

AN ACT

To amend sections 133.15, 307.09, 315.14, 5555.01, 5555.43, 5555.46, 5555.51, 5571.15, 5573.07, 6103.01, 6103.02, 6103.03, 6103.04, 6103.05, 6103.07, 6103.081, 6103.11, 6103.12, 6103.13, 6103.15, 6103.17, 6103.20, 6103.21, 6103.22, 6103.23, 6103.24, 6103.25, 6103.29, 6103.31, 6117.01, 6117.011, 6117.02, 6117.04, 6117.05, 6117.06, 6117.08, 6117.23, 6117.251, 6117.28, 6117.29, 6117.30, 6117.32, 6117.34, 6117.38, 6117.39, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 6119.36, to enact sections 1.62, 307.042, 715.90, 5555.022, 6103.40, 6117.49, and 6117.60, and to repeal sections 6103.09 and 6117.26 of the Revised Code to modify certain road improvement and water supply, sanitary, and drainage facilities laws to permit permanent improvements to be made more efficiently and effectively by simplifying, clarifying, and supplementing the procedures for constructing and financing them, and to permit a lease for a period of no more than twenty years of property located in a parking facility built or acquired by a county to serve a building housing county offices and not needed for public use.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 133.15, 307.09, 315.14, 5555.01, 5555.43, 5555.46, 5555.51, 5571.15, 5573.07, 6103.01, 6103.02, 6103.03, 6103.04, 6103.05, 6103.07, 6103.081, 6103.11, 6103.12, 6103.13, 6103.15, 6103.17, 6103.20, 6103.21, 6103.22, 6103.23, 6103.24, 6103.25, 6103.29, 6103.31, 6117.01, 6117.011, 6117.02, 6117.04, 6117.05, 6117.06, 6117.08, 6117.23,

6117.251, 6117.28, 6117.29, 6117.30, 6117.32, 6117.34, 6117.38, 6117.39, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 6119.36 be amended and sections 1.62, 307.042, 715.90, 5555.022, 6103.40, 6117.49, and 6117.60 of the Revised Code be enacted to read as follows:

Sec. 1.62. As used in the Revised Code, unless the context of a section does not permit the following or unless expressly provided otherwise in a section:

(A) References to particular county officers, boards, commissions, and authorities mean, in the case of a county that has adopted a charter under Article X, Ohio Constitution, the officer, board, commission, or authority of that county designated by or pursuant to the charter to exercise the same powers or perform the same acts, duties, or functions that are to be exercised or performed under the applicable section of the Revised Code by officers, boards, commissions, or authorities of counties that have not adopted a charter.

(B) References to resolutions mean, in the case of a county that has adopted a charter under Article X, Ohio Constitution, the appropriate form of legislation permitted by or pursuant to the charter.

Sec. 133.15. (A) The taxing authority of any subdivision may issue securities of the subdivision for the purpose of paying all or any portion of the costs of any permanent improvement that the subdivision is authorized, alone or in cooperation with other persons, to acquire, improve, or construct.

Securities may be issued prior to the completion of any proceedings required to authorize the permanent improvement or the expenditure of the proceeds of the securities. In addition, proceedings for the issuance of securities for any permanent improvement for which special assessments are not to be levied and collected may authorize the improvement and the expenditure of the proceeds of the securities and any other funds available and appropriated for the improvement, without the prior or subsequent necessity of instituting or completing any other proceedings that other provisions of the Revised Code that contemplate that special assessments may be levied and collected for that type of improvement otherwise might require before an authorization of that type.

(B) Costs of permanent improvements that may be financed with, and paid from the proceeds of, securities include, without limitation as to other costs properly allocable to the permanent improvement, the costs of: acquiring, constructing, reconstructing, rehabilitating, installing, remodeling, renovating, enlarging, equipping, furnishing, or otherwise improving permanent improvements; site clearance, improvement, and preparation; acquisition of real or personal property; indemnity and surety

bonds and premiums on insurance; all related direct administrative expenses and allocable portions of direct costs of the subdivision; engineering, architectural, legal, and other consulting and professional services; designs, plans, specifications, feasibility or rate studies, appraisals, surveys, and estimates of cost; interest or interest equivalent on the securities, whether capitalized or not; financing costs; title work and title commitment, insurance, and guaranties; amounts necessary to establish any debt service reserve or other reserves as required by the proceedings for the securities; audits; the reimbursement of moneys advanced or applied by or borrowed from any person, whether to or by the subdivision or others, from whatever source provided, for the payment of any item or items of cost of the permanent improvements; and all other expenses necessary or incidental to planning or determining feasibility or practicability with respect to permanent improvements or necessary or incidental to the acquisition, construction, reconstruction, rehabilitation, installation, remodeling, renovating, enlargement, equipping, furnishing, or other improvement of the permanent improvements, the financing of the permanent improvements, and the placing of the permanent improvements in condition for use and operation, and all like or related costs, including any one, part, or combination of, or the subdivision's share of, those costs and expenses.

Sec. 307.042. unless provided for by contract between a county and a municipal corporation, a county may not regulate the utility rates of users of a municipal utility.

Sec. 307.09. (A) If the interests of the county so require, the board of county commissioners may sell any real property belonging to the county and not needed for public use, including all or portions of buildings acquired by the board to house county offices, or may lease or rent the same, but no such lease shall be for a longer term than five years, unless such lease is part of a lease-purchase agreement, in which case the lease may be for a period not exceeding twenty-five years, or unless the lease is to a commercial tenant who uses the property as a retail store room, office, or restaurant, and the leased property is located in a building initially acquired to house county offices or in a parking facility constructed or acquired to serve a building that houses county offices, in which case the lease may be for a period not exceeding twenty years, and may include provision for one or more renewals for lesser periods. In the case of real property used or to be used for the purpose of airports, landing fields, or air navigational facilities, including restaurants, parking lots, motels, gasoline service stations, public recreation facilities, public parks, office buildings, retail stores for merchandising or services, and industrial uses located or to be located

thereon, or parts thereof, belonging to the county, the primary term of such lease shall not exceed twenty-five years and the board of county commissioners may renew such leases for one or more periods of years. The total of such renewal periods, when added to the primary term of such lease, shall not exceed sixty years.

(B) The board may grant leases, rights, and easements to the United States government, to the state or any department or agency thereof, or to municipal corporations or other governmental subdivisions of the state for public purposes, or to privately owned electric light and power companies, or natural gas companies, or telephone or telegraph companies for purposes of rendering their several public utilities services, or to corporations not for profit for hospital, charitable, water, sewer, or recreational purposes, including among other such purposes memorial structures, parks, golf courses, and underground structures, poles, piers, towers, wires, ~~pipe lines~~ pipelines, underground cables, and manholes, on or in lands owned by the county where such lease, right, or easement is not deemed by the board to be inconsistent with the need of such land for public use by the county. Any such lease, right, or easement granted to the United States government, to the state or any department or agency thereof, or to a municipal corporation or other governmental subdivision of the state, or to privately owned electric light and power companies, or natural gas companies, or telephone or telegraph companies for purposes of rendering their several public utilities services, or to corporations not for profit for hospital, charitable, water, sewer, or recreational purposes, may be for such length of time, upon such terms, for such purposes, and may provide for such renewals thereof as the board deems for the best interests of the county.

(C) In case of the sale of such real property not used for county purposes, and in case of a lease of real property used or to be used for the purpose of airports, landing fields, or air navigational facilities, including restaurants, parking lots, motels, gasoline service stations, public recreation facilities, public parks, office buildings, retail stores for merchandising or services, and industrial uses, and in case of such a grant of lease, right, or easement to the United States government, to the state or any department or agency thereof or to a municipal corporation or other governmental subdivision of the state, or to privately owned electric light and power companies, or natural gas companies, or telephone or telegraph companies for purposes of rendering their several public utilities services, or to corporations not for profit for hospital, charitable, water, sewer, or recreational purposes, all or such part of the proceeds thereof as the board designates may be placed by the board in a separate fund to be used only for

construction, equipment, furnishing, maintenance, or repair of the county buildings and the acquisition of sites therefor, or for the payment of principal of or interest on bonds of the county issued for any county building.

