

As Introduced

134th General Assembly

Regular Session

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H. B. No. 146

Representatives Riedel, Manchester

**Cosponsors: Representatives Koehler, McClain, Zeltwanger, Powell, Gross, Lipps,
Brinkman, Fowler Arthur, Young, B., Kick**

A BILL

To amend sections 164.07, 307.022, 307.671, 1
307.673, 307.674, 307.696, 308.21, 351.06, 2
353.03, 1506.44, 1710.02, 4115.03, 4115.04, 3
4115.06, 5540.03, 6117.012, and 6121.061 of the 4
Revised Code to allow political subdivisions, 5
special districts, and state institutions of 6
higher education to elect to apply the 7
Prevailing Wage Law to public improvement 8
projects. 9

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

Section 1. That sections 164.07, 307.022, 307.671, 10
307.673, 307.674, 307.696, 308.21, 351.06, 353.03, 1506.44, 11
1710.02, 4115.03, 4115.04, 4115.06, 5540.03, 6117.012, and 12
6121.061 of the Revised Code be amended to read as follows: 13

Sec. 164.07. ~~(A)~~—In awarding contracts for capital 14
improvement projects to be financed in whole or in part under 15
this chapter, a local subdivision shall comply with the 16
percentage requirements of section 125.081 of the Revised Code. 17

~~(B) A capital improvement that is financed in whole or in part under this chapter is a public improvement, and a subdivision undertaking a capital improvement is a public authority, for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on a capital improvement financed in whole or in part under this chapter shall comply with sections 4115.03 to 4115.16 of the Revised Code.~~

Sec. 307.022. (A) The board of county commissioners of any county may do both of the following without following the competitive bidding requirements of section 307.86 of the Revised Code:

(1) Enter into a lease, including a lease with an option to purchase, of correctional facilities for a term not in excess of forty years. Before entering into the lease, the board shall publish, once a week for three consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, a notice that the board is accepting proposals for a lease pursuant to this division. The notice shall state the date before which the proposals are required to be submitted in order to be considered by the board.

(2) Subject to compliance with this section, grant leases, easements, and licenses with respect to, or sell, real property owned by the county if the real property is to be leased back by the county for use as correctional facilities.

The lease under division (A) (1) of this section shall require the county to contract, in accordance with Chapter 153.7—~~and sections 307.86 to 307.92, and Chapter 4115.~~ of the Revised Code, for the construction, improvement, furnishing, and equipping of correctional facilities to be leased pursuant to

this section. Prior to the board's execution of the lease, it 48
may require the lessor under the lease to cause sufficient money 49
to be made available to the county to enable the county to 50
comply with the certification requirements of division (D) of 51
section 5705.41 of the Revised Code. 52

A lease entered into pursuant to division (A) (1) of this 53
section by a board may provide for the county to maintain and 54
repair the correctional facility during the term of the 55
leasehold, may provide for the county to make rental payments 56
prior to or after occupation of the correctional facilities by 57
the county, and may provide for the board to obtain and maintain 58
any insurance that the lessor may require, including, but not 59
limited to, public liability, casualty, builder's risk, and 60
business interruption insurance. The obligations incurred under 61
a lease entered into pursuant to division (A) (1) of this section 62
shall not be considered to be within the debt limitations of 63
section 133.07 of the Revised Code. 64

(B) The correctional facilities leased under division (A) 65
(1) of this section may include any or all of the following: 66

(1) Facilities in which one or more other governmental 67
entities are participating or in which other facilities of the 68
county are included; 69

(2) Facilities acquired, constructed, or renovated by or 70
on behalf of the department of rehabilitation and correction or 71
the department of administrative services, or financed by the 72
treasurer of state, and leased to the county pursuant to section 73
307.021 of the Revised Code; 74

(3) Correctional facilities that are under construction or 75
have been completed and for which no permanent financing has 76

been arranged. 77

(C) As used in this section: 78

(1) "Correctional facilities" includes, but is not limited 79
to, jails, detention facilities, workhouses, community-based 80
correctional facilities, and family court centers. 81

(2) "Construction" has the same meaning as in division (B) 82
of section 4115.03 of the Revised Code. 83

Sec. 307.671. (A) As used in this section: 84

(1) "Bonds" means, as the context requires: general 85
obligation bonds of the county, or notes in anticipation 86
thereof, described in division (B)(1)(b) of this section; 87
revenue bonds of the port authority described in division (B)(2) 88
(a) of this section; and urban renewal bonds, or notes in 89
anticipation thereof, of the host municipal corporation 90
described in division (B)(3)(a) of this section. 91

(2) "Corporation" means a nonprofit corporation that is 92
organized under the laws of this state and that includes within 93
the purposes for which it is incorporated the authorization to 94
lease and operate facilities such as a port authority 95
educational and cultural facility. 96

(3) "Debt service charges" means, for any period or 97
payable at any time, the principal of and interest and any 98
premium due on bonds for that period or payable at that time 99
whether due at maturity or upon mandatory redemption, together 100
with any required deposits to reserves for the payment of 101
principal of and interest on such bonds, and includes any 102
payments required by the port authority to satisfy any of its 103
obligations arising from any guaranty agreements, reimbursement 104
agreements, or other credit enhancement agreements described in 105

division (C) of this section. 106

(4) "Host municipal corporation" means the municipal 107
corporation within the boundaries of which the port authority 108
educational and cultural facility is located. 109

(5) "Port authority" means a port authority created 110
pursuant to the authority of section 4582.02 of the Revised Code 111
by a county and a host municipal corporation. 112

(6) "Port authority educational and cultural facility" 113
means a facility located within an urban renewal area that may 114
consist of a museum, archives, library, hall of fame, center for 115
contemporary music, or other facilities necessary to provide 116
programs of an educational and cultural nature, together with 117
all parking facilities, walkways, and other auxiliary 118
facilities, real and personal property, property rights, 119
easements, and interests that may be appropriate for, or used in 120
connection with, the operation of the facility. 121

(7) "Urban renewal area" means an area of a host municipal 122
corporation that the legislative authority of the host municipal 123
corporation has, at any time, designated as appropriate for an 124
urban renewal project pursuant to Chapter 725. of the Revised 125
Code. 126

(B) The board of county commissioners of a county, a port 127
authority, and a host municipal corporation may enter into a 128
cooperative agreement with a corporation, under which: 129

(1) The board of county commissioners agrees to do all of 130
the following: 131

(a) Levy a tax under division (N) of section 5739.09 of 132
the Revised Code exclusively for the purposes described in 133
divisions (B) (1) (c) and (d) of this section; 134

(b) Issue general obligation bonds of the county, or notes 135
in anticipation thereof, pursuant to Chapter 133. of the Revised 136
Code, for the purpose of acquiring, constructing, and equipping 137
the port authority educational and cultural facility and 138
contribute the proceeds from the issuance to the port authority 139
for such purpose. The cooperative agreement may provide that 140
such proceeds be deposited with and administered by the trustee 141
pursuant to the trust agreement provided for in division (C) of 142
this section. 143

(c) Following the issuance, sale, and delivery of the port 144
authority revenue bonds provided for in division (B) (2) (a) of 145
this section, and prior to the date certain stated in the 146
cooperative agreement which shall be the date estimated for the 147
completion of construction of the port authority educational and 148
cultural facility, pledge and contribute to the port authority 149
revenue from the tax levied pursuant to division (B) (1) (a) of 150
this section, together with any investment earnings on that 151
revenue, to pay a portion of the costs of acquiring, 152
constructing, and equipping the port authority educational and 153
cultural facility; 154

(d) Following such date certain, pledge and contribute to 155
the corporation all or such portion as provided for in the 156
cooperative agreement of the revenue from the tax, together with 157
any investment earnings on that revenue, to pay a portion of the 158
costs of the corporation of leasing the port authority 159
educational and cultural facility from the port authority. 160

(2) The port authority agrees to do all of the following: 161

(a) Issue revenue bonds of the port authority pursuant to 162
Chapter 4582. of the Revised Code for the purpose of acquiring, 163
constructing, and equipping the port authority educational and 164

cultural facility; 165

(b) Construct the port authority educational and cultural 166
facility; 167

(c) Lease the port authority educational and cultural 168
facility to the corporation; 169

(d) To the extent provided for in the cooperative 170
agreement or the lease to the corporation, authorize the 171
corporation to administer on behalf of the port authority the 172
contracts for acquiring, constructing, or equipping a port 173
authority educational and cultural facility; 174

(e) Use the revenue derived from the lease of the port 175
authority educational and cultural facility to the corporation 176
solely to pay debt service charges on the revenue bonds of the 177
port authority described in division (B) (2) (a) of this section. 178

(3) The host municipal corporation agrees to do both of 179
the following: 180

(a) Issue urban renewal bonds of the host municipal 181
corporation, or notes in anticipation thereof, pursuant to 182
Chapter 725. of the Revised Code for the purpose of acquiring 183
and constructing the port authority educational and cultural 184
facility and contribute the proceeds from the issuance to the 185
port authority for such purpose. The cooperative agreement may 186
provide that such proceeds be deposited with and administered by 187
the trustee pursuant to the trust agreement provided for in 188
division (C) of this section. 189

(b) To the extent provided for in the cooperative 190
agreement, contribute to the county, for use by the county to 191
pay debt service charges on the bonds of the county, or notes in 192
anticipation thereof, described in division (B) (1) (b) of this 193

section, any excess urban renewal service payments pledged by 194
the host municipal corporation to the urban renewal bonds 195
described in division (B) (3) (a) of this section and not required 196
on an annual basis to pay debt service charges on the urban 197
renewal bonds. 198

(4) The corporation agrees to do all of the following: 199

(a) Lease the port authority educational and cultural 200
facility from the port authority; 201

(b) Operate and maintain the port authority educational 202
and cultural facility pursuant to the lease; 203

(c) To the extent provided for in the cooperative 204
agreement or the lease from the port authority, administer on 205
behalf of the port authority the contracts for acquiring, 206
constructing, or equipping a port authority educational and 207
cultural facility. 208

(C) The pledges and contributions described in divisions 209
(B) (1) (c) and (d) of this section and provided for in the 210
cooperative agreement shall be for the period stated in the 211
cooperative agreement, but shall not be in excess of the period 212
necessary to provide for the final retirement of the port 213
authority revenue bonds provided for in division (B) (2) (a) of 214
this section and any bonds issued by the port authority to 215
refund such bonds, and for the satisfaction by the port 216
authority of any of its obligations arising from any guaranty 217
agreements, reimbursement agreements, or other credit 218
enhancement agreements relating to such bonds or to the revenues 219
pledged to such bonds. The cooperative agreement shall provide 220
for the termination of the cooperative agreement including the 221
pledges and contributions described in divisions (B) (1) (c) and 222

(d) of this section if the port authority revenue bonds provided 223
for in division (B) (2) (a) of this section have not been issued, 224
sold, and delivered within two years of the effective date of 225
the cooperative agreement. 226

The cooperative agreement shall provide that any revenue 227
bonds of the port authority shall be secured by a trust 228
agreement between the port authority and a corporate trustee 229
that is a trust company or bank having the powers of a trust 230
company within or outside the state. The county may be a party 231
to such trust agreement for the purpose of securing the pledge 232
by the county of its contribution to the corporation pursuant to 233
division (B) (1) (d) of this section. A tax levied pursuant to 234
division (B) (1) (a) of this section is not subject to diminution 235
by initiative or referendum or diminution by statute, unless 236
provision is made therein for an adequate substitute therefor 237
reasonably satisfactory to the trustee under the trust agreement 238
that secures the revenue bonds of the port authority. 239

(D) A pledge of money by a county under this section shall 240
not be net indebtedness of the county for purposes of section 241
133.07 of the Revised Code. 242

(E) If the terms of the cooperative agreement so provide, 243
any contract for the acquisition, construction, or equipping of 244
a port authority educational and cultural facility shall be made 245
in such manner as is determined by the board of directors of the 246
port authority, and unless the cooperative agreement provides 247
otherwise, such a contract is not subject to division (A) of 248
section 4582.12 of the Revised Code. The port authority may take 249
the assignment of and assume any contracts for the acquisition, 250
construction, and equipping of a port authority educational and 251
cultural facility that previously have been authorized by either 252

or both the host municipal corporation or the corporation. Such 253
contracts likewise are not subject to division (A) of section 254
4582.12 of the Revised Code. 255

