

As Reported by the Senate Energy and Natural Resources Committee

131st General Assembly

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Sub. S. B. No. 185

Senator Seitz

Cosponsors: Senators Balderson, Patton

A BILL

To amend sections 1710.01, 1710.02, 1710.06, 1
1710.13, 4582.06, and 4582.31 and to enact 2
sections 1710.20, 1710.21, 1710.22, 1710.24, 3
1710.241, 1710.26, and 1710.28 of the Revised 4
Code to permit property owners to petition 5
municipal corporations and townships for the 6
purpose of developing and implementing special 7
energy improvement projects, to govern 8
condominium association participation in special 9
improvement districts, to increase the 10
competitive bidding threshold for Lake 11
Facilities Authorities, and to authorize 12
conservation grants for such Authorities. 13

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

Section 1. That sections 1710.01, 1710.02, 1710.06, 14
1710.13, 4582.06, and 4582.31 be amended and sections 1710.20, 15
1710.21, 1710.22, 1710.24, 1710.241, 1710.26, and 1710.28 of the 16
Revised Code be enacted to read as follows: 17

Sec. 1710.01. As used in this chapter: 18

- (A) "Special improvement district" means a special improvement district organized under this chapter. 19
20
- (B) "Church" means a fellowship of believers, 21
congregation, society, corporation, convention, or association 22
that is formed primarily or exclusively for religious purposes 23
and that is not formed for the private profit of any person. 24
- (C) "Church property" means property that is described as 25
being exempt from taxation under division (A) (2) of section 26
5709.07 of the Revised Code and that the county auditor has 27
entered on the exempt list compiled under section 5713.07 of the 28
Revised Code. 29
- (D) "Municipal executive" means the mayor, city manager, 30
or other chief executive officer of the municipal corporation in 31
which a special improvement district is located. 32
- (E) "Participating political subdivision" means the 33
municipal corporation or township, or each of the municipal 34
corporations or townships, that has territory within the 35
boundaries of a special improvement district created under this 36
chapter. 37
- (F) "Legislative authority of a participating political 38
subdivision" means, with reference to a township, the board of 39
township trustees. 40
- (G) "Public improvement" means the planning, design, 41
construction, reconstruction, enlargement, or alteration of any 42
facility or improvement, including the acquisition of land, for 43
which a special assessment may be levied under Chapter 727. of 44
the Revised Code, and includes any special energy improvement 45
project. 46
- (H) "Public service" means any service that can be 47

provided by a municipal corporation or any service for which a 48
special assessment may be levied under Chapter 727. of the 49
Revised Code. 50

(I) "Special energy improvement project" means any 51
property, device, structure, or equipment necessary for the 52
acquisition, installation, equipping, and improvement of any 53
real or personal property used for the purpose of creating a 54
solar photovoltaic project, a solar thermal energy project, a 55
geothermal energy project, a customer-generated energy project, 56
or an energy efficiency improvement, whether such real or 57
personal property is publicly or privately owned. 58

(J) "Existing qualified nonprofit corporation" means a 59
nonprofit corporation that existed before the creation of the 60
corresponding district under this chapter, that is composed of 61
members located within or adjacent to the district, that has 62
established a police department under section 1702.80 of the 63
Revised Code, and that is organized for purposes that include 64
acquisition of real property within an area specified by its 65
articles for the subsequent transfer of such property to its 66
members exclusively for charitable, scientific, literary, or 67
educational purposes, or holding and maintaining and leasing 68
such property; planning for and assisting in the development of 69
its members; providing for the relief of the poor and distressed 70
or underprivileged in the area and adjacent areas; combating 71
community deterioration and lessening the burdens of government; 72
providing or assisting others in providing housing for low- or 73
moderate-income persons; and assisting its members by the 74
provision of public safety and security services, parking 75
facilities, transit service, landscaping, and parks. 76

(K) "Energy efficiency improvement" means energy 77

efficiency technologies, products, and activities that reduce or 78
support the reduction of energy consumption, allow for the 79
reduction in demand, or support the production of clean, 80
renewable energy and that are or will be permanently fixed to 81
real property. For purposes of sections 1710.20 to 1710.28 of 82
the Revised Code, "energy efficiency improvement" excludes 83
energy efficiency technologies, products, and activities that 84
support the production of clean, renewable energy. 85

(L) "Customer-generated energy project" means a wind, 86
biomass, or gasification facility for the production of 87
electricity that meets either of the following requirements: 88

(1) The facility is designed to have a generating capacity 89
of two hundred fifty kilowatts of electricity or less. 90

(2) The facility is: 91

(a) Designed to have a generating capacity of more than 92
two hundred fifty kilowatts of electricity; 93

(b) Operated in parallel with electric transmission and 94
distribution facilities serving the real property at the site of 95
the customer-generated energy project; 96

(c) Intended primarily to offset part or all of the 97
facility owner's requirements for electricity at the site of the 98
customer-generated energy project and is located on the facility 99
owner's real property; and 100

(d) Not producing energy for direct sale by the facility 101
owner to the public. 102

(M) "Reduction in demand" means a change in customer 103
behavior or a change in customer-owned or operated assets that 104
reduces or has the capability to reduce the demand for 105

electricity as a result of price signals or other incentives. 106

(N) "Electric distribution utility" and "mercantile 107
customer" have the same meanings as in section 4928.01 of the 108
Revised Code. 109

(O) "Port authority" means a port authority created under 110
section 4582.02 or 4582.22 of the Revised Code. 111

(P) "Condominium property," "unit owner," and "unit owners 112
association" have the same meanings as in section 5311.01 of the 113
Revised Code. 114

Sec. 1710.02. (A) A special improvement district may be 115
created within the boundaries of any one municipal corporation, 116
any one township, or any combination of contiguous municipal 117
corporations and townships for the purpose of developing and 118
implementing plans for public improvements and public services 119
that benefit the district. A district may be created by petition 120
of the owners of real property within the proposed district, or 121
by an existing qualified nonprofit corporation. If the district 122
is created by an existing qualified nonprofit corporation, the 123
purposes for which the district is created may be supplemental 124
to the other purposes for which the corporation is organized. 125
All territory in a special improvement district shall be 126
contiguous; except that the territory in a special improvement 127
district may be noncontiguous if at least one special energy 128
improvement project is designated for each parcel of real 129
property included within the special improvement district. 130
Additional territory may be added to a special improvement 131
district created under this chapter for the purpose of 132
developing and implementing plans for special energy improvement 133
projects if at least one special energy improvement project is 134
designated for each parcel of real property included within such 135

additional territory and the addition of territory is authorized 136
by the initial plan proposed under division (F) of this section 137
or a plan adopted by the board of directors of the special 138
improvement district under section 1710.06 of the Revised Code. 139

The district shall be governed by the board of trustees of 140
a nonprofit corporation. This board shall be known as the board 141
of directors of the special improvement district. No special 142
improvement district shall include any church property, or 143
property of the federal or state government or a county, 144
township, or municipal corporation, unless the church or the 145
county, township, or municipal corporation specifically requests 146
in writing that the property be included within the district, or 147
unless the church is a member of the existing qualified 148
nonprofit corporation creating the district at the time the 149
district is created. More than one district may be created 150
within a participating political subdivision, but no real 151
property may be included within more than one district unless 152
the owner of the property files a written consent with the clerk 153
of the legislative authority, the township fiscal officer, or 154
the village clerk, as appropriate. The area of each district 155
shall be contiguous; except that the area of a special 156
improvement district may be noncontiguous if all parcels of real 157
property included within such area contain at least one special 158
energy improvement thereon. 159

(B) Except as provided in division (C) of this section, a 160
district created under this chapter is not a political 161
subdivision. A district created under this chapter shall be 162
considered a public agency under section 102.01 and a public 163
authority under section 4115.03 of the Revised Code. Each member 164
of the board of directors of a district, each member's designee 165
or proxy, and each officer and employee of a district shall be 166

considered a public official or employee under section 102.01 of 167
the Revised Code and a public official and public servant under 168
section 2921.42 of the Revised Code. Districts created under 169
this chapter are not subject to sections 121.81 to 121.83 of the 170
Revised Code. Districts created under this chapter are subject 171
to sections 121.22 and 121.23 of the Revised Code. 172

(C) Each district created under this chapter shall be 173
considered a political subdivision for purposes of section 174
4905.34 of the Revised Code. 175

