the city health district 2307
provided; 2308

~~(C)~~(3) State the date on which such service the provision of 2309
services shall begin; 2310

~~(D)~~(4) State the length of time such the contract shall will 2311
be in effect. 2312

~~No such (C) Except as provided in division (D) of this~~ 2313
section, no contract entered into under division (A) of this 2314
section shall be in effect until the department director of health 2315
determines that the health department or board of health of the 2316
city or general health district providing such service or 2317
authority having the duties of a board of health that is to 2318
provide the services is organized and equipped to provide adequate 2319
health service the services. After such contract has been approved 2320
by the department of health a determination is made, the board of 2321
health or health department of the city or general health district 2322
authority having the duties of a board of health providing such 2323
service the services shall have, within the city health district 2324

receiving ~~such service~~ the services, all the powers and shall 2325
perform all the duties required of the board of health ~~of a city~~ 2326
~~health district~~ or the authority having the duties of a board of 2327
health. 2328

(D) A contract entered into under division (A) of this 2329
section that is for not all but for only one or some public health 2330
services provided by a board of health or the authority having the 2331
duties of a board of health shall be effective immediately. The 2332
effectiveness of such a contract is not dependent on a 2333
determination made by the director of health that is described in 2334
division (C) of this section. 2335

Sec. 3709.28. The (A) If a general health district will 2336
receive any part of its revenue for a fiscal year from an 2337
appropriation apportioned among the townships and municipal 2338
corporations composing the district, the board of health of a 2339
general health the district shall, annually, on or before the 2340
first Monday of April, adopt an itemized appropriation measure- 2341
Such under this section for that fiscal year on or before the 2342
first day of April of the immediately preceding fiscal year. If a 2343
general health district will not receive any part of its revenue 2344
for a fiscal year from an appropriation apportioned among the 2345
townships and municipal corporations composing the district, the 2346
board of health of the district shall adopt an annual 2347
appropriation measure for that fiscal year under this section or 2348
sections 5705.38, 5705.39, and 5705.40 of the Revised Code. 2349

(B) An appropriation measure adopted under this section shall 2350
set forth the amounts for the current expenses of ~~such~~ the 2351
district for the ensuing fiscal year ~~beginning on the first day of~~ 2352
~~January next ensuing.~~ The appropriation measure, together with an 2353
estimate in itemized form, of the several sources of revenue 2354
available to the district, including the amount due from the state 2355

for the next fiscal year as provided in section 3709.32 of the Revised Code and the amount which the board anticipates will be collected in fees or from any tax levied for the benefit of the district under this chapter or Chapter 5705. of the Revised Code during the ~~next ensuing~~ fiscal year, shall be certified to the county auditor and by the county auditor submitted to the county budget commission, which may reduce ~~any item in such the~~ appropriation ~~measure but may not increase any item or the aggregate of all items~~ to be apportioned among the townships and municipal corporations composing the district in accordance with division (C) of this section.

(C) The aggregate appropriation, as fixed by the commission, less the amounts available to the general health district from ~~the several all~~ all sources of revenue, ~~including the estimated balance from the previous appropriation certified for the ensuing fiscal year, including any amounts in the district health fund that will be carried forward to the ensuing fiscal year as needed to fund ongoing operations in the ensuing fiscal year,~~ shall be apportioned, by the county auditor among the townships and municipal corporations composing the health district on the basis of taxable valuations in such townships and municipal corporations. The auditor, when making the auditor's semiannual apportionment of funds, shall retain at each semiannual apportionment one-half of the amount apportioned to each township and municipal corporation. Such moneys ~~and all other sources of revenue~~ shall be placed in a separate fund, to be known as the "district health fund." ~~When~~ Unless otherwise required by a provision of the Revised Code or a rule adopted pursuant thereto, all other sources of revenue of the district shall be placed in the district health fund, provided that the revenue is used and maintained in accordance with the purpose for which the revenue was received.

(D) When a general health district is composed of townships and municipal corporations in two or more counties, the county auditor making the original apportionment shall certify to the auditor of each county concerned the amount apportioned to each township and municipal corporation in such county. Each auditor shall withhold from the semiannual apportionment to each such township or municipal corporation the amount certified, and shall pay the amounts withheld to the custodian of the funds of the health district concerned, to be credited to the district health fund. In making the apportionment under this paragraph for each year from 2002 through 2016, the county auditor shall add to the taxable valuation of each township and municipal corporation the tax value loss determined for each township and municipal corporation under divisions (D) and (E) of section 5727.84 of the Revised Code multiplied by the percentage used for that year in determining replacement payments under division (A)(1) of section 5727.86 of the Revised Code. The tax commissioner shall certify to the county auditor the tax value loss for each township and municipal corporation for which the auditor must make an apportionment.

(E) Subject to the aggregate amount as has been apportioned among the townships and municipalities and as may become available from the several sources of revenue, the board of health may, by resolution, transfer funds from one item in their appropriation to another item, reduce or increase any item, create new items, and make additional appropriations or reduce the total appropriation. Any such action shall forthwith be certified by the secretary of the board of health to the auditor for submission to and approval by the budget commission.

(F) When any general health district has been united with or has contracted with a city health district located therein, the chief executive of the city shall, annually, on or before the

first day of June, certify to the county auditor the total amount 2420
due for the ensuing fiscal year from the municipal corporations 2421
and townships in the district as provided in the contract between 2422
such city and the district advisory council of the original 2423
general health district. After approval by the county budget 2424
commission, the county auditor shall thereupon apportion the 2425
amount certified to the townships and municipal corporations, and 2426
shall withhold the sums apportioned as provided in this section. 2427

Sec. 3709.34. (A) ~~The board of county commissioners or the~~ 2428
legislative authority of any city may furnish suitable quarters 2429
for any board of health or health department having jurisdiction 2430
over all or a major part of ~~such county or~~ that city. 2431

(B)(1) Subject to division (B)(6) of this section, a board of 2432
county commissioners shall provide office space and utilities 2433
through fiscal year 2013 for the board of health having 2434
jurisdiction over the county's general health district. 2435
Thereafter, subject to division (B)(6) of this section, the board 2436
of county commissioners shall make payments as provided in 2437
division (B)(3) of this section for the office space and utilities 2438
until fiscal year 2018. Starting in fiscal year 2018, the board 2439
has no duty to provide the office space or utilities, or to make 2440
payments for the office space or utilities, for the board of 2441
health of the county's general health district. 2442

