

As Passed by the House

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

Sub. H. B. No. 289

Representative Schuring

**Cosponsors: Representatives Beck, Brenner, Grossman, Henne, Hood,
McGregor, Hackett, Amstutz, Blair, Boose, Brown, Burkley, Duffey, Green,
Hagan, C., Hayes, Hottinger, Huffman, Letson, McClain, O'Brien, Romanchuk,
Ruhl, Scherer, Sheehy, Smith, Thompson Speaker Batchelder**

—

A B I L L

To amend sections 715.69, 715.691, and 715.771 and to 1
enact sections 715.692 and 715.693 of the Revised 2
Code to terminate the authority to create new or 3
substantially modified joint economic development 4
zones (JEDZ), to require the creation of review 5
councils to approve and to evaluate the progress 6
of JEDZ development plans, and to authorize 7
businesses and their employees to bring a civil 8
action seeking termination of the JEDZ contract or 9
income tax if the council finds that the 10
development plan is not being complied with. 11

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

Section 1. That sections 715.69, 715.691, and 715.771 be 12
amended and sections 715.692 and 715.693 of the Revised Code be 13
enacted to read as follows: 14

Sec. 715.69. (A) As used in this section: 15

(1) "Contracting party" means a municipal corporation that 16

has entered into a joint economic development zone contract or any party succeeding to such a municipal corporation.

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

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

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

(5) "Substantial amendment" means an amendment to a joint economic development zone contract that increases the rate of municipal income tax that may be imposed within the zone, changes the purposes for which municipal income tax revenue derived from the zone may be used, adds one or more contracting parties, or changes the area or areas included in the zone.

(B) ~~Two~~ At any time before January 1, 2015, two or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. Except as otherwise provided in division (I) of this section, the contract and zone shall meet the requirements of divisions (B) to (H) of this section.

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, subject to divisions (G) and (I) of this section, and may include, but are not limited to, the provision of services,

money, or equipment. The contract may provide for the contracting 48
parties to distribute among themselves, in the manner they agree 49
to, any municipal income tax revenues derived from the income 50
earned by persons employed by businesses that locate within the 51
zone after it is designated by the contracting parties and from 52
the net profits of such businesses. Except as provided in 53
divisions (G) and (I) of this section, the contract may be 54
amended, renewed, or terminated with the consent of the 55
contracting parties, subject to division (J) of this section. If 56
the contract is approved under division (E) or (I) of this section 57
or substantially amended after the effective date of H.B. 289 of 58
the 130th general assembly, the contracting parties shall include 59
within the contract or the amendment to the contract an economic 60
development plan for the zone, a schedule for the implementation 61
or provision of any new, expanded, or additional services, 62
facilities, or improvements within the zone or in the area 63
surrounding the zone, and any provisions necessary for the 64
contracting parties to create a joint economic development review 65
council in compliance with section 715.692 of the Revised Code. 66

(D) Before the legislative authority of any of the 67
contracting parties enacts an ordinance approving a contract to 68
designate a joint economic development zone, the legislative 69
authority of each of the contracting parties shall hold a public 70
hearing concerning the contract and zone. Each such legislative 71
authority shall provide at least thirty days' public notice of the 72
time and place of the public hearing in a newspaper of general 73
circulation in the municipal corporation. During the thirty-day 74
period prior to the public hearing, all of the following documents 75
shall be available for public inspection in the office of the 76
clerk of the legislative authority of each of the contracting 77
parties: 78

(1) A copy of the contract designating the zone; 79

(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 the economic development plan has been approved under division (D) of section 715.692 of the Revised Code, and before January 1, 2015, each contracting party may enact an ordinance approving the contract to designate a joint economic development zone. After each contracting party has enacted such an ordinance, the clerk of the legislative authority of each contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance approving the contract and shall direct the board of elections to submit the ordinance to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance is filed with the board of elections.

