

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 72

Senator Huffman

Cosponsors: Senators Terhar, Jordan

A BILL

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

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

Section 1. That sections 164.07, 307.022, 307.671, 9
307.673, 307.674, 307.696, 351.06, 353.03, 1506.44, 1710.02, 10
4115.03, 4115.04, 4115.06, 5540.03, 6117.012, and 6121.061 of 11
the Revised Code be amended to read as follows: 12

Sec. 164.07. ~~(A)~~ In awarding contracts for capital 13
improvement projects to be financed in whole or in part under 14
this chapter, a local subdivision shall comply with the 15
percentage requirements of section 125.081 of the Revised Code. 16

~~(B) A capital improvement that is financed in whole or in 17
part under this chapter is a public improvement, and a 18~~

~~subdivision undertaking a capital improvement is a public~~ 19
~~authority, for purposes of section 4115.03 of the Revised Code.~~ 20
~~All contractors and subcontractors working on a capital~~ 21
~~improvement financed in whole or in part under this chapter~~ 22
~~shall comply with sections 4115.03 to 4115.16 of the Revised~~ 23
~~Code.~~ 24

Sec. 307.022. (A) The board of county commissioners of any 25
county may do both of the following without following the 26
competitive bidding requirements of section 307.86 of the 27
Revised Code: 28

(1) Enter into a lease, including a lease with an option 29
to purchase, of correctional facilities for a term not in excess 30
of forty years. Before entering into the lease, the board shall 31
publish, once a week for three consecutive weeks in a newspaper 32
of general circulation in the county or as provided in section 33
7.16 of the Revised Code, a notice that the board is accepting 34
proposals for a lease pursuant to this division. The notice 35
shall state the date before which the proposals are required to 36
be submitted in order to be considered by the board. 37

(2) Subject to compliance with this section, grant leases, 38
easements, and licenses with respect to, or sell, real property 39
owned by the county if the real property is to be leased back by 40
the county for use as correctional facilities. 41

The lease under division (A) (1) of this section shall 42
require the county to contract, in accordance with Chapter 153.,~~—~~ 43
and sections 307.86 to 307.92,~~—~~ ~~and Chapter 4115.~~ of the Revised 44
Code, for the construction, improvement, furnishing, and 45
equipping of correctional facilities to be leased pursuant to 46
this section. Prior to the board's execution of the lease, it 47
may require the lessor under the lease to cause sufficient money 48

to be made available to the county to enable the county to 49
comply with the certification requirements of division (D) of 50
section 5705.41 of the Revised Code. 51

A lease entered into pursuant to division (A)(1) of this 52
section by a board may provide for the county to maintain and 53
repair the correctional facility during the term of the 54
leasehold, may provide for the county to make rental payments 55
prior to or after occupation of the correctional facilities by 56
the county, and may provide for the board to obtain and maintain 57
any insurance that the lessor may require, including, but not 58
limited to, public liability, casualty, builder's risk, and 59
business interruption insurance. The obligations incurred under 60
a lease entered into pursuant to division (A)(1) of this section 61
shall not be considered to be within the debt limitations of 62
section 133.07 of the Revised Code. 63

(B) The correctional facilities leased under division (A) 64
(1) of this section may include any or all of the following: 65

(1) Facilities in which one or more other governmental 66
entities are participating or in which other facilities of the 67
county are included; 68

(2) Facilities acquired, constructed, or renovated by or 69
on behalf of the department of rehabilitation and correction or 70
the department of administrative services, or financed by the 71
treasurer of state, and leased to the county pursuant to section 72
307.021 of the Revised Code; 73

(3) Correctional facilities that are under construction or 74
have been completed and for which no permanent financing has 75
been arranged. 76

(C) As used in this section: 77

(1) "Correctional facilities" includes, but is not limited 78
to, jails, detention facilities, workhouses, community-based 79
correctional facilities, and family court centers. 80

(2) "Construction" has the same meaning as in division (B) 81
of section 4115.03 of the Revised Code. 82

Sec. 307.671. (A) As used in this section: 83

(1) "Bonds" means, as the context requires: general 84
obligation bonds of the county, or notes in anticipation 85
thereof, described in division (B) (1) (b) of this section; 86
revenue bonds of the port authority described in division (B) (2) 87
(a) of this section; and urban renewal bonds, or notes in 88
anticipation thereof, of the host municipal corporation 89
described in division (B) (3) (a) of this section. 90

(2) "Corporation" means a nonprofit corporation that is 91
organized under the laws of this state and that includes within 92
the purposes for which it is incorporated the authorization to 93
lease and operate facilities such as a port authority 94
educational and cultural facility. 95

(3) "Debt service charges" means, for any period or 96
payable at any time, the principal of and interest and any 97
premium due on bonds for that period or payable at that time 98
whether due at maturity or upon mandatory redemption, together 99
with any required deposits to reserves for the payment of 100
principal of and interest on such bonds, and includes any 101
payments required by the port authority to satisfy any of its 102
obligations arising from any guaranty agreements, reimbursement 103
agreements, or other credit enhancement agreements described in 104
division (C) of this section. 105

(4) "Host municipal corporation" means the municipal 106

corporation within the boundaries of which the port authority 107
educational and cultural facility is located. 108

(5) "Port authority" means a port authority created 109
pursuant to the authority of section 4582.02 of the Revised Code 110
by a county and a host municipal corporation. 111

(6) "Port authority educational and cultural facility" 112
means a facility located within an urban renewal area that may 113
consist of a museum, archives, library, hall of fame, center for 114
contemporary music, or other facilities necessary to provide 115
programs of an educational and cultural nature, together with 116
all parking facilities, walkways, and other auxiliary 117
facilities, real and personal property, property rights, 118
easements, and interests that may be appropriate for, or used in 119
connection with, the operation of the facility. 120

(7) "Urban renewal area" means an area of a host municipal 121
corporation that the legislative authority of the host municipal 122
corporation has, at any time, designated as appropriate for an 123
urban renewal project pursuant to Chapter 725. of the Revised 124
Code. 125

(B) The board of county commissioners of a county, a port 126
authority, and a host municipal corporation may enter into a 127
cooperative agreement with a corporation, under which: 128

(1) The board of county commissioners agrees to do all of 129
the following: 130

(a) Levy a tax under division (D) of section 5739.09 of 131
the Revised Code exclusively for the purposes described in 132
divisions (B) (1) (c) and (d) of this section; 133

(b) Issue general obligation bonds of the county, or notes 134
in anticipation thereof, pursuant to Chapter 133. of the Revised 135

Code, for the purpose of acquiring, constructing, and equipping 136
the port authority educational and cultural facility and 137
contribute the proceeds from the issuance to the port authority 138
for such purpose. The cooperative agreement may provide that 139
such proceeds be deposited with and administered by the trustee 140
pursuant to the trust agreement provided for in division (C) of 141
this section. 142

(c) Following the issuance, sale, and delivery of the port 143
authority revenue bonds provided for in division (B) (2) (a) of 144
this section, and prior to the date certain stated in the 145
cooperative agreement which shall be the date estimated for the 146
completion of construction of the port authority educational and 147
cultural facility, pledge and contribute to the port authority 148
revenue from the tax levied pursuant to division (B) (1) (a) of 149
this section, together with any investment earnings on that 150
revenue, to pay a portion of the costs of acquiring, 151
constructing, and equipping the port authority educational and 152
cultural facility; 153

(d) Following such date certain, pledge and contribute to 154
the corporation all or such portion as provided for in the 155
cooperative agreement of the revenue from the tax, together with 156
any investment earnings on that revenue, to pay a portion of the 157
costs of the corporation of leasing the port authority 158
educational and cultural facility from the port authority. 159

(2) The port authority agrees to do all of the following: 160

(a) Issue revenue bonds of the port authority pursuant to 161
Chapter 4582. of the Revised Code for the purpose of acquiring, 162
constructing, and equipping the port authority educational and 163
cultural facility; 164

(b) Construct the port authority educational and cultural facility; 165
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(c) Lease the port authority educational and cultural facility to the corporation; 167
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(d) To the extent provided for in the cooperative agreement or the lease to the corporation, authorize the corporation to administer on behalf of the port authority the contracts for acquiring, constructing, or equipping a port authority educational and cultural facility; 169
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(e) Use the revenue derived from the lease of the port authority educational and cultural facility to the corporation solely to pay debt service charges on the revenue bonds of the port authority described in division (B) (2) (a) of this section. 174
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(3) The host municipal corporation agrees to do both of the following: 178
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(a) Issue urban renewal bonds of the host municipal corporation, or notes in anticipation thereof, pursuant to Chapter 725. of the Revised Code for the purpose of acquiring and constructing the port authority educational and cultural facility and contribute the proceeds from the issuance to the port authority for such purpose. The cooperative agreement may provide that such proceeds be deposited with and administered by the trustee pursuant to the trust agreement provided for in division (C) of this section. 180
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(b) To the extent provided for in the cooperative agreement, contribute to the county, for use by the county to pay debt service charges on the bonds of the county, or notes in anticipation thereof, described in division (B) (1) (b) of this section, any excess urban renewal service payments pledged by 189
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the host municipal corporation to the urban renewal bonds 194
described in division (B) (3) (a) of this section and not required 195
on an annual basis to pay debt service charges on the urban 196
renewal bonds. 197

(4) The corporation agrees to do all of the following: 198

(a) Lease the port authority educational and cultural 199
facility from the port authority; 200

(b) Operate and maintain the port authority educational 201
and cultural facility pursuant to the lease; 202

(c) To the extent provided for in the cooperative 203
agreement or the lease from the port authority, administer on 204
behalf of the port authority the contracts for acquiring, 205
constructing, or equipping a port authority educational and 206
cultural facility. 207

(C) The pledges and contributions described in divisions 208
(B) (1) (c) and (d) of this section and provided for in the 209
cooperative agreement shall be for the period stated in the 210
cooperative agreement, but shall not be in excess of the period 211
necessary to provide for the final retirement of the port 212
authority revenue bonds provided for in division (B) (2) (a) of 213
this section and any bonds issued by the port authority to 214
refund such bonds, and for the satisfaction by the port 215
authority of any of its obligations arising from any guaranty 216
agreements, reimbursement agreements, or other credit 217
enhancement agreements relating to such bonds or to the revenues 218
pledged to such bonds. The cooperative agreement shall provide 219
for the termination of the cooperative agreement including the 220
pledges and contributions described in divisions (B) (1) (c) and 221
(d) of this section if the port authority revenue bonds provided 222

for in division (B) (2) (a) of this section have not been issued, 223
sold, and delivered within two years of the effective date of 224
the cooperative agreement. 225

The cooperative agreement shall provide that any revenue 226
bonds of the port authority shall be secured by a trust 227
agreement between the port authority and a corporate trustee 228
that is a trust company or bank having the powers of a trust 229
company within or outside the state. The county may be a party 230
to such trust agreement for the purpose of securing the pledge 231
by the county of its contribution to the corporation pursuant to 232
division (B) (1) (d) of this section. A tax levied pursuant to 233
division (B) (1) (a) of this section is not subject to diminution 234
by initiative or referendum or diminution by statute, unless 235
provision is made therein for an adequate substitute therefor 236
reasonably satisfactory to the trustee under the trust agreement 237
that secures the revenue bonds of the port authority. 238