~~Any contract for the acquisition, construction, or 256
equipping of a port authority educational and cultural facility- 257
entered into, assigned, or assumed pursuant to this division- 258
shall provide that all laborers and mechanics employed for the- 259
acquisition, construction, or equipping of the port authority- 260
educational and cultural facility shall be paid at the- 261
prevailing rates of wages of laborers and mechanics for the- 262
class of work called for by the port authority educational and- 263
cultural facility, which wages shall be determined in accordance- 264
with the requirements of Chapter 4115. of the Revised Code for- 265
the determination of prevailing wage rates. 266~~

Sec. 307.673. This section applies only in a county in 267
which a tax is levied under section 307.697, 4301.421, 5743.024, 268
or 5743.323 of the Revised Code on July 19, 1995. 269

(A) As used in this section: 270

(1) "County taxes" means taxes levied by a board of county 271
commissioners under division (D) of section 307.697, division 272
(B) of section 4301.421, division (C) of section 5743.024, and 273
section 5743.323 of the Revised Code. 274

(2) "Corporation" means a nonprofit corporation organized 275
under the laws of this state and that includes among the 276
purposes for which it is incorporated the authority to acquire, 277
construct, renovate, repair, equip, lease, manage, or operate a 278
sports facility. 279

(3) "Cooperative agreement" means an agreement entered 280
into pursuant to this section. 281

(4) "Cost of a sports facility" means the cost of 282
acquiring, constructing, renovating, repairing, equipping, or 283
improving one or more sports facilities, including 284
reconstructing, rehabilitating, remodeling, and enlarging; the 285
cost of equipping and furnishing such a facility; and all 286
financing costs pertaining thereto, including the cost of 287
engineering, architectural, and other professional services, 288
designs, plans, specifications and surveys, and estimates of 289
costs; the costs of refinancing obligations issued by, or 290
reimbursement of money advanced by, the parties to the 291
cooperative agreement or other persons, the proceeds of which 292
obligations were used to pay the costs of the sports facility; 293
the cost of tests and inspections; the cost of any indemnity or 294
surety bonds and premiums on insurance, all related direct and 295
administrative costs pertaining thereto, fees and expenses of 296
trustees, depositories, and paying agents for the obligations, 297
capitalized interest on the obligations, amounts necessary to 298
establish reserves as required by the obligation proceedings, 299
the reimbursement of money advanced or applied by the parties to 300
the cooperative agreement or other persons for the payment of 301
any item of costs of the sports facility, and all other expenses 302
necessary or incident to planning or determining the feasibility 303
or practicability with respect to the sports facility; and any 304
other such expenses as may be necessary or incident to the 305
acquisition, construction, reconstruction, rehabilitation, 306
remodeling, renovation, repair, enlargement, improvement, 307
equipping, and furnishing of the sports facility, the financing 308
of the sports facility, placing the sports facility in use and 309
operation, including any one, part of, or combination of such 310
classes of costs and expenses. 311

(5) "Financing costs" has the same meaning as in section 312

133.01 of the Revised Code. 313

(6) "Obligations" means obligations issued or incurred to 314
pay the cost of a sports facility, including bonds, notes, 315
certificates of indebtedness, commercial paper, and other 316
instruments in writing, anticipatory securities as defined in 317
section 133.01 of the Revised Code, issued or incurred by an 318
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 319
this section, or otherwise, to evidence the issuer's obligation 320
to repay borrowed money, or to pay interest, by, or to pay at 321
any future time other money obligations of, the issuer of the 322
obligations, including obligations of an issuer or lessee to 323
make payments under an installment sale, lease, lease-purchase, 324
or similar agreement. 325

(7) "Owner" means any person that owns or operates a 326
professional athletic or sports team, that is party to a 327
cooperative agreement, or that has a lease or other agreement 328
with a party to a cooperative agreement, and that commits to use 329
the sports facility that is the subject of the cooperative 330
agreement for all of the team's home games for the period 331
specified in that agreement. 332

(8) "Payments," when used with reference to obligations, 333
means payments of the principal, including any mandatory sinking 334
fund deposits and mandatory redemption payments, interest and 335
any redemption premium, and lease rentals, lease-purchase 336
payments and other amounts payable under obligations in the form 337
of installment sale, lease, lease-purchase, or similar 338
agreements. 339

(9) "Person" has the same meaning as defined in section 340
133.01 of the Revised Code. 341

(10) "Port authority" means a port authority created under 342
Chapter 4582. of the Revised Code. 343

(11) "Sports facility" means a facility, including a 344
stadium, that is intended to house or provide a site for one or 345
more major league professional athletic or sports teams or 346
activities, together with all spectator facilities, parking 347
facilities, walkways, and auxiliary facilities, real and 348
personal property, property rights, easements, leasehold 349
estates, and interests that may be appropriate for, or used in 350
connection with, the operation of the sports facility. 351

(B) The board of county commissioners of a county, the 352
legislative authority of a municipal corporation, a port 353
authority, a corporation, and an owner, or any combination 354
thereof, may enter into one or more cooperative agreements under 355
which the parties enter into one or more of the agreements 356
described in divisions (B) (1) to (5) of this section. 357

(1) The board of county commissioners agrees to do one or 358
more of the following: 359

(a) Levy a tax under division (D) of section 307.697, 360
division (B) of section 4301.421, division (C) of section 361
5743.024, and section 5743.323 of the Revised Code and make 362
available all or a portion of the revenue from those taxes for 363
the payment of the cost of the sports facility or to make 364
payments on obligations; 365

(b) Issue or incur obligations of the county pursuant to 366
Chapter 133. of the Revised Code or this section; 367

(c) Make available all or a portion of the revenue from 368
those taxes or of the proceeds from the issuance of those 369
obligations to the municipal corporation, port authority, 370

corporation, or otherwise for the payment of the cost of a 371
sports facility or the payment of obligations; 372

(d) Acquire, construct, renovate, repair, equip, lease to 373
or from another person, and operate, directly or by a lease or 374
management contract with another person, one or more sports 375
facilities; 376

(e) To the extent provided in the cooperative agreement or 377
a lease with respect to a sports facility, authorize the 378
municipal corporation, port authority, corporation, or owner to 379
administer contracts for designing, planning, acquiring, 380
constructing, renovating, repairing, or equipping a sports 381
facility. 382

(2) The port authority agrees to do one or more of the 383
following: 384

(a) Issue or incur obligations of the port authority 385
pursuant to Chapter 133. or 4582. of the Revised Code or this 386
section; 387

(b) Make available all or a portion of the proceeds from 388
the issuance of those obligations to the municipal corporation, 389
county, or corporation for the payment of the cost of a sports 390
facility or the payment of obligations; 391

(c) Acquire, construct, renovate, repair, equip, lease to 392
or from another person, and operate, directly or by a lease or 393
management contract with another person, one or more sports 394
facilities; 395

(d) To the extent provided in the cooperative agreement or 396
a lease with respect to a sports facility, authorize the 397
municipal corporation, county, corporation, or owner to 398
administer contracts for designing, planning, acquiring, 399

constructing, renovating, repairing, or equipping a sports 400
facility. 401

(3) The legislative authority of the municipal corporation 402
agrees to do one or more of the following: 403

(a) Make available the revenue from taxes levied by the 404
legislative authority for the payment of the cost of a sports 405
facility or to make payments on obligations; 406

(b) Issue or incur obligations of the municipal 407
corporation pursuant to Chapter 133. of the Revised Code or 408
otherwise; 409

(c) Make available all or a portion of the proceeds from 410
the issuance of those obligations to the county, port authority, 411
corporation, or otherwise for the payment of the cost of a 412
sports facility or the payment of obligations; 413

(d) Acquire, construct, renovate, repair, equip, lease to 414
or from another person, and operate, directly or by a lease or 415
management contract with another person, one or more sports 416
facilities; 417

(e) To the extent provided in the cooperative agreement or 418
a lease with respect to a sports facility, authorize the county, 419
port authority, corporation, or owner to administer contracts 420
for designing, planning, acquiring, constructing, renovating, 421
repairing, or equipping a sports facility. 422

(4) The corporation agrees to do one or more of the 423
following: 424

(a) Issue or incur obligations; 425

(b) Make available all or a portion of the proceeds from 426
the issuance of those obligations to the county, port authority, 427

municipal corporation, or otherwise for the payment of the cost 428
of a sports facility or the payment of obligations; 429

(c) Acquire, construct, renovate, repair, equip, lease to 430
or from another person, and operate, directly or by a lease or 431
management contract with another person, one or more sports 432
facilities; 433

(d) To the extent provided in the cooperative agreement or 434
a lease with respect to a sports facility, agree that the 435
corporation will administer contracts for designing, planning, 436
acquiring, constructing, renovating, repairing, or equipping a 437
sports facility. 438

(5) The owner agrees to do one or more of the following: 439

(a) Use the sports facility that is the subject of the 440
cooperative agreement for all of the home games of the owner's 441
professional athletic or sports team for a specified period; 442

(b) Administer contracts for designing, planning, 443
acquiring, constructing, renovating, repairing, or equipping a 444
sports facility. 445

(C) Any obligations may be secured by a trust agreement 446
between the issuer of obligations and a corporate trustee that 447
is a trust company or bank having the powers of a trust company 448
in or outside this state and authorized to exercise corporate 449
trust powers in this state. Proceeds from the issuance of any 450
obligations or the taxes levied and collected by any party to 451
the cooperative agreement may be deposited with and administered 452
by a trustee pursuant to the trust agreement. 453

~~(D) Any contract for the acquisition, construction, 454
renovation, repair, or equipping of a sports facility entered 455
into, assigned, or assumed under this section shall provide that 456~~

~~all laborers and mechanics employed in the acquisition,~~ 457
~~construction, renovation, repair, or equipping of the sports~~ 458
~~facility shall be paid at the prevailing rates of wages of~~ 459
~~laborers and mechanics for the class of work called for, as~~ 460
~~those wages are determined in accordance with Chapter 4115. of~~ 461
~~the Revised Code.~~ 462

Sec. 307.674. (A) As used in this section: 463

(1) "Bonds" means: 464

(a) Revenue bonds of the port authority described in 465
division (B) (2) (a) of this section; 466

(b) Securities as defined in division (KK) of section 467
133.01 of the Revised Code issued by the host municipal 468
corporation, described in division (B) (3) (a) of this section; 469

(c) Any bonds issued to refund any of those revenue bonds 470
or securities. 471

(2) "Corporation" means a nonprofit corporation that is 472
organized under the laws of this state and that includes within 473
the purposes for which it is incorporated the authorization to 474
lease and operate facilities such as a port authority 475
educational and cultural performing arts facility. 476

(3) "Cost," as applied to a port authority educational and 477
cultural performing arts facility, means the cost of acquiring, 478
constructing, renovating, rehabilitating, equipping, or 479
improving the facility, or any combination of those purposes, 480
collectively referred to in this section as "construction," and 481
the cost of acquisition of all land, rights of way, property 482
rights, easements, franchise rights, and interests required for 483
those purposes, the cost of demolishing or removing any 484
buildings or structures on land so acquired, including the cost 485

of acquiring any land to which those buildings or structures may 486
be moved, the cost of public utility and common carrier 487
relocation or duplication, the cost of all machinery, 488
furnishings, and equipment, financing charges, interest prior to 489
and during construction and for not more than three years after 490
completion of construction, costs arising under guaranty 491
agreements, reimbursement agreements, or other credit 492
enhancement agreements relating to bonds, engineering, expenses 493
of research and development with respect to such facility, legal 494
expenses, plans, specifications, surveys, studies, estimates of 495
costs and revenues, other expenses necessary or incident to 496
determining the feasibility or practicability of acquiring or 497
constructing the facility, administrative expense, and other 498
expenses as may be necessary or incident to that acquisition or 499
construction and the financing of such acquisition or 500
construction, including, with respect to the revenue bonds of a 501
port authority, amounts to be paid into any special funds from 502
the proceeds of those bonds, and repayments to the port 503
authority, host county, host municipal corporation, or 504
corporation of any amounts advanced for the foregoing purposes. 505

(4) "Debt service charges" means, for any period or 506
payable at any time, the principal of and interest and any 507
premium due on bonds for that period or payable at that time 508
whether due at maturity or upon mandatory redemption, together 509
with any required deposits to reserves for the payment of 510
principal of and interest on those bonds, and includes any 511
payments required by the port authority to satisfy any of its 512
obligations under or arising from any guaranty agreements, 513
reimbursement agreements, or other credit enhancement agreements 514
described in division (C) of this section. 515

