

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 289

Representative Schuring

**Cosponsors: Representatives Beck, Brenner, Grossman, Henne, Hood,
McGregor**

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A B I L L

To amend sections 715.69, 715.691, 715.70, 715.71, 1
715.72, 715.74, 715.76, 715.761, and 715.771 and 2
to enact section 715.751 of the Revised Code to 3
require subdivisions to obtain written approval 4
from owners and lessees of real property located 5
within a proposed or existing joint economic 6
development zone (JEDZ) or joint economic 7
development district (JEDD) before approving, 8
amending, or renewing the JEDZ or JEDD contract, 9
to require that income tax revenue derived from a 10
JEDZ or JEDD approved, amended, or renewed after 11
the bill's effective date be used to carry out the 12
JEDZ or JEDD economic development plan before 13
being used for other purposes, and to institute 14
contiguity requirements for which subdivisions may 15
create a JEDZ or JEDD. 16

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

Section 1. That sections 715.69, 715.691, 715.70, 715.71, 17
715.72, 715.74, 715.76, 715.761, and 715.771 be amended and 18
section 715.751 of the Revised Code be enacted to read as follows: 19

Sec. 715.69. (A) As used in this section: 20

(1) "Contracting party" means a municipal corporation that 21
has entered into a joint economic development zone contract or any 22
party succeeding to such a municipal corporation. 23

(2) "Contract for utility services" means a contract under 24
which a municipal corporation agrees to provide to another 25
municipal corporation water, sewer, electric, or other utility 26
services necessary to the public health, safety, and welfare. 27

(3) "Joint economic development zone contract" means a 28
contract described in and entered into under division (B) of this 29
section. 30

(4) "Zone" means a joint economic development zone designated 31
under this section. 32

(B)(1) Two or more municipal corporations may enter into a 33
contract whereby they agree to share in the costs of improvements 34
for an area or areas located in one or more of the contracting 35
parties that they designate as a joint economic development zone 36
for the purpose of facilitating new or expanded growth for 37
commercial or economic development in the state. Except as 38
otherwise provided in division (I) of this section, the contract 39
and zone shall meet the requirements of divisions (B) to (H) and 40
(J) of this section. 41

(2) Each contracting party shall be located in the same 42
county or in a county adjacent to a county in which the territory 43
of the joint economic development zone is located. The territory 44
of each contracting party shall be contiguous to the territory of 45
at least one other contracting party, or contiguous to the 46
territory of a township, municipal corporation, or county that is 47
contiguous to another contracting party, even if the intervening 48
subdivision is not a contracting party. This division does not 49

invalidate any contract approved by all contracting parties under 50
division (E) or (I) of this section before the effective date of 51
...B.... of the 130th general assembly, but no such contract may 52
be amended or renewed unless the requirements of this division are 53
met. 54

(C)(1) The contract shall set forth each contracting party's 55
contribution to the joint economic development zone. The 56
contributions may be in any form that the contracting parties 57
agree to, subject to divisions (G) and (I) of this section, and 58
may include, but are not limited to, the provision of services, 59
money, or equipment. The Subject to division (C)(2) of this 60
section, the contract may provide for the contracting parties to 61
distribute among themselves, in the manner they agree to, any 62
municipal income tax revenues derived from the income earned by 63
persons employed by businesses that locate within the zone after 64
it is designated by the contracting parties and from the net 65
profits of such businesses. Except as provided in divisions (G) 66
and (I) of this section, the contract may be amended, renewed, or 67
terminated with the consent of the contracting parties. 68

(2) Municipal income tax revenues derived from the income 69
earned by persons employed by businesses located within a joint 70
economic development zone and from the net profits of such 71
businesses shall be used for the purposes of carrying out the 72
economic development plan for the zone described in the petitions 73
of support required under division (J) of this section. Any 74
municipal income tax revenue derived from the zone and not 75
appropriated or encumbered for that purpose may be used for the 76
purposes of the contracting parties pursuant to the contract. 77
Division (C)(2) of this section does not apply if the tax was 78
imposed within the zone before the effective date of ...B.... of 79
the 130th general assembly, unless the joint economic development 80
zone contract is amended or renewed after such date. 81

(D) Before the legislative authority of any of the contracting parties enacts an ordinance approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each such legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation. During the thirty-day period prior to the public hearing, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of each of the contracting parties:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held and, if required under division (J) of this section, the petitions of support have been collected, each contracting party may enact an ordinance approving the contract to designate a joint economic development zone. All such ordinances enacted after the effective date of ...B... of the 130th general assembly shall include at least the information required to be included in the corresponding petitions of support under division

(J) of this section. After each contracting party has enacted such 113
an ordinance, the clerk of the legislative authority of each 114
contracting party shall file with the board of elections of each 115
county within which a contracting party is located a copy of the 116
ordinance approving the contract and shall direct the board of 117
elections to submit the ordinance to the electors of the 118
contracting party on the day of the next general, primary, or 119
special election occurring at least ninety days after the 120
ordinance is filed with the board of elections. 121

(F) The ballot shall be in the following form: 122

"Shall the ordinance of the legislative authority of the 123
(city or village) of (name of contracting party) approving the 124
contract with (name of each other contracting party) for the 125
designation of a joint economic development zone be approved? 126

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

If a majority of the electors of each contracting party voting on 131
the issue vote for the ordinance and contract, the ordinance shall 132
become effective immediately and the contract shall go into effect 133
immediately or in accordance with its terms. 134

(G) If two or more contracting parties previously have 135
entered into a separate contract for utility services, then 136
amendment, renewal, or termination of the separate contract for 137
utility services shall not constitute a part of the consideration 138
for a joint economic development zone contract unless the 139
legislative authority of each contracting party determines all of 140
the following: 141

(1) That the creation of the joint economic development zone 142
will facilitate new or expanded growth for commercial or economic 143

development in this state; 144

(2) That substantial consideration exists to support the 145
joint economic development zone contract; 146

(3) That the contracting parties are entering into the joint 147
economic development zone contract freely and without duress or 148
coercion related to the amendment, renewal, or termination of the 149
separate contract for utility services. 150

(H) A joint economic development zone contract that does not 151
satisfy division (G) of this section is void and unenforceable. If 152
the joint economic development zone contract provides for the 153
extension of utility service or the provision of utility service 154
at a lower rate than is currently in effect, any action claiming 155
duress or coercion relating to a joint economic development zone 156
contract may be brought only by a contracting party, and must be 157
brought before the contracting parties enter into the joint 158
economic development zone contract. The signing of the joint 159
economic development zone contract as authorized by the 160
contracting parties is conclusive evidence as to the 161
determinations set forth under division (G) of this section. 162

(I) If one of the contracting parties is an impacted city as 163
defined in division (C) of section 1728.01 of the Revised Code, 164
then divisions (D) to (F) of this section shall not apply to the 165
joint economic development zone contract or to the joint economic 166
development zone to which that contract relates unless the 167
contracting parties agree that those divisions shall apply. 168

(J) The legislative authority of any municipal corporation in 169
which all or part of a joint economic development zone would be 170
located may not approve, amend, or renew a contract under this 171
section after the effective date of ...B.... of the 130th general 172
assembly without first obtaining signed petitions of support from 173
all owners and lessees of real property located within the joint 174

economic development zone. The petition shall include the rate of 175
any municipal income tax that may be levied within the zone and a 176
description of how revenue from that tax will be utilized. The 177
petition also shall incorporate in entirety the information 178
included in the documents described in divisions (D)(1), (2), and 179
(3) of this section. 180

Sec. 715.691. (A) As used in this section: 181

(1) "Contracting party" means a municipal corporation that 182
has entered into a joint economic development zone contract or any 183
party succeeding to the municipal corporation, or a township that 184
entered into a joint economic development zone contract with a 185
municipal corporation. 186

(2) "Zone" means a joint economic development zone designated 187
under this section. 188

(B)(1) This section provides alternative procedures and 189
requirements for creating and operating a joint economic 190
development zone to those set forth in section 715.69 of the 191
Revised Code. This section applies only if one of the contracting 192
parties to the zone does not levy a municipal income tax under 193
Chapter 718. of the Revised Code. A municipal corporation that 194
does not levy a municipal income tax may enter into an agreement 195
to create and operate a joint economic development zone under this 196
section or under section 715.69 of the Revised Code. 197