(2)(a) Not later than the thirtieth day of September 2012, 2443
2013, 2014, and 2015, the board of county commissioners shall make 2444
a written estimate of the total cost for the ensuing fiscal years 2445
2014, 2015, 2016, and 2017, respectively, to provide office space 2446
and utilities to the board of health of the county's general 2447
health district. The estimate of total cost shall include all of 2448
the following: 2449

(i) The total square feet of space to be used by the board of 2450

<u>health;</u>	2451
<u>(ii) The total square feet of any common areas that should be</u>	2452
<u>reasonably allocated to the board of health and the method for</u>	2453
<u>making this allocation;</u>	2454
<u>(iii) The actual cost per square foot for both the space used</u>	2455
<u>by and the common areas allocated to the board of health;</u>	2456
<u>(iv) An explanation of the method used to determine the</u>	2457
<u>actual cost per square foot;</u>	2458
<u>(v) The estimated cost of providing utilities, including an</u>	2459
<u>explanation of how this cost was determined;</u>	2460
<u>(vi) Any other estimated costs the board of county</u>	2461
<u>commissioners anticipates will be incurred to provide office space</u>	2462
<u>and utilities to the board of health, including a detailed</u>	2463
<u>explanation of those costs and the rationale used to determine</u>	2464
<u>them.</u>	2465
<u>(b) The board of county commissioners shall forward a copy of</u>	2466
<u>the estimate of total cost to the director of the board of health</u>	2467
<u>not later than the fifth day of October 2012, 2013, 2014, and</u>	2468
<u>2015. The director shall review the estimate and, not later than</u>	2469
<u>twenty days after its receipt, notify the board of county</u>	2470
<u>commissioners that the director agrees with the estimate, or</u>	2471
<u>objects to it giving specific reasons for the objections.</u>	2472
<u>(c) If the director agrees with the estimate, it shall become</u>	2473
<u>the final estimate of total cost. Failure of the director to make</u>	2474
<u>objections to the estimate by the twentieth day after its receipt</u>	2475
<u>shall be deemed to mean that the director is in agreement with the</u>	2476
<u>estimate.</u>	2477
<u>(d) If the director timely objects to the estimate and</u>	2478
<u>provides specific objections to the board of county commissioners,</u>	2479
<u>the board shall review the objections and may modify the original</u>	2480

estimate and send a revised estimate of total cost to the director 2481
within ten days after receipt of the objections. The director 2482
shall respond to a revised estimate within ten days after its 2483
receipt. If the director agrees with it, the revised estimate 2484
shall become the final estimate of total cost. If the director 2485
fails to respond within the ten-day period, the director shall be 2486
deemed to have agreed with the revised estimate. If the director 2487
disagrees with the revised estimate, the director shall send 2488
specific objections to the board of county commissioners within 2489
the ten-day period. 2490

(e) If the director timely objected to the original estimate 2491
or sends specific objections to a revised estimate within the 2492
required time, or if there is no revised estimate, the probate 2493
judge of the county shall determine the final estimate of total 2494
cost and certify this amount to the director and the board of 2495
county commissioners before the first day of January 2013, 2014, 2496
2015, or 2016, as applicable. 2497

(3)(a) Subject to division (B)(6) of this section, a board of 2498
county commissioners shall be responsible for the following 2499
percentages of the final estimate of total cost established by 2500
division (B)(2) of this section: 2501

(i) Eighty per cent for fiscal year 2014; 2502

(ii) Sixty per cent for fiscal year 2015; 2503

(iii) Forty per cent for fiscal year 2016; 2504

(iv) Twenty per cent for fiscal year 2017. 2505

(b) In fiscal years 2014, 2015, 2016, and 2017, the board of 2506
health of the county's general health district shall be 2507
responsible for the payment of the remainder of any costs incurred 2508
in excess of the amount payable under division (B)(3)(a)(i), (ii), 2509
(iii), or (iv) of this section, as applicable, for the provision 2510
of office space and utilities for the board of health, including 2511

any unanticipated or unexpected increases in costs beyond the 2512
final estimate of total cost. 2513

(c) Beginning in fiscal year 2018, the board of county 2514
commissioners has no obligation to provide office space or 2515
utilities, or to make payments for office space or utilities, for 2516
the board of health. 2517

(4) After fiscal year 2017, the board of county commissioners 2518
and the board of health of the county's general health district 2519
may enter into a contract for the board of county commissioners to 2520
provide office space for the use of the board of health and to 2521
provide utilities for that office space. The term of the contract 2522
shall not exceed four years and may be renewed for additional 2523
periods not to exceed four years. 2524

(5) Notwithstanding divisions (B)(1) to (4) of this section, 2525
in any fiscal year the board of county commissioners, in its 2526
discretion, may provide office space and utilities for the board 2527
of health of the county's general health district free of charge. 2528

(6) If the board of health of a general health district 2529
rents, leases, lease-purchases, or otherwise acquires office space 2530
to facilitate the performance of its functions, or constructs, 2531
enlarges, renovates, or otherwise modifies buildings or other 2532
structures to provide office space to facilitate the performance 2533
of its functions, the board of county commissioners of the county 2534
served by the general health district has no further obligation 2535
under division (B) of this section to provide office space or 2536
utilities, or to make payments for office space or utilities, for 2537
the board of health, unless the board of county commissioners 2538
enters into a contract with the board of health under division 2539
(B)(4) of this section, or exercises its option under division 2540
(B)(5) of this section. 2541

Sec. 3709.36. The board of health of a city or general health 2542

district hereby created shall exercise all the powers and perform 2543
all the duties formerly conferred and imposed by law upon the 2544
board of health of a municipal corporation, and all such powers, 2545
duties, procedure, and penalties for violation of the sanitary 2546
regulations of a board of health of a municipal corporation are 2547
transferred to the board of health of a city or general health 2548
district by sections 3701.10, 3701.29, 3701.81, 3707.08, 3707.14, 2549
3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised Code. 2550