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

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

	FOR THE ORDINANCE AND CONTRACT
--	--------------------------------

80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110

	AGAINST THE ORDINANCE AND CONTRACT	"	111
--	------------------------------------	---	-----

112

If a majority of the electors of each contracting party voting on 113
the issue vote for the ordinance and contract, the ordinance shall 114
become effective immediately and the contract shall go into effect 115
immediately or in accordance with its terms. 116

(G) If two or more contracting parties previously have 117
entered into a separate contract for utility services, then 118
amendment, renewal, or termination of the separate contract for 119
utility services shall not constitute a part of the consideration 120
for a joint economic development zone contract unless the 121
legislative authority of each contracting party determines all of 122
the following: 123

(1) That the creation of the joint economic development zone 124
will facilitate new or expanded growth for commercial or economic 125
development in this state; 126

(2) That substantial consideration exists to support the 127
joint economic development zone contract; 128

(3) That the contracting parties are entering into the joint 129
economic development zone contract freely and without duress or 130
coercion related to the amendment, renewal, or termination of the 131
separate contract for utility services. 132

(H) A joint economic development zone contract that does not 133
satisfy division (G) of this section is void and unenforceable. If 134
the joint economic development zone contract provides for the 135
extension of utility service or the provision of utility service 136
at a lower rate than is currently in effect, any action claiming 137
duress or coercion relating to a joint economic development zone 138
contract may be brought only by a contracting party, and must be 139
brought before the contracting parties enter into the joint 140
economic development zone contract. The signing of the joint 141

economic development zone contract as authorized by the 142
contracting parties is conclusive evidence as to the 143
determinations set forth under division (G) of this section. 144

(I) If one of the contracting parties is an impacted city as 145
defined in division (C) of section 1728.01 of the Revised Code, 146
then divisions (D) to (F) of this section shall not apply to the 147
joint economic development zone contract or to the joint economic 148
development zone to which that contract relates unless the 149
contracting parties agree that those divisions shall apply. 150

(J) No substantial amendment may be made to any joint 151
economic development zone contract after December 31, 2014. 152

A joint economic development zone contract may not be renewed 153
after December 31, 2014. 154

Sec. 715.691. (A) As used in this section: 155

(1) "Contracting party" means a municipal corporation that 156
has entered into a joint economic development zone contract or any 157
party succeeding to the municipal corporation, or a township that 158
entered into a joint economic development zone contract with a 159
municipal corporation. 160

(2) "Zone" means a joint economic development zone designated 161
under this section. 162

(3) "Substantial amendment" has the same meaning as in 163
section 715.69 of the Revised Code. 164

(B) This section provides alternative procedures and 165
requirements for creating and operating a joint economic 166
development zone to those set forth in section 715.69 of the 167
Revised Code. This section applies only if one of the contracting 168
parties to the zone does not levy a municipal income tax under 169
Chapter 718. of the Revised Code. A municipal corporation that 170
does not levy a municipal income tax may enter into an agreement 171

to create and operate a joint economic development zone under this 172
section or under section 715.69 of the Revised Code. 173

~~Two~~ At any time before January 1, 2015, two or more municipal 174
corporations or one or more townships and one or more municipal 175
corporations may enter into a contract whereby they agree to share 176
in the costs of improvements for an area or areas located in one 177
or more of the contracting parties that they designate as a joint 178
economic development zone for the purpose of facilitating new or 179
expanded growth for commercial or economic development in the 180
state. The contract and zone shall meet the requirements of 181
divisions (B) to (J) of this section. 182

(C) The contract shall set forth each contracting party's 183
contribution to the joint economic development zone. The 184
contributions may be in any form that the contracting parties 185
agree to, and may include, but are not limited to, the provision 186
of services, money, or equipment. The contract may be amended, 187
renewed, or terminated with the consent of the contracting 188
parties, subject to division (K) of this section. The contract 189
shall continue in existence throughout the term it specifies and 190
shall be binding on the contracting parties and on any entities 191
succeeding to the contracting parties. If the contract is approved 192
under division (E) of this section or substantially amended after 193
the effective date of H.B. 289 of the 130th general assembly, the 194
contracting parties shall include within the contract or the 195
amendment to the contract an economic development plan for the 196
zone, a schedule for the implementation or provision of any new, 197
expanded, or additional services, facilities, or improvements 198
within the zone or in the area surrounding the zone, and any 199
provisions necessary for the contracting parties to create a joint 200
economic development review council in compliance with section 201
715.692 of the Revised Code. 202

(D) Before the legislative authority of any of the 203

contracting parties enacts an ordinance or resolution approving a 204
contract to designate a joint economic development zone, the 205
legislative authority of each of the contracting parties shall 206
hold a public hearing concerning the contract and zone. Each 207
legislative authority shall provide at least thirty days' public 208
notice of the time and place of the public hearing in a newspaper 209
of general circulation in the municipal corporation or township. 210
During the thirty-day period prior to the public hearing, all of 211
the following documents shall be available for public inspection 212
in the office of the clerk of the legislative authority of a 213
municipal corporation that is a contracting party and in the 214
office of the fiscal officer of a township that is a contracting 215
party: 216