(5) "Host county" means the county within the boundaries 516

of which the port authority educational and cultural performing 517
arts facility is or will be located. 518

(6) "Host municipal corporation" means the municipal 519
corporation within the boundaries of which the port authority 520
educational and cultural performing arts facility is or will be 521
located. 522

(7) "Port authority" means a port authority created 523
pursuant to section 4582.22 of the Revised Code. 524

(8) "Port authority educational and cultural performing 525
arts facility" means a facility that consists of a center for 526
music or other performing arts, a theater or other facilities to 527
provide programs of an educational, recreational, or cultural 528
nature, or any combination of those purposes as determined by 529
the parties to the cooperative agreement for which provision is 530
made in division (B) of this section to fulfill the public 531
educational, recreational, and cultural purposes set forth 532
therein, together with all parking facilities, walkways, and 533
other auxiliary facilities, real and personal property, property 534
rights, easements, and interests that may be appropriate for, or 535
used in connection with, the operation of the facility. 536

(B) A host county, a host municipal corporation, and a 537
port authority may enter into a cooperative agreement with a 538
corporation under which, as further provided for in that 539
agreement: 540

(1) The host county may agree to do any or all of the 541
following: 542

(a) Levy and collect a tax under divisions (O) and (P) of 543
section 5739.09 of the Revised Code for the purposes, and in an 544
amount sufficient for those purposes, described in divisions (B) 545

(1) (b) and (c) of this section; 546

(b) Pay to the port authority all or such portion as 547
provided for in the cooperative agreement of the revenue from 548
the tax, together with any investment earnings on that revenue, 549
to be used to pay a portion of the costs of acquiring, 550
constructing, renovating, rehabilitating, equipping, or 551
improving the port authority educational and cultural performing 552
arts facility; 553

(c) Pledge and pay to the corporation all or such portion 554
as provided for in the cooperative agreement of the revenue from 555
the tax, together with any investment earnings on that revenue, 556
to be used to pay a portion of the costs to the corporation of 557
leasing the port authority educational and cultural performing 558
arts facility from the port authority. 559

(2) The port authority may agree to do any or all of the 560
following: 561

(a) Issue its revenue bonds pursuant to section 4582.48 of 562
the Revised Code for the purpose of paying all or a portion of 563
the costs of the port authority educational and cultural 564
performing arts facility; 565

(b) Acquire, construct, renovate, rehabilitate, equip, and 566
improve the port authority educational and cultural performing 567
arts facility; 568

(c) Lease the port authority educational and cultural 569
performing arts facility to the corporation; 570

(d) To the extent provided for in the cooperative 571
agreement or the lease to the corporation, authorize the 572
corporation to administer on behalf of the port authority the 573
contracts for acquiring, constructing, renovating, 574

rehabilitating, or equipping the port authority educational and 575
cultural performing arts facility; 576

(e) Use the revenue derived from the lease of the port 577
authority educational and cultural performing arts facility to 578
the corporation solely to pay debt service charges on revenue 579
bonds of the port authority issued pursuant to division (B) (2) 580
(a) of this section and to pay its obligations under or arising 581
from any guaranty agreements, reimbursement agreements, or other 582
credit enhancement agreements provided for in this section. 583

(3) The host municipal corporation may agree to do either 584
or both of the following: 585

(a) Issue its bonds for the purpose of paying all or a 586
portion of the costs of the port authority educational and 587
cultural performing arts facility, and pay the proceeds from the 588
issuance to the port authority for that purpose; 589

(b) Enter into a guaranty agreement, a reimbursement 590
agreement, or other credit enhancement agreement with the port 591
authority to provide a guaranty or other credit enhancement of 592
the port authority revenue bonds referred to in division (B) (2) 593
(a) of this section pledging taxes, other than ad valorem 594
property taxes, or other revenues for the purpose of providing 595
the funds required to satisfy the host municipal corporation's 596
obligations under that agreement. 597

The cooperative agreement may provide that the proceeds of 598
such securities or of such guaranty agreement, reimbursement 599
agreement, or other credit enhancement agreement be deposited 600
with and administered by the trustee pursuant to the trust 601
agreement authorized in division (C) of this section. 602

(4) The corporation may agree to do any or all of the 603

following: 604

(a) Lease the port authority educational and cultural 605
performing arts facility from the port authority; 606

(b) Operate and maintain the port authority educational 607
and cultural performing arts facility pursuant to the lease; 608

(c) To the extent provided for in the cooperative 609
agreement or the lease from the port authority, administer on 610
behalf of the port authority the contracts for acquiring, 611
constructing, renovating, rehabilitating, or equipping the port 612
authority educational and cultural performing arts facility. 613

(C) The pledge and payments referred to in divisions (B) 614
(1) (b) and (c) of this section and provided for in the 615
cooperative agreement shall be for the period stated in the 616
cooperative agreement but shall not extend longer than the 617
period necessary to provide for the final retirement of the port 618
authority revenue bonds referred to in division (B) (2) (a) of 619
this section, and for the satisfaction by the port authority of 620
any of its obligations under or arising from any guaranty 621
agreements, reimbursement agreements, or other credit 622
enhancement agreements relating to those bonds or to the 623
revenues pledged to them. The cooperative agreement shall 624
provide for the termination of the cooperative agreement, 625
including the pledge and payment referred to in division (B) (1) 626
(c) of this section, if the port authority revenue bonds 627
referred to in division (B) (2) (a) of this section have not been 628
issued, sold, and delivered within five years of the effective 629
date of the cooperative agreement. 630

The cooperative agreement shall provide that any port 631
authority revenue bonds shall be secured by a trust agreement 632

between the port authority and a corporate trustee that is a 633
trust company or bank having the powers of a trust company 634
within or outside the state but authorized to exercise trust 635
powers within the state. The host county may be a party to that 636
trust agreement for the purpose of better securing the pledge by 637
the host county of its payment to the corporation pursuant to 638
division (B) (1) (c) of this section. A tax levied pursuant to 639
section 5739.09 of the Revised Code for the purposes specified 640
in division (B) (1) (b) or (c) of this section is not subject to 641
diminution by initiative or referendum or diminution by statute, 642
unless provision is made for an adequate substitute reasonably 643
satisfactory to the trustee under the trust agreement that 644
secures the port authority revenue bonds. 645

(D) A pledge of money by a host county under this section 646
shall not be net indebtedness of the host county for purposes of 647
section 133.07 of the Revised Code. A guaranty or other credit 648
enhancement by a host municipal corporation under this section 649
shall not be net indebtedness of the host municipal corporation 650
for purposes of section 133.05 of the Revised Code. 651

(E) If the terms of the cooperative agreement so provide, 652
any contract for the acquisition, construction, renovation, 653
rehabilitation, equipping, or improving of a port authority 654
educational and cultural performing arts facility shall be made 655
in such manner as is determined by the board of directors of the 656
port authority, and unless the cooperative agreement provides 657
otherwise, such a contract is not subject to division (A) (18) (b) 658
of section 4582.31 of the Revised Code. The port authority may 659
take the assignment of and assume any contracts for the 660
acquisition, construction, renovation, rehabilitation, 661
equipping, or improving of a port authority educational and 662
cultural performing arts facility that had previously been 663

authorized by any of the host county, the host municipality, or
the corporation. Such contracts are not subject to division (A)
(18) (b) of section 4582.31 of the Revised Code.

~~Any contract for the acquisition, construction,
renovation, rehabilitation, equipping, or improving of a port
authority educational and cultural performing arts facility
entered into, assigned, or assumed pursuant to this division
shall provide that all laborers and mechanics employed for the
acquisition, construction, renovation, rehabilitation,
equipping, or improving of that facility shall be paid at the
prevailing rates of wages of laborers and mechanics for the
class of work called for by the port authority educational and
cultural performing arts facility, which wages shall be
determined in accordance with the requirements of Chapter 4115.
of the Revised Code for the determination of prevailing wage
rates.~~

Notwithstanding any provisions to the contrary in section
123.281 of the Revised Code, construction services and general
building services for a port authority educational and cultural
performing arts facility funded completely or in part with money
appropriated by the state to the Ohio facilities construction
commission may be provided by a port authority or a corporation
that occupies, will occupy, or is responsible for that facility,
as determined by the commission. The construction services and
general building services to be provided by the port authority
or the corporation shall be specified in an agreement between
the commission and the port authority or corporation. That
agreement, or any actions taken under it, are not subject to
Chapters 123. or 153. of the Revised Code, ~~but are subject to
Chapter 4115. of the Revised Code.~~

Sec. 307.696. (A) As used in this section: 694

(1) "County taxes" means taxes levied by the county 695
pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 696
of the Revised Code. 697

(2) "Corporation" means a nonprofit corporation that is 698
organized under the laws of this state for the purposes of 699
operating or constructing and operating a sports facility in the 700
county and that may also be organized under the laws of this 701
state for the additional purposes of conducting redevelopment 702
and economic development activities within the host municipal 703
corporation. 704

(3) "Sports facility" means a sports facility that is 705
intended to house major league professional athletic teams, 706
including a stadium, together with all parking facilities, 707
walkways, and other auxiliary facilities, real and personal 708
property, property rights, easements, and interests that may be 709
appropriate for, or used in connection with, the operation of 710
the facility. 711

(4) "Construction" includes, but is not limited to, 712
providing fixtures, furnishings, and equipment and providing for 713
capital repairs and improvements. 714

(5) "Debt service charges" means the interest, principal, 715
premium, if any, carrying and redemption charges, and expenses 716
on bonds issued by either the county or the corporation to: 717

(a) Construct a sports facility or provide for related 718
redevelopment or economic development as provided in this 719
section; 720

(b) Acquire real and personal property, property rights, 721
easements, or interests that may be appropriate for, or used in 722

connection with, the operation of the facility; and 723

(c) Make site improvements to real property, including, 724
but not limited to, demolition, excavation, and installation of 725
footers, pilings, and foundations. 726

(6) "Host municipal corporation" means the municipal 727
corporation within the boundaries of which the sports facility 728
is located, and with which a national football league, major 729
league baseball, or national basketball association sports 730
franchise is associated on March 20, 1990. 731

(B) A board of county commissioners of a county that 732
levies a tax under section 307.697, 4301.421, or 5743.024 of the 733
Revised Code may enter into an agreement with a corporation 734
operating in the county, and, if there is a host municipal 735
corporation all or a part of which is located in the county, 736
shall enter into an agreement with a corporation operating in 737
the county and the host municipal corporation, under which: 738

(1) (a) The corporation agrees to construct and operate a 739
sports facility in the county and to pledge and contribute all 740
or any part of the revenues derived from its operation, as 741
specified in the agreement, for the purposes described in 742
division (C) (1) of this section; and 743

(b) The board agrees to levy county taxes and pledge and 744
contribute any part or all of the revenues therefrom, as 745
specified in the agreement, for the purposes described in 746
division (C) (1) of this section; or 747

(2) (a) The corporation agrees to operate a sports facility 748
constructed by the county and to pledge and contribute all or 749
any part of the revenues derived from its operation, as 750
specified in the agreement, for the purposes described in 751

division (C) (2) of this section; and 752

(b) The board agrees to issue revenue bonds of the county, 753
use the proceeds from the sale of the bonds to construct a 754
sports facility in the county, and to levy county taxes and 755
pledge and contribute all or any part of the revenues therefrom, 756
as specified in the agreement, for the purposes described in 757
division (C) (2) of this section; and, if applicable 758

(3) The host municipal corporation agrees to expend the 759
unused pledges and contributions and surplus revenues as 760
described in divisions (C) (1) and (2) of this section for 761
redevelopment and economic development purposes related to the 762
sports facility. 763

(C) (1) The primary purpose of the pledges and 764
contributions described in division (B) (1) of this section is 765
payment of debt service charges. To the extent the pledges and 766
contributions are not used by the county or corporation for 767
payment of debt service charges, the county or corporation, 768
pursuant to the agreement provided for in division (B) of this 769
section, shall provide the unused pledges and contributions, 770
together with surplus revenues of the sports facility not needed 771
for debt service charges or the operation and maintenance of the 772
sports facility, to the host municipal corporation, or a 773
nonprofit corporation, which may be the corporation acting on 774
behalf of the host municipal corporation, for redevelopment and 775
economic development purposes related to the sports facility. If 776
the county taxes are also levied for the purpose of making 777
permanent improvements, the agreement shall include a schedule 778
of annual pledges and contributions by the county for the 779
payment of debt service charges. The county's pledge and 780
contribution provided for in the agreement shall be for the 781

period stated in the agreement but not to exceed twenty years. 782
The agreement shall provide that any such bonds and notes shall 783
be secured by a trust agreement between the corporation or other 784
bond issuer and a corporate trustee that is a trust company or 785
bank having the powers of a trust company within or without the 786
state, and the trust agreement shall pledge or assign to the 787
retirement of the bonds or notes, all moneys paid by the county 788
for that purpose under this section. A county tax, all or any 789
part of the revenues from which are pledged under an agreement 790
entered into by a board of county commissioners under this 791
section shall not be subject to diminution by initiative or 792
referendum, or diminution by statute, unless provision is made 793
therein for an adequate substitute therefor reasonably 794
satisfactory to the trustee under the trust agreement that 795
secures the bonds and notes. 796