The board of health of a city or general health district or 2552
the authority having the duties of a board of health under section 2553
3709.05 of the Revised Code shall, for the purpose of providing 2554
public health services, be a body politic and corporate. As such, 2555
it is capable of suing and being sued, contracting and being 2556
contracted with, acquiring, holding, possessing, and disposing of 2557
real and personal property, and taking and holding in trust for 2558
the use and benefit of such district or authority any grant or 2559
devise of land and any domain or bequest of money or other 2560
personal property. 2561

Sec. 4123.41. (A) By the first day of January of each year, 2562
the bureau of workers' compensation shall furnish to the county 2563
auditor of each county and the chief fiscal officer of each taxing 2564
district in a county and of each district activity and institution 2565
mentioned in section 4123.39 of the Revised Code forms containing 2566
the premium rates applicable to the county, district, district 2567
activity, or institution as an employer, on which to report the 2568
amount of money expended by the county, district, district 2569
activity, or institution during the previous twelve calendar 2570
months for the services of employees under this chapter. 2571

(B) Each county auditor and each fiscal officer of a 2572
district, district activity, and institution shall calculate on 2573

the form it receives from the bureau under division (A) of this 2574
section the premium due as its proper contribution to the public 2575
insurance fund and issue a warrant in favor of the bureau for the 2576
amount due from the county, district, district activity, or 2577
institution to the public insurance fund according to the 2578
following schedule: 2579

(1) On or before the fifteenth day of May of each year, no 2580
less than forty-five per cent of the amount due; 2581

(2) On or before the first day of September of each year, no 2582
less than the total amount due. 2583

(C) The legislative body of any county, district, district 2584
activity, or institution may reimburse the fund from which the 2585
~~contribution is~~ workers' compensation payments are made by 2586
transferring to the fund from any other fund of the county, 2587
district, district activity, or institution, the proportionate 2588
amount of the ~~contribution~~ payments that should be chargeable to 2589
the fund, whether the fund is derived from taxation or otherwise. 2590
The proportionate amount of the ~~contribution~~ payments chargeable 2591
to the fund may be based on payroll, relative exposure, relative 2592
loss experience, or any combination of these factors, as 2593
determined by the legislative body. ~~Within~~ 2594

(1) The workers' compensation program payments of any county, 2595
district, district activity, or institution may include all 2596
payments required by any bureau of workers' compensation rating 2597
plan. 2598

(2) The workers' compensation program payments of any county, 2599
district, district activity, or institution, except for a county 2600
board of developmental disabilities, a board of alcohol, drug 2601
addiction, and mental health services, a board of mental health 2602
services, and a board of alcohol and drug addiction services, also 2603
may include any of the following: 2604

(a) Direct administrative costs incurred in the management of the county, district, district activity, or institution's workers' compensation program; 2605
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(b) Indirect costs that are necessary and reasonable for the proper and efficient administration of the workers' compensation program as documented in a cost allocation plan. The indirect cost plan shall conform to the United States office of management and budget circular A-87 "cost principles for state and local governments," 2 C.F.R. 225, as most recently amended on May 10, 2004. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities. 2608
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(3) Within sixty days before a legislative body changes the method used for calculating the proportionate amount of the ~~contribution~~ payments chargeable to the fund, it shall notify, consult with, and give information supporting the change to any elected official affected by the change. A transfer made pursuant to division (B)(2) of this section is not subject to section 5705.16 of the Revised Code. 2617
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~~(C)~~(D) The bureau may investigate the correctness of the information provided by the county auditor and chief fiscal officer under division (B) of this section, and if the bureau determines at any time that the county, district, district activity, or institution has not reported the correct information, the administrator of workers' compensation may make deductions or additions as the facts warrant and take those facts into consideration in determining the current or future contributions to be made by the county, district, district activity, or institution. If the county, district, district activity, or institution does not furnish the report in the time required by this section, the administrator may fix the amount of contribution the county, district, district activity, or institution must make 2624
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and certify that amount for payment. 2637

~~(D)~~(E) The administrator shall provide a discount to any 2638
county, district, district activity, or institution that pays its 2639
total amount due to the public insurance fund on or before the 2640
fifteenth day of May of each year as its proper contribution for 2641
premiums. The administrator shall base the discount provided under 2642
this division on the savings generated by the early payment to the 2643
public insurance fund. The administrator may provide the discount 2644
through a refund to the county, district, district activity, or 2645
institution or an offset against the future contributions due to 2646
the public insurance fund from the county, district, district 2647
activity, or institution. 2648

~~(E)~~(F) The administrator may impose an interest penalty for 2649
late payment of any amount due from a county, district, district 2650
activity, and institution at the interest rate established by the 2651
state tax commissioner pursuant to section 5703.47 of the Revised 2652
Code. 2653

Sec. 5705.392. (A) A board of county commissioners may adopt 2654
as a part of its annual appropriation measure a spending plan, or 2655
in the case of an amended appropriation measure, an amended 2656
spending plan, setting forth a quarterly schedule of expenses and 2657
expenditures of all appropriations for the fiscal year from the 2658
county general fund. The spending plan shall be classified to set 2659
forth separately a quarterly schedule of expenses and expenditures 2660
for each office, department, and division, and within each, the 2661
amount appropriated for personal services. Each office, 2662
department, and division shall be limited in its expenses and 2663
expenditures of moneys appropriated from the general fund during 2664
any quarter by the schedule established in the spending plan. The 2665
schedule established in the spending plan shall serve as a 2666
limitation during a quarter on the making of contracts and giving 2667

of orders involving the expenditure of money during that quarter 2668
for purposes of division (D) of section 5705.41 of the Revised 2669
Code. 2670

(B)(1) A board of county commissioners, by resolution, may 2671
adopt a spending plan or an amended spending plan setting forth 2672
separately a quarterly schedule of expenses and expenditures of 2673
appropriations from any county fund, except as provided in 2674
division (C) of this section, for the second half of a fiscal year 2675
and any subsequent fiscal year, for any county office, department, 2676
or division that has spent or encumbered more than six-tenths of 2677
the amount appropriated for personal services and payrolls during 2678
the first half of any fiscal year. 2679