(D) A pledge of money by a county under this section shall 239
not be net indebtedness of the county for purposes of section 240
133.07 of the Revised Code. 241

(E) If the terms of the cooperative agreement so provide, 242
any contract for the acquisition, construction, or equipping of 243
a port authority educational and cultural facility shall be made 244
in such manner as is determined by the board of directors of the 245
port authority, and unless the cooperative agreement provides 246
otherwise, such a contract is not subject to division (A) of 247
section 4582.12 of the Revised Code. The port authority may take 248
the assignment of and assume any contracts for the acquisition, 249
construction, and equipping of a port authority educational and 250
cultural facility that previously have been authorized by either 251
or both the host municipal corporation or the corporation. Such 252

contracts likewise are not subject to division (A) of section 253
4582.12 of the Revised Code. 254

~~Any contract for the acquisition, construction, or 255~~
~~equipping of a port authority educational and cultural facility 256~~
~~entered into, assigned, or assumed pursuant to this division 257~~
~~shall provide that all laborers and mechanics employed for the 258~~
~~acquisition, construction, or equipping of the port authority 259~~
~~educational and cultural facility shall be paid at the 260~~
~~prevailing rates of wages of laborers and mechanics for the 261~~
~~class of work called for by the port authority educational and 262~~
~~cultural facility, which wages shall be determined in accordance 263~~
~~with the requirements of Chapter 4115. of the Revised Code for 264~~
~~the determination of prevailing wage rates. 265~~

Sec. 307.673. This section applies only in a county in 266
which a tax is levied under section 307.697, 4301.421, 5743.024, 267
or 5743.323 of the Revised Code on July 19, 1995. 268

(A) As used in this section: 269

(1) "County taxes" means taxes levied by a board of county 270
commissioners under division (D) of section 307.697, division 271
(B) of section 4301.421, division (C) of section 5743.024, and 272
section 5743.323 of the Revised Code. 273

(2) "Corporation" means a nonprofit corporation organized 274
under the laws of this state and that includes among the 275
purposes for which it is incorporated the authority to acquire, 276
construct, renovate, repair, equip, lease, manage, or operate a 277
sports facility. 278

(3) "Cooperative agreement" means an agreement entered 279
into pursuant to this section. 280

(4) "Cost of a sports facility" means the cost of 281

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

(5) "Financing costs" has the same meaning as in section 311
133.01 of the Revised Code. 312

(6) "Obligations" means obligations issued or incurred to 313
pay the cost of a sports facility, including bonds, notes, 314
certificates of indebtedness, commercial paper, and other 315
instruments in writing, anticipatory securities as defined in 316
section 133.01 of the Revised Code, issued or incurred by an 317
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 318
this section, or otherwise, to evidence the issuer's obligation 319
to repay borrowed money, or to pay interest, by, or to pay at 320
any future time other money obligations of, the issuer of the 321
obligations, including obligations of an issuer or lessee to 322
make payments under an installment sale, lease, lease-purchase, 323
or similar agreement. 324

(7) "Owner" means any person that owns or operates a 325
professional athletic or sports team, that is party to a 326
cooperative agreement, or that has a lease or other agreement 327
with a party to a cooperative agreement, and that commits to use 328
the sports facility that is the subject of the cooperative 329
agreement for all of the team's home games for the period 330
specified in that agreement. 331

(8) "Payments," when used with reference to obligations, 332
means payments of the principal, including any mandatory sinking 333
fund deposits and mandatory redemption payments, interest and 334
any redemption premium, and lease rentals, lease-purchase 335
payments and other amounts payable under obligations in the form 336
of installment sale, lease, lease-purchase, or similar 337
agreements. 338

(9) "Person" has the same meaning as defined in section 339
133.01 of the Revised Code. 340

(10) "Port authority" means a port authority created under 341
Chapter 4582. of the Revised Code. 342

(11) "Sports facility" means a facility, including a 343
stadium, that is intended to house or provide a site for one or 344
more major league professional athletic or sports teams or 345
activities, together with all spectator facilities, parking 346
facilities, walkways, and auxiliary facilities, real and 347
personal property, property rights, easements, leasehold 348
estates, and interests that may be appropriate for, or used in 349
connection with, the operation of the sports facility. 350

(B) The board of county commissioners of a county, the 351
legislative authority of a municipal corporation, a port 352
authority, a corporation, and an owner, or any combination 353
thereof, may enter into one or more cooperative agreements under 354
which the parties enter into one or more of the agreements 355
described in divisions (B) (1) to (5) of this section. 356

(1) The board of county commissioners agrees to do one or 357
more of the following: 358

(a) Levy a tax under division (D) of section 307.697, 359
division (B) of section 4301.421, division (C) of section 360
5743.024, and section 5743.323 of the Revised Code and make 361
available all or a portion of the revenue from those taxes for 362
the payment of the cost of the sports facility or to make 363
payments on obligations; 364

(b) Issue or incur obligations of the county pursuant to 365
Chapter 133. of the Revised Code or this section; 366

(c) Make available all or a portion of the revenue from 367
those taxes or of the proceeds from the issuance of those 368
obligations to the municipal corporation, port authority, 369
corporation, or otherwise for the payment of the cost of a 370
sports facility or the payment of obligations; 371

(d) Acquire, construct, renovate, repair, equip, lease to 372
or from another person, and operate, directly or by a lease or 373
management contract with another person, one or more sports 374
facilities; 375

(e) To the extent provided in the cooperative agreement or 376
a lease with respect to a sports facility, authorize the 377
municipal corporation, port authority, corporation, or owner to 378
administer contracts for designing, planning, acquiring, 379
constructing, renovating, repairing, or equipping a sports 380
facility. 381

(2) The port authority agrees to do one or more of the 382
following: 383

(a) Issue or incur obligations of the port authority 384
pursuant to Chapter 133. or 4582. of the Revised Code or this 385
section; 386

(b) Make available all or a portion of the proceeds from 387
the issuance of those obligations to the municipal corporation, 388
county, or corporation for the payment of the cost of a sports 389
facility or the payment of obligations; 390

(c) Acquire, construct, renovate, repair, equip, lease to 391
or from another person, and operate, directly or by a lease or 392
management contract with another person, one or more sports 393
facilities; 394

(d) To the extent provided in the cooperative agreement or 395
a lease with respect to a sports facility, authorize the 396
municipal corporation, county, corporation, or owner to 397
administer contracts for designing, planning, acquiring, 398
constructing, renovating, repairing, or equipping a sports 399
facility. 400

(3) The legislative authority of the municipal corporation 401
agrees to do one or more of the following: 402

(a) Make available the revenue from taxes levied by the 403
legislative authority for the payment of the cost of a sports 404
facility or to make payments on obligations; 405

(b) Issue or incur obligations of the municipal 406
corporation pursuant to Chapter 133. of the Revised Code or 407
otherwise; 408

(c) Make available all or a portion of the proceeds from 409
the issuance of those obligations to the county, port authority, 410
corporation, or otherwise for the payment of the cost of a 411
sports facility or the payment of obligations; 412

(d) Acquire, construct, renovate, repair, equip, lease to 413
or from another person, and operate, directly or by a lease or 414
management contract with another person, one or more sports 415
facilities; 416

(e) To the extent provided in the cooperative agreement or 417
a lease with respect to a sports facility, authorize the county, 418
port authority, corporation, or owner to administer contracts 419
for designing, planning, acquiring, constructing, renovating, 420
repairing, or equipping a sports facility. 421

(4) The corporation agrees to do one or more of the 422
following: 423

(a) Issue or incur obligations; 424

(b) Make available all or a portion of the proceeds from 425
the issuance of those obligations to the county, port authority, 426
municipal corporation, or otherwise for the payment of the cost 427
of a sports facility or the payment of obligations; 428

(c) Acquire, construct, renovate, repair, equip, lease to 429
or from another person, and operate, directly or by a lease or 430
management contract with another person, one or more sports 431
facilities; 432

(d) To the extent provided in the cooperative agreement or 433
a lease with respect to a sports facility, agree that the 434
corporation will administer contracts for designing, planning, 435
acquiring, constructing, renovating, repairing, or equipping a 436
sports facility. 437

(5) The owner agrees to do one or more of the following: 438

(a) Use the sports facility that is the subject of the 439
cooperative agreement for all of the home games of the owner's 440
professional athletic or sports team for a specified period; 441

(b) Administer contracts for designing, planning, 442
acquiring, constructing, renovating, repairing, or equipping a 443
sports facility. 444

(C) Any obligations may be secured by a trust agreement 445
between the issuer of obligations and a corporate trustee that 446
is a trust company or bank having the powers of a trust company 447
in or outside this state and authorized to exercise corporate 448
trust powers in this state. Proceeds from the issuance of any 449
obligations or the taxes levied and collected by any party to 450
the cooperative agreement may be deposited with and administered 451
by a trustee pursuant to the trust agreement. 452

~~(D) Any contract for the acquisition, construction, 453
renovation, repair, or equipping of a sports facility entered 454
into, assigned, or assumed under this section shall provide that 455
all laborers and mechanics employed in the acquisition, 456
construction, renovation, repair, or equipping of the sports 457~~

~~facility shall be paid at the prevailing rates of wages of~~ 458
~~laborers and mechanics for the class of work called for, as~~ 459
~~those wages are determined in accordance with Chapter 4115. of~~ 460
~~the Revised Code.~~ 461

Sec. 307.674. (A) As used in this section: 462

(1) "Bonds" means: 463

(a) Revenue bonds of the port authority described in 464
division (B) (2) (a) of this section; 465

(b) Securities as defined in division (KK) of section 466
133.01 of the Revised Code issued by the host municipal 467
corporation, described in division (B) (3) (a) of this section; 468

(c) Any bonds issued to refund any of those revenue bonds 469
or securities. 470

(2) "Corporation" means a nonprofit corporation that is 471
organized under the laws of this state and that includes within 472
the purposes for which it is incorporated the authorization to 473
lease and operate facilities such as a port authority 474
educational and cultural performing arts facility. 475

(3) "Cost," as applied to a port authority educational and 476
cultural performing arts facility, means the cost of acquiring, 477
constructing, renovating, rehabilitating, equipping, or 478
improving the facility, or any combination of those purposes, 479
collectively referred to in this section as "construction," and 480
the cost of acquisition of all land, rights of way, property 481
rights, easements, franchise rights, and interests required for 482
those purposes, the cost of demolishing or removing any 483
buildings or structures on land so acquired, including the cost 484
of acquiring any land to which those buildings or structures may 485
be moved, the cost of public utility and common carrier 486

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

(4) "Debt service charges" means, for any period or 505
payable at any time, the principal of and interest and any 506
premium due on bonds for that period or payable at that time 507
whether due at maturity or upon mandatory redemption, together 508
with any required deposits to reserves for the payment of 509
principal of and interest on those bonds, and includes any 510
payments required by the port authority to satisfy any of its 511
obligations under or arising from any guaranty agreements, 512
reimbursement agreements, or other credit enhancement agreements 513
described in division (C) of this section. 514

(5) "Host county" means the county within the boundaries 515
of which the port authority educational and cultural performing 516
arts facility is or will be located. 517

(6) "Host municipal corporation" means the municipal 518
corporation within the boundaries of which the port authority 519
educational and cultural performing arts facility is or will be 520
located. 521

(7) "Port authority" means a port authority created 522
pursuant to section 4582.22 of the Revised Code. 523