(1) A copy of the contract designating the zone; 217

(2) A description of the area or areas to be included in the 218
zone, including a map in sufficient detail to denote the specific 219
boundaries of the area or areas; 220

(3) An economic development plan for the zone that includes a 221
schedule for the provision of any new, expanded, or additional 222
services, facilities, or improvements. 223

A public hearing held under division (D) of this section 224
shall allow for public comment and recommendations on the contract 225
and zone. The contracting parties may include in the contract any 226
of those recommendations prior to approval of the contract. 227

(E) After the public hearings required under division (D) of 228
this section have been held and the economic development plan has 229
been approved under division (D) of section 715.692 of the Revised 230
Code, and before January 1, 2015, each contracting party may enact 231
an ordinance or resolution approving the contract to designate a 232
joint economic development zone. After each contracting party has 233
enacted an ordinance or resolution, the clerk of the legislative 234

authority of a municipal corporation that is a contracting party 235
and the fiscal officer of a township that is a contracting party 236
shall file with the board of elections of each county within which 237
a contracting party is located a copy of the ordinance or 238
resolution approving the contract and shall direct the board of 239
elections to submit the ordinance or resolution to the electors of 240
the contracting party on the day of the next general, primary, or 241
special election occurring at least ninety days after the 242
ordinance or resolution is filed with the board of elections. If 243
any of the contracting parties is a township, however, then only 244
the township or townships shall submit the resolution to the 245
electors. 246

(F)(1) If a vote is required to approve a municipal 247
corporation as a contracting party to a joint economic development 248
zone under this section, the ballot shall be in the following 249
form: 250

"Shall the ordinance of the legislative authority of the 251
(city or village) of (name of contracting party) approving the 252
contract with (name of each other contracting party) for the 253
designation of a joint economic development zone be approved? 254

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

(2) If a vote is required to approve a township as a 255
contracting party to a joint economic development zone under this 256
section, the ballot shall be in the following form: 257
258

"Shall the resolution of the board of township trustees of 259
the township of (name of contracting party) approving the contract 260
with (name of each other contracting party) for the designation of 261
a joint economic development zone be approved? 262
263
264
265

266

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

267

"

268

269

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

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

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

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

(H) The contract may grant to the board of directors 297
appointed under division (G) of this section the power to adopt a 298
resolution to levy an income tax within the zone. The income tax 299
shall be used for the purposes of the zone and for the purposes of 300
the contracting parties pursuant to the contract. Not less than 301
fifty per cent of the revenue from the tax shall be used solely to 302
provide the new, expanded, or additional services, facilities, or 303
improvements specified in the economic development plan until all 304
such services, facilities, or improvements have been completed as 305
specified in that plan. The income tax may be levied in the zone 306
based on income earned by persons working within the zone and on 307
the net profits of businesses located in the zone. The income tax 308
is subject to Chapter 718. of the Revised Code, except that a vote 309
shall be required by the electors residing in the zone to approve 310
the rate of income tax unless a majority of the electors residing 311
within the zone, as determined by the total number of votes cast 312
in the zone for the office of governor at the most recent general 313
election for that office, submit a petition to the board 314
requesting that the election provided for in division (H)(1) of 315
this section not be held. If no electors reside within the zone, 316
then division (H)(3) of this section applies. The rate of the 317
income tax shall be no higher than the highest rate being levied 318
by a municipal corporation that is a party to the contract. 319

(1) The board of directors may levy an income tax at a rate 320
that is not higher than the highest rate being levied by a 321
municipal corporation that is a party to the contract, provided 322
that the rate of the income tax is first submitted to and approved 323
by the electors of the zone at the succeeding regular or primary 324
election, or a special election called by the board, occurring 325
subsequent to ninety days after a certified copy of the resolution 326
levying the income tax and calling for the election is filed with 327
the board of elections. If the voters approve the levy of the 328
income tax, the income tax shall be in force for the full period 329

of the contract establishing the zone. No election shall be held 330
under this section if a majority of the electors residing within 331
the zone, determined as specified in division (H) of this section, 332
submit a petition to that effect to the board of directors. Any 333
increase in the rate of an income tax by the board of directors 334
shall be approved by a vote of the electors of the zone and shall 335
be in force for the remaining period of the contract establishing 336
the zone. 337