Membership on the board of directors of the district shall 176
not be considered as holding a public office. Directors and 177
their designees shall be entitled to the immunities provided by 178
Chapter 1702. and to the same immunity as an employee under 179
division (A) (6) of section 2744.03 of the Revised Code, except 180
that directors and their designees shall not be entitled to the 181
indemnification provided in section 2744.07 of the Revised Code 182
unless the director or designee is an employee or official of a 183
participating political subdivision of the district and is 184
acting within the scope of the director's or designee's 185
employment or official responsibilities. 186

District officers and district members and directors and 187
their designees or proxies shall not be required to file a 188
statement with the Ohio ethics commission under section 102.02 189
of the Revised Code. All records of the district shall be 190
treated as public records under section 149.43 of the Revised 191
Code, except that records of organizations contracting with a 192
district shall not be considered to be public records under 193
section 149.43 or section 149.431 of the Revised Code solely by 194
reason of any contract with a district. 195

(D) Except as otherwise provided in this section, the 196

nonprofit corporation that governs a district shall be organized 197
in the manner described in Chapter 1702. of the Revised Code. 198
Except in the case of a district created by an existing 199
qualified nonprofit corporation, the corporation's articles of 200
incorporation are required to be approved, as provided in 201
division (E) of this section, by resolution of the legislative 202
authority of each participating political subdivision of the 203
district. A copy of that resolution shall be filed along with 204
the articles of incorporation in the secretary of state's 205
office. 206

In addition to meeting the requirements for articles of 207
incorporation set forth in Chapter 1702. of the Revised Code, 208
the articles of incorporation for the nonprofit corporation 209
governing a district formed under this chapter shall provide all 210
the following: 211

(1) The name for the district, which shall include the 212
name of each participating political subdivision of the 213
district; 214

(2) A description of the territory within the district, 215
which may be all or part of each participating political 216
subdivision. The description shall be specific enough to enable 217
real property owners to determine if their property is located 218
within the district. 219

(3) A description of the procedure by which the articles 220
of incorporation may be amended. The procedure shall include 221
receiving approval of the amendment, by resolution, from the 222
legislative authority of each participating political 223
subdivision and filing the approved amendment and resolution 224
with the secretary of state. 225

(4) The reasons for creating the district, plus an 226
explanation of how the district will be conducive to the public 227
health, safety, peace, convenience, and welfare of the district. 228

(E) (1) The articles of incorporation for a nonprofit 229
corporation governing a district created under this chapter and 230
amendments to them shall be submitted to the municipal 231
executive, if any, and the legislative authority of each 232
municipal corporation or township in which the proposed district 233
is to be located. ~~Except~~ 234

(2) (a) Except in the case of a district created by an 235
existing qualified nonprofit corporation and except as provided 236
in division (E) (2) (b) of this section, the articles or 237
amendments shall be accompanied by a petition signed either by 238
the owners of at least sixty per cent of the front footage of 239
all real property located in the proposed district that abuts 240
upon any street, alley, public road, place, boulevard, parkway, 241
park entrance, easement, or other existing public improvement 242
within the proposed district, excluding church property or 243
property owned by the state, county, township, municipal, or 244
federal government, unless a church, county, township, or 245
municipal corporation has specifically requested in writing that 246
the property be included in the district, or by the owners of at 247
least seventy-five per cent of the area of all real property 248
located within the proposed district, excluding church property 249
or property owned by the state, county, township, municipal, or 250
federal government, unless a church, county, township, or 251
municipal corporation has specifically requested in writing that 252
the property be included in the district. Pursuant to Section 20 253
of Article VIII, Ohio Constitution, the petition required under 254
this division may be for the purpose of developing and 255
implementing plans for special energy improvement projects, and, 256

in such case, is determined to be in furtherance of the purposes 257
set forth in Section 2o of Article VIII, Ohio Constitution. If a 258
special improvement district is being created under this chapter 259
for the purpose of developing and implementing plans for special 260
energy improvement projects, the petition required under this 261
division shall be signed by one hundred per cent of the owners 262
of the area of all real property located within the proposed 263
special improvement district, at least one special energy 264
improvement project shall be designated for each parcel of real 265
property within the special improvement district, and the 266
special improvement district may include any number of parcels 267
of real property as determined by the legislative authority of 268
each participating political subdivision in which the proposed 269
special improvement district is to be located. For purposes of 270
determining compliance with these requirements, the area of the 271
district, or the front footage and ownership of property, shall 272
be as shown in the most current records available at the county 273
recorder's office and the county engineer's office sixty days 274
prior to the date on which the petition is filed. 275

Each (b) If a condominium property is included in the area 276
of the proposed district, the petition shall be signed by a 277
member of the board of directors of the unit owners association 278
on behalf of all owners of units in the condominium property if 279
both of the following apply: 280

(i) A vote is conducted according to the unit owners 281
association bylaws and declaration to determine whether the 282
condominium property is to be included in the proposed special 283
improvement district. 284

(ii) The result of the vote is that the condominium 285
property is to be included in the proposed special improvement 286

<u>district.</u>	287
<u>No unit owner shall sign the petition on the unit owner's</u>	288
<u>own behalf.</u>	289
<u>(3) Each</u> municipal corporation or township with which the	290
petition is filed has sixty days to approve or disapprove, by	291
resolution, the petition, including the articles of	292
incorporation. In the case of a district created by an existing	293
qualified nonprofit corporation, each municipal corporation or	294
township has sixty days to approve or disapprove the creation of	295
the district after the corporation submits the articles of	296
incorporation or amendments thereto. This chapter does not	297
prohibit or restrict the rights of municipal corporations under	298
Article XVIII of the Ohio Constitution or the right of the	299
municipal legislative authority to impose reasonable conditions	300
in a resolution of approval. The acquisition, installation,	301
equipping, and improvement of a special energy improvement	302
project under this chapter shall not supersede any local zoning,	303
environmental, or similar law or regulation.	304
(F) Persons proposing creation and operation of the	305
district may propose an initial plan for public services or	306
public improvements that benefit all or any part of the	307
district. Any initial plan shall be submitted as part of the	308
petition proposing creation of the district or, in the case of a	309
district created by an existing qualified nonprofit corporation,	310
shall be submitted with the articles of incorporation or	311
amendments thereto.	312
An initial plan may include provisions for the following:	313
(1) Creation and operation of the district and of the	314
nonprofit corporation to govern the district under this chapter;	315

(2) Hiring employees and professional services;	316
(3) Contracting for insurance;	317
(4) Purchasing or leasing office space and office equipment;	318 319
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	320 321 322
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (7) of that section;	323 324 325 326 327 328
(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects, provision for the addition of territory to the special improvement district.	329 330 331 332 333
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project, the levy of a special assessment shall be for no more than thirty years from the date of approval of the initial plan. In the event that additional territory is added to a special improvement district,	334 335 336 337 338 339 340 341 342 343 344

the special assessment to be levied with respect to such 345
additional territory shall commence not earlier than the date 346
such territory is added and shall be for no more than thirty 347
years from such date. For purposes of levying an assessment for 348
this initial plan, the services or improvements included in the 349
initial plan shall be deemed a special benefit to property 350
owners within the district. 351

(G) Each nonprofit corporation governing a district under 352
this chapter may do the following: 353

(1) Exercise all powers of nonprofit corporations granted 354
under Chapter 1702. of the Revised Code that do not conflict 355
with this chapter; 356

(2) Develop, adopt, revise, implement, and repeal plans 357
for public improvements and public services for all or any part 358
of the district; 359

(3) Contract with any person, political subdivision as 360
defined in section 2744.01 of the Revised Code, or state agency 361
as defined in section 1.60 of the Revised Code to develop and 362
implement plans for public improvements or public services 363
within the district; 364

(4) Contract and pay for insurance for the district and 365
for directors, officers, agents, contractors, employees, or 366
members of the district for any consequences of the 367
implementation of any plan adopted by the district or any 368
actions of the district. 369