(8) "Port authority educational and cultural performing 524
arts facility" means a facility that consists of a center for 525
music or other performing arts, a theater or other facilities to 526
provide programs of an educational, recreational, or cultural 527
nature, or any combination of those purposes as determined by 528
the parties to the cooperative agreement for which provision is 529
made in division (B) of this section to fulfill the public 530
educational, recreational, and cultural purposes set forth 531
therein, together with all parking facilities, walkways, and 532
other auxiliary facilities, real and personal property, property 533
rights, easements, and interests that may be appropriate for, or 534
used in connection with, the operation of the facility. 535

(B) A host county, a host municipal corporation, and a 536
port authority may enter into a cooperative agreement with a 537
corporation under which, as further provided for in that 538
agreement: 539

(1) The host county may agree to do any or all of the 540
following: 541

(a) Levy and collect a tax under division (E) and division 542
(F) of section 5739.09 of the Revised Code for the purposes, and 543
in an amount sufficient for those purposes, described in 544
divisions (B) (1) (b) and (c) of this section; 545

(b) Pay to the port authority all or such portion as 546

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

(c) Pledge and pay to the corporation all or such portion 553
as provided for in the cooperative agreement of the revenue from 554
the tax, together with any investment earnings on that revenue, 555
to be used to pay a portion of the costs to the corporation of 556
leasing the port authority educational and cultural performing 557
arts facility from the port authority. 558

(2) The port authority may agree to do any or all of the 559
following: 560

(a) Issue its revenue bonds pursuant to section 4582.48 of 561
the Revised Code for the purpose of paying all or a portion of 562
the costs of the port authority educational and cultural 563
performing arts facility; 564

(b) Acquire, construct, renovate, rehabilitate, equip, and 565
improve the port authority educational and cultural performing 566
arts facility; 567

(c) Lease the port authority educational and cultural 568
performing arts facility to the corporation; 569

(d) To the extent provided for in the cooperative 570
agreement or the lease to the corporation, authorize the 571
corporation to administer on behalf of the port authority the 572
contracts for acquiring, constructing, renovating, 573
rehabilitating, or equipping the port authority educational and 574
cultural performing arts facility; 575

(e) Use the revenue derived from the lease of the port 576
authority educational and cultural performing arts facility to 577
the corporation solely to pay debt service charges on revenue 578
bonds of the port authority issued pursuant to division (B) (2) 579
(a) of this section and to pay its obligations under or arising 580
from any guaranty agreements, reimbursement agreements, or other 581
credit enhancement agreements provided for in this section. 582

(3) The host municipal corporation may agree to do either 583
or both of the following: 584

(a) Issue its bonds for the purpose of paying all or a 585
portion of the costs of the port authority educational and 586
cultural performing arts facility, and pay the proceeds from the 587
issuance to the port authority for that purpose; 588

(b) Enter into a guaranty agreement, a reimbursement 589
agreement, or other credit enhancement agreement with the port 590
authority to provide a guaranty or other credit enhancement of 591
the port authority revenue bonds referred to in division (B) (2) 592
(a) of this section pledging taxes, other than ad valorem 593
property taxes, or other revenues for the purpose of providing 594
the funds required to satisfy the host municipal corporation's 595
obligations under that agreement. 596

The cooperative agreement may provide that the proceeds of 597
such securities or of such guaranty agreement, reimbursement 598
agreement, or other credit enhancement agreement be deposited 599
with and administered by the trustee pursuant to the trust 600
agreement authorized in division (C) of this section. 601

(4) The corporation may agree to do any or all of the 602
following: 603

(a) Lease the port authority educational and cultural 604

performing arts facility from the port authority; 605

(b) Operate and maintain the port authority educational 606
and cultural performing arts facility pursuant to the lease; 607

(c) To the extent provided for in the cooperative 608
agreement or the lease from the port authority, administer on 609
behalf of the port authority the contracts for acquiring, 610
constructing, renovating, rehabilitating, or equipping the port 611
authority educational and cultural performing arts facility. 612

(C) The pledge and payments referred to in divisions (B) 613
(1) (b) and (c) of this section and provided for in the 614
cooperative agreement shall be for the period stated in the 615
cooperative agreement but shall not extend longer than the 616
period necessary to provide for the final retirement of the port 617
authority revenue bonds referred to in division (B) (2) (a) of 618
this section, and for the satisfaction by the port authority of 619
any of its obligations under or arising from any guaranty 620
agreements, reimbursement agreements, or other credit 621
enhancement agreements relating to those bonds or to the 622
revenues pledged to them. The cooperative agreement shall 623
provide for the termination of the cooperative agreement, 624
including the pledge and payment referred to in division (B) (1) 625
(c) of this section, if the port authority revenue bonds 626
referred to in division (B) (2) (a) of this section have not been 627
issued, sold, and delivered within five years of the effective 628
date of the cooperative agreement. 629

The cooperative agreement shall provide that any port 630
authority revenue bonds shall be secured by a trust agreement 631
between the port authority and a corporate trustee that is a 632
trust company or bank having the powers of a trust company 633
within or outside the state but authorized to exercise trust 634

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

(D) A pledge of money by a host county under this section 645
shall not be net indebtedness of the host county for purposes of 646
section 133.07 of the Revised Code. A guaranty or other credit 647
enhancement by a host municipal corporation under this section 648
shall not be net indebtedness of the host municipal corporation 649
for purposes of section 133.05 of the Revised Code. 650

(E) If the terms of the cooperative agreement so provide, 651
any contract for the acquisition, construction, renovation, 652
rehabilitation, equipping, or improving of a port authority 653
educational and cultural performing arts facility shall be made 654
in such manner as is determined by the board of directors of the 655
port authority, and unless the cooperative agreement provides 656
otherwise, such a contract is not subject to division (R) (2) of 657
section 4582.31 of the Revised Code. The port authority may take 658
the assignment of and assume any contracts for the acquisition, 659
construction, renovation, rehabilitation, equipping, or 660
improving of a port authority educational and cultural 661
performing arts facility that had previously been authorized by 662
any of the host county, the host municipality, or the 663
corporation. Such contracts are not subject to division (R) (2) 664
of section 4582.31 of the Revised Code. 665

~~Any contract for the acquisition, construction, 666~~
~~renovation, rehabilitation, equipping, or improving of a port 667~~
~~authority educational and cultural performing arts facility 668~~
~~entered into, assigned, or assumed pursuant to this division 669~~
~~shall provide that all laborers and mechanics employed for the 670~~
~~acquisition, construction, renovation, rehabilitation, 671~~
~~equipping, or improving of that facility shall be paid at the 672~~
~~prevailing rates of wages of laborers and mechanics for the 673~~
~~class of work called for by the port authority educational and 674~~
~~cultural performing arts facility, which wages shall be 675~~
~~determined in accordance with the requirements of Chapter 4115. 676~~
~~of the Revised Code for the determination of prevailing wage 677~~
~~rates. 678~~

Notwithstanding any provisions to the contrary in section 679
123.281 of the Revised Code, construction services and general 680
building services for a port authority educational and cultural 681
performing arts facility funded completely or in part with money 682
appropriated by the state to the Ohio facilities construction 683
commission may be provided by a port authority or a corporation 684
that occupies, will occupy, or is responsible for that facility, 685
as determined by the commission. The construction services and 686
general building services to be provided by the port authority 687
or the corporation shall be specified in an agreement between 688
the commission and the port authority or corporation. That 689
agreement, or any actions taken under it, are not subject to 690
Chapters 123. or 153. of the Revised Code, ~~but are subject to 691~~
~~Chapter 4115. of the Revised Code. 692~~

Sec. 307.696. (A) As used in this section: 693

(1) "County taxes" means taxes levied by the county 694
pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 695

of the Revised Code. 696

(2) "Corporation" means a nonprofit corporation that is 697
organized under the laws of this state for the purposes of 698
operating or constructing and operating a sports facility in the 699
county and that may also be organized under the laws of this 700
state for the additional purposes of conducting redevelopment 701
and economic development activities within the host municipal 702
corporation. 703

(3) "Sports facility" means a sports facility that is 704
intended to house major league professional athletic teams, 705
including a stadium, together with all parking facilities, 706
walkways, and other auxiliary facilities, real and personal 707
property, property rights, easements, and interests that may be 708
appropriate for, or used in connection with, the operation of 709
the facility. 710

(4) "Construction" includes, but is not limited to, 711
providing fixtures, furnishings, and equipment and providing for 712
capital repairs and improvements. 713

(5) "Debt service charges" means the interest, principal, 714
premium, if any, carrying and redemption charges, and expenses 715
on bonds issued by either the county or the corporation to: 716

(a) Construct a sports facility or provide for related 717
redevelopment or economic development as provided in this 718
section; 719

(b) Acquire real and personal property, property rights, 720
easements, or interests that may be appropriate for, or used in 721
connection with, the operation of the facility; and 722

(c) Make site improvements to real property, including, 723
but not limited to, demolition, excavation, and installation of 724

footers, pilings, and foundations. 725

(6) "Host municipal corporation" means the municipal 726
corporation within the boundaries of which the sports facility 727
is located, and with which a national football league, major 728
league baseball, or national basketball association sports 729
franchise is associated on March 20, 1990. 730

(B) A board of county commissioners of a county that 731
levies a tax under section 307.697, 4301.421, or 5743.024 of the 732
Revised Code may enter into an agreement with a corporation 733
operating in the county, and, if there is a host municipal 734
corporation all or a part of which is located in the county, 735
shall enter into an agreement with a corporation operating in 736
the county and the host municipal corporation, under which: 737

(1) (a) The corporation agrees to construct and operate a 738
sports facility in the county and to pledge and contribute all 739
or any part of the revenues derived from its operation, as 740
specified in the agreement, for the purposes described in 741
division (C) (1) of this section; and 742

(b) The board agrees to levy county taxes and pledge and 743
contribute any part or all of the revenues therefrom, as 744
specified in the agreement, for the purposes described in 745
division (C) (1) of this section; or 746

(2) (a) The corporation agrees to operate a sports facility 747
constructed by the county and to pledge and contribute all or 748
any part of the revenues derived from its operation, as 749
specified in the agreement, for the purposes described in 750
division (C) (2) of this section; and 751

(b) The board agrees to issue revenue bonds of the county, 752
use the proceeds from the sale of the bonds to construct a 753

sports facility in the county, and to levy county taxes and 754
pledge and contribute all or any part of the revenues therefrom, 755
as specified in the agreement, for the purposes described in 756
division (C) (2) of this section; and, if applicable 757

(3) The host municipal corporation agrees to expend the 758
unused pledges and contributions and surplus revenues as 759
described in divisions (C) (1) and (2) of this section for 760
redevelopment and economic development purposes related to the 761
sports facility. 762