(2) Whenever a zone is located in the territory of more than 338
one contracting party, a majority vote of the electors in each of 339
the several portions of the territory of the contracting parties 340
constituting the zone approving the levy of the tax is required 341
before it may be imposed under division (H) of this section. 342

(3) If no electors reside in the zone, no election for the 343
approval or rejection of an income tax shall be held under this 344
section, provided that where no electors reside in the zone, the 345
rate of the income tax shall be no higher than the highest rate 346
being levied by a municipal corporation that is a party to the 347
contract. 348

(4) The board of directors of a zone levying an income tax 349
shall enter into an agreement with one of the municipal 350
corporations that is a party to the contract to administer, 351
collect, and enforce the income tax on behalf of the zone. 352

(5) The board of directors of a zone shall publish or post 353
public notice within the zone of any resolution adopted levying an 354
income tax in the same manner required of municipal corporations 355
under sections 731.21 and 731.25 of the Revised Code. 356

(I)(1) If for any reason a contracting party reverts to or 357
has its boundaries changed so that it is classified as a township 358
that is the entity succeeding to that contracting party, the 359
township is considered to be a municipal corporation for the 360

purposes of the contract for the full period of the contract 361
establishing the joint economic development zone, except that if 362
that contracting party is administering, collecting, and enforcing 363
the income tax on behalf of the district as provided in division 364
(H)(4) of this section, the contract shall be amended to allow one 365
of the other contracting parties to administer, collect, and 366
enforce that tax. 367

(2) Notwithstanding any other section of the Revised Code, if 368
there is any change in the boundaries of a township so that a 369
municipal corporation once located within the township is no 370
longer so located, the township shall remain in existence even 371
though its remaining unincorporated area contains less than 372
twenty-two square miles, if the township has been or becomes a 373
party to a contract creating a joint economic development zone 374
under this section or the contract creating that joint economic 375
development zone under this section is terminated or repudiated 376
for any reason by any party or person. The township shall continue 377
its existing status in all respects, including having the same 378
form of government and the same elected board of trustees as its 379
governing body. The township shall continue to receive all of its 380
tax levies and sources of income as a township in accordance with 381
any section of the Revised Code, whether the levies and sources of 382
income generate millage within the ten-mill limitation or in 383
excess of the ten-mill limitation. The name of the township may be 384
changed to the name of the contracting party appearing in the 385
contract creating a joint economic development zone under this 386
section, so long as the name does not conflict with any other name 387
in the state that has been certified by the secretary of state. 388
The township shall have all of the powers set out in sections 389
715.79, 715.80, and 715.81 of the Revised Code. 390

(J) If, after creating and operating a joint economic 391
development zone under this section, a contracting party that did 392

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

(K) No substantial amendment may be made to any joint economic development zone contract after December 31, 2014.

A joint economic development zone contract may not be renewed after December 31, 2014.

Sec. 715.692. (A) As used in this section and section 715.693 of the Revised Code:

(1) "Assessed value" means the assessed value of a parcel listed on the most recent tax list and duplicate or, if the parcel is exempted from taxation, the list of exempt property, compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(2) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(3) "Contracting party" means a municipal corporation, county, or township that is a party to a joint economic development zone contract under section 715.69 or 715.691 of the Revised Code or, if the contract has not yet taken effect, will be a party to such a contract.

(4) A business "operates within" a zone if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the zone.

(5) "Economic development plan" means the economic

development plan required to be included in a joint economic 423
development zone contract under division (C) of section 715.69 or 424
division (C) of section 715.691 of the Revised Code. 425

(6) "Owner" means a partner of a partnership, a member of a 426
limited liability company, a majority shareholder of an S 427
corporation, a person with a majority ownership interest in a 428
pass-through entity, or any officer, employee, or agent with 429
authority to make decisions legally binding upon a business. 430

(7) "Record owner" means the person or persons in whose name 431
a parcel is listed on the tax list or exempt list compiled by the 432
county auditor under section 319.28 or 5713.08 of the Revised 433
Code. 434

(8) "Substantial amendment" means an amendment to a joint 435
economic development zone contract that increases the rate of 436
municipal income tax that may be imposed within the zone, changes 437
the purposes for which municipal income tax revenue derived from 438
the zone is used, adds one or more contracting parties, or changes 439
the area or areas included in the zone. 440