Sec. 315.14. The county engineer shall be responsible for the inspection of all public improvements made under authority of the board of county commissioners. ~~He~~ The engineer shall keep in suitable books a complete record of all estimates and summaries of bids received and contracts for the various improvements, together with the record of all estimates made for payments on ~~such~~ that work. ~~He~~ The engineer shall make all surveys required by law ~~and, shall~~ perform all necessary services to be performed by a registered surveyor or registered professional engineer in connection with the construction, repair, or opening of all county roads or ditches constructed under the authority of the board, and shall perform ~~such~~ other duties as the board requires, provided that the duties described in Chapters 343., 6103., and 6117. of the Revised Code shall be performed only pursuant to an agreement between the county engineer and the board; an agreement of that type may provide for the county engineer's performance of duties described in one or more of those chapters, and may provide for the county engineer's performance of all duties imposed upon a county sanitary engineer under Chapters 6103. and 6117. of the Revised Code or only the duties imposed upon a county sanitary engineer under Chapter 6117. of the Revised Code in relation to drainage. The board shall determine the compensation for performance of the relevant duties described in Chapters 343., 6103., and 6117. of the Revised Code and shall pay the county engineer from funds available under ~~such~~ the applicable chapter or chapters or from the general fund of the county. The performance of the relevant duties described in Chapters 343., 6103., and 6117. of the Revised Code shall not constitute engaging in the private practice of engineering or surveying.

Sec. 715.90. unless provided for by contract between a county and a municipal corporation, a municipal corporation may not regulate rates and charges of users imposed by a board of county commissioners under Chapter 6103. or 6117. of the Revised code or for any county utility established under any other chapter of the Revised Code.

Sec. 5555.01. As used in ~~sections 5555.01 to 5555.72, inclusive, of the Revised Code~~ this chapter:

(A) "Cost" or "costs" includes compensation, damages, and expenses that are incident to an improvement covered by this chapter and all items of cost described in division (B) of section 133.15 of the Revised Code that are

incident to an improvement covered by this chapter.

(B) "Public obligations" has the same meaning as in section 133.01 of the Revised Code.

(C) "road Road" includes any state or county road; or part thereof of any state or county road, or any state or county road and any municipal corporation street, or part thereof of a road or street of those types, which form a continuous road improvement.

Sec. 5555.022. (A) A board of county commissioners, by resolution adopted by a majority vote and acting without regard to or the necessity for a petition, may find that the public convenience and welfare require the improvement of any public road or roads, or parts of any public road or roads, identified in that resolution in a manner provided in section 5555.06 of the Revised Code and may fix the route and termini of the improvement. If the board determines, in that resolution or in a subsequent resolution, that special assessments are not to be levied and collected to pay any part of the county's costs of the improvement, the board, in that resolution or in a subsequent resolution, including a resolution authorizing the issuance or incurrence of public obligations for the improvement, may authorize the improvement and the expenditure of funds required by the county for its construction and may proceed with the improvement without regard to any other procedures required by sections 5555.03 to 5555.42, 5555.45 to 5555.47, 5555.50, and 5555.81 to 5555.83 of the Revised Code except as otherwise provided in this section.

(B) This section applies to and authorizes an improvement located wholly within a single county, an improvement located in a county and one or more other counties in this state, an improvement along the county line between a county and one or more other counties in this state, an improvement extending from a county into or through one or more adjoining counties in this state, and an improvement on or along the line between this state and an adjoining state. If an improvement involves more than one county in this state, the portion of the cost of the improvement to be borne by each county, after deducting any amount agreed to be paid by any township in that county in which the improvement is located in whole or in part, shall be determined, without regard to or necessity for a joint board of county commissioners, in an agreement among the counties. Those counties may proceed in accordance with this section if special assessments are not to be levied and collected, or may proceed in accordance with the provisions of this chapter applicable to a single county improvement if special assessments are to be levied and collected. If an improvement is on or along the line between this state and an adjoining state, the portion of its cost to be

borne by a county in this state shall be determined in an agreement between the county and the proper authorities of the adjoining state or its participating or cooperating subdivision or agency.

(C) The following provisions also apply to an improvement undertaken pursuant to this section:

(1) The improvement and the proceedings for its construction and financing, including a contract for the construction, may include, consistent with the other provisions of this section and notwithstanding any provisions of this chapter to the contrary, any road or roads or parts of any road or roads, and the provisions of sections 5555.61 to 5555.69 of the Revised Code relating to contracts for the construction of an improvement shall be construed accordingly and shall be controlling to the extent applicable.

(2) Any surveys, plans, profiles, cross sections, estimates of cost, and specifications that may be required:

(a) In the case of a single county improvement, shall be prepared by the county engineer at the direction of the board of county commissioners and shall require the board's approval;

(b) In the case of an improvement undertaken cooperatively by two or more counties in this state, shall be prepared by a county engineer of one of the counties as agreed to by the relevant boards of county commissioners or, if the boards are unable to so agree and certify that fact jointly to the director of transportation, by a county engineer of one of those counties designated by the director, and the surveys, plans, profiles, cross sections, estimates of cost, and specifications so prepared shall require the approval of each of the boards;

(c) In the case of an improvement on or along the line between this state and an adjoining state, shall be prepared by the county engineer of the county in this state and shall require the approval of the board of county commissioners and the proper authorities of the adjoining state or its participating or cooperating subdivision or agency.

(D) In the case of an improvement undertaken pursuant to this section on or along the line between this state and an adjoining state, a board of county commissioners also may join in its construction with the department of transportation and the equivalent department of the other state as if the improvement were wholly within this state.

(E) If, in the case of an improvement undertaken pursuant to this section involving two or more counties in this state, the boards of county commissioners of the relevant counties are unable to agree upon the portion of the costs of the improvement to be borne by each county and certify that fact jointly to the director of transportation, the director shall make the

apportionment and certify it to each of the counties.

(E) A board of county commissioners may order that the county's cost of an improvement undertaken pursuant to this section be paid from tax levies or a road improvement fund referred to in section 5555.43 of the Revised Code. A county may enter into an agreement with any township in which the improvement is located in whole or in part for the allocation of the cost between the county and the township.

(G) Proceedings for the appropriation of real property or interests in real property needed by a county for an improvement undertaken pursuant to this section shall take place in accordance with sections 163.01 to 163.22 of the Revised Code.

(H) If, in the case of an improvement undertaken pursuant to this section involving two or more counties in this state, public obligations are issued or incurred to pay the costs of the improvement, the obligations shall be issued separately by each county for its portion of those costs, and the boards of county commissioners may provide for the construction of a portion of the improvement wholly within one county as and to the extent authorized for a joint board of county commissioners by section 5555.32 of the Revised Code.

(I) Actions required or authorized to be taken by a board of county commissioners pursuant to this section may be taken, consistent with the other provisions of this section, by a majority vote of the members of the board.

Sec. 5555.43. The board of county commissioners, unless acting pursuant to section 5555.022 of the Revised Code, or the joint board of county commissioners, upon a unanimous vote, may order, without a petition therefor, order that all the compensation, damages, and expenses of a county's costs for constructing any improvement be paid out of the proceeds of any tax levies for road purposes on the grand duplicate of the county; or out of any road improvement fund available therefor; for the payment of those costs, or the board of county commissioners or joint board thereof may enter, by a similar vote and without a petition, into an agreement with the boards of township trustees of the townships in which said the improvement is situated in whole or in part, whereby the entire cost of the improvement is paid by the county and townships, or one or more of them, may pay such in the agreed upon proportion or amount of the damages and expenses as is agreed upon between them cost.