(C) (1) The primary purpose of the pledges and 763
contributions described in division (B) (1) of this section is 764
payment of debt service charges. To the extent the pledges and 765
contributions are not used by the county or corporation for 766
payment of debt service charges, the county or corporation, 767
pursuant to the agreement provided for in division (B) of this 768
section, shall provide the unused pledges and contributions, 769
together with surplus revenues of the sports facility not needed 770
for debt service charges or the operation and maintenance of the 771
sports facility, to the host municipal corporation, or a 772
nonprofit corporation, which may be the corporation acting on 773
behalf of the host municipal corporation, for redevelopment and 774
economic development purposes related to the sports facility. If 775
the county taxes are also levied for the purpose of making 776
permanent improvements, the agreement shall include a schedule 777
of annual pledges and contributions by the county for the 778
payment of debt service charges. The county's pledge and 779
contribution provided for in the agreement shall be for the 780
period stated in the agreement but not to exceed twenty years. 781
The agreement shall provide that any such bonds and notes shall 782
be secured by a trust agreement between the corporation or other 783
bond issuer and a corporate trustee that is a trust company or 784

bank having the powers of a trust company within or without the 785
state, and the trust agreement shall pledge or assign to the 786
retirement of the bonds or notes, all moneys paid by the county 787
for that purpose under this section. A county tax, all or any 788
part of the revenues from which are pledged under an agreement 789
entered into by a board of county commissioners under this 790
section shall not be subject to diminution by initiative or 791
referendum, or diminution by statute, unless provision is made 792
therein for an adequate substitute therefor reasonably 793
satisfactory to the trustee under the trust agreement that 794
secures the bonds and notes. 795

(2) The primary purpose of the pledges and contributions 796
described in division (B) (2) of this section is payment of debt 797
service charges. To the extent the pledges and contributions are 798
not used by the county for payment of debt service charges, the 799
county or corporation, pursuant to the agreement provided for in 800
division (B) of this section, shall provide the unused pledges 801
and contributions, together with surplus revenues of the sports 802
facility not needed for debt service charges or the operation 803
and maintenance of the sports facility, to the host municipal 804
corporation, or a nonprofit corporation, which may be the 805
corporation, acting on behalf of the host municipal corporation, 806
for redevelopment and economic development purposes related to 807
the sports facility. The corporation's pledge and contribution 808
provided for in the agreement shall be until all of the bonds 809
issued for the construction of the facility have been retired. 810

(D) A pledge of money by a county under this section shall 811
not be indebtedness of the county for purposes of Chapter 133. 812
of the Revised Code. 813

(E) If the terms of the agreement so provide, the board of 814

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

(F) The corporation shall not enter into any construction 827
contract or contract for the purchase of services for use in 828
connection with the construction of a sports facility prior to 829
the corporation's adoption and implementation of a policy on the 830
set aside of contracts for bidding by or award to minority 831
business enterprises, as defined in division (E)(1) of section 832
122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the~~ 833
~~Revised Code apply to a sports facility constructed under this~~ 834
~~section.~~ 835

(G) Not more than one-half of the total costs, including 836
debt service charges and cost of operation, of a project 837
undertaken pursuant to an agreement entered into under division 838
(B) of this section shall be paid from county taxes. Nothing in 839
this section authorizes the use of revenues from county taxes or 840
proceeds from the sale of bonds issued by the board of county 841
commissioners for payment of costs of operation of a sports 842
facility. 843

Sec. 351.06. ~~A facility to be constructed pursuant to this~~ 844

~~chapter is a public improvement and a convention facilities-~~ 845
~~authority is a public authority for purposes of section 4115.03-~~ 846
~~of the Revised Code. All contractors and subcontractors working-~~ 847
~~on such facilities are subject to and shall comply with sections-~~ 848
~~4115.03 to 4115.16 of the Revised Code. A convention facilities~~ 849
authority is a contracting authority for purposes of sections 850
307.86 to 307.91 of the Revised Code. 851

No convention facilities authority shall construct a 852
facility under this chapter unless the plans for the facility 853
provide for parking and transportation determined by the board 854
of county commissioners as adequate to serve that facility. 855

A convention facilities authority may do all of the 856
following: 857

(A) Adopt bylaws for the regulation of its affairs and the 858
conduct of its business; 859

(B) Adopt an official seal; 860

(C) Maintain a principal office within its territory; 861

(D) Acquire, purchase, construct, reconstruct, enlarge, 862
furnish, equip, maintain, repair, sell, exchange, lease or rent 863
to, lease or rent from, operate, or contract for the operation 864
by others of, facilities within its territory, and make charges 865
for the use of the facilities; 866

(E) Make available the use or services of any facility to 867
persons or governmental agencies on such terms and conditions as 868
the authority shall determine; 869

(F) By resolution of its board of directors, issue 870
convention facilities authority revenue bonds beyond the limit 871
of bonded indebtedness provided by law, payable solely from 872

revenues as provided in section 351.14 of the Revised Code, 873
unless the bonds are refunded by refunding bonds, for the 874
purpose of providing funds to pay the costs of any facility or 875
facilities or parts of any facility or facilities, and, if 876
moneys raised by taxation are not obligated or pledged for the 877
payment of those revenue bonds, to pay the costs of any facility 878
or facilities or parts of any facility or facilities pursuant to 879
Section 13 of Article VIII, Ohio Constitution, and in order to 880
create or preserve jobs and employment opportunities and improve 881
the economic welfare of the people of the state; 882

(G) Maintain such funds as it determines necessary; 883

(H) Direct its agents or employees, when properly 884
identified in writing and after at least five days' written 885
notice, to enter upon lands within its territory in order to 886
make surveys and examinations preliminary to location and 887
construction of facilities, or other work for the purposes of 888
the convention facilities authority, without liability of the 889
authority or its agents or employees except for actual damage 890
done; 891

(I) Promote, advertise, and publicize the authority and 892
its facilities; 893

(J) (1) Adopt rules, not in conflict with general law, 894
governing the use of its property, grounds, buildings, 895
equipment, and facilities, and the conduct of its employees and 896
the public, in order to promote the public safety and 897
convenience in and about its facilities and grounds, and to 898
maintain order. Any such rule shall be posted at a prominent 899
place in each of the buildings or facilities to which it 900
applies. 901

(2) No person shall violate any lawful rule adopted and 902
posted as provided in this division. 903

(K) Acquire by gift or purchase, hold, lease, and dispose 904
of real and personal property and interests in the property in 905
the exercise of its powers and the performance of its duties 906
under this chapter; 907

(L) Acquire, in the name of the authority, by purchase or 908
otherwise, on such terms and in such manner as the authority 909
finds proper, or by the exercise of the right of appropriation 910
in the manner provided by section 351.22 of the Revised Code, 911
such public or private lands, including public parks, 912
playgrounds, or reservations, or parts thereof or rights 913
therein, rights-of-way, rights, franchises, easements, and 914
interests as it finds necessary or proper for carrying out this 915
chapter, and compensation shall be paid for public or private 916
lands so taken; 917

(M) Make and enter into all contracts and agreements and 918
execute all instruments necessary or incidental to the 919
performance of its duties and the execution of its powers under 920
this chapter provided that no construction contract or contract 921
for the purchase of goods or services shall be approved or 922
entered into by the authority prior to the adoption and 923
implementation of a policy on the set aside of contracts for 924
bidding by or award to minority business enterprises, as defined 925
in division (E)(1) of section 122.71 of the Revised Code; 926

(N) Employ managers, superintendents, and other employees 927
and retain or contract with consulting engineers, financial 928
consultants, accounting experts, architects, attorneys, and such 929
other consultants and independent contractors as are necessary 930
in its judgment to carry out this chapter, and fix their 931

compensation. All expenses of doing so shall be payable solely 932
from the proceeds of convention facilities authority bonds and 933
notes issued under this chapter, or from excise taxes and 934
revenues. 935

(O) Receive and accept from any governmental agency grants 936
for or in aid of the purposes of the authority, and receive and 937
accept aid or contributions from any source of money, property, 938
labor, or other things of value, to be held, used, and applied 939
only for the purposes for which such grants and contributions 940
are made; 941

(P) Engage in research and development with respect to 942
facilities; 943

(Q) Purchase fire and extended coverage and liability 944
insurance for any facility and for the offices of the authority, 945
insurance protecting the authority and its officers and 946
employees against liability for damage to property or injury to 947
or death of persons arising from its operations, and any other 948
insurance the authority may agree to provide under any 949
resolution authorizing its convention facilities authority 950
revenue bonds or in any trust agreement securing the same; 951

(R) Charge, alter, and collect rentals and other charges 952
for the use or services of any facility as provided in section 953
351.09 of the Revised Code; 954

(S) If a tax proposed under section 5739.026 of the 955
Revised Code is disapproved by the electors, request the board 956
of county commissioners to dissolve the authority pursuant to 957
section 351.03 of the Revised Code; 958

(T) By resolution of its board of directors, levy any of 959
the excise taxes authorized by division (B) or (C) of section 960

351.021 of the Revised Code if authorized by the county 961
commissioners, and issue convention facilities authority tax 962
anticipation bonds beyond any limit of bonded indebtedness 963
provided by law, payable solely from excise taxes levied 964
pursuant to division (B) or (C) of section 351.021 of the 965
Revised Code and revenues as provided in section 351.141 of the 966
Revised Code. 967

(U) Do all acts necessary or proper to carry out the 968
powers expressly granted in this chapter. 969

Sec. 353.03. A lake facilities authority may do all of the 970
following: 971

(A) Acquire by purchase, lease, gift, or otherwise, on 972
such terms and in such manner as it considers proper, real and 973
personal property necessary for an authorized purpose or any 974
estate, interest, or right therein, within or without the 975
impacted lake district; 976

(B) Improve, remediate, maintain, sell, lease, or 977
otherwise dispose of real and personal property on such terms 978
and in such manner as it considers proper; 979

(C) Request that the department of natural resources, the 980
environmental protection agency, or the department of 981
agriculture adopt, modify, and enforce reasonable rules and 982
regulations governing impacted watersheds; 983

(D) Employ such managers, administrative officers, agents, 984
engineers, architects, attorneys, contractors, subcontractors, 985
and employees as may be appropriate in the exercise of the 986
rights, powers, and duties conferred on it, prescribe the duties 987
and compensation for such persons, require bonds to be given by 988
any such persons and by officers of the authority for the 989

faithful performance of their duties, and fix the amount and 990
surety therefor, and pay the surety; 991

(E) Sue and be sued in its corporate name; 992

(F) (1) Make and enter into all contracts and agreements 993
and execute all instruments relating to the provisions of this 994
chapter; 995

(2) Except as provided otherwise under divisions (F) (2) 996
and (3) of this section, when the cost of a contract for the 997
construction of any building, structure, or other improvement 998
undertaken by a lake facilities authority involves an 999
expenditure exceeding fifty thousand dollars, and the lake 1000
facilities authority is the contracting authority, the lake 1001
facilities authority shall make a written contract after notice 1002
calling for bids for the award of the contract has been given by 1003
publication twice, with at least seven days between 1004
publications, in a newspaper of general circulation in the 1005
impacted lake district. Each such contract shall be awarded to 1006
the lowest responsive and responsible bidder in accordance with 1007
section 9.312 of the Revised Code. The board of directors by 1008
rule may provide criteria for the negotiation and award without 1009
competitive bidding of any contract as to which the lake 1010
facilities authority is the contracting authority for the 1011
construction of any building or structure or other improvement 1012
under any of the following circumstances: 1013

(a) There exists a real and present emergency that 1014
threatens damage to property or injury to persons of the lake 1015
facilities authority or other persons, provided that a statement 1016
specifying the nature of the emergency that is the basis for the 1017
negotiation and award of a contract without competitive bidding 1018
shall be signed at the time of the contract's execution by the 1019

officer of the lake facilities authority that executes the 1020
contract and shall be attached to the contract. 1021