The board of directors of a special improvement district 370
may, acting as agent and on behalf of a participating political 371
subdivision, sell, transfer, lease, or convey any special energy 372
improvement project owned by the participating political 373

subdivision upon a determination by the legislative authority 374
thereof that the project is not required to be owned exclusively 375
by the participating political subdivision for its purposes, for 376
uses determined by the legislative authority thereof as those 377
that will promote the welfare of the people of such 378
participating political subdivision; to improve the quality of 379
life and the general and economic well-being of the people of 380
the participating political subdivision; better ensure the 381
public health, safety, and welfare; protect water and other 382
natural resources; provide for the conservation and preservation 383
of natural and open areas and farmlands, including by making 384
urban areas more desirable or suitable for development and 385
revitalization; control, prevent, minimize, clean up, or mediate 386
certain contamination of or pollution from lands in the state 387
and water contamination or pollution; or provide for safe and 388
natural areas and resources. The legislative authority of each 389
participating political subdivision shall specify the 390
consideration for such sale, transfer, lease, or conveyance and 391
any other terms thereof. Any determinations made by a 392
legislative authority of a participating political subdivision 393
under this division shall be conclusive. 394

Any sale, transfer, lease, or conveyance of a special 395
energy improvement project by a participating political 396
subdivision or the board of directors of the special improvement 397
district may be made without advertising, receipt of bids, or 398
other competitive bidding procedures applicable to the 399
participating political subdivision or the special improvement 400
district under Chapter 153. or 735. or section 1710.11 of the 401
Revised Code or other representative provisions of the Revised 402
Code. 403

Sec. 1710.06. (A) The board of directors of a special 404

improvement district may develop and adopt one or more written 405
plans for public improvements or public services that benefit 406
all or any part of the district. Each plan shall set forth the 407
specific public improvements or public services that are to be 408
provided, identify the area in which they will be provided, and 409
specify the method of assessment to be used. Each plan for 410
public improvements or public services shall indicate the period 411
of time the assessments are to be levied for the improvements 412
and services and, if public services are included in the plan, 413
the period of time the services are to remain in effect. Plans 414
for public improvements may include the planning, design, 415
construction, reconstruction, enlargement, or alteration of any 416
public improvements and the acquisition of land for the 417
improvements. Plans for public improvements or public services 418
may also include, but are not limited to, provisions for the 419
following: 420

(1) Creating and operating the district and the nonprofit 421
corporation under this chapter, including hiring employees and 422
professional services, contracting for insurance, and purchasing 423
or leasing office space and office equipment and other 424
requirements of the district; 425

(2) Planning, designing, and implementing a public 426
improvements or public services plan, including hiring 427
architectural, engineering, legal, appraisal, insurance, 428
consulting, energy auditing, and planning services, and, for 429
public services, managing, protecting, and maintaining public 430
and private facilities, including public improvements; 431

(3) Conducting court proceedings to carry out this 432
chapter; 433

(4) Paying damages resulting from the provision of public 434

improvements or public services and implementing the plans;	435
(5) Paying the costs of issuing, paying interest on, and	436
redeeming notes and bonds issued for funding public improvements	437
and public services plans;	438
(6) Sale, lease, lease with an option to purchase,	439
conveyance of other interests in, or other contracts for the	440
acquisition, construction, maintenance, repair, furnishing,	441
equipping, operation, or improvement of any special energy	442
improvement project by the special improvement district, between	443
a participating political subdivision and the special	444
improvement district, and between the special improvement	445
district and any owner of real property in the special	446
improvement district on which a special energy improvement	447
project has been acquired, installed, equipped, or improved; and	448
(7) Aggregating the renewable energy credits generated by	449
one or more special energy improvement projects within a special	450
improvement district, upon the consent of the owners of the	451
credits and for the purpose of negotiating and completing the	452
sale of such credits.	453
(B) <u>(1)</u> Once the board of directors of the special	454
improvement district adopts a plan, it shall submit the plan to	455
the legislative authority of each participating political	456
subdivision and the municipal executive of each municipal	457
corporation in which the district is located, if any. The	458
legislative authorities and municipal executives shall review	459
the plan and, within sixty days after receiving it, may submit	460
their comments and recommendations about it to the district.	461
After reviewing these comments and recommendations, the board of	462
directors may amend the plan. It may then submit the plan,	463
amended or otherwise, in the form of a petition to members of	464

the district whose property may be assessed for the plan. ~~Once~~ 465

(2) (a) Except as provided in division (B) (2) (b) of this 466
section, once the petition is signed by those members who own at 467
least sixty per cent of the front footage of property that is to 468
be assessed and that abuts upon a street, alley, public road, 469
place, boulevard, parkway, park entrance, easement, or other 470
public improvement, or those members who own at least seventy- 471
five per cent of the area to be assessed for the improvement or 472
service, the petition may be submitted to each legislative 473
authority for approval. If the special improvement district was 474
created for the purpose of developing and implementing plans for 475
special energy improvement projects, the petition required under 476
this division shall be signed by one hundred per cent of the 477
owners of the area of all real property located within the area 478
to be assessed for the special energy improvement project. 479

~~Each~~ (b) If a condominium property is included in the area 480
of the special improvement district for which the board of 481
directors of the special improvement district has adopted a 482
plan, the petition shall be signed by a member of the board of 483
directors of the unit owners association on behalf of all owners 484
of units in the condominium property if both of the following 485
apply: 486

(i) A vote is conducted according to the unit owners 487
association bylaws and declaration to determine whether the unit 488
owners association, on behalf of all unit owners, approves the 489
plan proposed by the board of directors of the special 490
improvement district. 491

(ii) The result of the vote is that the unit owners 492
association approves the plan proposed by the board of directors 493
of the special improvement district. 494

No unit owner shall sign the petition on the unit owner's own behalf. 495
496

(3) Each legislative authority shall, by resolution, 497
approve or reject the petition within sixty days after receiving 498
it. If the petition is approved by the legislative authority of 499
each participating political subdivision, the plan contained in 500
the petition shall be effective at the earliest date on which a 501
nonemergency resolution of the legislative authority with the 502
latest effective date may become effective. A plan may not be 503
resubmitted to the legislative authorities and municipal 504
executives more than three times in any twelve-month period. 505

(C) Each participating political subdivision shall levy, 506
by special assessment upon specially benefited property located 507
within the district, the costs of any public improvements or 508
public services plan contained in a petition approved by the 509
participating political subdivisions under this section or 510
division (F) of section 1710.02 of the Revised Code. The levy 511
shall be made in accordance with the procedures set forth in 512
Chapter 727. of the Revised Code, except that: 513

(1) The assessment for each improvements or services plan 514
may be levied by any one or any combination of the methods of 515
assessment listed in section 727.01 of the Revised Code, 516
provided that the assessment is uniformly applied. 517

(2) For the purpose of levying an assessment, the board of 518
directors may combine one or more improvements or services plans 519
or parts of plans and levy a single assessment against specially 520
benefited property. 521

(3) For purposes of special assessments levied by a 522
township pursuant to this chapter, references in Chapter 727. of 523

the Revised Code to the municipal corporation shall be deemed to 524
refer to the township, and references to the legislative 525
authority of the municipal corporation shall be deemed to refer 526
to the board of township trustees. 527

Church property or property owned by a political 528
subdivision, including any participating political subdivision 529
in which a special improvement district is located, shall be 530
included in and be subject to special assessments made pursuant 531
to a plan adopted under this section or division (F) of section 532
1710.02 of the Revised Code, if the church or political 533
subdivision has specifically requested in writing that its 534
property be included within the special improvement district and 535
the church or political subdivision is a member of the district 536
or, in the case of a district created by an existing qualified 537
nonprofit corporation, if the church is a member of the 538
corporation. 539

(D) All rights and privileges of property owners who are 540
assessed under Chapter 727. of the Revised Code shall be granted 541
to property owners assessed under this chapter, including those 542
rights and privileges specified in sections 727.15 to 727.17 and 543
727.18 to 727.22 of the Revised Code and the right to notice of 544
the resolution of necessity and the filing of the estimated 545
assessment under section 727.13 of the Revised Code. Property 546
owners assessed for public services under this chapter shall 547
have the same rights and privileges as property owners assessed 548
for public improvements under this chapter. 549

Sec. 1710.13. (A) This section does not apply to a special 550
improvement district created by an existing qualified nonprofit 551
corporation. 552

~~The~~ (B) (1) Except as provided in division (B) (2) of this 553

section, the process for dissolving a special improvement 554
district or repealing an improvements or services plan may be 555
initiated by a petition signed by members of the district who 556
own at least twenty per cent of the appraised value of the real 557
property located in the district, excluding church property or 558
real property owned by the federal government, the state, or a 559
county, township, or municipal corporation, unless the church, 560
county, township, or municipal corporation has specifically 561
requested in writing that the property be included in the 562
district, and filed with the municipal executive, if any, and 563
the legislative authorities of all the participating political 564
subdivisions of the district. As used in this section, 565
"appraised value" means the taxable value established by the 566
county auditor for purposes of real estate taxation. 567