(2) Two or more municipal corporations or one or more 198
townships and one or more municipal corporations may enter into a 199
contract whereby they agree to share in the costs of improvements 200
for an area or areas located in one or more of the contracting 201
parties that they designate as a joint economic development zone 202
for the purpose of facilitating new or expanded growth for 203
commercial or economic development in the state. The contract and 204
zone shall meet the requirements of divisions (B) to ~~(J)~~(K) of 205

this section. 206

(3) Each contracting party shall be located in the same 207
county or in a county adjacent to a county in which the territory 208
of the joint economic development zone is located. The territory 209
of each contracting party shall be contiguous to the territory of 210
at least one other contracting party, or contiguous to the 211
territory of a township, municipal corporation, or county that is 212
contiguous to another contracting party, even if the intervening 213
subdivision is not a contracting party. This division does not 214
invalidate any contract approved by all contracting parties under 215
division (E) of this section before the effective date of ...B.... 216
of the 130th general assembly, but no such contract may be amended 217
or renewed unless the requirements of this division are met. 218

(C) The contract shall set forth each contracting party's 219
contribution to the joint economic development zone. The 220
contributions may be in any form that the contracting parties 221
agree to, and may include, but are not limited to, the provision 222
of services, money, or equipment. The contract may be amended, 223
renewed, or terminated with the consent of the contracting 224
parties. The contract shall continue in existence throughout the 225
term it specifies and shall be binding on the contracting parties 226
and on any entities succeeding to the contracting parties. 227

(D) Before the legislative authority of any of the 228
contracting parties enacts an ordinance or resolution approving a 229
contract to designate a joint economic development zone, the 230
legislative authority of each of the contracting parties shall 231
hold a public hearing concerning the contract and zone. Each 232
legislative authority shall provide at least thirty days' public 233
notice of the time and place of the public hearing in a newspaper 234
of general circulation in the municipal corporation or township. 235
During the thirty-day period prior to the public hearing, all of 236
the following documents shall be available for public inspection 237

in the office of the clerk of the legislative authority of a 238
municipal corporation that is a contracting party and in the 239
office of the fiscal officer of a township that is a contracting 240
party: 241

(1) A copy of the contract designating the zone; 242

(2) A description of the area or areas to be included in the 243
zone, including a map in sufficient detail to denote the specific 244
boundaries of the area or areas; 245

(3) An economic development plan for the zone that includes a 246
schedule for the provision of any new, expanded, or additional 247
services, facilities, or improvements. 248

A public hearing held under division (D) of this section 249
shall allow for public comment and recommendations on the contract 250
and zone. The contracting parties may include in the contract any 251
of those recommendations prior to approval of the contract. 252

(E) After the public hearings required under division (D) of 253
this section have been held and, if required under division (K) of 254
this section, the petitions of support have been collected, each 255
contracting party may enact an ordinance or resolution approving 256
the contract to designate a joint economic development zone. All 257
such ordinances and resolutions enacted after the effective date 258
of ...B.... of the 130th general assembly shall include at least 259
the information required to be included in the corresponding 260
petitions of support under division (K) of this section. After 261
each contracting party has enacted an ordinance or resolution, the 262
clerk of the legislative authority of a municipal corporation that 263
is a contracting party and the fiscal officer of a township that 264
is a contracting party shall file with the board of elections of 265
each county within which a contracting party is located a copy of 266
the ordinance or resolution approving the contract and shall 267
direct the board of elections to submit the ordinance or 268

resolution to the electors of the contracting party on the day of 269
the next general, primary, or special election occurring at least 270
ninety days after the ordinance or resolution is filed with the 271
board of elections. If any of the contracting parties is a 272
township, however, then only the township or townships shall 273
submit the resolution to the electors. 274

(F)(1) If a vote is required to approve a municipal 275
corporation as a contracting party to a joint economic development 276
zone under this section, the ballot shall be in the following 277
form: 278

"Shall the ordinance of the legislative authority of the 279
(city or village) of (name of contracting party) approving the 280
contract with (name of each other contracting party) for the 281
designation of a joint economic development zone be approved? 282

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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(2) If a vote is required to approve a township as a 287
contracting party to a joint economic development zone under this 288
section, the ballot shall be in the following form: 289

"Shall the resolution of the board of township trustees of 290
the township of (name of contracting party) approving the contract 291
with (name of each other contracting party) for the designation of 292
a joint economic development zone be approved? 293

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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If a majority of the electors of each contracting party 298

voting on the issue vote for the ordinance or resolution and 299
contract, the ordinance or resolution shall become effective 300
immediately and the contract shall go into effect immediately or 301
in accordance with its terms. 302

(G)(1) A board of directors shall govern each joint economic 303
development zone created under section 715.691 of the Revised 304
Code. The members of the board shall be appointed as provided in 305
the contract. Each of the contracting parties shall appoint three 306
members to the board. Terms for each member shall be for two 307
years, each term ending on the same day of the month of the year 308
as did the term that it succeeds. A member may be reappointed to 309
the board. 310

(2) Membership on the board is not the holding of a public 311
office or employment within the meaning of any section of the 312
Revised Code or any charter provision prohibiting the holding of 313
other public office or employment. Membership on the board is not 314
a direct or indirect interest in a contract or expenditure of 315
money by a municipal corporation, township, county, or other 316
political subdivision with which a member may be affiliated. 317
Notwithstanding any provision of law or a charter to the contrary, 318
no member of the board shall forfeit or be disqualified from 319
holding any public office or employment by reason of membership on 320
the board. 321

(3) The board is a public body for the purposes of section 322
121.22 of the Revised Code. Chapter 2744. of the Revised Code 323
applies to the board and the zone. 324

(H) The contract may grant to the board of directors 325
appointed under division (G) of this section the power to adopt a 326
resolution to levy an income tax within the zone. The Revenue from 327
the income tax shall be used for the purpose of carrying out the 328
economic development plan for the zone described in the petitions 329
of support required under division (K) of this section. Any 330

municipal income tax revenue derived from the zone and not 331
appropriated or encumbered for that purpose may be used for the 332
purposes of the contracting parties pursuant to the contract. If 333
the tax was imposed within the zone before the effective date of 334
....B.... of the 130th general assembly, if no subdivision has 335
been added to the joint economic development zone contract since 336
that date, and if the contract has not been amended or renewed 337
since that date, the revenue from the income tax shall be used for 338
the purposes of the zone and for the purposes of the contracting 339
parties pursuant to the contract. The income tax may be levied in 340
the zone based on income earned by persons working within the zone 341
and on the net profits of businesses located in the zone. The 342
income tax is subject to Chapter 718. of the Revised Code, except 343
that a vote shall be required by the electors residing in the zone 344
to approve the rate of income tax unless a majority of the 345
electors residing within the zone, as determined by the total 346
number of votes cast in the zone for the office of governor at the 347
most recent general election for that office, submit a petition to 348
the board requesting that the election provided for in division 349
(H)(1) of this section not be held. If no electors reside within 350
the zone, then division (H)(3) of this section applies. The rate 351
of the income tax shall be no higher than the highest rate being 352
levied by a municipal corporation that is a party to the contract. 353

(1) The board of directors may levy an income tax at a rate 354
that is not higher than the highest rate being levied by a 355
municipal corporation that is a party to the contract, provided 356
that the rate of the income tax is first submitted to and approved 357
by the electors of the zone at the succeeding regular or primary 358
election, or a special election called by the board, occurring 359
subsequent to ninety days after a certified copy of the resolution 360
levying the income tax and calling for the election is filed with 361
the board of elections. If the voters approve the levy of the 362
income tax, the income tax shall be in force for the full period 363

of the contract establishing the zone. No election shall be held 364
under this section if a majority of the electors residing within 365
the zone, determined as specified in division (H) of this section, 366
submit a petition to that effect to the board of directors. Any 367
increase in the rate of an income tax by the board of directors 368
shall be approved by a vote of the electors of the zone and shall 369
be in force for the remaining period of the contract establishing 370
the zone. 371

(2) Whenever a zone is located in the territory of more than 372
one contracting party, a majority vote of the electors in each of 373
the several portions of the territory of the contracting parties 374
constituting the zone approving the levy of the tax is required 375
before it may be imposed under division (H) of this section. 376