(b) A commonly recognized industry or other standard or 1022
specification does not exist and cannot objectively be 1023
articulated for the improvement. 1024

(c) The contract is for any energy conservation measure as 1025
defined in section 307.041 of the Revised Code. 1026

(d) With respect to material to be incorporated into the 1027
improvement, only a single source or supplier exists for the 1028
material. 1029

(e) A single bid is received by the lake facilities 1030
authority after complying with the above provisions. 1031

(3) In addition to the exceptions to competitive bidding 1032
requirements under division (F)(2) of this section, a lake 1033
facilities authority may contract for the acquisition or 1034
construction of any property for an authorized purpose and for 1035
the leasing, subleasing, sale, or other disposition of the 1036
property in a manner determined by the lake facilities authority 1037
in its sole discretion, without necessity for competitive 1038
bidding or performance bonds. 1039

~~(4) With respect to any public improvement undertaken by, 1040
or under contract for, the lake facilities authority, the 1041
authority may elect to apply sections 4115.03 to 4115.21 of the 1042
Revised Code. 1043~~

(G) Accept aid or contributions from any source of money, 1044
property, labor, or other things of value, to be held, used, and 1045
applied only for the purposes for which the grants and 1046
contributions are made; 1047

(H) Apply for and accept grants, loans, or commitments of 1048
guarantee or insurance, including any guarantees of lake 1049
facilities authority bonds and notes, from the United States, 1050
the state, or other public body or other sources, and provide 1051
any consideration which may be required in order to obtain such 1052
grants, loans, or contracts of guarantee or insurance; 1053

(I) Procure insurance against loss to the lake facilities 1054
authority by reason of damage to its properties resulting from 1055
fire, theft, accident, or other casualties, or by reason of its 1056
liability for any damages to persons or property occurring in 1057
the construction or operation of facilities or areas under its 1058
jurisdiction or the conduct of its activities; 1059

(J) Maintain such funds or reserves as it considers 1060
necessary for the efficient performance of its duties; 1061

(K) Enforce any covenants, of which the lake facilities 1062
authority is the beneficiary, running with the land. 1063

(L) Issue securities for the remediation of an impacted 1064
watershed and directly related permanent improvements in 1065
compliance with Chapter 133. of the Revised Code, except that 1066
such bonds or notes may be issued only pursuant to a vote of the 1067
electors residing within the impacted lake district. The net 1068
indebtedness incurred by a lake facilities authority pursuant to 1069
this division may not exceed one-tenth of one per cent of the 1070
total value of all property within the territory comprising the 1071
impacted lake district as listed and assessed for taxation. 1072

(M) Issue lake facilities authority revenue bonds beyond 1073
the limit of bonded indebtedness provided by law, payable solely 1074
from revenues as provided in section 353.09 of the Revised Code 1075
for the purpose of providing funds to pay costs of any facility 1076

or facilities or parts thereof; 1077

(N) Advise and provide input to political subdivisions 1078
within the impacted lake district with respect to zoning and 1079
land use planning within the impacted lake district; 1080

(O) Enter into agreements for the management, ownership, 1081
possession, or control of lands or property to be used for 1082
wetland mitigation banking; 1083

(P) Adopt and modify rules and regulations to carry out 1084
the authority granted to the lake facilities authority under 1085
this section. 1086

Sec. 1506.44. (A) A board of county commissioners may use 1087
a loan obtained under division (C) of this section to provide 1088
financial assistance to any person who owns real property in a 1089
coastal erosion area and who has received a permit under section 1090
1506.40 of the Revised Code to construct an erosion control 1091
structure in that coastal erosion area. The board shall enter 1092
into an agreement with the person that complies with all of the 1093
following requirements: 1094

(1) The agreement shall identify the person's real 1095
property for which the erosion control structure is being 1096
constructed and shall include a legal description of that 1097
property and a reference to the volume and page of the deed 1098
record in which the title of that person to that property is 1099
recorded. 1100

(2) In accordance with rules adopted by the Ohio water 1101
development authority under division (V) of section 6121.04 of 1102
the Revised Code for the purposes of division (C) of this 1103
section and pursuant to an agreement between the board and the 1104
authority under that division, the board shall agree to cause 1105

payments to be made by the authority to the contractor hired by 1106
the person to construct an erosion control structure in amounts 1107
not to exceed the total amount specified in the agreement 1108
between the board and the person. 1109

(3) The person shall agree to pay to the board, or to the 1110
authority as the assignee pursuant to division (C) of this 1111
section, the total amount of the payments plus administrative or 1112
other costs of the board or the authority at times, in 1113
installments, and bearing interest as specified in the 1114
agreement. 1115

The agreement may contain additional provisions that the 1116
board determines necessary to safeguard the interests of the 1117
county or to comply with an agreement entered into under 1118
division (C) of this section. 1119

(B) Upon entering into an agreement under division (A) of 1120
this section, the board shall do all of the following: 1121

(1) Cause the agreement to be recorded in the county deed 1122
records in the office of the county recorder of the county in 1123
which the real property is situated. Failure to record the 1124
agreement does not affect the validity of the agreement or the 1125
collection of any amounts due under the agreement. 1126

(2) Establish by resolution an erosion control repayment 1127
fund into which shall be deposited all amounts collected under 1128
division (B)(3) of this section. Moneys in that fund shall be 1129
used by the board for the repayment of the loan and for 1130
administrative or other costs of the board or the authority as 1131
specified in an agreement entered into under division (C) of 1132
this section. If the amount of money in the fund is inadequate 1133
to repay the loan when due, the board of county commissioners, 1134

by resolution, may advance money from any other fund in order to 1135
repay the loan if that use of the money from the other fund is 1136
not in conflict with law. If the board so advances money in 1137
order to repay the loan, the board subsequently shall reimburse 1138
each fund from which the board advances money with moneys from 1139
the erosion control repayment fund. 1140

(3) Bill and collect all amounts when due under the 1141
agreement entered into under division (A) of this section. The 1142
board shall certify amounts not paid when due to the county 1143
auditor, who shall enter the amounts on the real property tax 1144
list and duplicate against the property identified under 1145
division (A)(1) of this section. The amounts not paid when due 1146
shall be a lien on that property from the date on which the 1147
amounts are placed on the tax list and duplicate and shall be 1148
collected in the same manner as other taxes. 1149

(C) A board may apply to the authority for a loan for the 1150
purpose of entering into agreements under division (A) of this 1151
section. The loan shall be for an amount and on the terms 1152
established in an agreement between the board and the authority. 1153
The board may assign any agreements entered into under division 1154
(A) of this section to the authority in order to provide for the 1155
repayment of the loan and may pledge any lawfully available 1156
revenues to the repayment of the loan, provided that no moneys 1157
raised by taxation shall be obligated or pledged by the board 1158
for the repayment of the loan. Any agreement with the authority 1159
pursuant to this division is not subject to Chapter 133. of the 1160
Revised Code or any requirements or limitations established in 1161
that chapter. 1162

(D) The authority, as assignee of any agreement pursuant 1163
to division (C) of this section, may enforce and compel the 1164

board and the county auditor by mandamus pursuant to Chapter 1165
2731. of the Revised Code to comply with division (B) of this 1166
section in a timely manner. 1167

(E) The construction of an erosion control structure by a 1168
contractor hired by an individual homeowner, group of individual 1169
homeowners, or homeowners association that enters into an 1170
agreement with a board under division (A) of this section ~~is not~~ 1171
~~a public improvement, as defined in section 4115.03 of the~~ 1172
~~Revised Code, and~~ is not subject to competitive bidding or 1173
public bond laws. 1174

Sec. 1710.02. (A) A special improvement district may be 1175
created within the boundaries of any one municipal corporation, 1176
any one township, or any combination of contiguous municipal 1177
corporations and townships for the purpose of developing and 1178
implementing plans for public improvements and public services 1179
that benefit the district. A district may be created by petition 1180
of the owners of real property within the proposed district, or 1181
by an existing qualified nonprofit corporation. If the district 1182
is created by an existing qualified nonprofit corporation, the 1183
purposes for which the district is created may be supplemental 1184
to the other purposes for which the corporation is organized. 1185
All territory in a special improvement district shall be 1186
contiguous; except that the territory in a special improvement 1187
district may be noncontiguous if at least one special energy 1188
improvement project is designated for each parcel of real 1189
property included within the special improvement district. 1190
Additional territory may be added to a special improvement 1191
district created under this chapter for the purpose of 1192
developing and implementing plans for special energy improvement 1193
projects if at least one special energy improvement project is 1194
designated for each parcel of real property included within such 1195

additional territory and the addition of territory is authorized 1196
by the initial plan proposed under division (F) of this section 1197
or a plan adopted by the board of directors of the special 1198
improvement district under section 1710.06 of the Revised Code. 1199

The district shall be governed by the board of trustees of 1200
a nonprofit corporation. This board shall be known as the board 1201
of directors of the special improvement district. No special 1202
improvement district shall include any church property, or 1203
property of the federal or state government or a county, 1204
township, or municipal corporation, unless the church or the 1205
county, township, or municipal corporation specifically requests 1206
in writing that the property be included within the district, or 1207
unless the church is a member of the existing qualified 1208
nonprofit corporation creating the district at the time the 1209
district is created. More than one district may be created 1210
within a participating political subdivision, but no real 1211
property may be included within more than one district unless 1212
the owner of the property files a written consent with the clerk 1213
of the legislative authority, the township fiscal officer, or 1214
the village clerk, as appropriate. The area of each district 1215
shall be contiguous; except that the area of a special 1216
improvement district may be noncontiguous if all parcels of real 1217
property included within such area contain at least one special 1218
energy improvement thereon. 1219

(B) Except as provided in division (C) of this section, a 1220
district created under this chapter is not a political 1221
subdivision. A district created under this chapter shall be 1222
considered a public agency under section 102.01 ~~and a public~~ 1223
~~authority under section 4115.03~~ of the Revised Code. Each member 1224
of the board of directors of a district, each member's designee 1225
or proxy, and each officer and employee of a district shall be 1226

considered a public official or employee under section 102.01 of 1227
the Revised Code and a public official and public servant under 1228
section 2921.42 of the Revised Code. Districts created under 1229
this chapter are not subject to sections 121.81 to 121.83 of the 1230
Revised Code. Districts created under this chapter are subject 1231
to sections 121.22 and 121.23 of the Revised Code. 1232

(C) Each district created under this chapter shall be 1233
considered a political subdivision for purposes of section 1234
4905.34 of the Revised Code. 1235

Membership on the board of directors of the district shall 1236
not be considered as holding a public office. Directors and 1237
their designees shall be entitled to the immunities provided by 1238
Chapter 1702. and to the same immunity as an employee under 1239
division (A) (6) of section 2744.03 of the Revised Code, except 1240
that directors and their designees shall not be entitled to the 1241
indemnification provided in section 2744.07 of the Revised Code 1242
unless the director or designee is an employee or official of a 1243
participating political subdivision of the district and is 1244
acting within the scope of the director's or designee's 1245
employment or official responsibilities. 1246

District officers and district members and directors and 1247
their designees or proxies shall not be required to file a 1248
statement with the Ohio ethics commission under section 102.02 1249
of the Revised Code. All records of the district shall be 1250
treated as public records under section 149.43 of the Revised 1251
Code, except that records of organizations contracting with a 1252
district shall not be considered to be public records under 1253
section 149.43 or section 149.431 of the Revised Code solely by 1254
reason of any contract with a district. 1255