(2) If a condominium property is included in the area of 568
the special improvement district, the petition shall be signed 569
by a member of the board of directors of the unit owners 570
association on behalf of all owners of units in the condominium 571
property if both of the following apply: 572

(a) A vote is conducted according to the unit owners 573
association bylaws and declaration to determine whether the unit 574
owners association, on behalf of all unit owners, is in favor of 575
dissolving the special improvement district or repealing an 576
improvements or services plan, as applicable. 577

(b) The result of the vote is that the unit owners 578
association is in favor of dissolving the special improvement 579
district or repealing an improvements or services plan, as 580
applicable. 581

No unit owner shall sign the petition on the unit owner's 582
own behalf. 583

(C) (1) No later than forty-five days after such a petition 584
is filed, the members of the district shall meet to consider it. 585
Notice of the meeting shall be given as provided in section 586
1710.05 of the Revised Code. ~~Upon~~ Except as provided in division 587
(C) (2) of this section, upon the affirmative vote of members who 588
collectively own more than fifty per cent of the appraised value 589
of the real property in the district that may be subject to 590
assessment under division (C) of section 1710.06 of the Revised 591
Code, the district shall be dissolved, or the plan shall be 592
repealed, as applicable. 593

(2) The member of the board of directors who signed the 594
petition described in division (B) (2) of this section shall 595
represent the unit owners association at the meeting. That 596
member shall vote in accordance with the results of the vote 597
held in accordance with that division. 598

(D) No rights or obligations of any person under any 599
contract, or in relation to any bonds, notes, or assessments 600
made under this chapter, shall be affected by the dissolution of 601
the district or the repeal of a plan, except with the consent of 602
that person or by order of a court with jurisdiction over the 603
matter. Upon dissolution of a district, any assets or rights of 604
the district, after payment of all bonds, notes, or other 605
obligations of the district, shall be deposited in a special 606
account in the treasury of each participating political 607
subdivision, prorated among all participating political 608
subdivisions to reflect the percentage of the district's 609
territory within that political subdivision, to be used for the 610
benefit of the territory that made up the district. 611

(E) Once the members have approved the repeal of a plan, 612
all bonds, notes, and other obligations of the district 613

associated with the plan shall be paid. Thereafter, the plan 614
shall be repealed. Upon receipt of proof that all bonds, notes, 615
and other obligations have been paid and that the plan has been 616
repealed, the participating political subdivisions shall 617
terminate any levies imposed to pay for costs of the plan. 618

Sec. 1710.20. (A) A property owner or owners may petition 619
the legislative authority of any municipal corporation or 620
township in which their property is located for authorization to 621
develop and implement one or more special energy improvement 622
projects to which all of the following apply: 623

(1) The project or projects consist only of energy 624
efficiency improvements. 625

(2) The projected cost of each project does not exceed one 626
million dollars. 627

(3) None of the projects involve the generation of 628
electricity. 629

(B) The property owner or owners shall petition the 630
municipal corporation or township in accordance with sections 631
1710.20 to 1710.28 of the Revised Code. 632

(C) For purposes of this section, property is located in a 633
municipal corporation or township if the property is located 634
wholly within the boundaries of the municipal corporation or 635
township. 636

Sec. 1710.21. (A) In order to develop and implement one or 637
more special energy improvement projects under sections 1710.20 638
to 1710.28 of the Revised Code, the person or persons proposing 639
the development and implementation shall submit to the municipal 640
corporation or township a petition for the development and 641
implementation of the project or projects signed by one hundred 642

per cent of the property owners of the parcels to be assessed. 643

(B) For purposes of compliance with division (A) of this 644
section, the person or persons proposing the development and 645
implementation shall show the ownership of each parcel of 646
property to be assessed by reference to records that were 647
available from each county recorder's office not more than sixty 648
days prior to the submission of the petition. 649

Sec. 1710.22. (A) The person or persons proposing the 650
development and implementation of one or more special energy 651
improvement projects under sections 1710.20 to 1710.28 of the 652
Revised Code shall ensure that the petition required under 653
section 1710.21 of the Revised Code includes all of the 654
following: 655

(1) A description of the proposed special energy 656
improvement project or projects, including the cost of the 657
proposed project or projects and a statement of which property 658
or properties each project will benefit; 659

(2) A designation of at least one special energy 660
improvement project for each parcel of real property; 661

(3) The method of assessment to be used and the time 662
period during which the assessment will be levied; 663

(4) A statement that the development and implementation of 664
the special energy improvement project or projects is being 665
requested under sections 1710.20 to 1710.28 of the Revised Code; 666

(5) If any special energy improvement project or projects 667
will be located in a certified territory of an electric 668
distribution utility, proof that a copy of the complete 669
petition, except for the proof required under this division, was 670
submitted to that electric distribution utility. 671

(B) The person or persons proposing the development and 672
implementation of one or more special energy improvement 673
projects under sections 1710.20 to 1710.28 of the Revised Code 674
may include in the petition submitted under section 1710.21 of 675
the Revised Code provisions for the following: 676

(1) Planning, designing, and implementing the project or 677
projects, and paying the cost of any action taken in furtherance 678
of the project or projects, including hiring architectural, 679
engineering, legal, financial, appraisal, insurance, consulting, 680
energy auditing, and planning services; 681

(2) Paying the costs of issuing, paying interest on, and 682
redeeming or refunding notes and bonds issued for the purpose of 683
paying costs of the project or projects, reimbursing costs of 684
the project or projects that were previously incurred, and 685
cooperating with any person, any public or private lender, or 686
any port authority having jurisdiction over the parcels upon 687
which the project or projects are proposed to be developed and 688
implemented to provide financing to pay or reimburse the costs 689
of the project or projects; 690

(3) Sale, lease, lease with an option to purchase, 691
conveyance of other interests in, or other contracts for the 692
acquisition, construction, maintenance, repair, furnishing, 693
equipping, operation, or improvement of the project or projects 694
between a municipal corporation or township and any owner of 695
real property on which one of the projects is acquired, 696
installed, equipped, or improved; 697

(4) Any other actions necessary to develop and implement 698
the project or projects. 699

Sec. 1710.24. (A) A municipal corporation or township with 700

which a petition is filed under section 1710.21 of the Revised 701
Code may, by legislation, approve or disapprove the petition not 702
later than sixty days after the date that the petition is filed. 703

This division does not prohibit or restrict the rights of 704
municipal corporations under Article XVIII of the Ohio 705
Constitution or the right of the municipal legislative authority 706
to impose reasonable conditions in approval legislation. The 707
acquisition, installation, equipping, and improvement of one or 708
more special energy improvement projects under sections 1710.20 709
to 1710.28 of the Revised Code does not supersede any of the 710
following: 711

(1) Any local zoning, environmental, or similar law or 712
regulation; 713

(2) Sections 4933.81 to 4933.90 of the Revised Code 714
governing the certified territories of electric suppliers; 715

(3) Any state or federal law relating to the provision of 716
electric service or the regulation of electric light companies 717
that operate their utilities not for profit or public utilities. 718
As used in this division, "electric light company" has the same 719
meaning as in section 4905.03 of the Revised Code and "public 720
utility" has the same meaning as in section 4905.02 of the 721
Revised Code. 722

(B) If the municipal corporation or township approves the 723
petition, the municipal corporation or township shall levy a 724
special assessment on all real property subject to the petition 725
to pay for the costs of the development and implementation of 726
the special energy improvement project or projects. The 727
municipal corporation or township shall levy the special 728
assessment for not more than thirty years from the first day of 729

the year in which the special assessment is first imposed. 730

(C) For purposes of levying a special assessment under 731
this section, the special energy improvement project or projects 732
included in the petition are deemed a special benefit to any 733
private property owners subject to the petition. The use of 734
special assessments levied to benefit such property owners does 735
not constitute expenditures made with public funds. The 736
municipal corporation or township shall levy the special 737
assessment in accordance with Chapter 727. of the Revised Code 738
except that: 739

(1) The municipal corporation or township may levy the 740
assessment for each project by any one or any combination of the 741
methods of assessment listed in section 727.01 of the Revised 742
Code, provided that the assessment is uniformly applied; 743

(2) For purposes of levying an assessment, the municipal 744
corporation or township may combine one or more special energy 745
improvement projects and levy a single assessment against 746
specially benefited property; 747