(B) Before enacting ordinances or resolutions to approve a 441
joint economic development zone contract or adopting a substantial 442
amendment to such a contract, the contracting parties shall create 443
a joint economic development review council consisting of seven 444
members. The purpose of the council is to approve the economic 445
development plan, to evaluate the effectiveness of the zone, and 446
to provide recommendations to the contracting parties for better 447
implementation of the economic development plan. The council is a 448
public body for the purposes of section 121.22 of the Revised 449
Code, and it is a public office for the purposes of section 149.43 450
of the Revised Code. Members of the council shall not be 451
considered to be holding a direct or indirect interest in a 452
contract or expenditure of money by a contracting party because of 453
their affiliation with the council. 454

(C)(1) The county auditor of the county in which the largest 455
portion of the territory of the zone is located shall serve as 456
chairperson of the joint economic development council. The auditor 457
shall continue in the office of chairperson until the council is 458
dissolved under division (G) of this section or the boundaries of 459
the joint economic development zone are reconfigured by the 460
contracting parties in such a way that a different county contains 461
the largest portion of the territory of the zone. 462

(2) The contracting parties shall appoint the other six 463
members of the council as follows: 464

(a) One of the appointed members shall be a person affiliated 465
with an economic development organization that provides services 466
for, or advocates on behalf of, businesses operating within the 467
zone or, if there are no businesses currently operating within the 468
zone, businesses operating in the area surrounding the zone. 469

(b) Except as provided by division (C)(2)(c) of this section, 470
four of the appointed members shall be owners of businesses 471
operating within the zone or an individual designated by such an 472
owner. The contracting parties shall first appoint the owners of 473
the four businesses that employ the most persons within the zone. 474
If one or more of these owners is unwilling or unable to serve as 475
a member of the council or to designate an individual to serve in 476
the owner's place, the contracting parties shall appoint the owner 477
of the business that employs the next most number of persons 478
within the zone until each position to be appointed under division 479
(C)(2)(b) of this section is filled. No business may have more 480
than one owner or a designee thereof serving as a member of the 481
council at any time. 482

(c) If there are not enough owners of businesses operating 483
within the zone who will accept an appointment or designate an 484
individual to serve on the council as prescribed by division 485
(C)(2)(b) of this section, the contracting parties shall appoint 486

the record owner of the parcel or parcels with the greatest 487
aggregate assessed value within the zone or an individual 488
designated by that record owner. If the record owner is unwilling 489
or unable to serve or designate an individual to serve as a member 490
of the council, the contracting parties shall appoint the record 491
owner of the parcel or parcels with the next greatest aggregate 492
assessed value within the zone or an individual designated by that 493
record owner until each position to be appointed under division 494
(C)(2)(c) of this section is filled. 495

(d) One of the appointed members shall be a member of the 496
public appointed by joint agreement of the contracting parties. 497

(3) The term of office for each appointed member of the 498
council is two years, but the member shall continue in office 499
after the expiration of the member's term until the member's 500
successor takes office. An appointed member may serve an unlimited 501
number of consecutive terms if the person continues to meet the 502
qualifications for the position and is appointed by the 503
contracting parties. 504

(4) A person who ceases to meet the qualifications for 505
membership on the council resigns immediately by operation of law. 506
An appointed member does not cease to meet the qualifications for 507
membership based solely on the number of the business' employees 508
or the assessed value of the record owner's property in the zone 509
relative to other businesses or record owners. The contracting 510
parties may remove an appointed member at any time for 511
malfeasance, misfeasance, or nonfeasance in office. A vacancy in 512
an unexpired term shall be filled by the contracting parties in 513
the same manner as the original appointment. Any member appointed 514
to fill a vacancy occurring before the expiration of the term for 515
which the member's predecessor was appointed shall hold office for 516
the remainder of that term. No vacancy on the council shall impair 517
the power and authority of the other members to carry out the 518

business of the council. 519

(5) The contracting parties shall appoint the initial 520
appointed members of the joint economic development review council 521
at least thirty days before the effective date of the zone 522
contract or of the substantial amendment to the zone contract that 523
invokes the requirements of this section. 524

(D)(1) The joint economic development review council shall 525
hold its first meeting before ordinances or resolutions are 526
enacted to approve the contract or a substantial amendment to the 527
contract. At that meeting, the council shall consider the question 528
of whether the economic development plan is in the best interests 529
of the zone. If the council, by majority vote of the membership of 530
the council, determines that the plan is in the best interests of 531
the zone, the plan is thereby approved and the ordinances or 532
resolutions approving the contract may be enacted as provided in 533
section 715.69 or 715.691 of the Revised Code; otherwise, the plan 534
is not approved and such ordinances or resolutions may not be 535
enacted. 536