(D) Except as otherwise provided in this section, the 1256

nonprofit corporation that governs a district shall be organized 1257
in the manner described in Chapter 1702. of the Revised Code. 1258
Except in the case of a district created by an existing 1259
qualified nonprofit corporation, the corporation's articles of 1260
incorporation are required to be approved, as provided in 1261
division (E) of this section, by resolution of the legislative 1262
authority of each participating political subdivision of the 1263
district. A copy of that resolution shall be filed along with 1264
the articles of incorporation in the secretary of state's 1265
office. 1266

In addition to meeting the requirements for articles of 1267
incorporation set forth in Chapter 1702. of the Revised Code, 1268
the articles of incorporation for the nonprofit corporation 1269
governing a district formed under this chapter shall provide all 1270
the following: 1271

(1) The name for the district, which shall include the 1272
name of each participating political subdivision of the 1273
district; 1274

(2) A description of the territory within the district, 1275
which may be all or part of each participating political 1276
subdivision. The description shall be specific enough to enable 1277
real property owners to determine if their property is located 1278
within the district. 1279

(3) A description of the procedure by which the articles 1280
of incorporation may be amended. The procedure shall include 1281
receiving approval of the amendment, by resolution, from the 1282
legislative authority of each participating political 1283
subdivision and filing the approved amendment and resolution 1284
with the secretary of state. 1285

(4) The reasons for creating the district, plus an 1286
explanation of how the district will be conducive to the public 1287
health, safety, peace, convenience, and welfare of the district. 1288

(E) The articles of incorporation for a nonprofit 1289
corporation governing a district created under this chapter and 1290
amendments to them shall be submitted to the municipal 1291
executive, if any, and the legislative authority of each 1292
municipal corporation or township in which the proposed district 1293
is to be located. Except in the case of a district created by an 1294
existing qualified nonprofit corporation, the articles or 1295
amendments shall be accompanied by a petition signed either by 1296
the owners of at least sixty per cent of the front footage of 1297
all real property located in the proposed district that abuts 1298
upon any street, alley, public road, place, boulevard, parkway, 1299
park entrance, easement, or other existing public improvement 1300
within the proposed district, excluding church property or 1301
property owned by the state, county, township, municipal, or 1302
federal government, unless a church, county, township, or 1303
municipal corporation has specifically requested in writing that 1304
the property be included in the district, or by the owners of at 1305
least seventy-five per cent of the area of all real property 1306
located within the proposed district, excluding church property 1307
or property owned by the state, county, township, municipal, or 1308
federal government, unless a church, county, township, or 1309
municipal corporation has specifically requested in writing that 1310
the property be included in the district. Pursuant to Section 2o 1311
of Article VIII, Ohio Constitution, the petition required under 1312
this division may be for the purpose of developing and 1313
implementing plans for special energy improvement projects, and, 1314
in such case, is determined to be in furtherance of the purposes 1315
set forth in Section 2o of Article VIII, Ohio Constitution. If a 1316

special improvement district is being created under this chapter 1317
for the purpose of developing and implementing plans for special 1318
energy improvement projects, the petition required under this 1319
division shall be signed by one hundred per cent of the owners 1320
of the area of all real property located within the proposed 1321
special improvement district, at least one special energy 1322
improvement project shall be designated for each parcel of real 1323
property within the special improvement district, and the 1324
special improvement district may include any number of parcels 1325
of real property as determined by the legislative authority of 1326
each participating political subdivision in which the proposed 1327
special improvement district is to be located. For purposes of 1328
determining compliance with these requirements, the area of the 1329
district, or the front footage and ownership of property, shall 1330
be as shown in the most current records available at the county 1331
recorder's office and the county engineer's office sixty days 1332
prior to the date on which the petition is filed. 1333

Each municipal corporation or township with which the 1334
petition is filed has sixty days to approve or disapprove, by 1335
resolution, the petition, including the articles of 1336
incorporation. In the case of a district created by an existing 1337
qualified nonprofit corporation, each municipal corporation or 1338
township has sixty days to approve or disapprove the creation of 1339
the district after the corporation submits the articles of 1340
incorporation or amendments thereto. This chapter does not 1341
prohibit or restrict the rights of municipal corporations under 1342
Article XVIII of the Ohio Constitution or the right of the 1343
municipal legislative authority to impose reasonable conditions 1344
in a resolution of approval. The acquisition, installation, 1345
equipping, and improvement of a special energy improvement 1346
project under this chapter shall not supersede any local zoning, 1347

environmental, or similar law or regulation. 1348

(F) Persons proposing creation and operation of the 1349
district may propose an initial plan for public services or 1350
public improvements that benefit all or any part of the 1351
district. Any initial plan shall be submitted as part of the 1352
petition proposing creation of the district or, in the case of a 1353
district created by an existing qualified nonprofit corporation, 1354
shall be submitted with the articles of incorporation or 1355
amendments thereto. 1356

An initial plan may include provisions for the following: 1357

(1) Creation and operation of the district and of the 1358
nonprofit corporation to govern the district under this chapter; 1359

(2) Hiring employees and professional services; 1360

(3) Contracting for insurance; 1361

(4) Purchasing or leasing office space and office 1362
equipment; 1363

(5) Other actions necessary initially to form, operate, or 1364
organize the district and the nonprofit corporation to govern 1365
the district; 1366

(6) A plan for public improvements or public services that 1367
benefit all or part of the district, which plan shall comply 1368
with the requirements of division (A) of section 1710.06 of the 1369
Revised Code and may include, but is not limited to, any of the 1370
permissive provisions described in the fourth sentence of that 1371
division or listed in divisions (A)(1) to (7) of that section; 1372

(7) If the special improvement district is being created 1373
under this chapter for the purpose of developing and 1374
implementing plans for special energy improvement projects, 1375

provision for the addition of territory to the special 1376
improvement district. 1377

After the initial plan is approved by all municipal 1378
corporations and townships to which it is submitted for approval 1379
and the district is created, each participating subdivision 1380
shall levy a special assessment within its boundaries to pay for 1381
the costs of the initial plan. The levy shall be for no more 1382
than ten years from the date of the approval of the initial 1383
plan; except that if the proceeds of the levy are to be used to 1384
pay the costs of a special energy improvement project, the levy 1385
of a special assessment shall be for no more than thirty years 1386
from the date of approval of the initial plan. In the event that 1387
additional territory is added to a special improvement district, 1388
the special assessment to be levied with respect to such 1389
additional territory shall commence not earlier than the date 1390
such territory is added and shall be for no more than thirty 1391
years from such date. For purposes of levying an assessment for 1392
this initial plan, the services or improvements included in the 1393
initial plan shall be deemed a special benefit to property 1394
owners within the district. 1395

(G) Each nonprofit corporation governing a district under 1396
this chapter may do the following: 1397

(1) Exercise all powers of nonprofit corporations granted 1398
under Chapter 1702. of the Revised Code that do not conflict 1399
with this chapter; 1400

(2) Develop, adopt, revise, implement, and repeal plans 1401
for public improvements and public services for all or any part 1402
of the district; 1403

(3) Contract with any person, political subdivision as 1404

defined in section 2744.01 of the Revised Code, or state agency 1405
as defined in section 1.60 of the Revised Code to develop and 1406
implement plans for public improvements or public services 1407
within the district; 1408

(4) Contract and pay for insurance for the district and 1409
for directors, officers, agents, contractors, employees, or 1410
members of the district for any consequences of the 1411
implementation of any plan adopted by the district or any 1412
actions of the district. 1413

The board of directors of a special improvement district 1414
may, acting as agent and on behalf of a participating political 1415
subdivision, sell, transfer, lease, or convey any special energy 1416
improvement project owned by the participating political 1417
subdivision upon a determination by the legislative authority 1418
thereof that the project is not required to be owned exclusively 1419
by the participating political subdivision for its purposes, for 1420
uses determined by the legislative authority thereof as those 1421
that will promote the welfare of the people of such 1422
participating political subdivision; to improve the quality of 1423
life and the general and economic well-being of the people of 1424
the participating political subdivision; better ensure the 1425
public health, safety, and welfare; protect water and other 1426
natural resources; provide for the conservation and preservation 1427
of natural and open areas and farmlands, including by making 1428
urban areas more desirable or suitable for development and 1429
revitalization; control, prevent, minimize, clean up, or mediate 1430
certain contamination of or pollution from lands in the state 1431
and water contamination or pollution; or provide for safe and 1432
natural areas and resources. The legislative authority of each 1433
participating political subdivision shall specify the 1434
consideration for such sale, transfer, lease, or conveyance and 1435

any other terms thereof. Any determinations made by a 1436
legislative authority of a participating political subdivision 1437
under this division shall be conclusive. 1438

Any sale, transfer, lease, or conveyance of a special 1439
energy improvement project by a participating political 1440
subdivision or the board of directors of the special improvement 1441
district may be made without advertising, receipt of bids, or 1442
other competitive bidding procedures applicable to the 1443
participating political subdivision or the special improvement 1444
district under Chapter 153. or 735. or section 1710.11 of the 1445
Revised Code or other representative provisions of the Revised 1446
Code. 1447

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of 1448
the Revised Code: 1449

(A) (1) "Public authority" means any officer, board, or 1450
commission of the state, ~~or any political subdivision of the~~ 1451
~~state,~~ authorized to enter into a contract for the construction 1452
of a public improvement or to construct the same by the direct 1453
employment of labor, or any institution supported in whole or in 1454
part by public funds and said sections apply to expenditures of 1455
such institutions made in whole or in part from public funds. 1456

(2) "Public authority" does not mean any of the following: 1457

(a) A political subdivision, unless the political 1458
subdivision elects under section 4115.04 of the Revised Code to 1459
be subject to the requirements of sections 4115.03 to 4115.21 of 1460
the Revised Code; 1461

(b) A special district, unless the special district elects 1462
under section 4115.04 of the Revised Code to be subject to the 1463
requirements of sections 4115.03 to 4115.21 of the Revised Code; 1464

(c) A state institution of higher education, unless the 1465
state institution elects under section 4115.04 of the Revised 1466
Code to be subject to the requirements of sections 4115.03 to 1467
4115.21 of the Revised Code. 1468

(B) "Construction" means any of the following: 1469

(1) Except as provided in division (B) (3) of this section, 1470
any new construction of a public improvement, the total overall 1471
project cost of which is fairly estimated to be more than the 1472
following amounts and performed by other than full-time 1473
employees who have completed their probationary periods in the 1474
classified service of a public authority: 1475

(a) One hundred twenty-five thousand dollars, beginning on 1476
September 29, 2011, and continuing for one year thereafter; 1477

(b) Two hundred thousand dollars, beginning when the time 1478
period described in division (B) (1) (a) of this section expires 1479
and continuing for one year thereafter; 1480

(c) Two hundred fifty thousand dollars, beginning when the 1481
time period described in division (B) (1) (b) of this section 1482
expires. 1483

(2) Except as provided in division (B) (4) of this section, 1484
any reconstruction, enlargement, alteration, repair, remodeling, 1485
renovation, or painting of a public improvement, the total 1486
overall project cost of which is fairly estimated to be more 1487
than the following amounts and performed by other than full-time 1488
employees who have completed their probationary period in the 1489
classified civil service of a public authority: 1490