(3) For purposes of special assessments levied by a 748
township under this section, references in Chapter 727. of the 749
Revised Code to the municipal corporation are deemed to refer to 750
the township, and references to the legislative authority of the 751
municipal corporation are deemed to refer to the board of 752
township trustees. 753

(D) All applicable rights and privileges of a property 754
owner that is assessed under Chapter 727. of the Revised Code 755
are granted to a property owner assessed under this section, 756
including those rights and privileges specified in sections 757
727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and 758

the right to notice of the resolution of necessity and the 759
filing of the estimated assessment under section 727.13 of the 760
Revised Code, unless waived by the property owner. 761

Sec. 1710.241. A petition submitted under section 1710.21 762
of the Revised Code, and any actions taken by the municipal 763
corporation or township under the petition and the legislation 764
approving the petition, are in furtherance of the purposes set 765
forth in Section 2o or 2q of Article VIII, Ohio Constitution, if 766
approved by the municipal corporation or township with which the 767
petition is filed. 768

Sec. 1710.26. Any municipal corporation or township 769
levying a special assessment under section 1710.24 of the 770
Revised Code may develop, finance, manage, or implement part or 771
all of any special energy improvement project approved under 772
that section and may contract with any person, community 773
improvement corporation, political subdivision as defined in 774
division (F) of section 2744.01 of the Revised Code, state 775
agency as defined in section 1.60 of the Revised Code, or port 776
authority to develop, finance, manage, or implement part or all 777
of any special energy improvement project approved under section 778
1710.24 of the Revised Code. 779

Sec. 1710.28. (A) A municipal corporation or township 780
levying a special assessment under section 1710.24 of the 781
Revised Code may sell, transfer, lease, or convey any special 782
energy improvement project owned by the municipal corporation or 783
township upon a determination by the legislative authority of 784
the municipal corporation or township that the project is not 785
required to be owned exclusively by the municipal corporation or 786
township for its purposes or for any of the following purposes: 787

(1) Uses determined by the legislative authority of the 788

<u>municipal corporation or township as those that will promote the</u>	789
<u>welfare of the people of the municipal corporation or township;</u>	790
<u>(2) To improve the quality of life and the general and</u>	791
<u>economic well being of the people of the municipal corporation</u>	792
<u>or township;</u>	793
<u>(3) To better ensure the public health, safety, and</u>	794
<u>welfare;</u>	795
<u>(4) To protect water and other natural resources;</u>	796
<u>(5) To provide for the conservation and preservation of</u>	797
<u>natural and open areas and farmlands, including by making urban</u>	798
<u>areas more desirable or suitable for development and</u>	799
<u>revitalization;</u>	800
<u>(6) To control, prevent, minimize, clean up, or mediate</u>	801
<u>certain contamination of or pollution from lands in the state</u>	802
<u>and water contamination or pollution; or</u>	803
<u>(7) To provide for safe and natural areas and resources.</u>	804
<u>(B) The legislative authority of a municipal corporation</u>	805
<u>or township that has determined to sell, transfer, lease, or</u>	806
<u>convey a project under this section shall specify the</u>	807
<u>consideration and any other terms for the sale, transfer, lease,</u>	808
<u>or conveyance.</u>	809
<u>(C) Any determinations made by a legislative authority of</u>	810
<u>a municipal corporation or township under division (A) or (B) of</u>	811
<u>this section are conclusive.</u>	812
<u>(D) A sale, transfer, lease, or conveyance made under this</u>	813
<u>section may be made without advertising, receipt of bids, or</u>	814
<u>other competitive bidding procedures under Chapter 153. or 735.</u>	815
<u>or section 1710.11 of the Revised Code or other representative</u>	816

provisions of the Revised Code applicable to a municipal 817
corporation or township levying assessments under section 818
1710.24 of the Revised Code. 819

Sec. 4582.06. (A) A port authority created in accordance 820
with section 4582.02 of the Revised Code may: 821

(1) Acquire, construct, furnish, equip, maintain, repair, 822
sell, exchange, lease to or from, lease with an option to 823
purchase, convey other interests in, or operate real or personal 824
property, or any combination thereof, related to, useful for, or 825
in furtherance of any authorized purpose, and make charges for 826
the use of any port authority facility, which shall be not less 827
than the charges established for the same services furnished by 828
a public utility or common carrier in the jurisdiction of the 829
particular port authority; 830

(2) Straigten, deepen, and improve any canal, channel, 831
river, stream, or other water course or way that may be 832
necessary or proper in the development of the facilities of the 833
port authority; 834

(3) Issue bonds or notes for the acquisition, 835
construction, furnishing, or equipping of any real or personal 836
property, or any combination thereof, related to, useful for, or 837
in furtherance of any authorized purpose, in compliance with 838
Chapter 133. of the Revised Code, except that the bonds or notes 839
only may be issued pursuant to a vote of the electors residing 840
within the territory of the port authority. The net indebtedness 841
incurred by a port authority shall never exceed two per cent of 842
the total value of all property within the territory comprising 843
the authority as listed and assessed for taxation. 844

(4) By resolution of its board of directors, issue revenue 845

bonds beyond the limit of bonded indebtedness provided by law, 846
for the acquisition, construction, furnishing, or equipping of 847
any real or personal property, or any combination thereof, 848
related to, useful for, or in furtherance of any authorized 849
purpose, including all costs in connection with or incidental 850
thereto. 851

The revenue bonds of the port authority shall be secured 852
only by a pledge of and a lien on the revenues of the port 853
authority derived from those loan payments, rentals, fees, 854
charges, or other revenues that are designated in the 855
resolution, including, but not limited to, any property to be 856
acquired, constructed, furnished, or equipped with the proceeds 857
of the bond issue, after provision only for the reasonable cost 858
of operating, maintaining, and repairing the property of the 859
port authority so designated. The bonds may further be secured 860
by the covenant of the port authority to maintain rates or 861
charges that will produce revenues sufficient to meet the costs 862
of operating, maintaining, and repairing such property and to 863
meet the interest and principal requirements of the bonds and to 864
establish and maintain reserves for the foregoing purposes. The 865
board of directors, by resolution, may provide for the issuance 866
of additional revenue bonds from time to time, to be secured 867
equally and ratably, without preference, priority, or 868
distinction, with outstanding revenue bonds, but subject to the 869
terms and limitations of any trust agreement described in this 870
section, and of any resolution authorizing bonds then 871
outstanding. The board of directors, by resolution, may 872
designate additional property of the port authority, the 873
revenues of which shall be pledged and be subject to a lien for 874
the payment of the debt charges on revenue bonds theretofore 875
authorized by resolution of the board of directors, to the same 876

extent as the revenues above described. 877

In the discretion of the board of directors, the revenue 878
bonds of the port authority may be secured by a trust agreement 879
between the board of directors on behalf of the port authority 880
and a corporate trustee, that may be any trust company or bank 881
having powers of a trust company, within or without the state. 882

The trust agreement may provide for the pledge or 883
assignment of the revenues to be received, but shall not pledge 884
the general credit and taxing power of the port authority. A 885
trust agreement securing revenue bonds issued to acquire, 886
construct, furnish, or equip real property, plants, factories, 887
offices, and other structures and facilities for authorized 888
purposes consistent with Section 13 or 16 of Article VIII, Ohio 889
Constitution, may mortgage the real or personal property, or a 890
combination thereof, to be acquired, constructed, furnished, or 891
equipped from the proceeds of such revenue bonds, as further 892
security for the bonds. The trust agreement or the resolution 893
providing for the issuance of revenue bonds may set forth the 894
rights and remedies of the bondholders and trustee, and may 895
contain other provisions for protecting and enforcing their 896
rights and remedies that are determined in the discretion of the 897
board of directors to be reasonable and proper. The agreement or 898
resolution may provide for the custody, investment, and 899
disbursement of all moneys derived from the sale of such bonds, 900
or from the revenues of the port authority, other than those 901
moneys received from taxes levied pursuant to section 4582.14 of 902
the Revised Code, and may provide for the deposit of such funds 903
without regard to section 4582.15 of the Revised Code. 904

All bonds issued under authority of this chapter, 905
regardless of form or terms and regardless of any other law to 906

the contrary, shall have all qualities and incidents of 907
negotiable instruments, subject to provisions for registration, 908
and may be issued in coupon, fully registered, or other form, or 909
any combination thereof, as the board of directors determines. 910
Provision may be made for the registration of any coupon bonds 911
as to principal alone or as to both principal and interest, and 912
for the conversion into coupon bonds of any fully registered 913
bonds or bonds registered as to both principal and interest. 914