(2) The primary purpose of the pledges and contributions 797
described in division (B) (2) of this section is payment of debt 798
service charges. To the extent the pledges and contributions are 799
not used by the county for payment of debt service charges, the 800
county or corporation, pursuant to the agreement provided for in 801
division (B) of this section, shall provide the unused pledges 802
and contributions, together with surplus revenues of the sports 803
facility not needed for debt service charges or the operation 804
and maintenance of the sports facility, to the host municipal 805
corporation, or a nonprofit corporation, which may be the 806
corporation, acting on behalf of the host municipal corporation, 807
for redevelopment and economic development purposes related to 808
the sports facility. The corporation's pledge and contribution 809
provided for in the agreement shall be until all of the bonds 810
issued for the construction of the facility have been retired. 811

(D) A pledge of money by a county under this section shall 812

not be indebtedness of the county for purposes of Chapter 133. 813
of the Revised Code. 814

(E) If the terms of the agreement so provide, the board of 815
county commissioners may acquire, make site improvements to, 816
including, but not limited to, demolition, excavation, and 817
installation of footers, pilings, and foundations, and lease 818
real property for the sports facility to a corporation that 819
constructs a sports facility under division (B)(1) of this 820
section. The agreement shall specify the term, which shall not 821
exceed thirty years and shall be on such terms as are set forth 822
in the agreement. The purchase, improvement, and lease may be 823
the subject of an agreement between the county and a municipal 824
corporation located within the county pursuant to section 153.61 825
or 307.15 of the Revised Code, and are not subject to the 826
limitations of sections 307.02 and 307.09 of the Revised Code. 827

(F) The corporation shall not enter into any construction 828
contract or contract for the purchase of services for use in 829
connection with the construction of a sports facility prior to 830
the corporation's adoption and implementation of a policy on the 831
set aside of contracts for bidding by or award to minority 832
business enterprises, as defined in division (E)(1) of section 833
122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the~~ 834
~~Revised Code apply to a sports facility constructed under this~~ 835
~~section.~~ 836

(G) Not more than one-half of the total costs, including 837
debt service charges and cost of operation, of a project 838
undertaken pursuant to an agreement entered into under division 839
(B) of this section shall be paid from county taxes. Nothing in 840
this section authorizes the use of revenues from county taxes or 841
proceeds from the sale of bonds issued by the board of county 842

commissioners for payment of costs of operation of a sports 843
facility. 844

Sec. 308.21. (A) The board of trustees of a regional 845
airport authority, the board of directors of a port authority, 846
or the legislative authority of a municipal corporation that 847
owns, operates, or maintains a qualifying airport may, by 848
resolution adopted before January 1, 2024, create an airport 849
development district for the purpose of developing and 850
implementing plans for public infrastructure improvements that 851
benefit the qualifying airport and to finance expenditures to 852
attract or retain airlines, increase the number of scheduled 853
flights to and from the qualifying airport, or increase use of 854
the airport by aircraft having greater passenger capacity or 855
greater first-class seating availability. The resolution shall 856
include a development plan for the district that, at minimum, 857
specifies all of the following: 858

(1) The manner in which the nonprofit corporation that is 859
to govern the district will be formed, operated, and organized; 860

(2) The manner in which the board of directors of the 861
nonprofit corporation that is to govern the district are 862
appointed; 863

(3) A plan for the public infrastructure improvements and 864
other expenditures to be financed by the district; 865

(4) A description of the territory of the district, which 866
shall consist of all parcels of real property that are located 867
within five miles of the qualifying airport. For the purpose of 868
this division, a parcel is located within five miles of a 869
qualifying airport if the distance between any portion of the 870
parcel and any portion of the qualifying airport is five miles 871

or less. 872

(B) After adopting a resolution under division (A) of this 873
section, the board of trustees of the regional airport 874
authority, board of directors of the port authority, or 875
legislative authority of the municipal corporation shall submit 876
a copy to the director of development services. 877

(C) An airport development district is not a political 878
subdivision for any purpose prescribed in the Revised Code. A 879
district shall be considered a public agency under section 880
102.01 of the Revised Code ~~and a public authority under section~~ 881
~~4115.03 of the Revised Code~~. Districts are subject to sections 882
121.22 and 121.23 of the Revised Code, but are not subject to 883
sections 121.81 to 121.83 of the Revised Code. 884

Sec. 351.06. ~~A facility to be constructed pursuant to this~~ 885
~~chapter is a public improvement and a convention facilities~~ 886
~~authority is a public authority for purposes of section 4115.03~~ 887
~~of the Revised Code. All contractors and subcontractors working~~ 888
~~on such facilities are subject to and shall comply with sections~~ 889
~~4115.03 to 4115.16 of the Revised Code. A convention facilities~~ 890
authority is a contracting authority for purposes of sections 891
307.86 to 307.91 of the Revised Code. 892

No convention facilities authority shall construct a 893
facility under this chapter unless the plans for the facility 894
provide for parking and transportation determined by the board 895
of county commissioners as adequate to serve that facility. 896

A convention facilities authority may do all of the 897
following: 898

(A) Adopt bylaws for the regulation of its affairs and the 899
conduct of its business; 900

- (B) Adopt an official seal; 901
- (C) Maintain a principal office within its territory; 902
- (D) Acquire, purchase, construct, reconstruct, enlarge, 903
furnish, equip, maintain, repair, sell, exchange, lease or rent 904
to, lease or rent from, operate, or contract for the operation 905
by others of, facilities within its territory, and make charges 906
for the use of the facilities; 907
- (E) Make available the use or services of any facility to 908
persons or governmental agencies on such terms and conditions as 909
the authority shall determine; 910
- (F) By resolution of its board of directors, issue 911
convention facilities authority revenue bonds beyond the limit 912
of bonded indebtedness provided by law, payable solely from 913
revenues as provided in section 351.14 of the Revised Code, 914
unless the bonds are refunded by refunding bonds, for the 915
purpose of providing funds to pay the costs of any facility or 916
facilities or parts of any facility or facilities, and, if 917
moneys raised by taxation are not obligated or pledged for the 918
payment of those revenue bonds, to pay the costs of any facility 919
or facilities or parts of any facility or facilities pursuant to 920
Section 13 of Article VIII, Ohio Constitution, and in order to 921
create or preserve jobs and employment opportunities and improve 922
the economic welfare of the people of the state; 923
- (G) Maintain such funds as it determines necessary; 924
- (H) Direct its agents or employees, when properly 925
identified in writing and after at least five days' written 926
notice, to enter upon lands within its territory in order to 927
make surveys and examinations preliminary to location and 928
construction of facilities, or other work for the purposes of 929

the convention facilities authority, without liability of the 930
authority or its agents or employees except for actual damage 931
done; 932

(I) Promote, advertise, and publicize the authority and 933
its facilities; 934

(J) (1) Adopt rules, not in conflict with general law, 935
governing the use of its property, grounds, buildings, 936
equipment, and facilities, and the conduct of its employees and 937
the public, in order to promote the public safety and 938
convenience in and about its facilities and grounds, and to 939
maintain order. Any such rule shall be posted at a prominent 940
place in each of the buildings or facilities to which it 941
applies. 942

(2) No person shall violate any lawful rule adopted and 943
posted as provided in this division. 944

(K) Acquire by gift or purchase, hold, lease, and dispose 945
of real and personal property and interests in the property in 946
the exercise of its powers and the performance of its duties 947
under this chapter; 948

(L) Acquire, in the name of the authority, by purchase or 949
otherwise, on such terms and in such manner as the authority 950
finds proper, or by the exercise of the right of appropriation 951
in the manner provided by section 351.22 of the Revised Code, 952
such public or private lands, including public parks, 953
playgrounds, or reservations, or parts thereof or rights 954
therein, rights-of-way, rights, franchises, easements, and 955
interests as it finds necessary or proper for carrying out this 956
chapter, and compensation shall be paid for public or private 957
lands so taken; 958

(M) Make and enter into all contracts and agreements and 959
execute all instruments necessary or incidental to the 960
performance of its duties and the execution of its powers under 961
this chapter provided that no construction contract or contract 962
for the purchase of goods or services shall be approved or 963
entered into by the authority prior to the adoption and 964
implementation of a policy on the set aside of contracts for 965
bidding by or award to minority business enterprises, as defined 966
in division (E) (1) of section 122.71 of the Revised Code; 967

(N) Employ managers, superintendents, and other employees 968
and retain or contract with consulting engineers, financial 969
consultants, accounting experts, architects, attorneys, and such 970
other consultants and independent contractors as are necessary 971
in its judgment to carry out this chapter, and fix their 972
compensation. All expenses of doing so shall be payable solely 973
from the proceeds of convention facilities authority bonds and 974
notes issued under this chapter, or from excise taxes and 975
revenues. 976

(O) Receive and accept from any governmental agency grants 977
for or in aid of the purposes of the authority, and receive and 978
accept aid or contributions from any source of money, property, 979
labor, or other things of value, to be held, used, and applied 980
only for the purposes for which such grants and contributions 981
are made; 982

(P) Engage in research and development with respect to 983
facilities; 984

(Q) Purchase fire and extended coverage and liability 985
insurance for any facility and for the offices of the authority, 986
insurance protecting the authority and its officers and 987
employees against liability for damage to property or injury to 988

or death of persons arising from its operations, and any other 989
insurance the authority may agree to provide under any 990
resolution authorizing its convention facilities authority 991
revenue bonds or in any trust agreement securing the same; 992

(R) Charge, alter, and collect rentals and other charges 993
for the use or services of any facility as provided in section 994
351.09 of the Revised Code; 995

(S) If a tax proposed under section 5739.026 of the 996
Revised Code is disapproved by the electors, request the board 997
of county commissioners to dissolve the authority pursuant to 998
section 351.03 of the Revised Code; 999

(T) By resolution of its board of directors, levy any of 1000
the excise taxes authorized by division (B) or (C) of section 1001
351.021 of the Revised Code if authorized by the county 1002
commissioners, and issue convention facilities authority tax 1003
anticipation bonds beyond any limit of bonded indebtedness 1004
provided by law, payable solely from excise taxes levied 1005
pursuant to division (B) or (C) of section 351.021 of the 1006
Revised Code and revenues as provided in section 351.141 of the 1007
Revised Code. 1008

(U) Do all acts necessary or proper to carry out the 1009
powers expressly granted in this chapter. 1010

Sec. 353.03. A lake facilities authority may do all of the 1011
following: 1012

(A) Acquire by purchase, lease, gift, or otherwise, on 1013
such terms and in such manner as it considers proper, real and 1014
personal property necessary for an authorized purpose or any 1015
estate, interest, or right therein, within or without the 1016
impacted lake district; 1017

(B) Improve, remediate, maintain, sell, lease, or 1018
otherwise dispose of real and personal property on such terms 1019
and in such manner as it considers proper; 1020

(C) Request that the department of natural resources, the 1021
environmental protection agency, or the department of 1022
agriculture adopt, modify, and enforce reasonable rules and 1023
regulations governing impacted watersheds; 1024

(D) Employ such managers, administrative officers, agents, 1025
engineers, architects, attorneys, contractors, subcontractors, 1026
and employees as may be appropriate in the exercise of the 1027
rights, powers, and duties conferred on it, prescribe the duties 1028
and compensation for such persons, require bonds to be given by 1029
any such persons and by officers of the authority for the 1030
faithful performance of their duties, and fix the amount and 1031
surety therefor, and pay the surety; 1032

(E) Sue and be sued in its corporate name; 1033

(F) (1) Make and enter into all contracts and agreements 1034
and execute all instruments relating to the provisions of this 1035
chapter; 1036