(a) Thirty-eight thousand dollars, beginning on September 1491
29, 2011, and continuing for one year thereafter; 1492

(b) Sixty thousand dollars, beginning when the time period 1493
described in division (B) (2) (a) of this section expires and 1494
continuing for one year thereafter; 1495

(c) Seventy-five thousand dollars, beginning when the time 1496
period described in division (B) (2) (b) of this section expires. 1497

(3) Any new construction of a public improvement that 1498
involves roads, streets, alleys, sewers, ditches, and other 1499
works connected to road or bridge construction, the total 1500
overall project cost of which is fairly estimated to be more 1501
than seventy-eight thousand two hundred fifty-eight dollars 1502
adjusted biennially by the director of commerce pursuant to 1503
section 4115.034 of the Revised Code and performed by other than 1504
full-time employees who have completed their probationary 1505
periods in the classified service of a public authority; 1506

(4) Any reconstruction, enlargement, alteration, repair, 1507
remodeling, renovation, or painting of a public improvement that 1508
involves roads, streets, alleys, sewers, ditches, and other 1509
works connected to road or bridge construction, the total 1510
overall project cost of which is fairly estimated to be more 1511
than twenty-three thousand four hundred forty-seven dollars 1512
adjusted biennially by the director ~~of commerce~~ pursuant to 1513
section 4115.034 of the Revised Code and performed by other than 1514
full-time employees who have completed their probationary 1515
periods in the classified service of a public authority. 1516

(C) "Public improvement" includes all buildings, roads, 1517
streets, alleys, sewers, ditches, sewage disposal plants, water 1518
works, and all other structures or works constructed by a public 1519
authority ~~of the state or any political subdivision thereof or~~ 1520
by any person who, pursuant to a contract with a public 1521
authority, constructs any structure for a public authority ~~of~~ 1522

~~the state or a political subdivision thereof. When a public~~ 1523
~~authority rents or leases a newly constructed structure within~~ 1524
~~six months after completion of such construction, all work~~ 1525
~~performed on such structure to suit it for occupancy by a public~~ 1526
~~authority is a "public improvement." "Public improvement" does~~ 1527
~~not include an improvement authorized by section 940.06 of the~~ 1528
~~Revised Code that is constructed pursuant to a contract with a~~ 1529
~~soil and water conservation district, as defined in section~~ 1530
~~940.01 of the Revised Code, or performed as a result of a~~ 1531
~~petition filed pursuant to Chapter 6131., 6133., or 6135. of the~~ 1532
~~Revised Code, wherein no less than seventy-five per cent of the~~ 1533
~~project is located on private land and no less than seventy-five~~ 1534
~~per cent of the cost of the improvement is paid for by private~~ 1535
~~property owners pursuant to Chapter 940., 6131., 6133., or 6135.~~ 1536
~~of the Revised Code.~~ 1537

(D) "Locality" means the county wherein the physical work 1538
upon any public improvement is being performed. 1539

(E) "Prevailing wages" means the sum of the following: 1540

(1) The basic hourly rate of pay; 1541

(2) The rate of contribution irrevocably made by a 1542
contractor or subcontractor to a trustee or to a third person 1543
pursuant to a fund, plan, or program; 1544

(3) The rate of costs to the contractor or subcontractor 1545
which may be reasonably anticipated in providing the following 1546
fringe benefits to laborers and mechanics pursuant to an 1547
enforceable commitment to carry out a financially responsible 1548
plan or program which was communicated in writing to the 1549
laborers and mechanics affected: 1550

(a) Medical or hospital care or insurance to provide such; 1551

(b) Pensions on retirement or death or insurance to provide such;	1552 1553
(c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;	1554 1555 1556
(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;	1557 1558
(e) Life insurance;	1559
(f) Disability and sickness insurance;	1560
(g) Accident insurance;	1561
(h) Vacation and holiday pay;	1562
(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	1563 1564 1565
(j) Other bona fide fringe benefits.	1566
None of the benefits enumerated in division (E) (3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	1567 1568 1569 1570
(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:	1571 1572
(1) Any person who submits a bid for the purpose of securing the award of the contract;	1573 1574
(2) Any person acting as a subcontractor of a person described in division (F) (1) of this section;	1575 1576
(3) Any bona fide organization of labor which has as	1577

members or is authorized to represent employees of a person 1578
described in division (F) (1) or (2) of this section and which 1579
exists, in whole or in part, for the purpose of negotiating with 1580
employers concerning the wages, hours, or terms and conditions 1581
of employment of employees; 1582

(4) Any association having as members any of the persons 1583
described in division (F) (1) or (2) of this section. 1584

(G) Except as used in division (A) of this section, 1585
"officer" means an individual who has an ownership interest or 1586
holds an office of trust, command, or authority in a 1587
corporation, business trust, partnership, or association. 1588

(H) "Political subdivision" has the same meaning as in 1589
section 9.23 of the Revised Code. 1590

(I) "State institution of higher education" has the same 1591
meaning as in section 3345.011 of the Revised Code. 1592

Sec. 4115.04. (A) (1) Every public authority authorized to 1593
contract for or construct with its own forces a public 1594
improvement, before advertising for bids or undertaking such 1595
construction with its own forces, shall have the director of 1596
commerce determine the prevailing rates of wages of mechanics 1597
and laborers in accordance with section 4115.05 of the Revised 1598
Code for the class of work called for by the public improvement, 1599
in the locality where the work is to be performed. Except as 1600
provided in division (A) (2) of this section, that schedule of 1601
wages shall be attached to and made part of the specifications 1602
for the work, and shall be printed on the bidding blanks where 1603
the work is done by contract. A copy of the bidding blank shall 1604
be filed with the director before the contract is awarded. A 1605
minimum rate of wages for common laborers, on work coming under 1606

the jurisdiction of the department of transportation, shall be 1607
fixed in each county of the state by the department of 1608
transportation, in accordance with section 4115.05 of the 1609
Revised Code. 1610

(2) In the case of contracts that are administered by the 1611
department of natural resources, the director of natural 1612
resources or the director's designee shall include language in 1613
the contracts requiring wage rate determinations and updates to 1614
be obtained directly from the department of commerce through 1615
electronic or other means as appropriate. Contracts that include 1616
this requirement are exempt from the requirements established in 1617
division (A)(1) of this section that involve attaching the 1618
schedule of wages to the specifications for the work, making the 1619
schedule part of those specifications, and printing the schedule 1620
on the bidding blanks where the work is done by contract. 1621

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1622
apply to: 1623

(1) Public improvements in any case where the federal 1624
government or any of its agencies furnishes by loan or grant all 1625
or any part of the funds used in constructing such improvements, 1626
provided that the federal government or any of its agencies 1627
prescribes predetermined minimum wages to be paid to mechanics 1628
and laborers employed in the construction of such improvements; 1629

(2) A participant in a work activity, developmental 1630
activity, or an alternative work activity under sections 5107.40 1631
to 5107.69 of the Revised Code when a public authority directly 1632
uses the labor of the participant to construct a public 1633
improvement if the participant is not engaged in paid employment 1634
or subsidized employment pursuant to the activity; 1635

(3) ~~Public~~ Except as provided in division (C) of this 1636
section, public improvements undertaken by, or under contract 1637
for, ~~the board of education of any school district or the~~ 1638
~~governing board of any educational service center;~~ 1639

~~(4) Public improvements undertaken by, or under contract~~ 1640
~~for, a county hospital operated pursuant to Chapter 339. of the~~ 1641
~~Revised Code or a municipal hospital operated pursuant to~~ 1642
~~Chapter 749. of the Revised Code if none of the funds used in~~ 1643
~~constructing the improvements are the proceeds of bonds or other~~ 1644
~~obligations that are secured by the full faith and credit of the~~ 1645
~~state, a county, a township, or a municipal corporation and none~~ 1646
~~of the funds used in constructing the improvements, including~~ 1647
~~funds used to repay any amounts borrowed to construct the~~ 1648
~~improvements, are funds that have been appropriated for that~~ 1649
~~purpose by the state, a board of county commissioners, a~~ 1650
~~township, or a municipal corporation from funds generated by the~~ 1651
~~levy of a tax, provided that a county hospital or municipal~~ 1652
~~hospital may elect to apply sections 4115.03 to 4115.16 of the~~ 1653
~~Revised Code to a public improvement undertaken by, or under~~ 1654
~~contract for, the hospital~~ a political subdivision, special 1655
district, or state institution of higher education; 1656

~~(5)-(4)~~ Any project described in divisions (D) (1) (a) to 1657
(D) (1) (e) of section 176.05 of the Revised Code; 1658

~~(6) Public improvements undertaken by, or under contract~~ 1659
~~for, a port authority as defined in section 4582.01 or 4582.21~~ 1660
~~of the Revised Code;~~ 1661

~~(7)-(5)~~ Any portion of a public improvement undertaken and 1662
completed solely with labor donated by the individuals 1663
performing the labor, by a labor organization and its members, 1664
or by a contractor or subcontractor that donates all labor and 1665

materials for that portion of the public improvement project. 1666

(C) Subject to division (D) of this section, nothing in 1667
sections 4115.03 to 4115.21 of the Revised Code or any other 1668
provision of the Revised Code prohibits a political subdivision, 1669
special district, or state institution of higher education from 1670
electing to apply sections 4115.03 to 4115.21 of the Revised 1671
Code to any public improvement undertaken by, or under contract 1672
for, the political subdivision, special district, or state 1673
institution of higher education. 1674

(D) Under no circumstances shall a public authority, 1675
political subdivision, special district, or state institution of 1676
higher education apply the prevailing wage requirements of this 1677
chapter to ~~a~~ any of the following: 1678

(1) A public improvement that is ~~exempt under division (B)~~ 1679
~~(3) of this section~~ undertaken by, or under contract for, a 1680
board of education of any school district or the governing board 1681
of any educational service center; 1682

(2) An improvement authorized by section 940.06 of the 1683
Revised Code that is constructed pursuant to a contract with a 1684
soil and water conservation district, as defined in section 1685
940.01 of the Revised Code, or performed as a result of a 1686
petition filed pursuant to Chapter 6131., 6133., or 6135. of the 1687
Revised Code, wherein not less than seventy-five per cent of the 1688
project is located on private land and not less than seventy- 1689
five per cent of the cost of the improvement is paid for by 1690
private property owners pursuant to Chapter 940., 6131., 6133., 1691
or 6135. of the Revised Code; 1692

(3) The construction of an erosion control structure under 1693
section 1506.44 of the Revised Code; 1694

(4) An improvement undertaken by, or under contract for, a 1695
transportation improvement district created under Chapter 5540. 1696
of the Revised Code. 1697

Sec. 4115.06. In all cases where any public authority 1698
fixes a prevailing rate of wages under section 4115.04 of the 1699
Revised Code, and the work is done by contract, the contract 1700
executed between the public authority and the successful bidder 1701
shall contain a provision requiring the successful bidder and 1702
all ~~his~~ subcontractors to pay a rate of wages which shall not be 1703
less than the rate of wages so fixed. The successful bidder and 1704
all ~~his~~ subcontractors shall comply strictly with the wage 1705
provisions of the contract. 1706

Where a public authority constructs a public improvement 1707
with its own forces, such public authority shall pay a rate of 1708
wages which shall not be less than the rate of wages fixed as 1709
provided in section 4115.04 of the Revised Code, except in those 1710
instances provided for in ~~sections 723.52, section~~ 5517.02, ~~5575.01, and 5543.19~~ 1711
of the Revised Code. 1712

Sec. 5540.03. (A) A transportation improvement district 1713
may: 1714

(1) Adopt bylaws for the regulation of its affairs and the 1715
conduct of its business; 1716

(2) Adopt an official seal; 1717

(3) Sue and be sued in its own name, plead and be 1718
impleaded, provided any actions against the district shall be 1719
brought in the court of common pleas of the county in which the 1720
principal office of the district is located, or in the court of 1721
common pleas of the county in which the cause of action arose, 1722
and all summonses, exceptions, and notices of every kind shall 1723

be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;

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

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

(a) Transportation improvement district revenue bonds;

(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution^{7.1}.