Sec. 5555.46. All assessments, with interest accrued on them, made under sections 5555.01 to 5555.72 of the Revised Code shall be placed by the county auditor upon a special duplicate to be collected as ~~other~~ taxes,

and the principal of the assessments shall be payable in not more than forty semiannual installments extending over a period of not more than twenty years, as determined by the board of county commissioners. If any assessment is twenty-five dollars or less, or if the unpaid balance of any assessment is twenty-five dollars or less, it shall be paid in full, and not in installments, at the time the first or next installment would otherwise become due and payable.

If ~~bonds~~ public obligations are issued or incurred to pay the ~~compensation, damages, and expenses incident to~~ costs of the improvement, the principal sum of the assessments shall be payable in ~~the a~~ a number of ~~equal~~ semiannual installments that will provide a fund for the redemption of the ~~bonds~~ public obligations so issued or incurred. The assessments shall bear interest from the date of the issuance of the ~~bonds~~ public obligations and at the same rate or rates as the ~~bonds~~ public obligations, and the interest shall be collected in the same manner as the principal of the assessments.

Sec. 5555.51. The board of county commissioners, in anticipation of the collection of taxes, or taxes and assessments, for a road improvement, or any part ~~thereof~~, of a road improvement may issue and sell ~~bonds~~, or incur, public obligations of the county under Chapter 133. of the Revised Code ~~in any amount not greater than the aggregate sum necessary~~ to pay the estimated ~~compensation, damages, and expenses of such~~ costs of the improvement. The making of ~~the any~~ special assessments referred to in sections 5555.41 to 5555.50 of the Revised Code shall not be a condition precedent to the issuance or incurrence of ~~bonds~~ public obligations under this section, and ~~such the~~ special assessments may be made either before or after the issuance or incurrence of ~~such bonds~~ the public obligations.

Sec. 5571.15. ~~The (A) Except as provided in division (B) of this section,~~ the board of township trustees ~~may,~~ without the presentation of a petition, may take the necessary steps to construct, reconstruct, resurface, or improve a public road or part thereof, upon the passage of a resolution; by unanimous vote; declaring the necessity ~~therefor~~ for the construction, reconstruction, resurfacing, or improvement The cost thereof may be paid by any of the methods provided in section 5573.07 of the Revised Code, as determined by the board in ~~such the~~ the resolution.

(B) If the primary reason for the reconstruction, resurfacing, or improvement of a public road or part thereof is to improve the drainage of water from the surface of the road, as declared by the resolution, and there is no presentation of a petition, the board may proceed upon the passage of the resolution by majority vote. The cost in such case may be paid by either of the methods provided in division (B) of section 5573.07 of the Revised

Code.

Sec. 5573.07. The compensation, damages, and costs of township road improvements shall be apportioned and paid in any of the following methods, as set forth in the petition:

(A) Any part thereof shall be assessed against:

(1) The real estate abutting upon said improvement;

(2) The real estate situated within one-half mile of either side thereof;

(3) The real estate situated within one mile of either side thereof, according to the benefits accruing to such real estate;

(B) Any balance shall be paid:

(1) From the proceeds of any levy for road purposes upon the grand duplicate of all the taxable property in the township;

(2) From any funds in the township treasury available therefor.

When the board of township trustees acts by unanimous vote; without the filing of a petition, as permitted by division (A) of section 5571.15 of the Revised Code, the board shall set forth in its resolution, ~~declaring that declares~~ the necessity for the improvement; the method of apportioning and paying the compensation, damages, and costs of the improvement, which may be any one of the methods provided in this section.

When the board acts by majority vote as permitted by division (B) of section 5571.15 of the Revised Code, the board shall set forth in its resolution the method of paying the compensation, damages, and costs of the improvement, which may be by either of the methods provided in division (B) of this section.

Sec. 6103.01. As used in ~~sections 6103.02 to 6103.30, inclusive, of the Revised Code, "public~~ this chapter:

(A) "Public water supply facilities," "water supply facilities," "water supply improvement," or "improvement" means, without limiting the generality of those terms, water wells and well fields, springs, lakes, rivers, streams, or other sources of water supply, intakes, pumping stations and equipment, treatment, filtration, or purification plants, distributing force and distribution lines or mains, cisterns, reservoirs, storage facilities, necessary equipment for fire protection, other related structures, equipment, and furnishings, and lands, rights of way, and easements real estate and interests in real estate, necessary for or useful in the proper development of a water supply for domestic or other purposes and its proper distribution of the supply.

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in section 6117.01 of the Revised Code;

(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter.

Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, ~~and providing fire protection, any~~ a board of county commissioners may ~~by resolution~~ acquire, construct, maintain, and operate any public water supply ~~or water-works system~~ facilities within its county for ~~any one or more sewer district, districts~~ and may provide for ~~the~~ their protection ~~thereof~~ and prevent ~~the~~ their pollution and unnecessary waste ~~thereof~~. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any ~~municipal corporation, public agency or any person, firm, or private corporation~~ public agency or any person, firm, or private corporation ~~furnishing a~~ operating public water supply facilities within or without its county, the board also may provide ~~such a~~ supply of water to ~~such a sewer district from the waterworks facilities of such municipal corporation, the public agency or person, firm, or private corporation.~~ The

(B) ~~The county sanitary engineer, or sanitary engineering department, of such county, in addition to other assigned duties assigned to such sanitary engineer or department, shall assist the board in the performance of its duties under sections 6103.02 to 6103.30 of the Revised Code, this chapter~~

and shall be charged with ~~such~~ other duties and services in relation thereto ~~to the board's duties~~ as the board prescribes. ~~The~~

(C) ~~The~~ board may adopt, publish, administer, and enforce rules for the construction, maintenance, protection, and use of county-owned or county-operated public water supplies in the county supply facilities outside of municipal corporations; and of public water ~~supplies~~ supply facilities within municipal corporations ~~in its county wherever such water supplies that are constructed~~ owned or operated by such board the county or that are supplied with water from water supplies constructed supply facilities owned or operated by such board the county, including, but not limited to, rules for the establishment and use of any connections. The termination in accordance with reasonable procedures of water service for nonpayment of county water rates and charges, and the establishment and use of security deposits to the extent considered necessary to ensure the payment of county water rates and charges ~~Such~~ The rules shall not be inconsistent with the laws of the state or ~~the~~ any applicable rules of the director of environmental protection agency ~~No~~

(D) ~~No~~ public water ~~supplies or water pipes or mains~~ supply facilities shall be constructed in any county outside of municipal corporations by any person, ~~firm, or corporation~~, except for the purpose of supplying water to ~~such~~ those municipal corporations, until the plans and specifications for the ~~same~~ facilities have been approved by the board. ~~Any such construction~~ construction shall be done under the supervision of the county sanitary engineer. Any person, ~~firm, or corporation~~ proposing or constructing such improvements public water supply facilities shall pay to the county all ~~expense~~ expenses incurred by the board in connection ~~therewith~~ with the construction ~~The~~

(E) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys and examinations or inspections necessary for the design or examination evaluation of county public water supplies, and may make such surveys and examinations supply facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to 163.22 of the Revised Code that may be pending ~~No person, firm, or corporation~~ public agency shall forbid or ~~interfere with~~ the county sanitary engineer or ~~his~~ the county sanitary

engineer's authorized assistants entering or agents to enter, or interfere with their entry, upon such the property for such the purpose, or of making such the surveys or examinations inspections If actual damage is done to property by the making of such the surveys and examinations or inspections, the board shall pay the reasonable value of such the damage to the property owner of the property damaged, and such the cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made the cost of the facilities and may be included in any special assessments levied and collected to pay that cost.