The revenue bonds shall bear interest at such rate or 915
rates, shall bear such date or dates, and shall mature within 916
forty-five years following the date of issuance and in such 917
amount, at such time or times, and in such number of 918
installments, as may be provided in or pursuant to the 919
resolution authorizing their issuance. The final maturity of any 920
original issue of revenue bonds shall not be later than forty- 921
five years from their date of issue. Such resolution also shall 922
provide for the execution of the bonds, which may be by 923
facsimile signatures unless prohibited by the resolution, and 924
the manner of sale of the bonds. The resolution shall provide 925
for, or provide for the determination of, any other terms and 926
conditions relative to the issuance, sale, and retirement of the 927
bonds that the board of directors in its discretion determines 928
to be reasonable and proper. 929

Whenever a port authority considers it expedient, it may 930
issue renewal notes and refund any bonds, whether the bonds to 931
be refunded have or have not matured. The final maturity of any 932
notes, including any renewal notes, shall not be later than five 933
years from the date of issue of the original issue of notes. The 934
final maturity of any refunding bonds shall not be later than 935
the later of forty-five years from the date of issue of the 936
original issue of bonds. The refunding bonds shall be sold and 937

the proceeds applied to the purchase, redemption, or payment of 938
the bonds to be refunded and the costs of issuance of the 939
refunding bonds. The bonds and notes issued under this chapter, 940
their transfer, and the income therefrom, shall at all times be 941
free from taxation within the state. 942

(5) Do any of the following, in regard to any interests in 943
any real or personal property, or any combination thereof, 944
including, without limitation, machinery, equipment, plants, 945
factories, offices, and other structures and facilities related 946
to, useful for, or in furtherance of any authorized purpose, for 947
such consideration and in such manner, consistent with Article 948
VIII, Ohio Constitution, as the board in its sole discretion may 949
determine: 950

(a) Loan moneys to any person or governmental entity for 951
the acquisition, construction, furnishing, and equipping of the 952
property; 953

(b) Acquire, construct, maintain, repair, furnish, and 954
equip the property; 955

(c) Sell to, exchange with, lease, convey other interests 956
in, or lease with an option to purchase the same or any lesser 957
interest in the property to the same or any other person or 958
governmental entity; 959

(d) Guarantee the obligations of any person or 960
governmental entity. 961

A port authority may accept and hold as consideration for 962
the conveyance of property or any interest therein such property 963
or interests therein as the board in its discretion may 964
determine, notwithstanding any restrictions that apply to the 965
investment of funds by a port authority. 966

(6) Construct, maintain, repair, furnish, equip, sell, 967
exchange, lease, or lease with an option to purchase, any 968
property that it is authorized to acquire. A port authority that 969
is subject to this section also may operate any property in 970
connection with transportation, recreational, governmental 971
operations, or cultural activities. 972

(a) Any purchase, exchange, sale, lease, lease with an 973
option to purchase, conveyance of other interests in, or other 974
contract with a person or governmental entity that pertains to 975
the acquisition, construction, maintenance, repair, furnishing, 976
equipping, or operation of any real or personal property, or any 977
combination thereof, related to, useful for, or in furtherance 978
of an activity contemplated by Section 13 or 16 of Article VIII, 979
Ohio Constitution, shall be made in such manner and subject to 980
such terms and conditions as may be determined by the board of 981
directors in its discretion. 982

(b) Division (A) (6) (a) of this section applies to all 983
contracts that are subject to the division, notwithstanding any 984
other provision of law that might otherwise apply, including, 985
without limitation, any requirement of notice, any requirement 986
of competitive bidding or selection, or any requirement for the 987
provision of security. 988

(c) Divisions (A) (6) (a) and (b) of this section do not 989
apply to either of the following: 990

(i) Any contract secured by or to be paid from moneys 991
raised by taxation or the proceeds of obligations secured by a 992
pledge of moneys raised by taxation; 993

(ii) Any contract secured exclusively by or to be paid 994
exclusively from the general revenues of the port authority. For 995

the purposes of this section, any revenues derived by the port 996
authority under a lease or other agreement that, by its terms, 997
contemplates the use of amounts payable under the agreement 998
either to pay the costs of the improvement that is the subject 999
of the contract or to secure obligations of the port authority 1000
issued to finance costs of such improvement, are excluded from 1001
general revenues. 1002

(7) Apply to the proper authorities of the United States 1003
pursuant to appropriate law for the right to establish, operate, 1004
and maintain foreign trade zones and to establish, operate, and 1005
maintain foreign trade zones; and to acquire land or property 1006
therefor, in a manner consistent with section 4582.17 of the 1007
Revised Code; 1008

(8) Exercise the right of eminent domain to appropriate 1009
any land, rights, rights-of-way, franchises, easements, or other 1010
property, necessary or proper for any authorized purpose, 1011
pursuant to the procedure provided in sections 163.01 to 163.22 1012
of the Revised Code, if funds equal to the appraised value of 1013
the property to be acquired as a result of such proceedings are 1014
available for that purpose, except that nothing contained in 1015
sections 4582.01 to 4582.20 of the Revised Code shall authorize 1016
a port authority to take or disturb property or facilities 1017
belonging to any agency or political subdivision of this state, 1018
public utility, or common carrier, which property or facilities 1019
are necessary and convenient in the operation of the agency or 1020
political subdivision, public utility, or common carrier, unless 1021
provision is made for the restoration, relocation, or 1022
duplication of the property or facilities, or upon the election 1023
of the agency or political subdivision, public utility, or 1024
common carrier, for the payment of compensation, if any, at the 1025
sole cost of the port authority, provided that: 1026

(a) If any restoration or duplication proposed to be made 1027
pursuant to this section involves a relocation of such property 1028
or facilities, the new facilities and location shall be of at 1029
least comparable utilitarian value and effectiveness, and the 1030
relocation shall not impair the ability of the public utility or 1031
common carrier to compete in its original area of operation. 1032

(b) If any restoration or duplication made pursuant to 1033
this section involves a relocation of such property or 1034
facilities, the port authority shall acquire no interest or 1035
right in or to the appropriated property or facilities, except 1036
as provided in division (A)(11) of this section, until the 1037
relocated property or facilities are available for use and until 1038
marketable title thereto has been transferred to the public 1039
utility or common carrier. 1040

(c) Provisions for restoration or duplication shall be 1041
described in detail in the resolution for appropriation passed 1042
by the port authority. 1043

(9) Enjoy and possess the same rights, privileges, and 1044
powers granted municipal corporations under sections 721.04 to 1045
721.11 of the Revised Code; 1046

(10) Maintain such funds as it considers necessary; 1047

(11) Direct its agents or employees, when properly 1048
identified in writing, and after at least five days' written 1049
notice, to enter upon lands within the confines of its 1050
jurisdiction in order to make surveys and examinations 1051
preliminary to location and construction of works for the 1052
purposes of the port authority, without liability of the port 1053
authority or its agents or employees except for actual damage 1054
done; 1055

(12) Sell, lease, or convey other interests in real and personal property and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms thereof for the sale, lease, or conveyance of other interests in real and personal property. Any determinations made by the board of directors under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

(13) Promote, advertise, and publicize the port authority facilities and its authorized purposes, provide information to persons with an interest in transportation and other port authority activities, and appear before rate-making authorities to represent and promote the interests of the port authority and its authorized purposes;

(14) Adopt rules, not in conflict with general law, governing the use of and the safeguarding of its property, grounds, buildings, equipment, and facilities, safeguarding persons and their property located on or in port authority property, and governing the conduct of its employees and the public, in order to promote the public safety and convenience in and about its terminals and grounds, and to maintain order. Any such regulation shall be posted at no less than five public places in the port authority, as determined by the board of directors, for a period of not fewer than fifteen days, and shall be available for public inspection at the principal office of the port authority during regular business hours. No person shall violate any lawful regulation adopted and posted as provided in this division.