(2) Except as provided otherwise under divisions (F) (2) 1037
and (3) of this section, when the cost of a contract for the 1038
construction of any building, structure, or other improvement 1039
undertaken by a lake facilities authority involves an 1040
expenditure exceeding fifty thousand dollars, and the lake 1041
facilities authority is the contracting authority, the lake 1042
facilities authority shall make a written contract after notice 1043
calling for bids for the award of the contract has been given by 1044
publication twice, with at least seven days between 1045
publications, in a newspaper of general circulation in the 1046

impacted lake district. Each such contract shall be awarded to 1047
the lowest responsive and responsible bidder in accordance with 1048
section 9.312 of the Revised Code. The board of directors by 1049
rule may provide criteria for the negotiation and award without 1050
competitive bidding of any contract as to which the lake 1051
facilities authority is the contracting authority for the 1052
construction of any building or structure or other improvement 1053
under any of the following circumstances: 1054

(a) There exists a real and present emergency that 1055
threatens damage to property or injury to persons of the lake 1056
facilities authority or other persons, provided that a statement 1057
specifying the nature of the emergency that is the basis for the 1058
negotiation and award of a contract without competitive bidding 1059
shall be signed at the time of the contract's execution by the 1060
officer of the lake facilities authority that executes the 1061
contract and shall be attached to the contract. 1062

(b) A commonly recognized industry or other standard or 1063
specification does not exist and cannot objectively be 1064
articulated for the improvement. 1065

(c) The contract is for any energy conservation measure as 1066
defined in section 307.041 of the Revised Code. 1067

(d) With respect to material to be incorporated into the 1068
improvement, only a single source or supplier exists for the 1069
material. 1070

(e) A single bid is received by the lake facilities 1071
authority after complying with the above provisions. 1072

(3) In addition to the exceptions to competitive bidding 1073
requirements under division (F)(2) of this section, a lake 1074
facilities authority may contract for the acquisition or 1075

construction of any property for an authorized purpose and for 1076
the leasing, subleasing, sale, or other disposition of the 1077
property in a manner determined by the lake facilities authority 1078
in its sole discretion, without necessity for competitive 1079
bidding or performance bonds. 1080

~~(4) With respect to any public improvement undertaken by, 1081
or under contract for, the lake facilities authority, the 1082
authority may elect to apply sections 4115.03 to 4115.21 of the 1083
Revised Code. 1084~~

(G) Accept aid or contributions from any source of money, 1085
property, labor, or other things of value, to be held, used, and 1086
applied only for the purposes for which the grants and 1087
contributions are made; 1088

(H) Apply for and accept grants, loans, or commitments of 1089
guarantee or insurance, including any guarantees of lake 1090
facilities authority bonds and notes, from the United States, 1091
the state, or other public body or other sources, and provide 1092
any consideration which may be required in order to obtain such 1093
grants, loans, or contracts of guarantee or insurance; 1094

(I) Procure insurance against loss to the lake facilities 1095
authority by reason of damage to its properties resulting from 1096
fire, theft, accident, or other casualties, or by reason of its 1097
liability for any damages to persons or property occurring in 1098
the construction or operation of facilities or areas under its 1099
jurisdiction or the conduct of its activities; 1100

(J) Maintain such funds or reserves as it considers 1101
necessary for the efficient performance of its duties; 1102

(K) Enforce any covenants, of which the lake facilities 1103
authority is the beneficiary, running with the land. 1104

(L) Issue securities for the remediation of an impacted watershed and directly related permanent improvements in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may be issued only pursuant to a vote of the electors residing within the impacted lake district. The net indebtedness incurred by a lake facilities authority pursuant to this division may not exceed one-tenth of one per cent of the total value of all property within the territory comprising the impacted lake district as listed and assessed for taxation.

(M) Issue lake facilities authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 353.09 of the Revised Code for the purpose of providing funds to pay costs of any facility or facilities or parts thereof;

(N) Advise and provide input to political subdivisions within the impacted lake district with respect to zoning and land use planning within the impacted lake district;

(O) Enter into agreements for the management, ownership, possession, or control of lands or property to be used for wetland mitigation banking;

(P) Adopt and modify rules and regulations to carry out the authority granted to the lake facilities authority under this section.

Sec. 1506.44. (A) A board of county commissioners may use a loan obtained under division (C) of this section to provide financial assistance to any person who owns real property in a coastal erosion area and who has received a permit under section 1506.40 of the Revised Code to construct an erosion control structure in that coastal erosion area. The board shall enter

into an agreement with the person that complies with all of the 1134
following requirements: 1135

(1) The agreement shall identify the person's real 1136
property for which the erosion control structure is being 1137
constructed and shall include a legal description of that 1138
property and a reference to the volume and page of the deed 1139
record in which the title of that person to that property is 1140
recorded. 1141

(2) In accordance with rules adopted by the Ohio water 1142
development authority under division (V) of section 6121.04 of 1143
the Revised Code for the purposes of division (C) of this 1144
section and pursuant to an agreement between the board and the 1145
authority under that division, the board shall agree to cause 1146
payments to be made by the authority to the contractor hired by 1147
the person to construct an erosion control structure in amounts 1148
not to exceed the total amount specified in the agreement 1149
between the board and the person. 1150

(3) The person shall agree to pay to the board, or to the 1151
authority as the assignee pursuant to division (C) of this 1152
section, the total amount of the payments plus administrative or 1153
other costs of the board or the authority at times, in 1154
installments, and bearing interest as specified in the 1155
agreement. 1156

The agreement may contain additional provisions that the 1157
board determines necessary to safeguard the interests of the 1158
county or to comply with an agreement entered into under 1159
division (C) of this section. 1160

(B) Upon entering into an agreement under division (A) of 1161
this section, the board shall do all of the following: 1162

(1) Cause the agreement to be recorded in the county deed 1163
records in the office of the county recorder of the county in 1164
which the real property is situated. Failure to record the 1165
agreement does not affect the validity of the agreement or the 1166
collection of any amounts due under the agreement. 1167

(2) Establish by resolution an erosion control repayment 1168
fund into which shall be deposited all amounts collected under 1169
division (B) (3) of this section. Moneys in that fund shall be 1170
used by the board for the repayment of the loan and for 1171
administrative or other costs of the board or the authority as 1172
specified in an agreement entered into under division (C) of 1173
this section. If the amount of money in the fund is inadequate 1174
to repay the loan when due, the board of county commissioners, 1175
by resolution, may advance money from any other fund in order to 1176
repay the loan if that use of the money from the other fund is 1177
not in conflict with law. If the board so advances money in 1178
order to repay the loan, the board subsequently shall reimburse 1179
each fund from which the board advances money with moneys from 1180
the erosion control repayment fund. 1181

(3) Bill and collect all amounts when due under the 1182
agreement entered into under division (A) of this section. The 1183
board shall certify amounts not paid when due to the county 1184
auditor, who shall enter the amounts on the real property tax 1185
list and duplicate against the property identified under 1186
division (A) (1) of this section. The amounts not paid when due 1187
shall be a lien on that property from the date on which the 1188
amounts are placed on the tax list and duplicate and shall be 1189
collected in the same manner as other taxes. 1190

(C) A board may apply to the authority for a loan for the 1191
purpose of entering into agreements under division (A) of this 1192

section. The loan shall be for an amount and on the terms 1193
established in an agreement between the board and the authority. 1194
The board may assign any agreements entered into under division 1195
(A) of this section to the authority in order to provide for the 1196
repayment of the loan and may pledge any lawfully available 1197
revenues to the repayment of the loan, provided that no moneys 1198
raised by taxation shall be obligated or pledged by the board 1199
for the repayment of the loan. Any agreement with the authority 1200
pursuant to this division is not subject to Chapter 133. of the 1201
Revised Code or any requirements or limitations established in 1202
that chapter. 1203

(D) The authority, as assignee of any agreement pursuant 1204
to division (C) of this section, may enforce and compel the 1205
board and the county auditor by mandamus pursuant to Chapter 1206
2731. of the Revised Code to comply with division (B) of this 1207
section in a timely manner. 1208

(E) The construction of an erosion control structure by a 1209
contractor hired by an individual homeowner, group of individual 1210
homeowners, or homeowners association that enters into an 1211
agreement with a board under division (A) of this section ~~is not~~ 1212
~~a public improvement, as defined in section 4115.03 of the~~ 1213
~~Revised Code, and~~ is not subject to competitive bidding or 1214
public bond laws. 1215

Sec. 1710.02. (A) A special improvement district may be 1216
created within the boundaries of any one municipal corporation, 1217
any one township, or any combination of municipal corporations 1218
and townships within a single county, or counties that adjoin 1219
one another, for the purpose of developing and implementing 1220
plans for public improvements and public services that benefit 1221
the district. A district may be created by petition of the 1222

owners of real property within the proposed district, or by an 1223
existing qualified nonprofit corporation. If the district is 1224
created by an existing qualified nonprofit corporation, the 1225
purposes for which the district is created may be supplemental 1226
to the other purposes for which the corporation is organized. 1227
All territory in a special improvement district shall be 1228
contiguous; except that the territory in a special improvement 1229
district may be noncontiguous if at least one special energy 1230
improvement project or shoreline improvement project is 1231
designated for each parcel of real property included within the 1232
special improvement district. Additional territory may be added 1233
to a special improvement district created under this chapter for 1234
the purpose of developing and implementing plans for special 1235
energy improvement projects or shoreline improvement projects if 1236
at least one special energy improvement project or shoreline 1237
improvement project, respectively, is designated for each parcel 1238
of real property included within such additional territory and 1239
the addition of territory is authorized by the initial plan 1240
proposed under division (F) of this section or a plan adopted by 1241
the board of directors of the special improvement district under 1242
section 1710.06 of the Revised Code. 1243

The district shall be governed by the board of trustees of 1244
a nonprofit corporation. This board shall be known as the board 1245
of directors of the special improvement district. No special 1246
improvement district shall include any church property, or 1247
property of the federal or state government or a county, 1248
township, or municipal corporation, unless the church or the 1249
county, township, or municipal corporation specifically requests 1250
in writing that the property be included within the district, or 1251
unless the church is a member of the existing qualified 1252
nonprofit corporation creating the district at the time the 1253

district is created. A shoreline improvement project may extend 1254
into the territory of Lake Erie as described in sections 1506.10 1255
and 1506.11 of the Revised Code. However, the state shall remain 1256
exempt from any special assessment that may be levied against 1257
that territory under section 1710.06 and Chapter 727. of the 1258
Revised Code. More than one district may be created within a 1259
participating political subdivision, but no real property may be 1260
included within more than one district unless the owner of the 1261
property files a written consent with the clerk of the 1262
legislative authority, the township fiscal officer, or the 1263
village clerk, as appropriate. The area of each district shall 1264
be contiguous; except that the area of a special improvement 1265
district may be noncontiguous if all parcels of real property 1266
included within such area contain at least one special energy 1267
improvement or shoreline improvement thereon. 1268

(B) Except as provided in division (C) of this section, a 1269
district created under this chapter is not a political 1270
subdivision. A district created under this chapter shall be 1271
considered a public agency under section 102.01 ~~and a public~~ 1272
~~authority under section 4115.03~~ of the Revised Code. Each member 1273
of the board of directors of a district, each member's designee 1274
or proxy, and each officer and employee of a district shall be 1275
considered a public official or employee under section 102.01 of 1276
the Revised Code and a public official and public servant under 1277
section 2921.42 of the Revised Code. Districts created under 1278
this chapter are not subject to sections 121.81 to 121.83 of the 1279
Revised Code. Districts created under this chapter are subject 1280
to sections 121.22 and 121.23 of the Revised Code. 1281

(C) Each district created under this chapter shall be 1282
considered a political subdivision for purposes of section 1283
4905.34 of the Revised Code. 1284

Membership on the board of directors of the district shall 1285
not be considered as holding a public office. Directors and 1286
their designees shall be entitled to the immunities provided by 1287
Chapter 1702. and to the same immunity as an employee under 1288
division (A) (6) of section 2744.03 of the Revised Code, except 1289
that directors and their designees shall not be entitled to the 1290
indemnification provided in section 2744.07 of the Revised Code 1291
unless the director or designee is an employee or official of a 1292
participating political subdivision of the district and is 1293
acting within the scope of the director's or designee's 1294
employment or official responsibilities. 1295

District officers and district members and directors and 1296
their designees or proxies shall not be required to file a 1297
statement with the Ohio ethics commission under section 102.02 1298
of the Revised Code. All records of the district shall be 1299
treated as public records under section 149.43 of the Revised 1300
Code, except that records of organizations contracting with a 1301
district shall not be considered to be public records under 1302
section 149.43 or section 149.431 of the Revised Code solely by 1303
reason of any contract with a district. 1304

(D) Except as otherwise provided in this section, the 1305
nonprofit corporation that governs a district shall be organized 1306
in the manner described in Chapter 1702. of the Revised Code. 1307
Except in the case of a district created by an existing 1308
qualified nonprofit corporation, the corporation's articles of 1309
incorporation are required to be approved, as provided in 1310
division (E) of this section, by resolution of the legislative 1311
authority of each participating political subdivision of the 1312
district. A copy of that resolution shall be filed along with 1313
the articles of incorporation in the secretary of state's 1314
office. 1315

In addition to meeting the requirements for articles of
incorporation set forth in Chapter 1702. of the Revised Code,
the articles of incorporation for the nonprofit corporation
governing a district formed under this chapter shall provide all
the following:

(1) The name for the district, which shall include the
name of each participating political subdivision of the
district;

(2) A description of the territory within the district,
which may be all or part of each participating political
subdivision. The description shall be specific enough to enable
real property owners to determine if their property is located
within the district.