(3) If no electors reside in the zone, no election for the 377
approval or rejection of an income tax shall be held under this 378
section, provided that where no electors reside in the zone, the 379
rate of the income tax shall be no higher than the highest rate 380
being levied by a municipal corporation that is a party to the 381
contract. 382

(4) The board of directors of a zone levying an income tax 383
shall enter into an agreement with one of the municipal 384
corporations that is a party to the contract to administer, 385
collect, and enforce the income tax on behalf of the zone. 386

(5) The board of directors of a zone shall publish or post 387
public notice within the zone of any resolution adopted levying an 388
income tax in the same manner required of municipal corporations 389
under sections 731.21 and 731.25 of the Revised Code. 390

(I)(1) If for any reason a contracting party reverts to or 391
has its boundaries changed so that it is classified as a township 392
that is the entity succeeding to that contracting party, the 393
township is considered to be a municipal corporation for the 394

purposes of the contract for the full period of the contract 395
establishing the joint economic development zone, except that if 396
that contracting party is administering, collecting, and enforcing 397
the income tax on behalf of the district as provided in division 398
(H)(4) of this section, the contract shall be amended to allow one 399
of the other contracting parties to administer, collect, and 400
enforce that tax. 401

(2) Notwithstanding any other section of the Revised Code, if 402
there is any change in the boundaries of a township so that a 403
municipal corporation once located within the township is no 404
longer so located, the township shall remain in existence even 405
though its remaining unincorporated area contains less than 406
twenty-two square miles, if the township has been or becomes a 407
party to a contract creating a joint economic development zone 408
under this section or the contract creating that joint economic 409
development zone under this section is terminated or repudiated 410
for any reason by any party or person. The township shall continue 411
its existing status in all respects, including having the same 412
form of government and the same elected board of trustees as its 413
governing body. The township shall continue to receive all of its 414
tax levies and sources of income as a township in accordance with 415
any section of the Revised Code, whether the levies and sources of 416
income generate millage within the ten-mill limitation or in 417
excess of the ten-mill limitation. The name of the township may be 418
changed to the name of the contracting party appearing in the 419
contract creating a joint economic development zone under this 420
section, so long as the name does not conflict with any other name 421
in the state that has been certified by the secretary of state. 422
The township shall have all of the powers set out in sections 423
715.79, 715.80, and 715.81 of the Revised Code. 424

(J) If, after creating and operating a joint economic 425
development zone under this section, a contracting party that did 426

not levy a municipal income tax under Chapter 718. of the Revised 427
Code levies such a tax, the tax shall not apply to the zone for 428
the full period of the contract establishing the zone, if the 429
board of directors of the zone has levied an income tax as 430
provided in division (H) of this section. 431

(K) The legislative authority of any subdivision in which all 432
or part of a zone would be located may not approve, amend, renew, 433
or add a new subdivision to a contract under this section after 434
the effective date ofB.... of the 130th general assembly 435
without first obtaining signed petitions of support from all 436
owners and lessees of real property located within the joint 437
economic development zone. The petition shall include the rate of 438
any municipal income tax that may be levied within the zone and a 439
description of how the revenue from that tax will be utilized. The 440
petition also shall incorporate in entirety the information 441
included in the documents described in divisions (D)(1), (2), and 442
(3) of this section. 443

Sec. 715.70. (A) This section and section 715.71 of the 444
Revised Code apply only to: 445

(1) Municipal corporations and townships within a county that 446
has adopted a charter under Sections 3 and 4 of Article X, Ohio 447
Constitution; 448

(2) Municipal corporations and townships that have created a 449
joint economic development district comprised entirely of real 450
property owned by a municipal corporation at the time the district 451
was created under this section. The real property owned by the 452
municipal corporation shall include an airport owned by the 453
municipal corporation and located entirely beyond the municipal 454
corporation's corporate boundary. 455

(3) Municipal corporations or townships that are part of or 456
contiguous to a transportation improvement district created under 457

Chapter 5540. of the Revised Code and that have created a joint 458
economic development district under this section or section 715.71 459
of the Revised Code prior to November 15, 1995; 460

(4) Municipal corporations that have previously entered into 461
a contract creating a joint economic development district pursuant 462
to division (A)(2) of this section, even if the territory to be 463
included in the district does not meet the requirements of that 464
division. 465

(B)(1)(a) One or more municipal corporations and one or more 466
townships may enter into a contract approved by the legislative 467
authority of each contracting party pursuant to which they create 468
as a joint economic development district an area or areas for the 469
purpose of facilitating economic development to create or preserve 470
jobs and employment opportunities and to improve the economic 471
welfare of the people in the state and in the area of the 472
contracting parties. A municipal corporation described in division 473
(A)(4) of this section may enter into a contract with other 474
municipal corporations and townships to create a new joint 475
economic development district. ~~In a district that includes a~~ 476
~~municipal corporation described in division (A)(4) of this~~ 477
~~section, the~~ 478

(b) Each contracting party shall be located in the same 479
county or in a county adjacent to a county in which the territory 480
of the joint economic development district is located. The 481
territory of each of the contracting parties shall be contiguous 482
to the territory of at least one other contracting party, or 483
contiguous to the territory of a township or municipal corporation 484
that is contiguous to another contracting party, even if the 485
intervening township or municipal corporation is not a contracting 486
party. The Division (B)(2)(b) of this section does not invalidate 487
any contract approved by resolution of the legislative authority 488
of each county in which a contracting party is located, in 489

accordance with division (C)(2) of this section, before the 490
effective date ofB.... of the 130th general assembly, but no 491
such contract may be amended or renewed unless the requirements of 492
division (B)(2)(b) of this section are met. 493

(c) The area or areas of land to be included in the district 494
shall not include any parcel of land owned in fee by a municipal 495
corporation or a township or parcel of land that is leased to a 496
municipal corporation or a township, unless the municipal 497
corporation or township is a party to the contract or unless the 498
municipal corporation or township has given its consent to have 499
its parcel of land included in the district by the adoption of a 500
resolution. As used in this division, "parcel of land" means any 501
parcel of land owned by a municipal corporation or a township for 502
at least a six-month period within a five-year period prior to the 503
creation of a district, but "parcel of land" does not include 504
streets or public ways and sewer, water, and other utility lines 505
whether owned in fee or otherwise. 506

(d) The district created shall be located within the 507
territory of one or more of the participating parties and may 508
consist of all or a portion of such territory. The boundaries of 509
the district shall be described in the contract or in an addendum 510
to the contract. 511

(2) Prior to the public hearing to be held pursuant to 512
division (D)(2) of this section, the participating parties shall 513
give a copy of the proposed contract to each municipal corporation 514
located within one-quarter mile of the proposed joint economic 515
development district and not otherwise a party to the contract, 516
and afford the municipal corporation the reasonable opportunity, 517
for a period of thirty days following receipt of the proposed 518
contract, to make comments and suggestions to the participating 519
parties regarding elements contained in the proposed contract. 520

(3) The district shall not exceed two thousand acres in area. 521

The territory of the district shall not completely surround 522
territory that is not included within the boundaries of the 523
district. 524

(4) Sections 503.07 to 503.12 of the Revised Code do not 525
apply to territory included within a district created pursuant to 526
this section as long as the contract creating the district is in 527
effect, unless the legislative authority of each municipal 528
corporation and the board of township trustees of each township 529
included in the district consent, by ordinance or resolution, to 530
the application of those sections of the Revised Code. 531

(5) Upon the execution of the contract creating the district 532
by the parties to the contract, a participating municipal 533
corporation or township included within the district shall file a 534
copy of the fully executed contract with the county recorder of 535
each county within which a party to the contract is located, in 536
the miscellaneous records of the county. No annexation proceeding 537
pursuant to Chapter 709. of the Revised Code that proposes the 538
annexation to, merger, or consolidation with a municipal 539
corporation of any unincorporated territory within the district 540
shall be commenced for a period of three years after the contract 541
is filed with the county recorder of each county within which a 542
party to the contract is located unless each board of township 543
trustees whose territory is included, in whole or part, within the 544
district and the territory proposed to be annexed, merged, or 545
consolidated adopts a resolution consenting to the commencement of 546
the proceeding and a copy of the resolution is filed with the 547
legislative authority of each county within which a party to the 548
contract is located or unless the contract is terminated during 549
this period. 550

