

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 72**

**Senator Huffman**

**Cosponsors: Senators Terhar, Jordan**

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**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 authority, for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on a capital improvement financed in whole or in part under this chapter shall comply with sections 4115.03 to 4115.16 of the Revised Code.~~

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

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

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

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

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 to, jails, detention facilities, workhouses, community-based correctional facilities, and family court centers.

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

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

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

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

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

(4) "Host municipal corporation" means the municipal

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;	165 166
(c) Lease the port authority educational and cultural facility to the corporation;	167 168
(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;	169 170 171 172 173
(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.	174 175 176 177
(3) The host municipal corporation agrees to do both of the following:	178 179
(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.	180 181 182 183 184 185 186 187 188
(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	189 190 191 192 193

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 pay the cost of a sports facility, including bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, anticipatory securities as defined in section 133.01 of the Revised Code, issued or incurred by an issuer pursuant to Chapter 133. or 4582. of the Revised Code or this section, or otherwise, to evidence the issuer's obligation to repay borrowed money, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the obligations, including obligations of an issuer or lessee to make payments under an installment sale, lease, lease-purchase, or similar agreement.

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

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

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

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

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

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

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

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

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

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

(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 corporation within the boundaries of which the port authority educational and cultural performing arts facility is or will be located.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Lease the port authority educational and cultural

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 trust agreement for the purpose of better securing the pledge by the host county of its payment to the corporation pursuant to division (B) (1) (c) of this section. A tax levied pursuant to section 5739.09 of the Revised Code for the purposes specified in division (B) (1) (b) or (c) of this section is not subject to diminution by initiative or referendum or diminution by statute, unless provision is made for an adequate substitute reasonably satisfactory to the trustee under the trust agreement that secures the port authority revenue bonds.

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

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

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

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

**Sec. 307.696.** (A) As used in this section: 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 posted as provided in this division.

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

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

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

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



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 transportation improvement district created under Chapter 5540. of the Revised Code. 1695  
1696  
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,~~ 1711  
~~5575.01, and 5543.19~~ 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; 1724  
1725

(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects; 1726  
1727

(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof: 1728  
1729  
1730

(a) Transportation improvement district revenue bonds; 1731

(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution~~7~~. 1732  
1733

(6) Maintain such funds as it considers necessary; 1734

(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; 1735  
1736  
1737  
1738  
1739  
1740  
1741

(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; 1742  
1743  
1744

(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 1745  
1746  
1747  
1748  
1749  
1750  
1751

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