(3) A description of the procedure by which the articles
of incorporation may be amended. The procedure shall include
receiving approval of the amendment, by resolution, from the
legislative authority of each participating political
subdivision and filing the approved amendment and resolution
with the secretary of state.

(4) The reasons for creating the district, plus an
explanation of how the district will be conducive to the public
health, safety, peace, convenience, and welfare of the district.

(E) The articles of incorporation for a nonprofit
corporation governing a district created under this chapter and
amendments to them shall be submitted to the municipal
executive, if any, and the legislative authority of each
municipal corporation or township in which the proposed district
is to be located. Except in the case of a district created by an
existing qualified nonprofit corporation, the articles or

amendments shall be accompanied by a petition signed either by 1345
the owners of at least sixty per cent of the front footage of 1346
all real property located in the proposed district that abuts 1347
upon any street, alley, public road, place, boulevard, parkway, 1348
park entrance, easement, or other existing public improvement 1349
within the proposed district, excluding church property or 1350
property owned by the state, county, township, municipal, or 1351
federal government, unless a church, county, township, or 1352
municipal corporation has specifically requested in writing that 1353
the property be included in the district, or by the owners of at 1354
least seventy-five per cent of the area of all real property 1355
located within the proposed district, excluding church property 1356
or property owned by the state, county, township, municipal, or 1357
federal government, unless a church, county, township, or 1358
municipal corporation has specifically requested in writing that 1359
the property be included in the district. Pursuant to Section 2o 1360
of Article VIII, Ohio Constitution, the petition required under 1361
this division may be for the purpose of developing and 1362
implementing plans for special energy improvement projects or 1363
shoreline improvement projects, and, in such case, is determined 1364
to be in furtherance of the purposes set forth in Section 2o of 1365
Article VIII, Ohio Constitution. Except as provided in division 1366
(H) of this section, if a special improvement district is being 1367
created under this chapter for the purpose of developing and 1368
implementing plans for special energy improvement projects or 1369
shoreline improvement projects, the petition required under this 1370
division shall be signed by one hundred per cent of the owners 1371
of the area of all real property located within the proposed 1372
special improvement district, at least one special energy 1373
improvement project or shoreline improvement project shall be 1374
designated for each parcel of real property within the special 1375
improvement district, and the special improvement district may 1376

include any number of parcels of real property as determined by 1377
the legislative authority of each participating political 1378
subdivision in which the proposed special improvement district 1379
is to be located. For purposes of determining compliance with 1380
these requirements, the area of the district, or the front 1381
footage and ownership of property, shall be as shown in the most 1382
current records available at the county recorder's office and 1383
the county engineer's office sixty days prior to the date on 1384
which the petition is filed. 1385

Each municipal corporation or township with which the 1386
petition is filed has sixty days to approve or disapprove, by 1387
resolution, the petition, including the articles of 1388
incorporation. In the case of a district created by an existing 1389
qualified nonprofit corporation, each municipal corporation or 1390
township has sixty days to approve or disapprove the creation of 1391
the district after the corporation submits the articles of 1392
incorporation or amendments thereto. This chapter does not 1393
prohibit or restrict the rights of municipal corporations under 1394
Article XVIII of the Ohio Constitution or the right of the 1395
municipal legislative authority to impose reasonable conditions 1396
in a resolution of approval. The acquisition, installation, 1397
equipping, and improvement of a special energy improvement 1398
project under this chapter shall not supersede any local zoning, 1399
environmental, or similar law or regulation. In addition, all 1400
activities associated with a shoreline improvement project that 1401
is implemented under this chapter shall comply with all 1402
applicable local zoning requirements, all local, state, and 1403
federal environmental laws and regulations, and all applicable 1404
requirements established in Chapter 1506. of the Revised Code 1405
and rules adopted under it. 1406

(F) Persons proposing creation and operation of the 1407

district may propose an initial plan for public services or 1408
public improvements that benefit all or any part of the 1409
district. Any initial plan shall be submitted as part of the 1410
petition proposing creation of the district or, in the case of a 1411
district created by an existing qualified nonprofit corporation, 1412
shall be submitted with the articles of incorporation or 1413
amendments thereto. 1414

An initial plan may include provisions for the following: 1415

(1) Creation and operation of the district and of the 1416
nonprofit corporation to govern the district under this chapter; 1417

(2) Hiring employees and professional services; 1418

(3) Contracting for insurance; 1419

(4) Purchasing or leasing office space and office 1420
equipment; 1421

(5) Other actions necessary initially to form, operate, or 1422
organize the district and the nonprofit corporation to govern 1423
the district; 1424

(6) A plan for public improvements or public services that 1425
benefit all or part of the district, which plan shall comply 1426
with the requirements of division (A) of section 1710.06 of the 1427
Revised Code and may include, but is not limited to, any of the 1428
permissive provisions described in the fourth sentence of that 1429
division or listed in divisions (A)(1) to (7) of that section; 1430

(7) If the special improvement district is being created 1431
under this chapter for the purpose of developing and 1432
implementing plans for special energy improvement projects or 1433
shoreline improvement projects, provision for the addition of 1434
territory to the special improvement district. 1435

After the initial plan is approved by all municipal 1436
corporations and townships to which it is submitted for approval 1437
and the district is created, each participating subdivision 1438
shall levy a special assessment within its boundaries to pay for 1439
the costs of the initial plan. The levy shall be for no more 1440
than ten years from the date of the approval of the initial 1441
plan; except that if the proceeds of the levy are to be used to 1442
pay the costs of a special energy improvement project or 1443
shoreline improvement project, the levy of a special assessment 1444
shall be for no more than thirty years from the date of approval 1445
of the initial plan. In the event that additional territory is 1446
added to a special improvement district, the special assessment 1447
to be levied with respect to such additional territory shall 1448
commence not earlier than the date such territory is added and 1449
shall be for no more than thirty years from such date. For 1450
purposes of levying an assessment for this initial plan, the 1451
services or improvements included in the initial plan shall be 1452
deemed a special benefit to property owners within the district. 1453

(G) Each nonprofit corporation governing a district under 1454
this chapter may do the following: 1455

(1) Exercise all powers of nonprofit corporations granted 1456
under Chapter 1702. of the Revised Code that do not conflict 1457
with this chapter; 1458

(2) Develop, adopt, revise, implement, and repeal plans 1459
for public improvements and public services for all or any part 1460
of the district; 1461

(3) Contract with any person, political subdivision as 1462
defined in section 2744.01 of the Revised Code, or state agency 1463
as defined in section 1.60 of the Revised Code to develop and 1464
implement plans for public improvements or public services 1465

within the district; 1466

(4) Contract and pay for insurance for the district and 1467
for directors, officers, agents, contractors, employees, or 1468
members of the district for any consequences of the 1469
implementation of any plan adopted by the district or any 1470
actions of the district. 1471

The board of directors of a special improvement district 1472
may, acting as agent and on behalf of a participating political 1473
subdivision, sell, transfer, lease, or convey any special energy 1474
improvement project owned by the participating political 1475
subdivision upon a determination by the legislative authority 1476
thereof that the project is not required to be owned exclusively 1477
by the participating political subdivision for its purposes, for 1478
uses determined by the legislative authority thereof as those 1479
that will promote the welfare of the people of such 1480
participating political subdivision; improve the quality of life 1481
and the general and economic well-being of the people of the 1482
participating political subdivision; better ensure the public 1483
health, safety, and welfare; protect water and other natural 1484
resources; provide for the conservation and preservation of 1485
natural and open areas and farmlands, including by making urban 1486
areas more desirable or suitable for development and 1487
revitalization; control, prevent, minimize, clean up, or mediate 1488
certain contamination of or pollution from lands in the state 1489
and water contamination or pollution; or provide for safe and 1490
natural areas and resources. The legislative authority of each 1491
participating political subdivision shall specify the 1492
consideration for such sale, transfer, lease, or conveyance and 1493
any other terms thereof. Any determinations made by a 1494
legislative authority of a participating political subdivision 1495
under this division shall be conclusive. 1496

Any sale, transfer, lease, or conveyance of a special 1497
energy improvement project by a participating political 1498
subdivision or the board of directors of the special improvement 1499
district may be made without advertising, receipt of bids, or 1500
other competitive bidding procedures applicable to the 1501
participating political subdivision or the special improvement 1502
district under Chapter 153. or 735. or section 1710.11 of the 1503
Revised Code or other representative provisions of the Revised 1504
Code. 1505

(H) The owner of real property that is part of a planned 1506
community or a condominium development is deemed to have signed 1507
the petitions required under division (E) of this section and 1508
division (B) of section 1710.06 of the Revised Code with respect 1509
to a special improvement district that is being created for the 1510
purpose of developing and implementing plans for shoreline 1511
improvement projects if the district and the projects have been 1512
approved through an alternative process prescribed by the 1513
bylaws, declarations, covenants, and restrictions governing the 1514
planned community or condominium development. Such an 1515
alternative process may consist of a vote of the owners 1516
association or unit owners association, the approval of a 1517
specified percentage of property owners, or any other procedure 1518
authorized by the bylaws, declarations, covenants, and 1519
restrictions governing the planned community or condominium 1520
development. 1521

As used in this division, "condominium development" and 1522
"unit owners association" have the same meanings as in section 1523
5311.01 of the Revised Code, and "planned community," "owners 1524
association," "bylaws," and "declaration" have the same meanings 1525
as in section 5312.01 of the Revised Code. 1526

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of 1527
the Revised Code: 1528

(A) (1) "Public authority" means any officer, board, or 1529
commission of the state, ~~or any political subdivision of the~~ 1530
~~state,~~ authorized to enter into a contract for the construction 1531
of a public improvement or to construct the same by the direct 1532
employment of labor, or any institution supported in whole or in 1533
part by public funds and said sections apply to expenditures of 1534
such institutions made in whole or in part from public funds. 1535

(2) "Public authority" does not mean any of the following: 1536

(a) A political subdivision, unless the political 1537
subdivision elects under section 4115.04 of the Revised Code to 1538
be subject to the requirements of sections 4115.03 to 4115.21 of 1539
the Revised Code; 1540

(b) A special district, unless the special district elects 1541
under section 4115.04 of the Revised Code to be subject to the 1542
requirements of sections 4115.03 to 4115.21 of the Revised Code; 1543

(c) A state institution of higher education, unless the 1544
state institution elects under section 4115.04 of the Revised 1545
Code to be subject to the requirements of sections 4115.03 to 1546
4115.21 of the Revised Code. 1547

(B) "Construction" means any of the following: 1548

(1) Except as provided in division (B) (3) of this section, 1549
any new construction of a public improvement, the total overall 1550
project cost of which is fairly estimated to be more than ~~the~~ 1551
~~following amounts—five hundred thousand dollars~~ and performed by 1552
other than full-time employees who have completed their 1553
probationary periods in the classified service of a public 1554
authority. 1555

~~(a) One hundred twenty five thousand dollars, beginning on~~ 1556
~~September 29, 2011, and continuing for one year thereafter;~~ 1557

~~(b) Two hundred thousand dollars, beginning when the time~~ 1558
~~period described in division (B) (1) (a) of this section expires~~ 1559
~~and continuing for one year thereafter;~~ 1560

~~(c) Two hundred fifty thousand dollars, beginning when the~~ 1561
~~time period described in division (B) (1) (b) of this section~~ 1562
~~expires.~~ 1563