(6) Maintain such funds as it considers necessary;

(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;

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

(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely

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from the proceeds of bonds or from revenues; 1752

(10) Receive and accept from the federal or any state or 1753
local government, including, but not limited to, any agency, 1754
entity, or instrumentality of any of the foregoing, loans and 1755
grants for or in aid of the construction, maintenance, or repair 1756
of any project, and receive and accept aid or contributions from 1757
any source or person of money, property, labor, or other things 1758
of value, to be held, used, and applied only for the purposes 1759
for which such loans, grants, and contributions are made. 1760
Nothing in division (A) (10) of this section shall be construed 1761
as imposing any liability on this state for any loan received by 1762
a transportation improvement district from a third party unless 1763
this state has entered into an agreement to accept such 1764
liability. 1765

(11) Acquire, hold, and dispose of property in the 1766
exercise of its powers and the performance of its duties under 1767
this chapter; 1768

(12) Establish and collect tolls or user charges for its 1769
projects; 1770

(13) Subject to section 5540.18 of the Revised Code, enter 1771
into an agreement with a contiguous board of county 1772
commissioners other than the board of county commissioners that 1773
created the transportation improvement district, for the 1774
district to exercise all or any portion of its powers with 1775
respect to a project that is located wholly or partially within 1776
the county that is party to the agreement; 1777

(14) Do all acts necessary and proper to carry out the 1778
powers expressly granted in this chapter. 1779

(B) Chapters 123., 124., 125., and 153., ~~and 4115.,~~ and 1780

sections 9.331 to 9.335 and 307.86 of the Revised Code do not 1781
apply to contracts or projects of a transportation improvement 1782
district. 1783

Sec. 6117.012. (A) A board of county commissioners may 1784
adopt rules requiring owners of property within the district 1785
whose property is served by a connection to sewers maintained 1786
and operated by the board or to sewers that are connected to 1787
interceptor sewers maintained and operated by the board to do 1788
any of the following: 1789

(1) Disconnect storm water inflows to sanitary sewers 1790
maintained and operated by the board and not operated as a 1791
combined sewer, or to connections with those sewers; 1792

(2) Disconnect non-storm water inflows to storm water 1793
sewers maintained and operated by the board and not operated as 1794
a combined sewer, or to connections with those storm water 1795
sewers; 1796

(3) Reconnect or relocate any such disconnected inflows in 1797
compliance with board rules and applicable building codes, 1798
health codes, or other relevant codes; 1799

(4) Prevent sewer back-ups into properties that have 1800
experienced one or more back-ups of sanitary or combined sewers 1801
maintained and operated by the board; 1802

(5) Prevent storm water from entering a combined sewer and 1803
causing an overflow or an inflow to a sanitary sewer, which 1804
prevention may include projects or programs that separate the 1805
storm water from a combined sewer or that utilize a prevention 1806
or replacement facility to prevent or minimize storm water from 1807
entering a combined sewer or a sanitary sewer. 1808

(B) Any inflow required to be disconnected or any sewer 1809

back-up required to be prevented under a rule adopted pursuant 1810
to divisions (A)(1) to (4) of this section constitutes a 1811
nuisance subject to injunctive relief and abatement pursuant to 1812
Chapter 3767. of the Revised Code or as otherwise permitted by 1813
law. 1814

(C) A board of county commissioners may use sewer district 1815
funds; county general fund moneys; the proceeds of bonds issued 1816
under Chapter 133. or 165. of the Revised Code; and, to the 1817
extent permitted by their terms, loans, grants, or other moneys 1818
from appropriate state or federal funds, for either of the 1819
following: 1820

(1) The cost of disconnections, reconnections, 1821
relocations, combined sewer overflow prevention, or sewer back- 1822
up prevention required by rules adopted pursuant to division (A) 1823
of this section, performed by the county or under contract with 1824
the county; 1825

(2) Payments to the property owner or a contractor hired 1826
by the property owner pursuant to a competitive process 1827
established by district rules, for the cost of disconnections, 1828
reconnections, relocations, combined sewer overflow prevention, 1829
or sewer back-up prevention required by rules adopted pursuant 1830
to division (A) of this section after the board, pursuant to its 1831
rules, has approved the work to be performed and after the 1832
county has received from the property owner a statement 1833
releasing the county from all liability in connection with the 1834
disconnections, reconnections, relocations, combined sewer 1835
overflow prevention, or sewer back-up prevention. 1836

(D) Except as provided in division (E) of this section, 1837
the board of county commissioners shall require in its rules 1838
regarding disconnections, reconnections, relocations of sewers, 1839

combined sewer overflow prevention, or sewer back-up prevention 1840
the reimbursement of moneys expended pursuant to division (C) of 1841
this section by either of the following methods: 1842

(1) A charge to the property owner in the amount of the 1843
payment made pursuant to division (C) of this section for 1844
immediate payment or payment in installments with interest as 1845
determined by the board not to exceed ten per cent, which 1846
payments may be billed as a separate item with the rents charged 1847
to that owner for use of the sewers. The board may approve 1848
installment payments for a period of not more than fifteen 1849
years. If charges are to be paid in installments, the board 1850
shall certify to the county auditor information sufficient to 1851
identify each subject parcel of property, the total of the 1852
charges to be paid in installments, and the total number of 1853
installments to be paid. The auditor shall record the 1854
information in the sewer improvement record until these charges 1855
are paid in full. Charges not paid when due shall be certified 1856
to the county auditor, who shall place the charges upon the real 1857
property tax list and duplicate against that property. Those 1858
charges shall be a lien on the property from the date they are 1859
placed on the tax list and duplicate and shall be collected in 1860
the same manner as other taxes. 1861

(2) A special assessment levied against the property, 1862
payable in the number of years the board determines, not to 1863
exceed fifteen years, with interest as determined by the board 1864
not to exceed ten per cent. The board shall certify the 1865
assessments to the county auditor, stating the amount and time 1866
of payment. The auditor shall record the information in the 1867
county sewer improvement record, showing separately the 1868
assessments to be collected, and shall place the assessments 1869
upon the real property tax list and duplicate for collection. 1870

The assessments shall be a lien on the property from the date 1871
they are placed on the tax list and duplicate and shall be 1872
collected in the same manner as other taxes. 1873

(E) The county may adopt a resolution specifying a maximum 1874
amount of the cost of any disconnection, reconnection, 1875
relocation, combined sewer overflow prevention, or sewer back-up 1876
prevention required pursuant to division (A) of this section 1877
that may be paid by the county for each affected parcel of 1878
property without requiring reimbursement. That amount may be 1879
allowed only if there is a building code, health code, or other 1880
relevant code, or a federally imposed or state-imposed consent 1881
decree that is filed or otherwise recorded in a court of 1882
competent jurisdiction, applicable to the affected parcel that 1883
prohibits in the future any inflows, combined sewer overflows, 1884
or sewer back-ups not allowed under rules adopted pursuant to 1885
division (A)(1), (4), or (5) of this section. The board, by 1886
rule, shall establish criteria for determining how much of the 1887
maximum amount for each qualifying parcel need not be 1888
reimbursed. 1889

~~(F) Disconnections, reconnections, relocations, combined-~~ 1890
~~sewer overflow prevention, or sewer back-up prevention required~~ 1891
~~under this section and performed by a contractor under contract~~ 1892
~~with the property owner shall not be considered a public~~ 1893
~~improvement, and those performed by the county shall be~~ 1894
~~considered a public improvement as defined in section 4115.03 of~~ 1895
~~the Revised Code.~~ 1896

Disconnections, reconnections, relocations, combined sewer 1897
overflow prevention, or sewer back-up prevention required under 1898
this section performed by a contractor under contract with the 1899
property owner shall not be subject to competitive bidding or 1900

public bond laws. 1901

(G) Property owners shall be responsible for maintaining 1902
any improvements made or facilities constructed on private 1903
property to reconnect or relocate disconnected inflows, for 1904
combined sewer overflow prevention, or for sewer back-up 1905
prevention pursuant to this section unless a public easement or 1906
other agreement exists for the county to maintain that 1907
improvement or facility. 1908

(H) A board of county commissioners may provide rate 1909
reductions of and credits against charges for the use of sewers 1910
to a property owner that implements a project or program that 1911
prevents storm water from entering a combined sewer and causing 1912
an overflow. Such a project or program may include the use of a 1913
prevention or replacement facility to handle storm water that 1914
has been separated from a combined sewer. The revised rates or 1915
charges shall be collected and paid to the county treasurer in 1916
accordance with section 6117.02 of the Revised Code. 1917

Sec. 6121.061. The Ohio water development authority shall 1918
not issue any bonds or otherwise participate in any project 1919
authorized by this chapter or Chapter 6123. of the Revised Code 1920
unless the contract, resolution, or other written document 1921
setting forth the board's participation specifies that all wages 1922
paid to laborers and mechanics employed on the projects shall be 1923
paid at the prevailing rates of wages of laborers and mechanics 1924
for the class of work called for by the project, which wages 1925
shall be determined in accordance with the requirements of 1926
Chapter 4115. of the Revised Code for determination of 1927
prevailing wage rates, provided that the requirements of this 1928
section do not apply to loans made to boards of county 1929
~~commissioners under division (V) of section 6121.04 of the~~ 1930

~~Revised Code~~ or where the federal government or any of its 1931
agencies furnishes by loan or grant all or any part of the funds 1932
used in connection with the project and prescribes predetermined 1933
minimum wages to be paid to the laborers and mechanics, and 1934
provided that if a non-public user beneficiary of the project 1935
undertakes, as part of the project, construction to be performed 1936
by its regular bargaining unit employees who are covered under a 1937
collective bargaining agreement that was in existence prior to 1938
the date of the commitment instrument setting forth the board's 1939
participation, the rate of pay provided under the collective 1940
bargaining agreement may be paid to those employees. 1941

Section 2. That existing sections 164.07, 307.022, 1942
307.671, 307.673, 307.674, 307.696, 351.06, 353.03, 1506.44, 1943
1710.02, 4115.03, 4115.04, 4115.06, 5540.03, 6117.012, and 1944
6121.061 of the Revised Code are hereby repealed. 1945

Section 3. The amendments made by this act to sections 1946
164.07, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 1947
353.03, 1506.44, 1710.02, 4115.03, 4115.04, 4115.06, 5540.03, 1948
6117.012, and 6121.061 of the Revised Code apply to contracts 1949
entered into, renewed, or extended on or after the effective 1950
date of this act. 1951