(15) Establish and administer one or more payment card

programs for purposes of paying expenses related to port 1086
authority business. Any obligation incurred as a result of the 1087
use of such a payment card shall be paid from port authority 1088
funds. 1089

(16) Do all acts necessary or appropriate to carry out its 1090
authorized purposes. The port authority shall have the powers 1091
and rights granted to other subdivisions under section 9.20 of 1092
the Revised Code. 1093

(17) (a) Cooperate with a person or persons petitioning for 1094
the development and implementation of one or more special energy 1095
improvement projects under sections 1710.20 to 1710.28 of the 1096
Revised Code, if the port authority has jurisdiction over the 1097
parcels upon which the project or projects are proposed to be 1098
developed and implemented, to provide financing to pay or 1099
reimburse the costs of the project or projects; 1100

(b) Contract with a municipal corporation or township in 1101
accordance with section 1710.26 of the Revised Code to develop, 1102
finance, manage, or implement part or all of a special energy 1103
improvement project, if the port authority has jurisdiction over 1104
the parcel or parcels upon which the project is proposed to be 1105
developed and implemented. 1106

(c) The powers granted in divisions (A) (17) (a) and (b) of 1107
this section may be exercised jointly or separately by one or 1108
more port authorities, are in addition to the powers granted to 1109
port authorities under Chapter 4582. of the Revised Code, and 1110
shall not be construed as limitations on any of the powers 1111
granted to port authorities under Chapter 4582. of the Revised 1112
Code. 1113

(B) Any instrument by which real property is acquired 1114

pursuant to this section shall identify the agency of the state 1115
that has the use and benefit of the real property as specified 1116
in section 5301.012 of the Revised Code. 1117

(C) Whoever violates division (A)(14) of this section is 1118
guilty of a minor misdemeanor. 1119

Sec. 4582.31. (A) A port authority created in accordance 1120
with section 4582.22 of the Revised Code may: 1121

(1) Adopt bylaws for the regulation of its affairs and the 1122
conduct of its business; 1123

(2) Adopt an official seal; 1124

(3) Maintain a principal office within its jurisdiction, 1125
and maintain such branch offices as it may require; 1126

(4) Acquire, construct, furnish, equip, maintain, repair, 1127
sell, exchange, lease to or from, or lease with an option to 1128
purchase, convey other interests in real or personal property, 1129
or any combination thereof, related to, useful for, or in 1130
furtherance of any authorized purpose and operate any property 1131
in connection with transportation, recreational, governmental 1132
operations, or cultural activities; 1133

(5) Straighten, deepen, and improve any channel, river, 1134
stream, or other water course or way which may be necessary or 1135
proper in the development of the facilities of a port authority; 1136

(6) Make available the use or services of any port 1137
authority facility to one or more persons, one or more 1138
governmental agencies, or any combination thereof; 1139

(7) Issue bonds or notes for the acquisition, 1140
construction, furnishing, or equipping of any port authority 1141
facility or other permanent improvement that a port authority is 1142

authorized to acquire, construct, furnish, or equip, in 1143
compliance with Chapter 133. of the Revised Code, except that 1144
such bonds or notes may only be issued pursuant to a vote of the 1145
electors residing within the area of jurisdiction of the port 1146
authority. The net indebtedness incurred by a port authority 1147
shall never exceed two per cent of the total value of all 1148
property within the territory comprising the port authority as 1149
listed and assessed for taxation. 1150

(8) Issue port authority revenue bonds beyond the limit of 1151
bonded indebtedness provided by law, payable solely from 1152
revenues as provided in section 4582.48 of the Revised Code, for 1153
the purpose of providing funds to pay the costs of any port 1154
authority facility or facilities or parts thereof; 1155

(9) Apply to the proper authorities of the United States 1156
pursuant to appropriate law for the right to establish, operate, 1157
and maintain foreign trade zones and establish, operate, and 1158
maintain foreign trade zones and to acquire, exchange, sell, 1159
lease to or from, lease with an option to purchase, or operate 1160
facilities, land, or property therefor in accordance with the 1161
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 1162
81u; 1163

(10) Enjoy and possess the same rights, privileges, and 1164
powers granted municipal corporations under sections 721.04 to 1165
721.11 of the Revised Code; 1166

(11) Maintain such funds as it considers necessary; 1167

(12) Direct its agents or employees, when properly 1168
identified in writing, and after at least five days' written 1169
notice, to enter upon lands within the confines of its 1170
jurisdiction in order to make surveys and examinations 1171

preliminary to location and construction of works for the 1172
purposes of the port authority, without liability of the port 1173
authority or its agents or employees except for actual damage 1174
done; 1175

(13) Promote, advertise, and publicize the port authority 1176
and its facilities; provide information to shippers and other 1177
commercial interests; and appear before rate-making authorities 1178
to represent and promote the interests of the port authority; 1179

(14) Adopt rules, not in conflict with general law, it 1180
finds necessary or incidental to the performance of its duties 1181
and the execution of its powers under sections 4582.21 to 1182
4582.54 of the Revised Code. Any such rule shall be posted at no 1183
less than five public places in the port authority, as 1184
determined by the board of directors, for a period of not fewer 1185
than fifteen days, and shall be available for public inspection 1186
at the principal office of the port authority during regular 1187
business hours. No person shall violate any lawful rule adopted 1188
and posted as provided in this division. 1189

(15) Do any of the following, in regard to any interests 1190
in any real or personal property, or any combination thereof, 1191
including, without limitation, machinery, equipment, plants, 1192
factories, offices, and other structures and facilities related 1193
to, useful for, or in furtherance of any authorized purpose, for 1194
such consideration and in such manner, consistent with Article 1195
VIII of the Ohio Constitution, as the board in its sole 1196
discretion may determine: 1197

(a) Loan moneys to any person or governmental entity for 1198
the acquisition, construction, furnishing, and equipping of the 1199
property; 1200

(b) Acquire, construct, maintain, repair, furnish, and	1201
equip the property;	1202
(c) Sell to, exchange with, lease, convey other interests	1203
in, or lease with an option to purchase the same or any lesser	1204
interest in the property to the same or any other person or	1205
governmental entity;	1206
(d) Guarantee the obligations of any person or	1207
governmental entity.	1208
A port authority may accept and hold as consideration for	1209
the conveyance of property or any interest therein such property	1210
or interests therein as the board in its discretion may	1211
determine, notwithstanding any restrictions that apply to the	1212
investment of funds by a port authority.	1213
(16) Sell, lease, or convey other interests in real and	1214
personal property, and grant easements or rights-of-way over	1215
property of the port authority. The board of directors shall	1216
specify the consideration and any terms for the sale, lease, or	1217
conveyance of other interests in real and personal property. Any	1218
determination made by the board under this division shall be	1219
conclusive. The sale, lease, or conveyance may be made without	1220
advertising and the receipt of bids.	1221
(17) Exercise the right of eminent domain to appropriate	1222
any land, rights, rights-of-way, franchises, easements, or other	1223
property, necessary or proper for any authorized purpose,	1224
pursuant to the procedure provided in sections 163.01 to 163.22	1225
of the Revised Code, if funds equal to the appraised value of	1226
the property to be acquired as a result of such proceedings are	1227
available for that purpose. However, nothing contained in	1228
sections 4582.201 to 4582.59 of the Revised Code shall authorize	1229

a port authority to take or disturb property or facilities 1230
belonging to any agency or political subdivision of this state, 1231
public utility, cable operator, or common carrier, which 1232
property or facilities are necessary and convenient in the 1233
operation of the agency or political subdivision, public 1234
utility, cable operator, or common carrier, unless provision is 1235
made for the restoration, relocation, or duplication of such 1236
property or facilities, or upon the election of the agency or 1237
political subdivision, public utility, cable operator, or common 1238
carrier, for the payment of compensation, if any, at the sole 1239
cost of the port authority, provided that: 1240

(a) If any restoration or duplication proposed to be made 1241
under this section involves a relocation of the property or 1242
facilities, the new facilities and location shall be of at least 1243
comparable utilitarian value and effectiveness and shall not 1244
impair the ability of the public utility, cable operator, or 1245
common carrier to compete in its original area of operation; 1246

(b) If any restoration or duplication made under this 1247
section involves a relocation of the property or facilities, the 1248
port authority shall acquire no interest or right in or to the 1249
appropriated property or facilities, except as provided in 1250
division (A)(15) of this section, until the relocated property 1251
or facilities are available for use and until marketable title 1252
thereto has been transferred to the public utility, cable 1253
operator, or common carrier. 1254

As used in division (A)(17) of this section, "cable 1255
operator" has the same meaning as in the "Cable Communications 1256
Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 1257
U.S.C. 522, as amended by the "Telecommunications Act of 1996," 1258
Pub. L. No. 104-104, 110 Stat. 56. 1259