(F) The board shall fix reasonable rates to be charged, including penalties for late payments, for water supplied to public agencies and persons when the source of supply or distributing pipes the facilities for its distribution are owned or operated by the county, which rates shall be at least sufficient to pay for all of the cost of operation and maintenance of improvements for which the resolution declaring the necessity thereof shall be passed after July 1, 1958 and may change the rates from time to time as it considers advisable When the source of the water supply to be used by the county is owned by a municipal corporation another public agency or any person, firm, or private corporation, the schedule of rates to be charged by such municipal corporation, the public agency or person, firm, or private corporation shall be ratified approved by the board at the time any it enters into a contract is entered into for the use of water from such municipal corporation, the public agency or person, firm, or private corporation When the distributing pipes distribution facilities are owned by the county, the board shall also may fix a reasonable tap-in charge and no charges to be collected for the privilege of connecting to the distribution facilities and may require that, prior to the connection, the charges be paid in full or, if determined by the board to be equitable in a resolution relating to the payment of the charges, may require their payment in installments, as considered adequate by the board, at the times, in the amounts, and with the security, carrying charges, and penalties as may be determined by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to tap into such distributing pipes connect to those facilities until such charge has the charges have been paid in full or provision for their payment in installments has been made ~~When~~ If the connection charges are to be paid in installments, the board shall certify, to the county auditor, information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the charges to be paid in installments, the amount of each installment, and the total number of installments to be paid. The county auditor shall record and

maintain the information so supplied in the waterworks record provided for in section 6103.16 of the Revised Code until the connection charges are paid in full. The board may include amounts attributable to connection charges being paid in installments in its billings of rates and other charges for water supplied.

(G) When any rents rates or charges are not paid when due, the board may do either any or both all of the following:

(1) Certify ~~them~~ the unpaid rates or charges, together with any penalties, to the county auditor. The county auditor shall place the certified amount upon the real property tax list and duplicate against the property served by the connection if he also receives from the board additional certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served. The certified

The amount placed on the tax list and duplicate shall be a lien on the property from the date placed on the real property tax list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in such that amount when separately tendered as payment for the full amount of such the unpaid water rents rates or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. All money collected as rents or tap-in charges or for water works purposes in any district shall be paid to the county treasurer and kept in a separate and distinct fund to the credit of such district.

(2) Collect ~~them~~ the unpaid rates or charges, together with any penalties, by actions at law in the name of the county from an owner, tenant, or other person who or public agency that is liable to pay for the rents payment of the rates or charges;

(3) Terminate, in accordance with established rules, the water service to the particular property unless and until the unpaid rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of the unpaid rates and charges, together with any penalties, for water service to the particular property.

All moneys collected as rates, charges, or penalties fixed or established in accordance with division (F) of this section for water supply purposes in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct water fund established by the board to the credit of the district.

Each board that assesses fixes water rents rates or charges may render estimated bills periodically, provided that at least quarterly it shall determine the actual amount of rents due based upon schedule an actual reading of each customer's meter at least once in each three-month period, and at least quarterly the board shall so as to render a bill for the actual amount shown by the meter reading to be due, with credit for prior payments of any estimated bills submitted for any part of the billing period, except that estimated bills may be rendered if ~~access to~~ a customer's meter ~~was unobtainable~~ is not accessible for a timely reading or if the circumstances preclude a scheduled reading. Each board ~~that assesses water rents or charges~~ also shall establish procedures providing a fair and reasonable opportunity for the resolution of billing disputes.

When property to which water service is provided is about to be sold, any party to the sale or ~~his~~ an agent of a party may request the board to ~~read~~ have the meter at that property read and to render, within ten days following the date on which the request is made, a final bill for all outstanding ~~rents rates~~ and charges for water service. ~~Such a~~ The request shall be made at least fourteen days prior to the transfer of the title of ~~such~~ the property.

At any time prior to a certification under division ~~(A)(G)~~ (1) of this section, the board shall accept any partial payment of unpaid water ~~rents rates~~ or charges, in the amount of ten dollars or more.

Except as otherwise provided in any ~~resolution proceedings~~ authorizing or providing for the security for and payment of any ~~bonds outstanding on July 1, 1958 or thereafter issued~~ public obligations, or in any indenture or trust or other agreement securing ~~such bonds~~ public obligations, such moneys in the water fund shall be applied first to the conduct, payment of the cost of the management, maintenance, and operation of such the water supply or water works system facilities of, or used or operated for, the sewer district, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of water supply facilities and, in accordance with a cost allocation plan adopted under division ~~(B)(H)~~ (H) of this section, payment of all allowable direct and indirect costs of the ~~water supply or water works system~~ district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for the purposes of this chapter; and shall be applied second to the payment of ~~interest or principal of any loan, indebtedness or liability~~ debt charges payable on any outstanding public obligations issued or incurred in connection therewith, or for the creation acquisition or construction of water supply facilities for or serving the district, or for the funding of a sinking

~~bond retirement or other fund established for the liquidation of any debt created in connection therewith payment of or security for the obligations~~ Any surplus thereafter remaining may be applied to the enlargement, replacement, or extension acquisition or construction of such water supply or water works system, but in no case shall money so collected those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the water fund shall not be expended otherwise other than for the use and benefit of such the district. ~~No provision of this section shall limit or restrict the power and discretion of the board to determine how much of the cost of such improvements shall be borne by the county at large and how much shall be specially assessed upon benefited properties, nor the power to issue notes and bonds for the share to be borne by the county and in anticipation of the levy or collection of special assessments for the share to be specially assessed, nor the power of the board to levy special assessments upon benefited properties for operation and maintenance whenever the rents and other funds available are not sufficient to pay all the cost thereof.~~

~~(B)(H)~~ A board of county commissioners may adopt a cost allocation plan that identifies, accumulates, and distributes allowable direct and indirect costs that may be paid from the water fund of the ~~water supply or water works system~~ sewer district created in pursuant to division ~~(A)(G)~~ of this section, and that prescribes methods for allocating those costs. The plan shall authorize payment from the fund ~~for~~ of only those costs incurred by the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, and those costs incurred by the general and other funds of the county for a common or joint purpose, that are necessary and reasonable for the proper and efficient administration of the ~~water supply or water works system~~ district under this chapter. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities of a county. The plan shall conform to United States office of management and budget Circular A-87, "Cost Principles for State and, Local, and Indian Tribal Governments," published ~~January 15 May 17, 1983~~ 1995.

Sec. 6103.03. The authority of ~~the a~~ board of county commissioners to provide acquire, construct, maintain, and operate water supply improvements and to maintain and operate the same within facilities for a county sewer districts which include a part or all of the district in territory within one or more of a municipal corporations shall be corporation, or a regional district established under Chapter 6119. of the Revised Code, that is

in whole or in part within the county sewer district is the same as provided by law with respect to territory within districts a county sewer district that is wholly outside of a municipal corporation, including the levying of assessments. Such authority shall be limited to main works only, and shall not include construction and maintenance of lateral water mains for local service or a regional district, subject to the following in the case of facilities within such a municipal corporation. The plans, specifications, and estimated cost for any improvement within the corporate limits of such municipal corporation:

(A) The acquisition, construction, maintenance, and operation of the facilities shall first be approved authorized by an ordinance or resolution of the legislative authority of such the municipal corporation prior to the letting of any contract for the construction thereof All

(B) All road surfaces, curbs, sidewalks, sewers, water pipes supply facilities, or other public improvements or property that may be disturbed or damaged by such the construction of the facilities shall be replaced or restored to their original condition within a reasonable time by the board county, and the cost thereof shall be treated as a part of the cost of such improvement. After such main works are constructed, such municipal corporations may use the same as a supply for branch and lateral water mains, for the service and use only of that part of such the facilities.