The contract entered into between the municipal corporations 551
and townships pursuant to this section may provide for the 552
prohibition of any annexation by the participating municipal 553

corporations of any unincorporated territory within the district 554
beyond the three-year mandatory prohibition of any annexation 555
provided for in division (B)(5) of this section. 556

(C)(1) After the legislative authority of a municipal 557
corporation and the board of township trustees have adopted an 558
ordinance and resolution approving a contract to create a joint 559
economic development district pursuant to this section, and after 560
a contract has been signed, the municipal corporations and 561
townships shall jointly file a petition with the legislative 562
authority of each county within which a party to the contract is 563
located. 564

(a) The petition shall contain all of the following: 565

(i) A statement that the area or areas of the district is not 566
greater than two thousand acres and is located within the 567
territory of one or more of the contracting parties; 568

(ii) A brief summary of the services to be provided by each 569
party to the contract or a reference to the portion of the 570
contract describing those services; 571

(iii) A description of the area or areas to be designated as 572
the district; 573

(iv) The signature of a representative of each of the 574
contracting parties. 575

(b) The following documents shall be filed with the petition: 576

(i) A signed copy of the contract, together with copies of 577
district maps and plans related to or part of the contract; 578

(ii) A certified copy of the ordinances and resolutions of 579
the contracting parties approving the contract; 580

(iii) A certificate from each of the contracting parties 581
indicating that the public hearings required by division (D)(2) of 582
this section have been held, the date of the hearings, and 583

evidence of publication of the notice of the hearings; 584

~~(iv) One or more signed statements of persons who are owners 585
of property located in whole or in part within the area to be 586
designated as the district, requesting that the property be 587
included within the district, provided that those statements shall 588
represent a majority of the persons owning property located in 589
whole or in part within the district and persons owning a majority 590
of the acreage located within the district. A signature may be 591
withdrawn by the signer up to but not after the time of the public 592
hearing required by division (D)(2) of this section A certified 593
copy of the petition of support described in division (L) of this 594
section. 595~~

(2) The legislative authority of each county within which a 596
party to the contract is located shall adopt a resolution 597
approving the petition for the creation of the district if the 598
petition and other documents have been filed in accordance with 599
the requirements of division (C)(1) of this section. If the 600
petition and other documents do not substantially meet the 601
requirements of that division, the legislative authority of any 602
county within which a party to the contract is located may adopt a 603
resolution disapproving the petition for the creation of the 604
district. The legislative authority of each county within which a 605
party to the contract is located shall adopt a resolution 606
approving or disapproving the petition within thirty days after 607
the petition was filed. If the legislative authority of each such 608
county does not adopt the resolution within the thirty-day period, 609
the petition shall be deemed approved and the contract shall go 610
into effect immediately after that approval or at such other time 611
as the contract specifies. 612

(D)(1) The contract creating the district shall set forth or 613
provide for the amount or nature of the contribution of each 614
municipal corporation and township to the development and 615

operation of the district and may provide for the sharing of the 616
costs of the operation of and improvements for the district. The 617
contributions may be in any form to which the contracting 618
municipal corporations and townships agree and may include but are 619
not limited to the provision of services, money, real or personal 620
property, facilities, or equipment. The contract may provide for 621
the contracting parties to share revenue from taxes levied on 622
property by one or more of the contracting parties if those 623
revenues may lawfully be applied to that purpose under the 624
legislation by which those taxes are levied. The contract shall 625
provide for new, expanded, or additional services, facilities, or 626
improvements, including expanded or additional capacity for or 627
other enhancement of existing services, facilities, or 628
improvements, provided that those services, facilities, or 629
improvements, or expanded or additional capacity for or 630
enhancement of existing services, facilities, or improvements, 631
required herein have been provided within the two-year period 632
prior to the execution of the contract. 633

(2) Before the legislative authority of a municipal 634
corporation or a board of township trustees passes any ordinance 635
or resolution approving a contract to create a joint economic 636
development district pursuant to this section, the legislative 637
authority of the municipal corporation and the board of township 638
trustees shall each hold a public hearing concerning the joint 639
economic development district contract and shall provide thirty 640
days' public notice of the time and place of the public hearing in 641
a newspaper of general circulation in the municipal corporation 642
and the township. The board of township trustees may provide 643
additional notice to township residents in accordance with section 644
9.03 of the Revised Code, and any additional notice shall include 645
the public hearing announcement; a summary of the terms of the 646
contract; a statement that the entire text of the contract and 647
district maps and plans are on file for public examination in the 648

office of the township fiscal officer; and information pertaining 649
to any tax changes that will or may occur as a result of the 650
contract. 651

During the thirty-day period prior to the public hearing, a 652
copy of the text of the contract together with copies of district 653
maps and plans related to or part of the contract shall be on 654
file, for public examination, in the offices of the clerk of the 655
legislative authority of the municipal corporation and of the 656
township fiscal officer. The public hearing provided for in 657
division (D)(2) of this section shall allow for public comment and 658
recommendations from the public on the proposed contract. The 659
contracting parties may include in the contract any of those 660
recommendations prior to the approval of the contract. 661

(3) Any resolution of the board of township trustees that 662
approves a contract that creates a joint economic development 663
district pursuant to this section shall be subject to a referendum 664
of the electors of the township. When a referendum petition, 665
signed by ten per cent of the number of electors in the township 666
who voted for the office of governor at the most recent general 667
election for the office of governor, is presented to the board of 668
township trustees within thirty days after the board of township 669
trustees adopted the resolution, ordering that the resolution be 670
submitted to the electors of the township for their approval or 671
rejection, the board of township trustees shall, after ten days 672
and not later than four p.m. of the ninetieth day before the 673
election, certify the text of the resolution to the board of 674
elections. The board of elections shall submit the resolution to 675
the electors of the township for their approval or rejection at 676
the next general, primary, or special election occurring 677
subsequent to ninety days after the certifying of the petition to 678
the board of elections. 679

(4) Upon the creation of a district under this section or 680

section 715.71 of the Revised Code, one of the contracting parties 681
shall file a copy of the following with the director of 682
development: 683

(a) The petition and other documents described in division 684
(C)(1) of this section, if the district is created under this 685
section; 686

(b) The documents described in division (D) of section 715.71 687
of the Revised Code, if the district is created under this 688
section. 689

(E) The district created by the contract shall be governed by 690
a board of directors that shall be established by or pursuant to 691
the contract. The board is a public body for the purposes of 692
section 121.22 of the Revised Code. The provisions of Chapter 693
2744. of the Revised Code apply to the board and the district. The 694
members of the board shall be appointed as provided in the 695
contract from among the elected members of the legislative 696
authorities and the elected chief executive officers of the 697
contracting parties, provided that there shall be at least two 698
members appointed from each of the contracting parties. 699

(F) The contract shall enumerate the specific powers, duties, 700
and functions of the board of directors of a district, and the 701
contract shall provide for the determination of procedures that 702
are to govern the board of directors. The contract may grant to 703
the board the power to adopt a resolution to levy an income tax 704
within the district. The income tax shall be used for the purposes 705
of carrying out the economic development plan for the district 706
described in the petitions of support required under division (L) 707
of this section. Any income tax revenue derived from the district 708
and not appropriated or encumbered for that purpose may be used 709
for the purposes of the contracting municipal corporations and 710
townships pursuant to the contract. If the petition for the 711
creation of the joint economic development district is approved by 712

resolution of the legislative authority of each county in which a 713
contracting party is located before the effective date of ...B.... 714
of the 130th general assembly and the joint economic development 715
district contract has not been renewed or amended after that date, 716
the income tax shall be used for the purposes of the district and 717
for the purposes of the contracting municipal corporations and 718
townships pursuant to the contract. ~~The~~ 719

The income tax may be levied in the district based on income 720
earned by persons working or residing within the district and 721
based on the net profits of businesses located in the district. 722
The income tax shall follow the provisions of Chapter 718. of the 723
Revised Code, except that a vote shall be required by the electors 724
residing in the district to approve the rate of income tax. If no 725
electors reside within the district, then division (F)(4) of this 726
section applies. The rate of the income tax shall be no higher 727
than the highest rate being levied by a municipal corporation that 728
is a party to the contract and, if applicable, no higher than the 729
rate specified in the petitions of support under division (L) of 730
this section. 731