Once the contract takes effect, the council shall meet at the 537
call of the chairperson, but shall hold no fewer than three public 538
meetings preceding the publication of each report required by 539
division (E) of this section. Attendance by the chairperson and at 540
least four of the appointed members of the council constitutes a 541
quorum to conduct the business of the council. 542

(2) The council shall allow time for public comment and 543
recommendations on the joint economic development zone during its 544
public meetings. The chairperson shall provide at least thirty 545
days' public notice of the time and place of each public meeting 546
in a newspaper of general circulation in the area or areas 547
included in the zone. 548

(3) The council may request, and the contracting parties 549

shall provide upon such a request, documents and information 550
related to the progress of the joint economic development zone, 551
including the amount of municipal income tax collected from the 552
zone, the progress in fulfilling the economic development plan, 553
and the progress in providing new, expanded, or additional 554
services, facilities, or improvements within the zone or in the 555
area surrounding the zone. 556

(E) Annually, beginning in the calendar year following the 557
year that the zone contract or the substantial amendment to the 558
zone contract is effective and ending in the calendar year 559
preceding the date the joint economic development review council 560
is dissolved pursuant to division (G) of this section, the council 561
shall prepare a report that includes all of the following: 562

(1) A summary of the comments and recommendations provided by 563
persons, businesses, and organizations at the public meetings of 564
the council; 565

(2) Comments and recommendations of the council on the 566
economic development plan; 567

(3) A determination by the council that the contracting 568
parties have, or have not, complied with the economic development 569
plan and the schedule for the implementation or provision of new, 570
expanded, or additional services, facilities, or improvements 571
within the zone or in the area surrounding the zone. 572

(F) Upon completing the report required under division (E) of 573
this section, the council shall submit a copy of the report to 574
each of the contracting parties. The contracting parties shall 575
review the report and take into consideration the comments and 576
recommendations in the report. Each of the contracting parties 577
shall make a copy of the report available for public inspection in 578
the offices of the contracting party during normal business hours 579
and shall publish the report on the contracting party's web site 580

if the contracting party operates a web site. 581

(G) The joint economic development review council shall 582
dissolve by operation of law at the expiration of the joint 583
economic development zone or joint economic development district 584
contract. 585

(H) The contracting parties shall make appropriations as are 586
necessary to pay the costs incurred by the council in the exercise 587
of its functions under this section. The costs incurred by a 588
council in any year shall not exceed ten thousand dollars. 589

Sec. 715.693. (A) If a joint economic development review 590
council determines in its report that the contracting parties to a 591
joint economic development zone have not complied with the 592
contract's economic development plan or the schedule for the 593
implementation or provision of new, expanded, or additional 594
services, facilities, or improvements within the zone or in the 595
area surrounding the zone, two or more persons who are either an 596
owner of a business operating within the zone or an employee of 597
such a business and who are subject to the municipal income tax 598
imposed within the zone may jointly bring an action against the 599
contracting parties for suspension of the municipal income tax 600
imposed within the zone in the court of common pleas of the county 601
in which the majority of the territory of the zone is located. 602

(B) In the case of a joint economic development zone created 603
under section 715.691 of the Revised Code, the court of common 604
pleas shall determine whether the continued imposition of a 605
municipal income tax is in the best interests of the zone. If the 606
court determines that the tax is not in the best interests of the 607
zone, the court shall order contracting parties to develop and 608
implement a plan to phase out the income tax as expediently as 609
possible without violating the terms of bonds or other 610
encumbrances. 611

In the case of a joint economic development zone created 612
under section 715.69 of the Revised Code, the court of common 613
pleas shall determine whether the continuation of the contract is 614
in the best interests of the zone. If the court determines that 615
the continuation of the contract is not in the best interests of 616
the zone, the court shall order the contracting parties to develop 617
and implement a plan to terminate the contract as expediently as 618
possible without violating the terms of bonds or other 619
encumbrances. 620

Sec. 715.771. Upon the creation of or addition to a joint 621
economic development district under section 715.72 or 715.761 of 622
the Revised Code, one of the contracting parties shall file a copy 623
of each of the documents described in divisions (A) to (G) of 624
section 715.76 or division (C) of section 715.761 of the Revised 625
Code, as applicable, with the director of development. 626

Section 2. That existing sections 715.69, 715.691, and 627
715.771 of the Revised Code are hereby repealed. 628