(2) Except as provided in division (B) (4) of this section, 1564
any reconstruction, enlargement, alteration, repair, remodeling, 1565
renovation, or painting of a public improvement, the total 1566
overall project cost of which is fairly estimated to be more 1567
than ~~the following amounts~~ seventy-five thousand dollars and 1568
performed by other than full-time employees who have completed 1569
their probationary period in the classified civil service of a 1570
public authority; 1571

~~(a) Thirty eight thousand dollars, beginning on September~~ 1572
~~29, 2011, and continuing for one year thereafter;~~ 1573

~~(b) Sixty thousand dollars, beginning when the time period~~ 1574
~~described in division (B) (2) (a) of this section expires and~~ 1575
~~continuing for one year thereafter;~~ 1576

~~(c) Seventy five thousand dollars, beginning when the time~~ 1577
~~period described in division (B) (2) (b) of this section expires.~~ 1578

(3) Any new construction of a public improvement that 1579
involves roads, streets, alleys, sewers, ditches, and other 1580
works connected to road or bridge construction, the total 1581
overall project cost of which is fairly estimated to be more 1582
than seventy-eight thousand two hundred fifty-eight dollars 1583
adjusted biennially by the director of commerce pursuant to 1584

section 4115.034 of the Revised Code and performed by other than 1585
full-time employees who have completed their probationary 1586
periods in the classified service of a public authority; 1587

(4) Any reconstruction, enlargement, alteration, repair, 1588
remodeling, renovation, or painting of a public improvement that 1589
involves roads, streets, alleys, sewers, ditches, and other 1590
works connected to road or bridge construction, the total 1591
overall project cost of which is fairly estimated to be more 1592
than twenty-three thousand four hundred forty-seven dollars 1593
adjusted biennially by the director ~~of commerce~~ pursuant to 1594
section 4115.034 of the Revised Code and performed by other than 1595
full-time employees who have completed their probationary 1596
periods in the classified service of a public authority. 1597

(C) "Public improvement" includes all buildings, roads, 1598
streets, alleys, sewers, ditches, sewage disposal plants, water 1599
works, and all other structures or works constructed by a public 1600
authority ~~of the state or any political subdivision thereof or~~ 1601
by any person who, pursuant to a contract with a public 1602
authority, constructs any structure for a public authority ~~of~~ 1603
~~the state or a political subdivision thereof.~~ When a public 1604
authority rents or leases a newly constructed structure within 1605
six months after completion of such construction, all work 1606
performed on such structure to suit it for occupancy by a public 1607
authority is a "public improvement." ~~"Public improvement" does~~ 1608
~~not include an improvement authorized by section 940.06 of the~~ 1609
~~Revised Code that is constructed pursuant to a contract with a~~ 1610
~~soil and water conservation district, as defined in section~~ 1611
~~940.01 of the Revised Code, or performed as a result of a~~ 1612
~~petition filed pursuant to Chapter 6131., 6133., or 6135. of the~~ 1613
~~Revised Code, wherein no less than seventy-five per cent of the~~ 1614
~~project is located on private land and no less than seventy-five~~ 1615

~~per cent of the cost of the improvement is paid for by private~~ 1616
~~property owners pursuant to Chapter 940., 6131., 6133., or 6135.~~ 1617
~~of the Revised Code.~~ 1618

(D) "Locality" means the county wherein the physical work 1619
upon any public improvement is being performed. 1620

(E) "Prevailing wages" means the sum of the following: 1621

(1) The basic hourly rate of pay; 1622

(2) The rate of contribution irrevocably made by a 1623
contractor or subcontractor to a trustee or to a third person 1624
pursuant to a fund, plan, or program; 1625

(3) The rate of costs to the contractor or subcontractor 1626
which may be reasonably anticipated in providing the following 1627
fringe benefits to laborers and mechanics pursuant to an 1628
enforceable commitment to carry out a financially responsible 1629
plan or program which was communicated in writing to the 1630
laborers and mechanics affected: 1631

(a) Medical or hospital care or insurance to provide such; 1632

(b) Pensions on retirement or death or insurance to 1633
provide such; 1634

(c) Compensation for injuries or illnesses resulting from 1635
occupational activities if it is in addition to that coverage 1636
required by Chapters 4121. and 4123. of the Revised Code; 1637

(d) Supplemental unemployment benefits that are in 1638
addition to those required by Chapter 4141. of the Revised Code; 1639

(e) Life insurance; 1640

(f) Disability and sickness insurance; 1641

(g) Accident insurance; 1642

(h) Vacation and holiday pay; 1643

(i) Defraying of costs for apprenticeship or other similar 1644
training programs which are beneficial only to the laborers and 1645
mechanics affected; 1646

(j) Other bona fide fringe benefits. 1647

None of the benefits enumerated in division (E) (3) of this 1648
section may be considered in the determination of prevailing 1649
wages if federal, state, or local law requires contractors or 1650
subcontractors to provide any of such benefits. 1651

(F) "Interested party," with respect to a particular 1652
contract for construction of a public improvement, means: 1653

(1) Any person who submits a bid for the purpose of 1654
securing the award of the contract; 1655

(2) Any person acting as a subcontractor of a person 1656
described in division (F) (1) of this section; 1657

(3) Any bona fide organization of labor which has as 1658
members or is authorized to represent employees of a person 1659
described in division (F) (1) or (2) of this section and which 1660
exists, in whole or in part, for the purpose of negotiating with 1661
employers concerning the wages, hours, or terms and conditions 1662
of employment of employees; 1663

(4) Any association having as members any of the persons 1664
described in division (F) (1) or (2) of this section. 1665

(G) Except as used in division (A) of this section, 1666
"officer" means an individual who has an ownership interest or 1667
holds an office of trust, command, or authority in a 1668
corporation, business trust, partnership, or association. 1669

(H) "Political subdivision" has the same meaning as in 1670
section 9.23 of the Revised Code. 1671

(I) "State institution of higher education" has the same 1672
meaning as in section 3345.011 of the Revised Code. 1673

Sec. 4115.04. (A) (1) Every public authority authorized to 1674
contract for or construct with its own forces a public 1675
improvement, before advertising for bids or undertaking such 1676
construction with its own forces, shall have the director of 1677
commerce determine the prevailing rates of wages of mechanics 1678
and laborers in accordance with section 4115.05 of the Revised 1679
Code for the class of work called for by the public improvement, 1680
in the locality where the work is to be performed. Except as 1681
provided in division (A) (2) of this section, that schedule of 1682
wages shall be attached to and made part of the specifications 1683
for the work, and shall be printed on the bidding blanks where 1684
the work is done by contract. A copy of the bidding blank shall 1685
be filed with the director before the contract is awarded. A 1686
minimum rate of wages for common laborers, on work coming under 1687
the jurisdiction of the department of transportation, shall be 1688
fixed in each county of the state by the department of 1689
transportation, in accordance with section 4115.05 of the 1690
Revised Code. 1691

(2) In the case of contracts that are administered by the 1692
department of natural resources, the director of natural 1693
resources or the director's designee shall include language in 1694
the contracts requiring wage rate determinations and updates to 1695
be obtained directly from the department of commerce through 1696
electronic or other means as appropriate. Contracts that include 1697
this requirement are exempt from the requirements established in 1698
division (A) (1) of this section that involve attaching the 1699

schedule of wages to the specifications for the work, making the 1700
schedule part of those specifications, and printing the schedule 1701
on the bidding blanks where the work is done by contract. 1702

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1703
apply to: 1704

(1) Public improvements in any case where the federal 1705
government or any of its agencies furnishes by loan or grant all 1706
or any part of the funds used in constructing such improvements, 1707
provided that the federal government or any of its agencies 1708
prescribes predetermined minimum wages to be paid to mechanics 1709
and laborers employed in the construction of such improvements; 1710

(2) A participant in a work activity, developmental 1711
activity, or an alternative work activity under sections 5107.40 1712
to 5107.69 of the Revised Code when a public authority directly 1713
uses the labor of the participant to construct a public 1714
improvement if the participant is not engaged in paid employment 1715
or subsidized employment pursuant to the activity; 1716

(3) ~~Public~~ Except as provided in division (C) of this 1717
section, public improvements undertaken by, or under contract 1718
~~for, the board of education of any school district or the~~ 1719
~~governing board of any educational service center;~~ 1720

~~(4) Public improvements undertaken by, or under contract~~ 1721
~~for, a county hospital operated pursuant to Chapter 339. of the~~ 1722
~~Revised Code or a municipal hospital operated pursuant to~~ 1723
~~Chapter 749. of the Revised Code if none of the funds used in~~ 1724
~~constructing the improvements are the proceeds of bonds or other~~ 1725
~~obligations that are secured by the full faith and credit of the~~ 1726
~~state, a county, a township, or a municipal corporation and none~~ 1727
~~of the funds used in constructing the improvements, including~~ 1728

~~funds used to repay any amounts borrowed to construct the~~ 1729
~~improvements, are funds that have been appropriated for that~~ 1730
~~purpose by the state, a board of county commissioners, a~~ 1731
~~township, or a municipal corporation from funds generated by the~~ 1732
~~levy of a tax, provided that a county hospital or municipal~~ 1733
~~hospital may elect to apply sections 4115.03 to 4115.16 of the~~ 1734
~~Revised Code to a public improvement undertaken by, or under~~ 1735
~~contract for, the hospital a political subdivision, special~~ 1736
~~district, or state institution of higher education;~~ 1737

~~(5)~~ (4) Any project described in divisions (D) (1) (a) to 1738
(D) (1) (e) of section 176.05 of the Revised Code; 1739

~~(6) Public improvements undertaken by, or under contract~~ 1740
~~for, a port authority as defined in section 4582.01 or 4582.21~~ 1741
~~of the Revised Code;~~ 1742

~~(7)~~ (5) Any portion of a public improvement undertaken and 1743
completed solely with labor donated by the individuals 1744
performing the labor, by a labor organization and its members, 1745
or by a contractor or subcontractor that donates all labor and 1746
materials for that portion of the public improvement project. 1747

(C) Subject to division (D) of this section, nothing in 1748
sections 4115.03 to 4115.21 of the Revised Code or any other 1749
provision of the Revised Code prohibits a political subdivision, 1750
special district, or state institution of higher education from 1751
electing to apply sections 4115.03 to 4115.21 of the Revised 1752
Code to any public improvement undertaken by, or under contract 1753
for, the political subdivision, special district, or state 1754
institution of higher education. 1755

(D) Under no circumstances shall a public authority, 1756
political subdivision, special district, or state institution of 1757

higher education apply the prevailing wage requirements of this 1758
chapter to ~~a~~ any of the following: 1759

(1) A public improvement that is ~~exempt under division (B)~~ 1760
~~(3) of this section~~ undertaken by, or under contract for, a 1761
board of education of any school district or the governing board 1762
of any educational service center; 1763

(2) An improvement authorized by section 940.06 of the 1764
Revised Code that is constructed pursuant to a contract with a 1765
soil and water conservation district, as defined in section 1766
940.01 of the Revised Code, or performed as a result of a 1767
petition filed pursuant to Chapter 6131., 6133., or 6135. of the 1768
Revised Code, wherein not less than seventy-five per cent of the 1769
project is located on private land and not less than seventy- 1770
five per cent of the cost of the improvement is paid for by 1771
private property owners pursuant to Chapter 940., 6131., 6133., 1772
or 6135. of the Revised Code; 1773

(3) The construction of an erosion control structure under 1774
section 1506.44 of the Revised Code. 1775

Sec. 4115.06. In all cases where any public authority 1776
fixes a prevailing rate of wages under section 4115.04 of the 1777
Revised Code, and the work is done by contract, the contract 1778
executed between the public authority and the successful bidder 1779
shall contain a provision requiring the successful bidder and 1780
all ~~his~~ subcontractors to pay a rate of wages which shall not be 1781
less than the rate of wages so fixed. The successful bidder and 1782
all ~~his~~ subcontractors shall comply strictly with the wage 1783
provisions of the contract. 1784

Where a public authority constructs a public improvement 1785
with its own forces, such public authority shall pay a rate of 1786

wages which shall not be less than the rate of wages fixed as 1787
provided in section 4115.04 of the Revised Code, except in those 1788
instances provided for in ~~sections 723.52, section 5517.02,~~ 1789
~~5575.01, and 5543.19~~ of the Revised Code. 1790

Sec. 5540.03. (A) A transportation improvement district 1791
may: 1792

(1) Adopt bylaws for the regulation of its affairs and the 1793
conduct of its business; 1794