(1) Within one hundred eighty days after the first meeting of 732
the board of directors, the board may levy an income tax, provided 733
that the rate of the income tax is first submitted to and approved 734
by the electors of the district at the succeeding regular or 735
primary election, or a special election called by the board, 736
occurring subsequent to ninety days after a certified copy of the 737
resolution levying the income tax and calling for the election is 738
filed with the board of elections. If the voters approve the levy 739
of the income tax, the income tax shall be in force for the full 740
period of the contract establishing the district. Any increase in 741
the rate of an income tax that was first levied within one hundred 742
eighty days after the first meeting of the board of directors 743
shall be approved by a vote of the electors of the district, shall 744

be in force for the remaining period of the contract establishing 745
the district, and shall not be subject to division (F)(2) of this 746
section. 747

(2) Any resolution of the board of directors levying an 748
income tax that is adopted subsequent to one hundred eighty days 749
after the first meeting of the board of directors shall be subject 750
to a referendum as provided in division (F)(2) of this section. 751
Any resolution of the board of directors levying an income tax 752
that is adopted subsequent to one hundred eighty days after the 753
first meeting of the board of directors shall be subject to an 754
initiative proceeding to amend or repeal the resolution levying 755
the income tax as provided in division (F)(2) of this section. 756
When a referendum petition, signed by ten per cent of the number 757
of electors in the district who voted for the office of governor 758
at the most recent general election for the office of governor, is 759
filed with the county auditor of each county within which a party 760
to the contract is located within thirty days after the resolution 761
is adopted by the board or when an initiative petition, signed by 762
ten per cent of the number of electors in the district who voted 763
for the office of governor at the most recent general election for 764
the office of governor, is filed with the county auditor of each 765
such county ordering that a resolution to amend or repeal a prior 766
resolution levying an income tax be submitted to the electors 767
within the district for their approval or rejection, the county 768
auditor of each such county, after ten days and not later than 769
four p.m. of the ninetieth day before the election, shall certify 770
the text of the resolution to the board of elections of that 771
county. The county auditor of each such county shall retain the 772
petition. The board of elections shall submit the resolution to 773
such electors, for their approval or rejection, at the next 774
general, primary, or special election occurring subsequent to 775
ninety days after the certifying of such petition to the board of 776
elections. 777

(3) Whenever a district is located in the territory of more than one contracting party, a majority vote of the electors, if any, in each of the several portions of the territory of the contracting parties constituting the district approving the levy of the tax is required before it may be imposed pursuant to this division.

(4) If there are no electors residing in the district, no election for the approval or rejection of an income tax shall be held pursuant to this section, provided that where no electors reside in the district, the maximum rate of the income tax that may be levied shall not exceed one per cent.

(5) The board of directors of a district levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the district. The resolution levying the income tax shall provide the same credits, if any, to residents of the district for income taxes paid to other such districts or municipal corporations where the residents work, as credits provided to residents of the municipal corporation administering the income tax.

(6)(a) The board shall publish or post public notice within the district of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(b) Except as otherwise specified by this division, any referendum or initiative proceeding within a district shall be conducted in the same manner as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

(G) Membership on the board of directors does not constitute the holding of a public office or employment within the meaning of

any section of the Revised Code or any charter provision 809
prohibiting the holding of other public office or employment, and 810
shall not constitute an interest, either direct or indirect, in a 811
contract or expenditure of money by any municipal corporation, 812
township, county, or other political subdivision with which the 813
member may be connected. No member of a board of directors shall 814
be disqualified from holding any public office or employment, nor 815
shall such member forfeit or be disqualified from holding any such 816
office or employment, by reason of the member's membership on the 817
board of directors, notwithstanding any law or charter provision 818
to the contrary. 819

(H) The powers and authorizations granted pursuant to this 820
section or section 715.71 of the Revised Code are in addition to 821
and not in derogation of all other powers granted to municipal 822
corporations and townships pursuant to law. When exercising a 823
power or performing a function or duty under a contract authorized 824
pursuant to this section or section 715.71 of the Revised Code, a 825
municipal corporation may exercise all of the powers of a 826
municipal corporation, and may perform all the functions and 827
duties of a municipal corporation, within the district, pursuant 828
to and to the extent consistent with the contract. When exercising 829
a power or performing a function or duty under a contract 830
authorized pursuant to this section or section 715.71 of the 831
Revised Code, a township may exercise all of the powers of a 832
township, and may perform all the functions and duties of a 833
township, within the district, pursuant to and to the extent 834
consistent with the contract. The district board of directors has 835
no powers except those specifically set forth in the contract as 836
agreed to by the participating parties. No political subdivision 837
shall authorize or grant any tax exemption pursuant to Chapter 838
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 839
Revised Code on any property located within the district without 840
the consent of the contracting parties. The prohibition for any 841

tax exemption pursuant to this division shall not apply to any 842
exemption filed, pending, or approved, or for which an agreement 843
has been entered into, before the effective date of the contract 844
entered into by the parties. 845

(I) Municipal corporations and townships may enter into 846
binding agreements pursuant to a contract authorized under this 847
section or section 715.71 of the Revised Code with respect to the 848
substance and administration of zoning and other land use 849
regulations, building codes, public permanent improvements, and 850
other regulatory and proprietary matters that are determined, 851
pursuant to the contract, to be for a public purpose and to be 852
desirable with respect to the operation of the district or to 853
facilitate new or expanded economic development in the state or 854
the district, provided that no contract shall exempt the territory 855
within the district from the procedures and processes of land use 856
regulation applicable pursuant to municipal corporation, township, 857
and county regulations, including but not limited to procedures 858
and processes concerning zoning. 859

(J) A contract entered into pursuant to this section or 860
section 715.71 of the Revised Code may be amended and it may be 861
renewed, canceled, or terminated as provided in or pursuant to the 862
contract. The contract may be amended to add property owned by one 863
of the contracting parties to the district, or may be amended to 864
delete property from the district whether or not one of the 865
contracting parties owns the deleted property. The contract shall 866
continue in existence throughout its term and shall be binding on 867
the contracting parties and on any entities succeeding to such 868
parties, whether by annexation, merger, or otherwise. The income 869
tax levied by the board pursuant to this section or section 715.71 870
of the Revised Code shall apply in the entire district throughout 871
the term of the contract, notwithstanding that all or a portion of 872
the district becomes subject to annexation, merger, or 873

incorporation. No township or municipal corporation is divested of 874
its rights or obligations under the contract because of 875
annexation, merger, or succession of interests. 876

(K) After the creation of a joint economic development 877
district described in division (A)(2) of this section, a municipal 878
corporation that is a contracting party may cease to own property 879
included in the district, but such property shall continue to be 880
included in the district and subject to the terms of the contract. 881

(L) The legislative authority of a subdivision in which all 882
or part of a joint economic development district would be located 883
may not approve, amend, or renew a contract under this section or 884
section 715.71 of the Revised Code after the effective date of 885
...B.... of the 130th general assembly without first obtaining 886
signed petitions of support from all owners and lessees of real 887
property located within the joint economic development district. 888
The petition shall include all of the following: 889

(1) The rate of any municipal income tax that may be levied 890
within the district; 891

(2) A description of how revenue from that tax will be 892
utilized; 893

(3) A copy of the contract designating the district; 894

(4) A description of the area or areas to be included in the 895
district, including a map in sufficient detail to denote the 896
specific boundaries of the area or areas; 897

(5) An economic development plan for the district that 898
includes a schedule for the provision of any new, expanded, or 899
additional services, facilities, or improvements. 900

(M) Any ordinance or resolution adopted by the legislative 901
authority of a municipal corporation or a board of township 902
trustees to approve, amend, or renew a contract under this section 903

or section 715.71 of the Revised Code after the effective date of 904
...B.... of the 130th general assembly shall include at least the 905
information delineated in divisions (L)(1) to (5) of this section. 906

Sec. 715.71. (A) This section provides alternative procedures 907
and requirements to those set forth in section 715.70 of the 908
Revised Code for creating and operating a joint economic 909
development district. Divisions (B), (C), (D)(1) to (3), and (F) 910
of section 715.70 of the Revised Code do not apply to a joint 911
economic development district established under this section. 912
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), ~~and (K)~~ 913
(L), and (M) of section 715.70 of the Revised Code do apply to a 914
district established under this section. 915