(2) During any fiscal year, a board of county commissioners, 2680
by resolution, may adopt a spending plan or an amended spending 2681
plan setting forth separately a quarterly schedule of expenses and 2682
expenditures of appropriations from any county fund, except as 2683
provided in division (C) of this section, for any county office, 2684
department, or division that, during the previous fiscal year, 2685
spent one hundred ten per cent or more of the total amount 2686
appropriated for personal services and payrolls by the board in 2687
its annual appropriation measure required by section 5705.38 of 2688
the Revised Code. The spending plan or amended spending plan shall 2689
remain in effect for not more than two fiscal years, or until. But 2690
if the county administrative officer of the office, department, or 2691
division for which the plan was adopted is no longer in office, 2692
including terms of office to which the county officer is 2693
re-elected, whichever is later an elected official, the spending 2694
plan shall not be in effect during a fiscal year in which that 2695
elected official is no longer the administrative officer of that 2696
office, department, or division. 2697

(3) At least thirty days before adopting a resolution under 2698
division (B)(1) or (2) of this section, the board of county 2699

commissioners shall provide written notice to each county office, 2700
department, or division for which it intends to adopt a spending 2701
plan or an amended spending plan. The notice shall be sent by 2702
regular first class mail or provided by personal service, and 2703
shall include a copy of the proposed spending plan or proposed 2704
amended spending plan. The county office, department, or division 2705
may meet with the board at any regular session of the board to 2706
comment on the notice, or to express concerns or ask questions 2707
about the proposed spending plan or proposed amended spending 2708
plan. 2709

(C) Division (B) of this section shall not apply to any fund 2710
that is subject to rules adopted by the tax commissioner under 2711
division (O) of section 5703.05 of the Revised Code. 2712

Sec. 5705.41. No subdivision or taxing unit shall: 2713

(A) Make any appropriation of money except as provided in 2714
Chapter 5705. of the Revised Code; provided, that the 2715
authorization of a bond issue shall be deemed to be an 2716
appropriation of the proceeds of the bond issue for the purpose 2717
for which such bonds were issued, but no expenditure shall be made 2718
from any bond fund until first authorized by the taxing authority; 2719

(B) Make any expenditure of money unless it has been 2720
appropriated as provided in such chapter; 2721

(C) Make any expenditure of money except by a proper warrant 2722
drawn against an appropriate fund; 2723

(D)(1) Except as otherwise provided in division (D)(2) of 2724
this section and section 5705.44 of the Revised Code, make any 2725
contract or give any order involving the expenditure of money 2726
unless there is attached thereto a certificate of the fiscal 2727
officer of the subdivision that the amount required to meet the 2728
obligation or, in the case of a continuing contract to be 2729

performed in whole or in part in an ensuing fiscal year, the 2730
amount required to meet the obligation in the fiscal year in which 2731
the contract is made, has been lawfully appropriated for such 2732
purpose and is in the treasury or in process of collection to the 2733
credit of an appropriate fund free from any previous encumbrances. 2734
This certificate need be signed only by the subdivision's fiscal 2735
officer. Every such contract made without such a certificate shall 2736
be void, and no warrant shall be issued in payment of any amount 2737
due thereon. If no certificate is furnished as required, upon 2738
receipt by the taxing authority of the subdivision or taxing unit 2739
of a certificate of the fiscal officer stating that there was at 2740
the time of the making of such contract or order and at the time 2741
of the execution of such certificate a sufficient sum appropriated 2742
for the purpose of such contract and in the treasury or in process 2743
of collection to the credit of an appropriate fund free from any 2744
previous encumbrances, such taxing authority may authorize the 2745
drawing of a warrant in payment of amounts due upon such contract, 2746
but such resolution or ordinance shall be passed within thirty 2747
days after the taxing authority receives such certificate; 2748
provided that, if the amount involved is less than one hundred 2749
dollars in the case of counties or three thousand dollars in the 2750
case of all other subdivisions or taxing units, the fiscal officer 2751
may authorize it to be paid without such affirmation of the taxing 2752
authority of the subdivision or taxing unit, if such expenditure 2753
is otherwise valid. 2754

(2) ~~Annually, the~~ The board of county commissioners may adopt 2755
a resolution exempting county purchases of one thousand dollars or 2756
less from the requirement of division (D)(1) of this section that 2757
a certificate be attached to any contract or order involving the 2758
expenditure of money. The resolution shall state the dollar amount 2759
that is exempted from the certificate requirement and whether the 2760
exemption applies to all purchases, to one or more specific 2761
classes of purchases, or to the purchase of one or more specific 2762

items. Prior to the adoption of the resolution, the board shall 2763
give written notice to the county auditor that it intends to adopt 2764
the resolution. The notice shall state the dollar amount that is 2765
proposed to be exempted and whether the exemption would apply to 2766
all purchases, to one or more specific classes of purchases, or to 2767
the purchase of one or more specific items. The county auditor may 2768
review and comment on the proposal, and shall send any comments to 2769
the board within fifteen days after receiving the notice. The 2770
board shall wait at least fifteen days after giving the notice to 2771
the auditor before adopting the resolution. A person authorized to 2772
make a county purchase in a county that has adopted such a 2773
resolution shall prepare and file with the county auditor, within 2774
three business days after incurring an obligation not requiring a 2775
certificate, or within any other period of time the board of 2776
county commissioners specifies in the resolution, a written or 2777
electronically transferred document specifying the purpose and 2778
amount of the expenditure, the date of the purchase, the name of 2779
the vendor, the specific appropriation items from which the 2780
expenditures are to be made, and any additional information as the 2781
auditor of state may prescribe. 2782

(3) Upon certification by the auditor or other chief fiscal 2783
officer that a certain sum of money, not in excess of an amount 2784
established by resolution or ordinance adopted by a majority of 2785
the members of the legislative authority of the subdivision or 2786
taxing unit, has been lawfully appropriated, authorized, or 2787
directed for a certain purpose and is in the treasury or in the 2788
process of collection to the credit of a specific line-item 2789
appropriation account in a certain fund free from previous and 2790
then outstanding obligations or certifications, then for such 2791
purpose and from such line-item appropriation account in such 2792
fund, over a period not extending beyond the end of the fiscal 2793
year, expenditures may be made, orders for payment issued, and 2794
contracts or obligations calling for or requiring the payment of 2795

money made and assumed; provided, that the aggregate sum of money 2796
included in and called for by such expenditures, orders, 2797
contracts, and obligations shall not exceed the sum so certified. 2798
Such a certification need be signed only by the fiscal officer of 2799
the subdivision or the taxing district and may, but need not, be 2800
limited to a specific vendor. An itemized statement of obligations 2801
incurred and expenditures made under such certificate shall be 2802
rendered to the auditor or other chief fiscal officer before 2803
another such certificate may be issued, and not more than one such 2804
certificate shall be outstanding at a time. 2805