(2) Adopt an official seal; 1795

(3) Sue and be sued in its own name, plead and be 1796
impleaded, provided any actions against the district shall be 1797
brought in the court of common pleas of the county in which the 1798
principal office of the district is located, or in the court of 1799
common pleas of the county in which the cause of action arose, 1800
and all summonses, exceptions, and notices of every kind shall 1801
be served on the district by leaving a copy thereof at its 1802
principal office with the secretary-treasurer; 1803

(4) Purchase, construct, maintain, repair, sell, exchange, 1804
police, operate, or lease projects; 1805

(5) Issue either or both of the following for the purpose 1806
of providing funds to pay the costs of any project or part 1807
thereof: 1808

(a) Transportation improvement district revenue bonds; 1809

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 1810
Constitution. 1811

(6) Maintain such funds as it considers necessary; 1812

(7) Direct its agents or employees, when properly 1813

identified in writing and after at least five days' written 1814
notice, to enter upon lands within its jurisdiction to make 1815
surveys and examinations preliminary to the location and 1816
construction of projects for the district, without liability of 1817
the district or its agents or employees except for actual damage 1818
done; 1819

(8) Make and enter into all contracts and agreements 1820
necessary or incidental to the performance of its functions and 1821
the execution of its powers under this chapter; 1822

(9) Employ or retain or contract for the services of 1823
consulting engineers, superintendents, managers, and such other 1824
engineers, construction and accounting experts, financial 1825
advisers, trustees, marketing, remarketing, and administrative 1826
agents, attorneys, and other employees, independent contractors, 1827
or agents as are necessary in its judgment and fix their 1828
compensation, provided all such expenses shall be payable solely 1829
from the proceeds of bonds or from revenues; 1830

(10) Receive and accept from the federal or any state or 1831
local government, including, but not limited to, any agency, 1832
entity, or instrumentality of any of the foregoing, loans and 1833
grants for or in aid of the construction, maintenance, or repair 1834
of any project, and receive and accept aid or contributions from 1835
any source or person of money, property, labor, or other things 1836
of value, to be held, used, and applied only for the purposes 1837
for which such loans, grants, and contributions are made. 1838
Nothing in division (A) (10) of this section shall be construed 1839
as imposing any liability on this state for any loan received by 1840
a transportation improvement district from a third party unless 1841
this state has entered into an agreement to accept such 1842
liability. 1843

(11) Acquire, hold, and dispose of property in the 1844
exercise of its powers and the performance of its duties under 1845
this chapter; 1846

(12) Establish and collect tolls or user charges for its 1847
projects; 1848

(13) Subject to section 5540.18 of the Revised Code, enter 1849
into an agreement with a contiguous board of county 1850
commissioners other than the board of county commissioners that 1851
created the transportation improvement district, for the 1852
district to exercise all or any portion of its powers with 1853
respect to a project that is located wholly or partially within 1854
the county that is party to the agreement; 1855

(14) Do all acts necessary and proper to carry out the 1856
powers expressly granted in this chapter. 1857

(B) ~~(1)~~ Chapters 123., 124., 125., and 153., and sections 1858
9.331 to 9.335 and 307.86 of the Revised Code do not apply to 1859
contracts or projects of a transportation improvement district. 1860

~~(2) A transportation improvement district is subject to 1861
sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, 1862
unless the amount of state or local government funds, including, 1863
but not limited to, those provided by any agency, entity, or 1864
instrumentality of the state or a local government as described 1865
in division (A) (10) of this section received for the contract or 1866
project, is, in the aggregate, less than the amounts described 1867
in or calculated under section 4115.03 of the Revised Code. 1868~~

Sec. 6117.012. (A) A board of county commissioners may 1869
adopt rules requiring owners of property within the district 1870
whose property is served by a connection to sewers maintained 1871
and operated by the board or to sewers that are connected to 1872

interceptor sewers maintained and operated by the board to do 1873
any of the following: 1874

(1) Disconnect storm water inflows to sanitary sewers 1875
maintained and operated by the board and not operated as a 1876
combined sewer, or to connections with those sewers; 1877

(2) Disconnect non-storm water inflows to storm water 1878
sewers maintained and operated by the board and not operated as 1879
a combined sewer, or to connections with those storm water 1880
sewers; 1881

(3) Reconnect or relocate any such disconnected inflows in 1882
compliance with board rules and applicable building codes, 1883
health codes, or other relevant codes; 1884

(4) Prevent sewer back-ups into properties that have 1885
experienced one or more back-ups of sanitary or combined sewers 1886
maintained and operated by the board; 1887

(5) Prevent storm water from entering a combined sewer and 1888
causing an overflow or an inflow to a sanitary sewer, which 1889
prevention may include projects or programs that separate the 1890
storm water from a combined sewer or that utilize a prevention 1891
or replacement facility to prevent or minimize storm water from 1892
entering a combined sewer or a sanitary sewer. 1893

(B) Any inflow required to be disconnected or any sewer 1894
back-up required to be prevented under a rule adopted pursuant 1895
to divisions (A) (1) to (4) of this section constitutes a 1896
nuisance subject to injunctive relief and abatement pursuant to 1897
Chapter 3767. of the Revised Code or as otherwise permitted by 1898
law. 1899

(C) A board of county commissioners may use sewer district 1900
funds; county general fund moneys; the proceeds of bonds issued 1901

under Chapter 133. or 165. of the Revised Code; and, to the 1902
extent permitted by their terms, loans, grants, or other moneys 1903
from appropriate state or federal funds, for either of the 1904
following: 1905

(1) The cost of disconnections, reconnections, 1906
relocations, combined sewer overflow prevention, or sewer back- 1907
up prevention required by rules adopted pursuant to division (A) 1908
of this section, performed by the county or under contract with 1909
the county; 1910

(2) Payments to the property owner or a contractor hired 1911
by the property owner pursuant to a competitive process 1912
established by district rules, for the cost of disconnections, 1913
reconnections, relocations, combined sewer overflow prevention, 1914
or sewer back-up prevention required by rules adopted pursuant 1915
to division (A) of this section after the board, pursuant to its 1916
rules, has approved the work to be performed and after the 1917
county has received from the property owner a statement 1918
releasing the county from all liability in connection with the 1919
disconnections, reconnections, relocations, combined sewer 1920
overflow prevention, or sewer back-up prevention. 1921

(D) Except as provided in division (E) of this section, 1922
the board of county commissioners shall require in its rules 1923
regarding disconnections, reconnections, relocations of sewers, 1924
combined sewer overflow prevention, or sewer back-up prevention 1925
the reimbursement of moneys expended pursuant to division (C) of 1926
this section by either of the following methods: 1927

(1) A charge to the property owner in the amount of the 1928
payment made pursuant to division (C) of this section for 1929
immediate payment or payment in installments with interest as 1930
determined by the board not to exceed ten per cent, which 1931

payments may be billed as a separate item with the rents charged 1932
to that owner for use of the sewers. The board may approve 1933
installment payments for a period of not more than fifteen 1934
years. If charges are to be paid in installments, the board 1935
shall certify to the county auditor information sufficient to 1936
identify each subject parcel of property, the total of the 1937
charges to be paid in installments, and the total number of 1938
installments to be paid. The auditor shall record the 1939
information in the sewer improvement record until these charges 1940
are paid in full. Charges not paid when due shall be certified 1941
to the county auditor, who shall place the charges upon the real 1942
property tax list and duplicate against that property. Those 1943
charges shall be a lien on the property from the date they are 1944
placed on the tax list and duplicate and shall be collected in 1945
the same manner as other taxes. 1946

(2) A special assessment levied against the property, 1947
payable in the number of years the board determines, not to 1948
exceed fifteen years, with interest as determined by the board 1949
not to exceed ten per cent. The board shall certify the 1950
assessments to the county auditor, stating the amount and time 1951
of payment. The auditor shall record the information in the 1952
county sewer improvement record, showing separately the 1953
assessments to be collected, and shall place the assessments 1954
upon the real property tax list and duplicate for collection. 1955
The assessments shall be a lien on the property from the date 1956
they are placed on the tax list and duplicate and shall be 1957
collected in the same manner as other taxes. 1958

(E) The county may adopt a resolution specifying a maximum 1959
amount of the cost of any disconnection, reconnection, 1960
relocation, combined sewer overflow prevention, or sewer back-up 1961
prevention required pursuant to division (A) of this section 1962

that may be paid by the county for each affected parcel of 1963
property without requiring reimbursement. That amount may be 1964
allowed only if there is a building code, health code, or other 1965
relevant code, or a federally imposed or state-imposed consent 1966
decree that is filed or otherwise recorded in a court of 1967
competent jurisdiction, applicable to the affected parcel that 1968
prohibits in the future any inflows, combined sewer overflows, 1969
or sewer back-ups not allowed under rules adopted pursuant to 1970
division (A) (1), (4), or (5) of this section. The board, by 1971
rule, shall establish criteria for determining how much of the 1972
maximum amount for each qualifying parcel need not be 1973
reimbursed. 1974

~~(F) Disconnections, reconnections, relocations, combined 1975~~
~~sewer overflow prevention, or sewer back-up prevention required 1976~~
~~under this section and performed by a contractor under contract 1977~~
~~with the property owner shall not be considered a public 1978~~
~~improvement, and those performed by the county shall be 1979~~
~~considered a public improvement as defined in section 4115.03 of 1980~~
~~the Revised Code. 1981~~

Disconnections, reconnections, relocations, combined sewer 1982
overflow prevention, or sewer back-up prevention required under 1983
this section performed by a contractor under contract with the 1984
property owner shall not be subject to competitive bidding or 1985
public bond laws. 1986

(G) Property owners shall be responsible for maintaining 1987
any improvements made or facilities constructed on private 1988
property to reconnect or relocate disconnected inflows, for 1989
combined sewer overflow prevention, or for sewer back-up 1990
prevention pursuant to this section unless a public easement or 1991
other agreement exists for the county to maintain that 1992

improvement or facility. 1993

(H) A board of county commissioners may provide rate 1994
reductions of and credits against charges for the use of sewers 1995
to a property owner that implements a project or program that 1996
prevents storm water from entering a combined sewer and causing 1997
an overflow. Such a project or program may include the use of a 1998
prevention or replacement facility to handle storm water that 1999
has been separated from a combined sewer. The revised rates or 2000
charges shall be collected and paid to the county treasurer in 2001
accordance with section 6117.02 of the Revised Code. 2002

Sec. 6121.061. The Ohio water development authority shall 2003
not issue any bonds or otherwise participate in any project 2004
authorized by this chapter or Chapter 6123. of the Revised Code 2005
unless the contract, resolution, or other written document 2006
setting forth the board's participation specifies that all wages 2007
paid to laborers and mechanics employed on the projects shall be 2008
paid at the prevailing rates of wages of laborers and mechanics 2009
for the class of work called for by the project, which wages 2010
shall be determined in accordance with the requirements of 2011
Chapter 4115. of the Revised Code for determination of 2012
prevailing wage rates, provided that the requirements of this 2013
section do not apply ~~to loans made to boards of county~~ 2014
~~commissioners under division (V) of section 6121.04 of the~~ 2015
~~Revised Code or~~ where the federal government or any of its 2016
agencies furnishes by loan or grant all or any part of the funds 2017
used in connection with the project and prescribes predetermined 2018
minimum wages to be paid to the laborers and mechanics, and 2019
provided that if a non-public user beneficiary of the project 2020
undertakes, as part of the project, construction to be performed 2021
by its regular bargaining unit employees who are covered under a 2022
collective bargaining agreement that was in existence prior to 2023

the date of the commitment instrument setting forth the board's 2024
participation, the rate of pay provided under the collective 2025
bargaining agreement may be paid to those employees. 2026

Section 2. That existing sections 164.07, 307.022, 2027
307.671, 307.673, 307.674, 307.696, 308.21, 351.06, 353.03, 2028
1506.44, 1710.02, 4115.03, 4115.04, 4115.06, 5540.03, 6117.012, 2029
and 6121.061 of the Revised Code are hereby repealed. 2030

Section 3. The amendments made by this act to sections 2031
164.07, 307.022, 307.671, 307.673, 307.674, 307.696, 308.21, 2032
351.06, 353.03, 1506.44, 1710.02, 4115.03, 4115.04, 4115.06, 2033
5540.03, 6117.012, and 6121.061 of the Revised Code apply to 2034
contracts entered into, renewed, or extended on or after the 2035
effective date of this act. 2036