(C) The municipal corporation as lies within the area assessed or to be assessed for the cost of such main works, subject to such, with prior approval of or by agreement with the board, may make use of the facilities in accordance with rules and regulations as are established by the board and subject to all any applicable requirements of the director of environmental protection.

At any time after a district is established comprising or including a part or all of the territory within any municipal corporation, the legislative authority of such municipal corporation may by ordinance or resolution authorize the board to proceed with the construction or the maintenance, repair, and operation of any water improvement for local service within such municipal corporation. After such authority has been granted, the board may proceed with the construction or the maintenance, repair, and operation of said improvement in the same manner as provided by law for improvements in districts wholly outside of municipal corporations, under the same restrictions as provided in this section for main works.

Sec. 6103.04. (A) Whenever any portion of a county sewer district is incorporated as a municipal corporation, or annexed to, a municipal corporation, the area so incorporated or annexed shall remain under the

jurisdiction of the board of county commissioners for ~~water-works~~ purposes of the acquisition and construction of water supply improvements until any ~~water supply or water works~~ all of the improvements for said the area for ~~which detailed plans have been prepared and the resolutions declaring the~~ necessity thereof a resolution described in division (A) or (E) of section ~~6103.05 of the Revised Code has been adopted by the board have been~~ acquired or completed or until said the board has abandoned such projects ~~the improvements~~ Such ~~The board, unless and until a conveyance is made to~~ a municipal corporation in accordance with division (B) of this section, shall ~~continue to have jurisdiction in the area so incorporated or annexed with~~ respect to the management, maintenance, and operation of all water supply ~~improvements so acquired or completed, or previously acquired or~~ completed, including the right to establish rules and rates and charges for the ~~use of, and connections to, the improvements. The incorporation or~~ annexation of any part of a district shall not interfere with or render illegal ~~affect the legality or enforceability of any issue of bonds or certificate of~~ indebtedness made public obligations issued or incurred by the board in ~~accordance with sections 6103.02 to 6103.30, inclusive, of the Revised~~ Code, county for purposes of this chapter to provide for the payment for of ~~the cost of acquisition, construction and, maintenance, or operation of any~~ water supply improvements within such the area, or with the validity of any ~~assessments levied or to be levied upon the property properties within such~~ the area to provide for the payment of the cost of acquisition, construction ~~and, maintenance, or operation of the improvements.~~

(B) Any completed water supply facilities acquired or constructed by a county under this chapter for the use of any county sewer district, or any part of those facilities, that are located within a municipal corporation or within any area that is incorporated as, or annexed to, a municipal corporation, or any part of the facilities that provide water for a municipal corporation or such an area, may be conveyed, by mutual agreement between the board and the municipal corporation, to the municipal corporation on terms and for consideration as may be negotiated. Upon and after the conveyance, the municipal corporation shall manage, maintain, and operate the facilities in accordance with the agreement. The board may retain the right to joint use of all or part of any facilities so conveyed for the benefit of the district. Neither the validity of any assessment levied or to be levied, nor the legality or enforceability of any public obligations issued or incurred, to provide for the payment of the cost of the acquisition, construction, maintenance, or operation of the facilities or any part of them shall be affected by the conveyance.

Sec. 6103.05. (A) After the establishment of any county sewer district, the board of county commissioners, if a water supply improvement is to be undertaken, may have prepared by the county sanitary engineer prepare, or otherwise cause to be prepared, for the district, or revise as needed, a general plan of water supply and water works for such district that is as complete as can be made developed at that the time. After such the general plan, in original or revised form, has been approved by the board, it may adopt a resolution generally describing the water supply improvement that is necessary to be acquired or constructed in accordance with the plan, declaring that the improvement is necessary for the preservation and promotion of the public health and welfare, and determining whether or not special assessments are to be levied and collected to pay any part of the cost of the improvement.

(B) If special assessments are not to be levied and collected to pay any part of the cost of the improvement, the board, in the resolution provided for in division (A) of this section or in a subsequent resolution, including a resolution authorizing the issuance or incurrence of public obligations for the improvement, may authorize the improvement and the expenditure of the funds required for its acquisition or construction and may proceed with the improvement without regard to the procedures otherwise required by divisions (C), (D), and (E) of this section and by sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised Code. Those procedures shall be required only for improvements for which special assessments are to be levied and collected.

(C) If special assessments are to be levied and collected pursuant to a determination made in the resolution provided for in division (A) of this section or in a subsequent resolution, the procedures referred to in division (B) of this section as being required for that purpose shall apply, and the board may have the county sanitary engineer shall prepare, or otherwise cause to be prepared, detailed plans, specifications, and estimates an estimate of cost of such part of for the improvement as it is necessary to then construct, together with a tentative assessment of the cost based on such the estimate. Such The tentative assessment shall be for the information of property owners; and shall not be levied or certified to the county auditor for collection. Such The detailed plans, specifications, estimates estimate of cost, and tentative assessment, as so prepared by the sanitary engineer and if approved by the board, shall be carefully preserved in the office of the board or the county sanitary engineer and shall be open to the inspection of all persons interested in such improvements the improvement.

(B)(D) After the board's approval of the detailed plans, specifications,

~~estimates~~ estimate of cost, and tentative assessment, and at least twenty-four days before adopting a resolution ~~as required by~~ pursuant to division ~~(C)~~(E) of this section, the board, except to the extent that appropriate waivers of notice are obtained from affected owners, shall ~~send~~ cause to be sent a notice of its intent to ~~consider or~~ adopt a resolution to each owner of property proposed to be assessed that is listed on the records of the county auditor for current agricultural use value taxation pursuant to section 5713.31 of the Revised Code and that is not located in an agricultural district established under section 929.02 of the Revised Code. The notice shall satisfy all of the following:

- (1) Be sent by first class or certified mail;
- (2) Specify the proposed date of the adoption of the resolution;
- (3) Contain a statement that the project improvement will be financed in whole or in part by special assessments and that all ~~owners of property properties~~ not located in an agricultural district established pursuant to section 929.02 of the Revised Code may be subject to a special assessment; ~~and~~

- (4) Contain a statement that an agricultural district may be established by filing an application with the county auditor.

If it appears, by the return of the mailed notices or by other means, that one or more of the affected owners ~~of property~~ cannot be found or are not served by the mailed notice, the board shall ~~publish~~ cause the notice to be published once in a newspaper of general circulation ~~within~~ in the county not later than ten days before the adoption of the resolution.

~~(C)~~(E) After complying with divisions (A), ~~(C)~~, and ~~(B)~~(D) of this section, the board shall may adopt a resolution declaring that such the improvement, ~~describing the same~~ which shall be described as to its nature and its location, route, and termini thereof, is necessary for the preservation and promotion of the public health and welfare ~~and to provide fire protection,~~ referring to the plans, specifications, ~~estimates~~ estimate of cost, and tentative assessment, stating the place where they are on file and may be examined, ~~what part of~~ and providing that the entire cost or a lesser designated part of the cost will be paid by the county at large, and what part will be specially assessed against the benefited property properties within the district and that any balance will be paid by the county at large from other available funds ~~Such~~ The resolution shall also shall contain a description of the boundaries of that part of the district to be assessed, and ~~may include the estimated cost of maintaining the improvement for one year. The resolution shall designate a time and place, to be fixed by the board, when and where~~ for objections to the improvement, to the tentative

assessment, or to the boundaries of the assessment district ~~will to~~ be heard by the board. The date of ~~such that~~ hearing shall be not less than twenty-four days after the date of the first publication of the notice of the hearing required by this ~~section~~ division.