In addition to providing the certification for expenditures 2806
as specified in this division, a subdivision also may make 2807
expenditures, issue orders for payment, and make contracts or 2808
obligations calling for or requiring the payment of money made and 2809
assumed for specified permitted purposes from a specific line-item 2810
appropriation account in a specified fund for a sum of money upon 2811
the certification by the fiscal officer of the subdivision that 2812
this sum of money has been lawfully appropriated, authorized, or 2813
directed for a permitted purpose and is in the treasury or in the 2814
process of collection to the credit of the specific line-item 2815
appropriation account in the specified fund free from previous and 2816
then-outstanding obligations or certifications; provided that the 2817
aggregate sum of money included in and called for by the 2818
expenditures, orders, and obligations shall not exceed the 2819
certified sum. The purposes for which a subdivision may lawfully 2820
appropriate, authorize, or issue such a certificate are the 2821
services of an accountant, architect, attorney at law, physician, 2822
professional engineer, construction project manager, consultant, 2823
surveyor, or appraiser by or on behalf of the subdivision or 2824
contracting authority; fuel oil, gasoline, food items, roadway 2825
materials, and utilities; and any purchases exempt from 2826
competitive bidding under section 125.04 of the Revised Code and 2827
any other specific expenditure that is a recurring and reasonably 2828

predictable operating expense. Such a certification shall not 2829
extend beyond the end of the fiscal year or, in the case of a 2830
board of county commissioners that has established a quarterly 2831
spending plan under section 5705.392 of the Revised Code, beyond 2832
the quarter to which the plan applies. Such a certificate shall be 2833
signed by the fiscal officer and may, but need not, be limited to 2834
a specific vendor. An itemized statement of obligations incurred 2835
and expenditures made under such a certificate shall be rendered 2836
to the fiscal officer for each certificate issued. More than one 2837
such certificate may be outstanding at any time. 2838

In any case in which a contract is entered into upon a per 2839
unit basis, the head of the department, board, or commission for 2840
the benefit of which the contract is made shall make an estimate 2841
of the total amount to become due upon such contract, which 2842
estimate shall be certified in writing to the fiscal officer of 2843
the subdivision. Such a contract may be entered into if the 2844
appropriation covers such estimate, or so much thereof as may be 2845
due during the current year. In such a case the certificate of the 2846
fiscal officer based upon the estimate shall be a sufficient 2847
compliance with the law requiring a certificate. 2848

Any certificate of the fiscal officer attached to a contract 2849
shall be binding upon the political subdivision as to the facts 2850
set forth therein. Upon request of any person receiving an order 2851
or entering into a contract with any political subdivision, the 2852
certificate of the fiscal officer shall be attached to such order 2853
or contract. "Contract" as used in this section excludes current 2854
payrolls of regular employees and officers. 2855

(E) Taxes and other revenue in process of collection, or the 2856
proceeds to be derived from authorized bonds, notes, or 2857
certificates of indebtedness sold and in process of delivery, 2858
shall for the purpose of this section be deemed in the treasury or 2859
in process of collection and in the appropriate fund. This section 2860

applies neither to the investment of sinking funds by the trustees 2861
of such funds, nor to investments made under sections 731.56 to 2862
731.59 of the Revised Code. 2863

No district authority shall, in transacting its own affairs, 2864
do any of the things prohibited to a subdivision by this section, 2865
but the appropriation referred to shall become the appropriation 2866
by the district authority, and the fiscal officer referred to 2867
shall mean the fiscal officer of the district authority. 2868

Sec. 5715.19. (A) As used in this section, "member" has the 2869
same meaning as in section 1705.01 of the Revised Code. 2870

(1) Subject to division (A)(2) of this section, a complaint 2871
against any of the following determinations for the current tax 2872
year shall be filed with the county auditor on or before the 2873
thirty-first day of March of the ensuing tax year or the date of 2874
closing of the collection for the first half of real and public 2875
utility property taxes for the current tax year, whichever is 2876
later: 2877

(a) Any classification made under section 5713.041 of the 2878
Revised Code; 2879

(b) Any determination made under section 5713.32 or 5713.35 2880
of the Revised Code; 2881

(c) Any recoupment charge levied under section 5713.35 of the 2882
Revised Code; 2883

(d) The determination of the total valuation or assessment of 2884
any parcel that appears on the tax list, except parcels assessed 2885
by the tax commissioner pursuant to section 5727.06 of the Revised 2886
Code; 2887

(e) The determination of the total valuation of any parcel 2888
that appears on the agricultural land tax list, except parcels 2889
assessed by the tax commissioner pursuant to section 5727.06 of 2890

the Revised Code; 2891

(f) Any determination made under division (A) of section 2892
319.302 of the Revised Code. 2893

If such a complaint is filed by mail or certified mail, the 2894
date of the United States postmark placed on the envelope or 2895
sender's receipt by the postal service shall be treated as the 2896
date of filing. 2897

Any person owning taxable real property in the county or in a 2898
taxing district with territory in the county; such a person's 2899
spouse; an individual who is retained by such a person and who 2900
holds a designation from a professional assessment organization, 2901
such as the institute for professionals in taxation, the national 2902
council of property taxation, or the international association of 2903
assessing officers; a public accountant who holds a permit under 2904
section 4701.10 of the Revised Code, a general or residential real 2905
estate appraiser licensed or certified under Chapter 4763. of the 2906
Revised Code, or a real estate broker licensed under Chapter 4735. 2907
of the Revised Code, who is retained by such a person; if the 2908
person is a firm, company, association, partnership, limited 2909
liability company, or corporation, an officer, a salaried 2910
employee, a partner, or a member of that person; if the person is 2911
a trust, a trustee of the trust; the board of county 2912
commissioners; the prosecuting attorney or treasurer of the 2913
county; the board of township trustees of any township with 2914
territory within the county; the board of education of any school 2915
district with any territory in the county; or the mayor or 2916
legislative authority of any municipal corporation with any 2917
territory in the county may file such a complaint regarding any 2918
such determination affecting any real property in the county, 2919
except that a person owning taxable real property in another 2920
county may file such a complaint only with regard to any such 2921
determination affecting real property in the county that is 2922

located in the same taxing district as that person's real property 2923
is located. The county auditor shall present to the county board 2924
of revision all complaints filed with the auditor. 2925