(B)(1) One or more municipal corporations and one or more 916
townships may enter into a contract approved by the legislative 917
authority of each contracting party pursuant to which they create 918
as a joint economic development district one or more areas for the 919
purpose of facilitating economic development to create or preserve 920
jobs and employment opportunities and to improve the economic 921
welfare of the people in this state and in the area of the 922
contracting parties. The district created shall be located within 923
the territory of one or more of the contracting parties and may 924
consist of all or a portion of that territory. The boundaries of 925
the district shall be described in the contract or in an addendum 926
to the contract. The area or areas of land to be included in the 927
district shall not include any parcel of land owned in fee by or 928
leased to a municipal corporation or township, unless the 929
municipal corporation or township is a party to the contract or 930
has given its consent to have its parcel of land included in the 931
district by the adoption of a resolution. As used in this 932
division, "parcel of land" has the same meaning as in division (B) 933
of section 715.70 of the Revised Code. 934

(2) Each contracting party shall be located in the same 935
county or in a county adjacent to a county in which the territory 936
of the joint economic development district is located. The 937
territory of each of the contracting parties shall be contiguous 938
to the territory of at least one other contracting party, or 939
contiguous to the territory of a township or municipal corporation 940
that is contiguous to another contracting party, even if the 941
intervening township or municipal corporation is not a contracting 942
party. Division (B)(2) of this section does not invalidate any 943
joint economic development district contract for which a petition 944
was approved by resolution of the legislative authority of each 945
county in which a contracting party is located, in accordance with 946
division (E) of this section, before the effective date of 947
...B.... of the 130th general assembly, but no such contract may 948
be amended or renewed unless the requirements prescribed by 949
division (B)(2) of this section are met. 950

(C) Before the legislative authority of a municipal 951
corporation or a board of township trustees adopts an ordinance or 952
resolution approving a contract to create a joint economic 953
development district under this section, it shall hold a public 954
hearing concerning the joint economic development district 955
contract and shall provide thirty days' public notice of the time 956
and place of the public hearing in a newspaper of general 957
circulation in the municipal corporation and the township. Each 958
municipal corporation and township that is a party to the contract 959
shall hold a public hearing. During the thirty-day period prior to 960
a public hearing, a copy of the text of the contract together with 961
copies of district maps and plans related to or part of the 962
contract shall be on file, for public examination, in the offices 963
of the clerk of the legislative authority of the municipal 964
corporation and of the township fiscal officer. The public 965
hearings provided for in this division shall allow for public 966
comment and recommendations on the proposed contract. The 967

participating parties may include in the contract any of those 968
recommendations prior to approval of the contract. 969

(D) After the legislative authority of a municipal 970
corporation and the board of township trustees have adopted an 971
ordinance and resolution approving a contract to create a joint 972
economic development district, the municipal corporation and the 973
township jointly shall file with the legislative authority of each 974
county within which a party to the contract is located all of the 975
following: 976

(1) A signed copy of the contract, together with copies of 977
district maps and plans related to or part of the contract; 978

(2) Certified copies of the ordinances and resolutions of the 979
contracting parties relating to the district and the contract; 980

(3) A certificate of each of the contracting parties that the 981
public hearings provided for in division (C) of this section have 982
been held, the date of the hearings, and evidence of publication 983
of the notice of the hearings; 984

(4) A certified copy of the petition of support described 985
under division (L) of section 715.70 of the Revised Code. 986

(E) Within thirty days after the filing under division (D) of 987
this section, the legislative authority of each county within 988
which a party to the contract is located shall adopt a resolution 989
acknowledging the receipt of the required documents, approving the 990
creation of the joint economic development district, and directing 991
that the resolution of the board of township trustees approving 992
the contract be submitted to the electors of the township for 993
approval at the next succeeding general, primary, or special 994
election. The legislative authority of the county shall file with 995
the board of elections at least ninety days before the day of the 996
election a copy of the resolution of the board of township 997
trustees approving the contract. The resolution of the legislative 998

authority of the county also shall specify the date the election 999
 is to be held and shall direct the board of elections to conduct 1000
 the election in the township. If the resolution of the legislative 1001
 authority of the county is not adopted within the thirty-day 1002
 period after the filing under division (D) of this section, the 1003
 joint economic development district shall be deemed approved by 1004
 the county legislative authority, and the board of township 1005
 trustees shall file its resolution with the board of elections for 1006
 submission to the electors of the township for approval at the 1007
 next succeeding general, primary, or special election. The filing 1008
 shall occur at least ninety days before the specified date the 1009
 election is to be held and shall direct the board of elections to 1010
 conduct the election in the township. 1011

The ballot shall be in the following form: 1012

"Shall the resolution of the board of township trustees 1013
 approving the contract with (here insert name of 1014
 each municipal corporation and other township that is a party to 1015
 the contract) for the creation of a joint economic development 1016
 district be approved? 1017

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue 1022
 vote for the resolution and contract, the resolution shall become 1023
 effective immediately and the contract shall go into effect 1024
 immediately or in accordance with its terms. 1025

(F) The contract creating the district shall set forth or 1026
 provide for the amount or nature of the contribution of each 1027
 municipal corporation and township to the development and 1028
 operation of the district and may provide for the sharing of the 1029

costs of the operation of and improvements for the district. The 1030
contributions may be in any form to which the contracting 1031
municipal corporations and townships agree and may include but are 1032
not limited to the provision of services, money, real or personal 1033
property, facilities, or equipment. The contract may provide for 1034
the contracting parties to share revenue from taxes levied on 1035
property by one or more of the contracting parties if those 1036
revenues may lawfully be applied to that purpose under the 1037
legislation by which those taxes are levied. The contract shall 1038
provide for new, expanded, or additional services, facilities, or 1039
improvements, including expanded or additional capacity for or 1040
other enhancement of existing services, facilities, or 1041
improvements, provided that the existing services, facilities, or 1042
improvements, or the expanded or additional capacity for or 1043
enhancement of the existing services, facilities, or improvements, 1044
have been provided within the two-year period prior to the 1045
execution of the contract. 1046

(G) The contract shall enumerate the specific powers, duties, 1047
and functions of the board of directors of the district and shall 1048
provide for the determination of procedures that are to govern the 1049
board of directors. The contract may grant to the board the power 1050
to adopt a resolution to levy an income tax within the district. 1051
The income tax shall be used for the purposes of carrying out the 1052
economic development plan for the district described in the 1053
petitions of support required under division (L) of section 715.70 1054
of the Revised Code. Any tax revenue derived from the district and 1055
not appropriated or encumbered for that purpose may be used for 1056
the purposes of the contracting parties pursuant to the contract. 1057
If the petition for the creation of the joint economic development 1058
district is approved by resolution of the legislative authority of 1059
each county in which a contracting party is located before the 1060
effective date of ...B.... of the 130th general assembly and the 1061
joint economic development district contract has not been renewed 1062

or amended after that date, the income tax shall be used for the 1063
purposes of the district and for the purposes of the contracting 1064
municipal corporations and townships pursuant to the contract. ~~The~~ 1065

The income tax may be levied in the district based on income 1066
earned by persons working or residing within the district and 1067
based on the net profits of businesses located in the district. 1068
The income tax of the district shall follow the provisions of 1069
Chapter 718. of the Revised Code, except that no vote shall be 1070
required by the electors residing in the district. The rate of the 1071
income tax shall be no higher than the highest rate being levied 1072
by a municipal corporation that is a party to the contract and, if 1073
applicable, no higher than the rate specified in the petitions of 1074
support required under division (L) of section 715.70 of the 1075
Revised Code. 1076

The board of directors of a district levying an income tax 1077
shall enter into an agreement with one of the municipal 1078
corporations that is a party to the contract to administer, 1079
collect, and enforce the income tax on behalf of the district. The 1080
resolution levying the income tax shall provide the same credits, 1081
if any, to residents of the district for income taxes paid to 1082
other districts or municipal corporations where the residents 1083
work, as credits provided to residents of the municipal 1084
corporation administering the income tax. 1085