The board shall cause a notice of the hearing to be published once a week for two consecutive weeks in a newspaper of general circulation ~~within in~~ the county, and on or before the date of the second publication, it shall ~~send~~ cause to be sent by ~~ordinary~~ first class or certified mail a copy of the notice to every owner of property to be assessed for ~~such the~~ improvement whose address is known.

The notice shall set forth the time and place of the hearing, a summary description of the proposed improvement, including its general route and termini, a summary description of the area ~~to be assessed~~ constituting the assessment district, and the place where the plans, specifications, ~~estimates~~ estimate of cost, and tentative ~~assessments~~ assessment are on file and may be examined. ~~The~~ each mailed notice ~~shall~~ shall include a statement that the property of the addressee will be assessed for ~~such the~~ improvement. ~~Notice of such hearing~~ The notice also shall be mailed sent by first class or certified mail, on or before the date of the second publication, to the clerk, or the official discharging the duties of a clerk, of any municipal corporation any part of which lies within the assessment district and shall state whether or not any property belonging to the municipal corporation is to be assessed and, if so, shall identify that property. A

At the hearing shall be granted by, or at any adjournment of the hearing, of which no further published or mailed notice need be given, the board to shall hear all parties interested at the time and place fixed by ~~such resolution and notice~~ whose properties are proposed to be assessed. Written objections to or ~~indorsements~~ endorsements of the proposed improvement, ~~the its~~ character and termini ~~thereof~~, the boundaries of the assessment district, or the tentative assessment shall be received by the board for a period of five days after the completion of the hearing, and no action shall be taken by the board in the matter until after ~~such that~~ period has elapsed. The minutes of the hearing shall be entered on the journal of the board showing the persons who appear in person or by attorney, and all written objections shall be preserved and filed in the office of the board.

Sec. 6103.07. After the ~~passage~~ adoption of ~~the a~~ resolution to proceed with an improvement, as provided in section 6103.06 of the Revised Code, ~~no further action the construction of the improvement shall be taken or work done in connection therewith~~ deferred until ten days have elapsed. If, at the expiration of ~~such that~~ period, no appeal has been effected by any property

owner; as provided in sections 6117.09 to 6117.24, ~~inclusive~~, of the Revised Code, the action of the board of county commissioners shall be final, and the board may proceed to issue and sell bonds or certificates of indebtedness incur public obligations and construct such the improvement. If, at the end of that ten days, any owner of property to be assessed ~~or taxed~~ for the improvement has effected an appeal, ~~then said work~~ the construction of the improvement shall not be proceeded with deferred until the matters appealed from have been disposed of in court.

Sec. 6103.081. (A) After the establishment of any county sewer district, the board of county commissioners may determine by resolution that it is necessary to provide water supply improvements and to maintain and operate the ~~same~~ improvements within the ~~sewer~~ district or a designated portion ~~thereof and of the district~~, that ~~such water supply~~ the improvements, which shall be generally described in ~~such the~~ resolution, shall be constructed, that funds are required to pay the preliminary costs of the improvements to be incurred prior to the commencement of the proceedings for their construction, and that those funds shall be provided in accordance with this section.

(B) Prior to the adoption of ~~such the~~ resolution, the board ~~of county commissioners~~ shall give notice of ~~the its~~ pendency ~~thereof~~ and of the proposed determination of the necessity of the improvements ~~therein~~ generally described, ~~which in the resolution.~~ The notice shall set forth a description of the properties to be benefited by the improvements and the time and place of a hearing of objections to and endorsements of the improvements. ~~Such~~ The notice shall be given either by publication in a newspaper of general circulation in the county once a week for two consecutive weeks, or by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the first publication to be made or the mailing to occur at least two weeks prior to the date set for the hearing. At ~~such the~~ hearing, or at any adjournment ~~thereof of the hearing~~, of which no further published or mailed notice need be given, the board ~~of county commissioners~~ shall hear all persons whose properties are proposed to be assessed; and ~~such the~~ evidence ~~as is deemed~~ it considers to be necessary, ~~and shall.~~ The board then shall determine the necessity of the proposed ~~improvement,~~ improvements and ~~in addition shall determine whether such the improvements shall be made by the board of county commissioners and, if they are to be made,~~ shall direct the preparation of tentative assessments upon the benefited properties and by whom they shall be prepared.

~~Thereupon in~~ (C) In order to obtain funds for the preparation of a general ~~or revised general~~ plan of water supply ~~and waterworks~~ for ~~such the~~ district or part ~~thereof and~~ of the district, for the preparation of the detailed plans, specifications, ~~estimates~~ estimate of cost, ~~preparation of the and~~ tentative assessment for the proposed improvements, and for the cost of financing and legal services incident to the preparation of all of ~~such those~~ plans and a plan of financing the proposed ~~improvement~~ improvements, the board ~~of county commissioners~~ may levy upon the ~~property~~ properties to be benefited in ~~such the~~ district a preliminary assessment apportioned according to benefits or to tax valuation or partly by one method and partly by the other method as the board ~~of county commissioners~~ may determine. ~~Such~~ The assessments shall be in the amount determined to be necessary to obtain funds for ~~such the~~ general and detailed plans and ~~such costs~~ the cost of financing and legal services and shall be payable in ~~such the~~ number of years as that the board ~~of county commissioners~~ shall determine, not to exceed twenty years, together with interest on any ~~notes and bonds which~~ public obligations that may be issued or incurred in anticipation of the collection of ~~such the~~ assessments.

(D) The board ~~of county commissioners~~ shall have power at any time to levy additional assessments according to benefits or to tax valuation or partly by one method and partly by the other method as the board ~~of county commissioners~~ may determine for ~~such the~~ purposes described in division (C) of this section upon ~~such the~~ benefited properties to complete the payment of ~~such the~~ costs described in division (C) of this section or to pay the cost of any additional plans, specifications, ~~estimates~~ estimate of cost, or tentative ~~assessments~~ assessment and the cost of financing and legal services incident to the preparation of ~~such those~~ plans and ~~such the~~ plan of financing, which additional assessments shall be payable in ~~such the~~ number of years as that the ~~legislative authority board~~ shall determine, not to exceed twenty years, together with interest on any ~~notes and bonds which~~ public obligations that may be issued or incurred in anticipation of the collection ~~thereof of the additional assessments~~.

(E) Prior to the adoption of ~~the~~ a resolution levying ~~such~~ assessments under this section, the board shall give ~~at least ten days'~~ notice either by one publication in one a newspaper of general circulation in the county which shall state, or by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the publication to be made or the mailing to occur at least ten days prior to the time and place when and where such date of the meeting at which the resolution shall be taken up for

consideration; that notice shall state the time and place of the meeting at which the resolution is to be considered. At ~~such the~~ time and place ~~of the meeting,~~ or at any adjournment ~~thereof of the meeting,~~ of which no further published ~~or mailed~~ notice need be given, the board shall hear all persons whose properties are proposed to be assessed, shall correct any errors and make any revisions that appear to be necessary or just, and ~~may then pass~~ may adopt a resolution levying upon the properties determined to be benefited ~~such the~~ assessments as so corrected and revised.

The assessments levied by ~~such the~~ resolution shall be certified to the county auditor for collection in the same manner as ~~other~~ taxes in the year or years in which they are payable.

(F) Upon the adoption of ~~such the~~ resolution described in division (E) of this section, no further action shall be taken or work done until ten days have elapsed. If, at the expiration of ~~such that~~ period, no appeal has been effected by any property owner as ~~herein~~ provided in this division, the action of the board shall be final. If, at the end of ~~that~~ ten days, any owner of property to be assessed for the ~~improvement~~ improvements has effected ~~such an appeal then,~~ no further action shall be taken and no work done in connection with ~~such the~~ improvements under ~~said the~~ resolution until the matters appealed from have been disposed of in court.