(2) As used in division (A)(2) of this section, "interim 2926
period" means, for each county, the tax year to which section 2927
5715.24 of the Revised Code applies and each subsequent tax year 2928
until the tax year in which that section applies again. 2929

No person, board, or officer shall file a complaint against 2930
the valuation or assessment of any parcel that appears on the tax 2931
list if it filed a complaint against the valuation or assessment 2932
of that parcel for any prior tax year in the same interim period, 2933
unless the person, board, or officer alleges that the valuation or 2934
assessment should be changed due to one or more of the following 2935
circumstances that occurred after the tax lien date for the tax 2936
year for which the prior complaint was filed and that the 2937
circumstances were not taken into consideration with respect to 2938
the prior complaint: 2939

(a) The property was sold in an arm's length transaction, as 2940
described in section 5713.03 of the Revised Code; 2941

(b) The property lost value due to some casualty; 2942

(c) Substantial improvement was added to the property; 2943

(d) An increase or decrease of at least fifteen per cent in 2944
the property's occupancy has had a substantial economic impact on 2945
the property. 2946

(3) If a county board of revision, the board of tax appeals, 2947
or any court dismisses a complaint filed under this section or 2948
section 5715.13 of the Revised Code for the reason that the act of 2949
filing the complaint was the unauthorized practice of law or the 2950
person filing the complaint was engaged in the unauthorized 2951
practice of law, the party affected by a decrease in valuation or 2952
the party's agent, or the person owning taxable real property in 2953

the county or in a taxing district with territory in the county, 2954
may refile the complaint, notwithstanding division (A)(2) of this 2955
section. 2956

(B) Within thirty days after the last date such complaints 2957
may be filed, the auditor shall give notice of each complaint in 2958
which the stated amount of overvaluation, undervaluation, 2959
discriminatory valuation, illegal valuation, or incorrect 2960
determination is at least seventeen thousand five hundred dollars 2961
to each property owner whose property is the subject of the 2962
complaint, if the complaint was not filed by the owner or the 2963
owner's spouse, and to each board of education whose school 2964
district may be affected by the complaint. Within thirty days 2965
after receiving such notice, a board of education; a property 2966
owner; the owner's spouse; an individual who is retained by such 2967
an owner and who holds a designation from a professional 2968
assessment organization, such as the institute for professionals 2969
in taxation, the national council of property taxation, or the 2970
international association of assessing officers; a public 2971
accountant who holds a permit under section 4701.10 of the Revised 2972
Code, a general or residential real estate appraiser licensed or 2973
certified under Chapter 4763. of the Revised Code, or a real 2974
estate broker licensed under Chapter 4735. of the Revised Code, 2975
who is retained by such a person; or, if the property owner is a 2976
firm, company, association, partnership, limited liability 2977
company, corporation, or trust, an officer, a salaried employee, a 2978
partner, a member, or trustee of that property owner, may file a 2979
complaint in support of or objecting to the amount of alleged 2980
overvaluation, undervaluation, discriminatory valuation, illegal 2981
valuation, or incorrect determination stated in a previously filed 2982
complaint or objecting to the current valuation. Upon the filing 2983
of a complaint under this division, the board of education or the 2984
property owner shall be made a party to the action. 2985

(C) Each board of revision shall notify any complainant and 2986
also the property owner, if the property owner's address is known, 2987
when a complaint is filed by one other than the property owner, by 2988
certified mail, not less than ten days prior to the hearing, of 2989
the time and place the same will be heard. The board of revision 2990
shall hear and render its decision on a complaint within ninety 2991
days after the filing thereof with the board, except that if a 2992
complaint is filed within thirty days after receiving notice from 2993
the auditor as provided in division (B) of this section, the board 2994
shall hear and render its decision within ninety days after such 2995
filing. 2996

(D) The determination of any such complaint shall relate back 2997
to the date when the lien for taxes or recoupment charges for the 2998
current year attached or the date as of which liability for such 2999
year was determined. Liability for taxes and recoupment charges 3000
for such year and each succeeding year until the complaint is 3001
finally determined and for any penalty and interest for nonpayment 3002
thereof within the time required by law shall be based upon the 3003
determination, valuation, or assessment as finally determined. 3004
Each complaint shall state the amount of overvaluation, 3005
undervaluation, discriminatory valuation, illegal valuation, or 3006
incorrect classification or determination upon which the complaint 3007
is based. The treasurer shall accept any amount tendered as taxes 3008
or recoupment charge upon property concerning which a complaint is 3009
then pending, computed upon the claimed valuation as set forth in 3010
the complaint. If a complaint filed under this section for the 3011
current year is not determined by the board within the time 3012
prescribed for such determination, the complaint and any 3013
proceedings in relation thereto shall be continued by the board as 3014
a valid complaint for any ensuing year until such complaint is 3015
finally determined by the board or upon any appeal from a decision 3016
of the board. In such case, the original complaint shall continue 3017
in effect without further filing by the original taxpayer, the 3018

original taxpayer's assignee, or any other person or entity 3019
authorized to file a complaint under this section. 3020

(E) If a taxpayer files a complaint as to the classification, 3021
valuation, assessment, or any determination affecting the 3022
taxpayer's own property and tenders less than the full amount of 3023
taxes or recoupment charges as finally determined, an interest 3024
charge shall accrue as follows: 3025

(1) If the amount finally determined is less than the amount 3026
billed but more than the amount tendered, the taxpayer shall pay 3027
interest at the rate per annum prescribed by section 5703.47 of 3028
the Revised Code, computed from the date that the taxes were due 3029
on the difference between the amount finally determined and the 3030
amount tendered. This interest charge shall be in lieu of any 3031
penalty or interest charge under section 323.121 of the Revised 3032
Code unless the taxpayer failed to file a complaint and tender an 3033
amount as taxes or recoupment charges within the time required by 3034
this section, in which case section 323.121 of the Revised Code 3035
applies. 3036