(H) No annexation proceeding pursuant to Chapter 709. of the 1086
Revised Code that proposes the annexation to or merger or 1087
consolidation with a municipal corporation, except a municipal 1088
corporation that is a party to the contract, of any unincorporated 1089
territory within the district shall be commenced for a period of 1090
three years after the contract is filed with the legislative 1091
authority of each county within which a party to the contract is 1092
located in accordance with division (D) of this section unless 1093
each board of township trustees whose territory is included, in 1094

whole or part, within the district and the territory proposed to 1095
be annexed, merged, or consolidated adopts a resolution consenting 1096
to the commencement of the proceeding and a copy of the resolution 1097
is filed with the legislative authority of each such county or 1098
unless the contract is terminated during this three-year period. 1099
The contract entered into between the municipal corporations and 1100
townships pursuant to this section may provide for the prohibition 1101
of any annexation by the participating municipal corporations of 1102
any unincorporated territory within the district. 1103

Sec. 715.72. (A) As used in sections 715.72 to 715.81 of the 1104
Revised Code: 1105

(1) "Contracting parties" means one or more municipal 1106
corporations, one or more townships, and, under division (D) of 1107
this section, one or more counties that have entered into a 1108
contract under this section to create a joint economic development 1109
district. 1110

(2) "District" means a joint economic development district 1111
created under sections 715.72 to 715.81 of the Revised Code. 1112

(3) "Contract for utility services" means a contract under 1113
which a municipal corporation agrees to provide to a township or 1114
another municipal corporation water, sewer, electric, or other 1115
utility services necessary to the public health, safety, and 1116
welfare. 1117

(B) Sections 715.72 to 715.81 of the Revised Code provide 1118
alternative procedures and requirements to those set forth in 1119
sections 715.70 and 715.71 of the Revised Code for creating and 1120
operating a joint economic development district. Sections 715.72 1121
to 715.81 of the Revised Code apply to municipal corporations and 1122
townships that are located in the same county or in adjacent 1123
counties. 1124

(C) One or more municipal corporations, one or more 1125
townships, and, under division (D) of this section, one or more 1126
counties may enter into a contract pursuant to which they create 1127
as a joint economic development district one or more areas for the 1128
purpose of facilitating economic development to create or preserve 1129
jobs and employment opportunities and to improve the economic 1130
welfare of the people in this state and in the area of the 1131
contracting parties. 1132

(1) ~~Except as otherwise provided in division (C)(2) of this~~ 1133
~~section, the~~ The territory of each of the contracting parties 1134
shall be contiguous to the territory of at least one other 1135
contracting party, or contiguous to the territory of a township, 1136
municipal corporation, or county that is contiguous to another 1137
contracting party, even if the intervening township or municipal 1138
corporation is not a contracting party. 1139

(2) ~~Contracting parties that have entered into a contract~~ 1140
~~under section 715.70 or 715.71 of the Revised Code creating a~~ 1141
~~joint economic development district prior to November 15, 1995,~~ 1142
~~may enter into a contract under this section even if the territory~~ 1143
~~of each of the contracting parties is not contiguous to the~~ 1144
~~territory of at least one other contracting party, or contiguous~~ 1145
~~to the territory of a township or municipal corporation that is~~ 1146
~~contiguous to another contracting party as otherwise required~~ 1147
~~under division~~ Division (C)(1) of this section. ~~The contract and~~ 1148
~~district shall meet the requirements of sections 715.72 to 715.81~~ 1149
~~of the Revised Code~~ does not invalidate any joint economic 1150
development district contract approved by ordinance or resolution 1151
of all contracting parties under section 715.76 of the Revised 1152
Code before the effective date of ...B.... of the 130th general 1153
assembly, but no such contract may be amended or renewed unless 1154
the requirements of division (C)(1) of this section are met. 1155

(D) If, on or after ~~the effective date of this amendment~~ 1156

December 30, 2008, but on or before June 30, 2009, one or more 1157
municipal corporations and one or more townships enter into a 1158
contract or amend an existing contract under this section, one or 1159
more counties in which all of those municipal corporations or 1160
townships are located also may enter into the contract as a 1161
contracting party or parties. 1162

Sec. 715.74. (A) The contract creating a joint economic 1163
development district shall provide for the amount or nature of the 1164
contribution of each contracting party to the development and 1165
operation of the district and may provide for the sharing of the 1166
costs of the operation of and improvements for the district. The 1167
contributions may be in any form to which the contracting parties 1168
agree and may include, but are not limited to, the provision of 1169
services, money, real or personal property, facilities, or 1170
equipment. The contract may provide for the contracting parties to 1171
share revenue from taxes levied by one or more of the contracting 1172
parties, if those revenues may lawfully be applied to that purpose 1173
under the legislation by which those taxes are levied. The 1174
contract shall specify and provide for new, expanded, or 1175
additional services, facilities, or improvements. The contract may 1176
provide for expanded or additional capacity for or other 1177
enhancement of existing services, facilities, or improvements. 1178

(B) The contract shall enumerate the specific powers, duties, 1179
and functions of the board of directors of the district described 1180
under section 715.78 of the Revised Code and shall provide for the 1181
determination of procedures that are to govern the board. 1182

(C)(1) The contract may grant to the board the power to adopt 1183
a resolution to levy an income tax within the district and the 1184
contract may designate certain portions of the district where such 1185
an income tax may be levied. The income tax shall be used for the 1186
purpose of carrying out the economic development plan for the 1187

district described in the petitions of support required under 1188
section 715.751 of the Revised Code. Any tax revenue derived from 1189
the district and not appropriated or encumbered for that purpose 1190
may be used for the purposes of the contracting parties pursuant 1191
to the contract. If the contracting parties approved the joint 1192
economic development district contract before the effective date 1193
of ...B... of the 130th general assembly and the contract has not 1194
been renewed or amended after that date, the income tax shall be 1195
used for the purposes of the district or any portion of the 1196
district in which the contract authorizes an income tax and for 1197
the purposes of the contracting parties pursuant to the contract. 1198
The income tax may be levied in the district based on income 1199
earned by persons working within the district and based on the net 1200
profits of businesses located in the district, but the income of 1201
an individual who resides in the district shall not be subject to 1202
such income tax unless the income is received for personal 1203
services performed in the district. The income tax of the district 1204
shall follow the provisions of Chapter 718. of the Revised Code, 1205
except that no vote shall be required. The rate of the income tax 1206
shall be no higher than the highest rate being levied by a 1207
municipal corporation that is a contracting party and, if 1208
applicable, no higher than the rate specified in the petition of 1209
support under section 715.751 of the Revised Code. 1210

(2) If the board adopts a resolution to levy an income tax, 1211
it shall enter into an agreement with a municipal corporation that 1212
is a contracting party to administer, collect, and enforce the 1213
income tax on behalf of the district. 1214

(3) A resolution levying an income tax under this section 1215
shall require the contracting parties to annually set aside a 1216
percentage, to be stated in the resolution, of the amount of the 1217
income tax collected for the long-term maintenance of the 1218
district. 1219

(4) An income tax levied under this section shall apply in 1220
the district or any portion of the district in which the contract 1221
authorizes an income tax throughout the term of the contract 1222
creating the district, notwithstanding that all or a portion of 1223
the district becomes subject to annexation, merger, or 1224
consolidation. 1225

(D) The contract creating a joint economic development 1226
district shall continue in existence throughout its term and shall 1227
be binding on the contracting parties and on any parties 1228
succeeding to the contracting parties, whether by annexation, 1229
merger, or consolidation. Except as provided in division (E) of 1230
this section, the contract may be amended, renewed, or terminated 1231
with the approval of the contracting parties or any parties 1232
succeeding to the contracting parties. If the contract is amended 1233
to add area to an existing district, the amendment shall be 1234
adopted in the manner prescribed under section 715.761 of the 1235
Revised Code. 1236

(E) If two or more contracting parties previously have 1237
entered into a separate contract for utility services, then 1238
amendment, renewal, or termination of the separate contract for 1239
utility services shall not constitute any part of the 1240
consideration for the contract creating a joint economic 1241
development district. A contract creating a joint economic 1242
development district shall be rebuttably presumed to violate this 1243
division if it is entered into within two years prior or five 1244
years subsequent to the amendment, renewal, or termination of a 1245
separate contract for utility services that two or more 1246
contracting parties previously have entered into. The presumption 1247
stated in this division may be rebutted by clear and convincing 1248
evidence of both of the following: 1249

(1) That other substantial consideration existed to support 1250
the contract creating a joint economic development district; 1251

(2) That the contracting parties entered into the contract 1252
creating a joint economic development district freely and without 1253
duress or coercion related to the amendment, renewal, or 1254
termination of the separate contract for utility services. 1255