Any owner of property to be assessed may appeal as provided and upon the grounds stated in sections 6117.09 to 6117.24, ~~inclusive,~~ of the Revised Code.

If no appeal has been perfected or if on appeal the resolution of ~~award of county commissioners~~ the board is sustained, the board ~~of county commissioners~~ may authorize and enter into contracts to carry out the purpose for which ~~such the~~ assessments have been levied without the prior issuance of notes, provided that the payments ~~due by the board of county commissioners under those contracts~~ do not fall due prior to the time ~~in by~~ which ~~such the~~ assessments shall are to be collected. The board ~~of county commissioners shall also have the power to~~ may issue and sell its bonds with a maximum maturity of twenty years in anticipation of the collection of ~~such the~~ assessments and may issue its notes in anticipation of the issuance of ~~such the~~ bonds, which notes and bonds, as public obligations, shall be issued and sold as provided in Chapter 133. of the Revised Code.

Sec. 6103.11. Whenever the owners of all the lots and lands to be ~~benefited by and to be~~ assessed for any water supply ~~or water works system,~~ improvement provided for in ~~sections 6103.02 to 6103.30, inclusive, of the Revised Code~~ this chapter, by petition in writing, request the board of county commissioners to provide for the acquisition or construction,

maintenance, and operation of ~~any such~~ the improvement, describing the improvement ~~desired~~ and the lots and lands owned by them respectively to be assessed to pay the cost ~~and of acquisition or construction,~~ maintenance, and operation of ~~such the~~ improvement; and consenting that their ~~said~~ lots and lands may be assessed to pay the cost of ~~such the acquisition or construction of the~~ improvement and of its maintenance and operation as provided in ~~such sections~~ this chapter, and waive ~~notice and the publication of all resolutions and legal notices provided for in such sections~~ otherwise required, the board ~~shall~~ may have the county sanitary engineer prepare, or otherwise cause to be prepared, the necessary plans, specifications, and estimates estimate of cost of the acquisition or construction, maintenance, and operation ~~thereof, of the improvement~~ and a tentative assessment. When ~~all of the owners of the lots and lands to be benefited by and assessed for the proposed improvement in writing state, in writing,~~ that they have examined the ~~estimated~~ estimate of cost and tentative assessment ~~as made by the county sanitary engineer,~~ that they have no objections ~~thereto to them,~~ and that, in case bonds are ~~sold~~ proposed to be issued prior to the acquisition or construction of the improvement, they waive their right or option to pay the assessments in cash, ~~then~~ the board ~~shall~~ may proceed; as provided in ~~such sections,~~ this chapter to ~~construct such~~ cause the improvement to be acquired or constructed and ~~make provisions to cause provision to be made~~ for the payment of the cost of its acquisition or construction, maintenance, and operation, ~~as provided in such sections,~~ except that none of the notices or publications otherwise required by law need be ~~made nor any given and~~ no opportunity need be ~~given provided~~ for the filing of objections to the improvement, its character and termini, the boundaries of the assessment district, or to the assessments, tentative assessment or, if bonds ~~have been sold~~ are issued prior to the acquisition or construction of the improvement, for paying the assessments in cash, ~~and the.~~ The board ~~shall forthwith~~ may proceed to ~~authorize and issue bonds or certificates~~ incur public obligations in the required amount, complete the acquisition or construction of indebtedness the improvement, and levy and collect the assessments authorized by ~~sections 6103.02 to 6103.30, inclusive, of the Revised Code, and no this chapter.~~ No person, firm, or corporation public agency shall have the right to appeal from any decision or action of the board in the matter except refusal by the board to proceed with ~~such the~~ improvement. ~~The~~

The tentative assessment provided for in this section shall be for the information of property owners and shall not be levied or certified to the county auditor for collection. On completion of the ~~work~~ improvement, the its cost ~~thereof~~ shall be determined, ~~including incidental expense as defined~~

~~in sections 6103.02 to 6103.30, inclusive, of the Revised Code, and a revised assessment shall be prepared by the county sanitary engineer shall prepare, or otherwise cause to be prepared, a revised assessment based on such the actual cost and in substantially the same proportion as the tentative assessment. The board shall confirm such and levy the revised assessment and certify the same it to the county auditor for collection.~~

Sec. 6103.12. The cost of any improvement provided for in ~~sections 6103.02 to 6103.30, inclusive, of the Revised Code, this chapter~~ and the cost of ~~the its~~ maintenance and operation ~~thereof~~, shall include, in addition to the cost of its acquisition or construction, the cost of engineering, necessary publications, inspection, interest on ~~certificates of indebtedness or on bonds public obligations~~, and all other items of cost incident to ~~such the~~ improvement as described in division (B) of section 133.15 of the Revised Code. The county may pay from available county funds any part of the cost of ~~such the~~ improvement and any part of the cost of its maintenance and operation ~~thereof~~ if the board of county commissioners ~~deems such considers the payment to be just~~.

Sec. 6103.13. The cost ~~and expense~~ of the acquisition or construction of a main, branch, local or reinforcing pipe line and water supply facilities to be paid by assessments shall be assessed, as an assessment district assessment, upon all the property within ~~said the county sewer~~ district found to be benefited in accordance with the special benefits conferred, less ~~such any part of said the cost as shall be that is~~ paid by the county at large from other available funds. State land so benefited ~~and any state land benefited by pavement, sidewalk, sewage, or other improvement of value shall bear its proportion portion of the assessed costs according to its special benefit cost~~.

Sec. 6103.15. The county sanitary engineer, upon the completion of any improvement ~~under sections 6103.02 to 6103.30, inclusive, of the Revised Code in accordance with this chapter~~, shall prepare, ~~or otherwise cause to be prepared~~, and shall present to the board of county commissioners; a revised assessment; based on the tentative assessment previously ratified by the board for ~~such the~~ improvement; or, if ~~such the~~ tentative assessment has been revised by order of court, based on such the revised tentative assessment, the assessment levied on each piece of property being modified in substantially the same proportion as the actual cost of the ~~work improvement~~, including incidental costs, bears to the estimated cost on which ~~such the~~ tentative assessment was based. No notice of ~~such the~~ revised assessment shall be given unless ~~such the~~ actual cost exceeds the estimated cost. If the actual cost exceeds the estimated cost, notice shall be given to all property owners within the assessment district and shall be

published as provided by section 6103.06 of the Revised Code for amendments of the tentative assessment, and any property ~~owners~~ owner may appeal as provided for in the case of a tentative ~~assessments~~ assessment. The board shall confirm ~~such~~ the revised assessment, and, when so confirmed, ~~the same~~ it shall be final and conclusive. If an appeal has been made, ~~such that~~ confirmation shall be subject to the finding of the court. ~~The~~

The board may, at such intervals as it deems considers expedient, assess may levy an additional assessment on the lots and parcels of land specified in said notice of assessment and levy taxes upon the taxable property of the district so improved assessed for the improvement, including state land, in order to pay the cost of the maintenance, repair, and operation of any such the improvement; after its completion thereof, and no. No further notice shall be necessary of such maintenance, repair, or operation that additional assessment shall be necessary unless the amount thereof of it exceeds ten per cent of the original cost of the construction acquiring or constructing the improvement. If such maintenance, repair, or operation that additional assessment exceeds ten per cent of the original cost of the construction acquiring or constructing the improvement, the method and manner of making such that additional assessment, together with the notice thereof of it, shall be the same as provided by sections 6103.02 to 6103.30, inclusive, of the Revised Code, in this chapter for the original assessment. That additional assessment shall be subject to any applicable provisions of section 6103.16 of the Revised Code, provided that the assessment may bear interest at a rate that the board determines to be appropriate.