(2) If the amount of taxes finally determined is equal to or 3037
greater than the amount billed and more than the amount tendered, 3038
the taxpayer shall pay interest at the rate prescribed by section 3039
5703.47 of the Revised Code from the date the taxes were due on 3040
the difference between the amount finally determined and the 3041
amount tendered, such interest to be in lieu of any interest 3042
charge but in addition to any penalty prescribed by section 3043
323.121 of the Revised Code. 3044

(F) Upon request of a complainant, the tax commissioner shall 3045
determine the common level of assessment of real property in the 3046
county for the year stated in the request that is not valued under 3047
section 5713.31 of the Revised Code, which common level of 3048
assessment shall be expressed as a percentage of true value and 3049
the common level of assessment of lands valued under such section, 3050

which common level of assessment shall also be expressed as a 3051
percentage of the current agricultural use value of such lands. 3052
Such determination shall be made on the basis of the most recent 3053
available sales ratio studies of the commissioner and such other 3054
factual data as the commissioner deems pertinent. 3055

(G) A complainant shall provide to the board of revision all 3056
information or evidence within the complainant's knowledge or 3057
possession that affects the real property that is the subject of 3058
the complaint. A complainant who fails to provide such information 3059
or evidence is precluded from introducing it on appeal to the 3060
board of tax appeals or the court of common pleas, except that the 3061
board of tax appeals or court may admit and consider the evidence 3062
if the complainant shows good cause for the complainant's failure 3063
to provide the information or evidence to the board of revision. 3064

(H) In case of the pendency of any proceeding in court based 3065
upon an alleged excessive, discriminatory, or illegal valuation or 3066
incorrect classification or determination, the taxpayer may tender 3067
to the treasurer an amount as taxes upon property computed upon 3068
the claimed valuation as set forth in the complaint to the court. 3069
The treasurer may accept the tender. If the tender is not 3070
accepted, no penalty shall be assessed because of the nonpayment 3071
of the full taxes assessed. 3072

Sec. 6115.20. (A) When it is determined to let the work 3073
relating to the improvements for which a sanitary district was 3074
established by contract, contracts in amounts to exceed ~~ten~~ fifty 3075
thousand dollars shall be advertised after notice calling for bids 3076
has been published once a week for five consecutive weeks 3077
completed on the date of last publication or as provided in 3078
section 7.16 of the Revised Code, in a newspaper of general 3079
circulation within the sanitary district where the work is to be 3080
done. The board of directors of the sanitary district shall let 3081

bids as provided in this section or, if applicable, section 9.312 3082
of the Revised Code. If the bids are for a contract for the 3083
construction, demolition, alteration, repair, or reconstruction of 3084
an improvement, the board of directors of the sanitary district 3085
shall let the contract to the lowest or best bidder who meets the 3086
requirements of section 153.54 of the Revised Code. If the bids 3087
are for a contract for any other work relating to the improvements 3088
for which a sanitary district was established, the board of 3089
directors of the sanitary district shall let the contract to the 3090
lowest or best bidder who gives a good and approved bond, with 3091
ample security, conditioned on the carrying out of the contract 3092
and the payment for all labor and material. The contract shall be 3093
in writing and shall be accompanied by or shall refer to plans and 3094
specifications for the work to be done prepared by the chief 3095
engineer. The plans and specifications at all times shall be made 3096
and considered a part of the contract. The contract shall be 3097
approved by the board and signed by the president of the board and 3098
by the contractor and shall be executed in duplicate. In case of 3099
emergency the advertising of contracts may be waived upon the 3100
consent of the board with the approval of the court or judge in 3101
vacation. 3102

(B) In the case of a sanitary district organized wholly for 3103
the purpose of providing a water supply for domestic, municipal, 3104
and public use that includes two municipal corporations in two 3105
counties, any service to be purchased, including the services of 3106
an accountant, architect, attorney at law, physician, or 3107
professional engineer, at a cost in excess of ~~ten~~ fifty thousand 3108
dollars shall be obtained in the manner provided in sections 3109
153.65 to 153.73 of the Revised Code. For the purposes of the 3110
application of those sections to division (B) of this section, all 3111
of the following apply: 3112

(1) "Public authority," as used in those sections, shall be 3113

deemed to mean a sanitary district organized wholly for the 3114
purpose of providing a water supply for domestic, municipal, and 3115
public use that includes two municipal corporations in two 3116
counties; 3117

(2) "Professional design firm," as used in those sections, 3118
shall be deemed to mean any person legally engaged in rendering 3119
professional design services as defined in division (B)(3) of this 3120
section; 3121

(3) "Professional design services," as used in those 3122
sections, shall be deemed to mean accounting, architectural, 3123
legal, medical, or professional engineering services; 3124

(4) The use of other terms in those sections shall be adapted 3125
accordingly, including, without limitation, for the purposes of 3126
division (D) of section 153.67 of the Revised Code; 3127

(5) Divisions (A) to (C) of section 153.71 of the Revised 3128
Code do not apply. 3129

(C) The board of directors of a district organized wholly for 3130
the purpose of providing a water supply for domestic, municipal, 3131
and public use may contract for, purchase, or otherwise procure 3132
for the benefit of employees of the district and pay all or any 3133
part of the cost of group insurance policies that may provide 3134
benefits, including, but not limited to, hospitalization, surgical 3135
care, major medical care, disability, dental care, vision care, 3136
medical care, hearing aids, or prescription drugs. Any group 3137
insurance policy purchased under this division shall be purchased 3138
from the health care corporation that the board of directors 3139
determines offers the most cost-effective group insurance policy. 3140

Sec. 6119.02. (A) Proceedings for the organization of a 3141
regional water and sewer district shall be initiated only by a 3142
petition filed in the office of the clerk of the court of common 3143

pleas of one of the counties all or part of which lies within the 3144
proposed district. The petition shall be signed by one or more 3145
municipal corporations, one or more counties, or one or more 3146
townships, or by any combination of them, after having been 3147
authorized by the legislative authority of the political 3148
subdivision. The legislative authority of any municipal 3149
corporation, the board of county commissioners of any county, and 3150
the board of trustees of any township may act in behalf of any 3151
part of their respective political subdivisions. The petition 3152
shall specify all of the following: 3153

(1) The proposed name of the district; 3154

(2) The place in which its principal office is to be located; 3155

(3) The necessity for the proposed district and that it will 3156
be conducive to the public health, safety, convenience, or 3157
welfare; 3158