(F) A contract creating a joint economic development district 1256
that violates division (E) of this section is void and 1257
unenforceable. 1258

Sec. 715.751. The legislative authority of a subdivision in 1259
which all or part of a joint economic development district would 1260
be located may not approve, amend, or renew a contract under 1261
sections 715.72 to 715.81 of the Revised Code after the effective 1262
date of ...B.... of the 130th general assembly without first 1263
obtaining signed petitions of support from all owners and lessees 1264
of real property located within the district. The petition shall 1265
include all of the following: 1266

(A) The rate of any municipal income tax that may be levied 1267
within the district; 1268

(B) A description of how revenue from that tax will be 1269
utilized; 1270

(C) A copy of the contract designating the district; 1271

(D) A description of the area or areas to be included in the 1272
district, including a map in sufficient detail to denote the 1273
specific boundaries of the area or areas; 1274

(E) An economic development plan for the district that 1275
includes a schedule for the provision of any new, expanded, or 1276
additional services, facilities, or improvements. 1277

Sec. 715.76. After the public hearings required under section 1278
715.75 of the Revised Code have been held and, if required under 1279
section 715.751 of the Revised Code, the petitions of support have 1280

been collected, each contracting party may adopt an ordinance or 1281
resolution approving the contract to create a joint economic 1282
development district. All such ordinances and resolutions adopted 1283
or enacted after the effective date of ...B.... of the 130th 1284
general assembly shall include at least the information required 1285
to be included in the corresponding petitions of support under 1286
section 715.751 of the Revised Code. After each contracting party 1287
has adopted an ordinance or resolution, the contracting parties 1288
jointly shall file with the legislative authority of each county 1289
within which a contracting party is located all of the following 1290
documents: 1291

(A) A signed copy of the contract; 1292

(B) A description of the area or areas to be included in the 1293
district, including a map in sufficient detail to denote the 1294
specific boundaries of the area or areas and to indicate any 1295
zoning restrictions applicable to the area or areas; 1296

(C) The economic development plan described in division (C) 1297
of section 715.75 of the Revised Code; 1298

(D) Certified copies of the ordinances and resolutions of the 1299
contracting parties relating to the contract and district; 1300

(E) A certificate of each contracting party that the public 1301
hearings required by section 715.75 of the Revised Code have been 1302
held, the date of the hearings, and evidence of publication of the 1303
notice of the hearings; 1304

~~(F) A petition signed by a majority of the owners of property 1305
located within the area or areas to be included in the district; 1306~~

~~(G) A petition signed by a majority of the owners of 1307
businesses, if any, located within the area or areas to be 1308
included in the district. 1309~~

~~The petitions described in divisions (F) and (G) of this 1310~~

~~section shall specify that all of the documents described in~~ 1311
~~divisions (A) to (C) of section 715.75 of the Revised Code are~~ 1312
~~available for public inspection in the office of the clerk of the~~ 1313
~~legislative authority of each municipal corporation and county~~ 1314
~~that is a contracting party or the office of the fiscal officer of~~ 1315
~~each township that is a contracting party~~ A certified copy of the 1316
petition of support required under section 715.751 of the Revised 1317
Code. 1318

The legislative authority of a county that is a contracting 1319
party under division (D) of section 715.72 of the Revised Code is 1320
entitled to all of the documents described in divisions (A) to 1321
(G)(F) of this section as if the county were not a contracting 1322
party. 1323

~~Not later than ten days after all of the documents described~~ 1324
~~in divisions (A) to (C) of this section have been filed, each~~ 1325
~~contracting party shall give notice to those owners of property~~ 1326
~~within the area or areas to be included in the district who did~~ 1327
~~not sign the petition described in division (F) of this section~~ 1328
~~and whose property is located within the boundaries of that~~ 1329
~~contracting party and to those owners of businesses, if any,~~ 1330
~~within the area or areas to be included in the district who did~~ 1331
~~not sign the petition described in division (G) of this section~~ 1332
~~and whose property is located within the boundaries of that~~ 1333
~~contracting party. Notice shall be given by certified mail and~~ 1334
~~shall specify that the owners of property and businesses are~~ 1335
~~located within the area or areas to be included in the district~~ 1336
~~and that all of the documents described in divisions (A) to (C) of~~ 1337
~~section 715.75 of the Revised Code are available for public~~ 1338
~~inspection in the office of the clerk of the legislative authority~~ 1339
~~of each municipal corporation and county that is a contracting~~ 1340
~~party or the office of the fiscal officer of each township that is~~ 1341
~~a contracting party. The contracting parties shall equally bear~~ 1342

~~the cost of providing notice under this section.~~ 1343

If the contracting parties do not file all of the documents 1344
described in divisions (A) to ~~(G)~~(F) of this section, the 1345
legislative authority of a county that is not a contracting party 1346
within which a contracting party is located may adopt a resolution 1347
disapproving the creation of the joint economic development 1348
district. In addition, the legislative authority of the county may 1349
adopt a resolution disapproving the creation of the district if it 1350
determines, in written findings of fact, that each contracting 1351
party did not enter into the contract freely and without duress or 1352
coercion. 1353

Sec. 715.761. (A) The contracting parties may amend the 1354
contract to add to a joint economic development district any area 1355
that was not originally included in the district when the contract 1356
took effect. Area may be added only if the area satisfies the 1357
criteria prescribed under section 715.73 of the Revised Code. 1358

(B) An amendment adding area to a district shall be approved 1359
by a resolution or ordinance adopted by each of the contracting 1360
parties. The contracting parties shall conduct public hearings on 1361
the amendment, provide notice, obtain signed petitions of support 1362
from all owners and lessees of real property located within the 1363
proposed district in accordance with section 715.751 of the 1364
Revised Code, and deliver a copy of the amendment to the 1365
legislative authority of the county in which the added area is 1366
located in the manner required under section 715.75 of the Revised 1367
Code for original contracts. The legislative authority of a county 1368
that is a contracting party under division (D) of section 715.72 1369
of the Revised Code is entitled to a copy of the amendment as if 1370
the county were not a contracting party. The contracting parties 1371
shall make available for public inspection a copy of the 1372
amendment, a description of the area to be added to the district, 1373

and a map of that area in sufficient detail to denote the specific 1374
boundaries of the area and to indicate any zoning restrictions 1375
applicable to the area. 1376

(C) After adopting resolutions or ordinances approving the 1377
addition of the area, the contracting parties jointly shall file 1378
with the legislative authority of the county in which the added 1379
area is located the documents required to be filed under section 1380
715.76 of the Revised Code, except that: 1381

(1) A copy of the amendment to the contract shall be filed in 1382
lieu of a copy of the contract. 1383

(2) The description and map shall be of the area to be added 1384
instead of the entire area of the district. 1385

(3) The economic development plan need not be filed. 1386

(4) Certified copies of the resolutions and ordinances 1387
approving the amendment shall be filed. 1388

(5) The certificates otherwise required under division (E) of 1389
section 715.76 of the Revised Code shall certify that the hearings 1390
required under division (B) of this section have been held, shall 1391
indicate the date of those hearings, and shall include evidence 1392
that notice of the hearings was published. 1393

~~(6) The petition otherwise required under division (F) of 1394
section 715.76 of the Revised Code shall be signed by a majority 1395
of the owners of property located in the area to be added to the 1396
district, the petition otherwise required under division (G) of 1397
that section shall be signed by a majority of the owners of 1398
businesses, if any, located in the area to be added to the 1399
district, and the petitions shall specify that the documents 1400
described in division (B) of this section are available for public 1401
inspection as otherwise required under section 715.75 of the 1402
Revised Code. 1403~~

(D) The resolution of a board of township trustees approving 1404
an amendment adding area to an existing joint economic development 1405
district is not required to be submitted to the electors of the 1406
township. 1407

Sec. 715.771. Upon the creation of a joint economic 1408
development district under section 715.72 of the Revised Code, one 1409
of the contracting parties shall file a copy of each of the 1410
documents described in divisions (A) to ~~(G)~~(F) of section 715.76 1411
of the Revised Code with the director of development. 1412

Section 2. That existing sections 715.69, 715.691, 715.70, 1413
715.71, 715.72, 715.74, 715.76, 715.761, and 715.771 of the 1414
Revised Code are hereby repealed. 1415