(18) (a) Make and enter into all contracts and agreements 1260
and execute all instruments necessary or incidental to the 1261
performance of its duties and the execution of its powers under 1262
sections 4582.21 to 4582.59 of the Revised Code. 1263

(b) (i) Except as provided in division (A) (18) (c) of this 1264
section or except when the port authority elects to construct a 1265
building, structure, or other improvement pursuant to a contract 1266
made with a construction manager at risk under sections 9.33 to 1267
9.335 of the Revised Code or with a design-build firm under 1268
section 153.65 to 153.73 of the Revised Code, when the cost of a 1269
contract for the construction of any building, structure, or 1270
other improvement undertaken by a port authority involves an 1271
expenditure exceeding the higher of one hundred thousand dollars 1272
or the amount as adjusted under division (A) (18) (b) (ii) of this 1273
section, and the port authority is the contracting entity, the 1274
port authority shall make a written contract after notice 1275
calling for bids for the award of the contract has been given by 1276
publication twice, with at least seven days between 1277
publications, in a newspaper of general circulation in the area 1278
of the port authority or as provided in section 7.16 of the 1279
Revised Code. Each such contract shall be let to the lowest 1280
responsive and responsible bidder in accordance with section 1281
9.312 of the Revised Code. Every contract shall be accompanied 1282
by or shall refer to plans and specifications for the work to be 1283
done, prepared for and approved by the port authority, signed by 1284
an authorized officer of the port authority and by the 1285
contractor, and shall be executed in triplicate. 1286

Each bid shall be awarded in accordance with sections 1287
153.54, 153.57, and 153.571 of the Revised Code. The port 1288
authority may reject any and all bids. 1289

(ii) On January 1, 2012, and the first day of January of every even-numbered year thereafter, the director of commerce shall adjust the threshold level for contracts subject to the bidding requirements contained in division (A) (18) (b) (i) of this section. The director shall adjust this amount according to the average increase for each of the two years immediately preceding the adjustment as set forth in the producer price index for material and supply inputs for new nonresidential construction as determined by the bureau of labor statistics of the United States department of labor or, if that index no longer is published, a generally available comparable index. If there is no resulting increase, the threshold shall remain the same until the next scheduled adjustment on the first day of January of the next even-numbered year.

(c) The board of directors by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

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

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

(iii) The contract is for any energy conservation measure	1320
as defined in section 307.041 of the Revised Code.	1321
(iv) With respect to material to be incorporated into the	1322
improvement, only a single source or supplier exists for the	1323
material.	1324
(v) A single bid is received by the port authority after	1325
complying with the provisions of division (A) (18) (b) of this	1326
section.	1327
(d) (i) If a contract is to be negotiated and awarded	1328
without competitive bidding for the reason set forth in division	1329
(A) (18) (c) (ii) of this section, the port authority shall publish	1330
a notice calling for technical proposals twice, with at least	1331
seven days between publications, in a newspaper of general	1332
circulation in the area of the port authority or as provided in	1333
section 7.16 of the Revised Code. After receipt of the technical	1334
proposals, the port authority may negotiate with and award a	1335
contract for the improvement to the proposer making the proposal	1336
considered to be the most advantageous to the port authority.	1337
(ii) If a contract is to be negotiated and awarded without	1338
competitive bidding for the reason set forth in division (A) (18)	1339
(c) (iv) of this section, any construction activities related to	1340
the incorporation of the material into the improvement also may	1341
be provided without competitive bidding by the source or	1342
supplier of that material.	1343
(e) (i) Any purchase, exchange, sale, lease, lease with an	1344
option to purchase, conveyance of other interests in, or other	1345
contract with a person or governmental entity that pertains to	1346
the acquisition, construction, maintenance, repair, furnishing,	1347
equipping, or operation of any real or personal property, or any	1348

combination thereof, related to, useful for, or in furtherance 1349
of an activity contemplated by Section 13 or 16 of Article VIII, 1350
Ohio Constitution, shall be made in such manner and subject to 1351
such terms and conditions as may be determined by the board of 1352
directors in its discretion. 1353

(ii) Division (A) (18) (e) (i) of this section applies to all 1354
contracts that are subject to the division, notwithstanding any 1355
other provision of law that might otherwise apply, including, 1356
without limitation, any requirement of notice, any requirement 1357
of competitive bidding or selection, or any requirement for the 1358
provision of security. 1359

(iii) Divisions (A) (18) (e) (i) and (ii) of this section do 1360
not apply to either of the following: any contract secured by or 1361
to be paid from moneys raised by taxation or the proceeds of 1362
obligations secured by a pledge of moneys raised by taxation; or 1363
any contract secured exclusively by or to be paid exclusively 1364
from the general revenues of the port authority. For the 1365
purposes of this section, any revenues derived by the port 1366
authority under a lease or other agreement that, by its terms, 1367
contemplates the use of amounts payable under the agreement 1368
either to pay the costs of the improvement that is the subject 1369
of the contract or to secure obligations of the port authority 1370
issued to finance costs of such improvement, are excluded from 1371
general revenues. 1372

(19) Employ managers, superintendents, and other employees 1373
and retain or contract with consulting engineers, financial 1374
consultants, accounting experts, architects, attorneys, and any 1375
other consultants and independent contractors as are necessary 1376
in its judgment to carry out this chapter, and fix the 1377
compensation thereof. All expenses thereof shall be payable from 1378

any available funds of the port authority or from funds	1379
appropriated for that purpose by a political subdivision	1380
creating or participating in the creation of the port authority.	1381
(20) Receive and accept from any state or federal agency	1382
grants and loans for or in aid of the construction of any port	1383
authority facility or for research and development with respect	1384
to port authority facilities, and receive and accept aid or	1385
contributions from any source of money, property, labor, or	1386
other things of value, to be held, used, and applied only for	1387
the purposes for which the grants and contributions are made;	1388
(21) Engage in research and development with respect to	1389
port authority facilities;	1390
(22) Purchase fire and extended coverage and liability	1391
insurance for any port authority facility and for the principal	1392
office and branch offices of the port authority, insurance	1393
protecting the port authority and its officers and employees	1394
against liability for damage to property or injury to or death	1395
of persons arising from its operations, and any other insurance	1396
the port authority may agree to provide under any resolution	1397
authorizing its port authority revenue bonds or in any trust	1398
agreement securing the same;	1399
(23) Charge, alter, and collect rentals and other charges	1400
for the use or services of any port authority facility as	1401
provided in section 4582.43 of the Revised Code;	1402
(24) Provide coverage for its employees under Chapters	1403
145., 4123., and 4141. of the Revised Code;	1404
(25) Establish and administer one or more payment card	1405
programs for purposes of paying expenses related to port	1406
authority business. Any obligation incurred as a result of the	1407

use of such a payment card shall be paid from port authority 1408
funds. 1409

(26) Do all acts necessary or proper to carry out the 1410
powers expressly granted in sections 4582.21 to 4582.59 of the 1411
Revised Code; 1412

(27) (a) Cooperate with a person or persons petitioning for 1413
the development and implementation of one or more special energy 1414
improvement projects under sections 1710.20 to 1710.28 of the 1415
Revised Code, if the port authority has jurisdiction over the 1416
parcels upon which the project or projects are proposed to be 1417
developed and implemented, to provide financing to pay or 1418
reimburse the costs of the project or projects; 1419

(b) Contract with a municipal corporation or township in 1420
accordance with section 1710.26 of the Revised Code to develop, 1421
finance, manage, or implement part or all of a special energy 1422
improvement project, if the port authority has jurisdiction over 1423
the parcel or parcels upon which the project is proposed to be 1424
developed and implemented. 1425

(c) The powers granted in divisions (A) (27) (a) and (b) of 1426
this section may be exercised jointly or separately by one or 1427
more port authorities, are in addition to the powers granted to 1428
port authorities under Chapter 4582. of the Revised Code, and 1429
shall not be construed as limitations on any of the powers 1430
granted to port authorities under Chapter 4582. of the Revised 1431
Code. 1432

(B) Any instrument by which real property is acquired 1433
pursuant to this section shall identify the agency of the state 1434
that has the use and benefit of the real property as specified 1435
in section 5301.012 of the Revised Code. 1436

(C) Whoever violates division (A) (14) of this section is	1437
guilty of a minor misdemeanor.	1438
Section 2. That existing sections 1710.01, 1710.02,	1439
1710.06, 1710.13, 4582.06, and 4582.31 of the Revised Code are	1440
hereby repealed.	1441