(4) A general description of the purpose of the proposed 3159
district; 3160

(5) A general description of the territory to be included in 3161
the district, which need not be given by metes and bounds or by 3162
legal subdivisions, but is sufficient if an accurate description 3163
is given of the territory to be organized as a district. The 3164
territory need not be contiguous, provided that it is so situated 3165
that the public health, safety, convenience, or welfare will be 3166
promoted by the organization as a single district of the territory 3167
described. 3168

(6) The manner of selection, the number, the term, and the 3169
compensation of the members of the governing body of the district, 3170
which shall be called a board of trustees. The petition may set 3171
forth procedures for subsequent changes in the composition of and 3172
other provisions relating to the board of trustees. The original 3173
or properly amended petition may prohibit elected officials from 3174

serving on the board and may permit one or more elected officials 3175
from any appointing authority to serve on the board. However, 3176
elected officials from the same political subdivision shall not 3177
comprise a majority of the members of the board. Notwithstanding 3178
the foregoing, a board appointed prior to the effective date of 3179
this amendment may continue as prescribed in the petition and 3180
rules and regulations of the district that were in effect prior to 3181
the effective date of this amendment, and, if not prohibited in 3182
the petition or rules and regulations, the board may include 3183
elected officials. As used in this division, "elected official" 3184
means an official elected to an office of municipal, township, or 3185
county government, or a person appointed to fill a vacancy in such 3186
an office. 3187

(7) The plan for financing the cost of the operations of the 3188
district until it is in receipt of revenue from its operations or 3189
proceeds from the sale of bonds; 3190

(8) A prayer for the organization of the district by the name 3191
proposed, either before or after a preliminary hearing as provided 3192
in section 6119.04 of the Revised Code. 3193

(B) Prior to filing a petition under division (A) of this 3194
section, a municipal corporation, county, or township shall hold a 3195
public meeting for the purpose of receiving comments on the 3196
proposed establishment of a regional water and sewer district. If 3197
a combination of municipal corporations, counties, or townships 3198
signed the petition, the signers jointly shall hold the public 3199
meeting. At the meeting, a representative of the signer or signers 3200
of the petition shall present a preliminary study of the reasons 3201
for the proposed establishment of the district. 3202

The signer or signers of the petition shall provide written 3203
notice of the public meeting to each elector residing in the 3204
territory of the proposed district. Failure to notify an elector 3205
does not invalidate any proceeding before a court under this 3206

chapter. 3207

(C) Upon the filing of the petition, the judge of the court 3208
of common pleas of the county in which the petition is filed or, 3209
in the case of a county having more than one such judge, a judge 3210
of that court assigned by its presiding judge shall determine if 3211
the petition complies with the requirements of this section as to 3212
form and content. No petition shall be declared void by the judge 3213
on account of alleged defects. The court in subsequent proceedings 3214
at any time may permit the petition to be amended in form and 3215
substance to conform to the facts by correcting any errors in the 3216
description of the territory or in any other particular. 3217

Sec. 6119.10. The board of trustees of a regional water and 3218
sewer district or any officer or employee designated by the board 3219
may make any contract for the purchase of supplies or material or 3220
for labor for any work, under the supervision of the board, the 3221
cost of which shall not exceed ~~twenty-five~~ fifty thousand dollars. 3222
When an expenditure, other than for the acquisition of real estate 3223
and interests in real estate, the discharge of noncontractual 3224
claims, personal services, the joint use of facilities or the 3225
exercise of powers with other political subdivisions, or the 3226
product or services of public utilities, exceeds ~~twenty-five~~ fifty 3227
thousand dollars, the expenditures shall be made only after a 3228
notice calling for bids has been published two consecutive weeks 3229
in one newspaper of general circulation within the district or as 3230
provided in section 7.16 of the Revised Code. If the bids are for 3231
a contract for the construction, demolition, alteration, repair, 3232
or reconstruction of an improvement, the board may let the 3233
contract to the lowest and best bidder who meets the requirements 3234
of section 153.54 of the Revised Code. If the bids are for a 3235
contract for any other work relating to the improvements for which 3236
a regional water and sewer district was established, the board of 3237
trustees of the regional water and sewer district may let the 3238

contract to the lowest or best bidder who gives a good and 3239
approved bond with ample security conditioned on the carrying out 3240
of the contract. The contract shall be in writing and shall be 3241
accompanied by or shall refer to plans and specifications for the 3242
work to be done, approved by the board. The plans and 3243
specifications shall at all times be made and considered part of 3244
the contract. The contract shall be approved by the board and 3245
signed by its president or other duly authorized officer and by 3246
the contractor. In case of a real and present emergency, the board 3247
of trustees of the district, by two-thirds vote of all members, 3248
may authorize the president or other duly authorized officer to 3249
enter into a contract for work to be done or for the purchase of 3250
supplies or materials without formal bidding or advertising. All 3251
contracts shall have attached the certificate required by section 3252
5705.41 of the Revised Code duly executed by the secretary of the 3253
board of trustees of the district. The district may make 3254
improvements by force account or direct labor, provided that, if 3255
the estimated cost of supplies or material for any such 3256
improvement exceeds ~~twenty-five~~ fifty thousand dollars, bids shall 3257
be received as provided in this section. For the purposes of the 3258
competitive bidding requirements of this section, the board shall 3259
not sever a contract for supplies or materials and labor into 3260
separate contracts for labor, supplies, or materials if the 3261
contracts are in fact a part of a single contract required to be 3262
bid competitively under this section. 3263

Section 2. That existing sections 9.833, 118.023, 118.06, 3264
120.08, 120.53, 124.42, 305.171, 307.12, 307.86, 307.861, 307.87, 3265
307.88, 308.13, 319.59, 329.40, 505.60, 505.601, 505.603, 511.23, 3266
703.21, 731.141, 735.05, 737.03, 749.26, 749.28, 749.31, 753.15, 3267
755.29, 755.30, 1545.07, 2907.27, 3316.04, 3316.06, 3709.08, 3268
3709.28, 3709.34, 3709.36, 4123.41, 5705.392, 5705.41, 5715.19, 3269
6115.20, 6119.02, and 6119.10 and sections 507.07 and 3709.081 of 3270
the Revised Code are hereby repealed. 3271