Sec. 6103.17. Whenever the legislative authority or board of health, or the officers performing the duties of a legislative authority or board of health, of a municipal corporation, the board of health of a general health district, or a board of township trustees makes complaint, in writing, to the ~~director of~~ environmental protection agency that unsafe water supply conditions exist in any county, the agency's director ~~shall~~ forthwith shall inquire into and investigate the conditions complained of. If, upon investigation of ~~such the~~ complaint, the director finds that it is necessary for the public health and welfare that ~~any improvement mentioned in sections 6103.01 and 6103.02 of the Revised Code~~ water supply facilities be acquired or constructed, maintained, and operated for the service of to serve any territory outside of municipal corporations in any county, the director shall notify the board of county commissioners of ~~such the~~ county of ~~his that~~ finding and order that corrective action be taken. The board shall obey ~~such the~~ order and proceed; as provided in ~~sections this chapter and section 6117.01, 6117.02, and 6103.02 to 6103.30~~ of the Revised Code; to establish

a county sewer district, if required, to provide the necessary funds, and to acquire or construct such public water supplies the facilities, or and to maintain, repair, or and operate the same facilities, as are required by such the order and in such a manner as that is satisfactory to the director. Any part or all of the cost of such improvement the facilities or of the maintenance and operation of the facilities may be assessed upon the property benefited properties as provided in such sections this chapter.

Sec. 6103.20. (A) At any time after the formation of any county sewer district, the board of county commissioners, when deemed expedient it considers it appropriate, on application by a corporation, individual, person or public institution agency for the supply of water to properties of that person or public agency located outside of any the district, may contract with such corporation, individual, the person or public institution agency for supplying water to their premises those properties from water supply facilities acquired or constructed or to be acquired or constructed by the county to serve the district, on such terms as are that the board considers equitable, but the. The amount to be paid by the person or public agency to reimburse the county for costs of acquiring or constructing those facilities shall not be less than the original or comparable assessment for similar property within the district or, in the absence of an original or comparable assessment, an amount that is found by the board to be reasonable and fairly reflective of that portion of the cost of those facilities attributable to the properties to be served. Such The board in any such case shall appropriate any moneys received for such that service to and for the use and benefit of such the district. When the The board deems it necessary to contract with a corporation, individual, or public institution outside of any district for supplying water to their premises from water supply lines constructed or to be constructed to serve such district, it shall so determine by resolution and may collect said the amount to be paid by the person or public agency in full, in cash or in installments as a part of a connection charge to be collected in accordance with division (F) of section 6103.02 of the Revised Code, or, if the properties to be served are located within the county, the same amount may be assessed against said lots or parcels of land those properties, and, in that event, the manner of making such the assessment, together with the notice thereof of it, shall be the same as provided in sections 6103.02 to 6103.30, inclusive, of the Revised Code, for the original assessment this chapter.

(B) Whenever a water supply line has facilities have been acquired or constructed by, and at the expense of, a corporation, individual, person or public institution at its own expense for the purpose of supplying water to

~~any allotment, development, subdivision, or similar enterprise, or to any institution, agency and it is deemed expedient by the board~~ considers it appropriate to acquire said water supply line the facilities or any part thereof of them for the purpose of supplying water to territory ~~outside the allotment, subdivision, development, or other such enterprise for which such line was constructed, and such additional territory is within a~~ county sewer district, the county sanitary engineer, at the direction of the board, shall examine it ~~and if he~~ the facilities. If the county sanitary engineer finds the same facilities properly designed and constructed, he the county sanitary engineer shall make an appraisal of its present value to the district as a means of supplying water to territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed and shall certify such value that fact to the board. In such appraisal no allowance shall be made for the value of such water supply line to the territory for the service of which it was originally constructed. The

~~The board, by resolution, may determine to purchase said water supply line the facilities or any part of them at a cost not to exceed its present value as certified by that, after consultation with the county sanitary engineer, it finds to be reasonable. For~~

Subject to and in accordance with this division and division (B) or divisions (C), (D), and (E) of section 6103.05 of the Revised Code, the board may purchase the facilities or any part of them by negotiation. For the purpose of paying for the water supply line and the maintenance thereof cost of their acquisition, the board may issue bonds or certificates of indebtedness incur public obligations and assess the entire cost, or a lesser designated part of the cost, of their acquisition against the benefited property properties in the same manner as provided by law in this chapter for the construction of an original water supply line or comparable facilities.

Sec. 6103.21. At any time after the formation of any county sewer district, the board of county commissioners may enter into a contract, upon ~~such the terms and for such the period of time as are that is~~ mutually agreed upon, with any ~~municipal corporation or any other county public agency~~ to prepare all necessary plans and estimates of cost and to acquire or construct any water supply ~~improvement facilities that are~~ to be used jointly by the contracting parties, and to provide for the furnishing of water and for the maintenance, operation, and joint use by such the contracting parties of such those water supply improvement facilities or the maintenance, operation, and joint use of any suitable existing water supply or water mains supply facilities belonging to either of such the contracting parties.

Sec. 6103.22. All contracts under section 6103.21 of the Revised Code

shall provide for the payment of compensation to the county or ~~municipal corporation~~ other public agency owning, acquiring, or constructing, or agreeing to acquire or construct, the water supply ~~improvement~~ facilities to be jointly used ~~of the~~ in an amount agreed upon as the other party's share of the cost of acquiring or constructing the ~~water supply improvement~~ facilities. The contract also shall provide for payment of of compensation to the county or ~~municipal corporation~~ other public agency owning, acquiring, or constructing the facilities and operating and maintaining ~~the improvement~~ of the them in an amount agreed upon ~~for as~~ as the other party's share of the cost of operating and maintaining ~~the water supply improvement~~ them, including the cost of water; or, in lieu of all other or differing payments, an agreed price per unit for water furnished. A county or ~~municipal corporation~~ other public agency owning, acquiring, or constructing, or agreeing to acquire or construct a, any water supply improvement facilities and permitting the agreeing to their use of it by another ~~county or municipal corporation~~ public agency shall retain full control and management of the acquisition, construction, maintenance, repair, and operation of the improvement, facilities, unless otherwise provided in the contract and except, in the case of a county, when conveyed to a municipal corporation as provided in this section division (B) of section 6103.04 of the Revised Code.

~~A completed water supply or water works system, as defined in sections 6103.01 and 6103.02 of the Revised Code, for the use of any sewer district, constructed under this chapter, and any part thereof, located within any municipal corporation or within any area that may be incorporated as a municipal corporation or annexed to an existing municipal corporation, or that provides water for such an area, by mutual agreement between the board of county commissioners and the municipal corporation may be conveyed to the municipal corporation, which shall thereafter maintain and operate the water supply or water works. The board may retain the right to joint use of the water supply or water works for the benefit of the district. The validity of any assessment that has been levied or may be levied thereafter to provide means for the payment of the cost of the construction or maintenance of the water supply or water works or any part of it shall not be affected by the conveyance.~~

Sec. 6103.23. ~~The~~ A county or ~~municipal corporation~~ other public agency contracting as provided in sections ~~6103.20 to 6103.21 and~~ 6103.21 and 6103.22; ~~inclusive,~~ of the Revised Code; for the joint use of any water supply improvement facilities acquired or constructed, or to be acquired or constructed, by another ~~county or municipal corporation~~ public agency may provide for payment of the agreed compensation by the levy of taxes; or

special assessments; or from water rentals as now provided in rates and charges, if and to the extent that the public agency is authorized by the laws governing such county or municipal corporation it in the acquisition, construction, maintenance, repair, or operation of a water supply improvement facilities to provide for payment of costs in respect of which the compensation is due from those sources, and may issue bonds or incur public obligations as provided by such those laws in anticipation of such taxes or assessments and pay the debt charges on those obligations from those sources, if and to the extent so authorized.

Sec. 6103.24. The A county or municipal corporation other public agency receiving the compensation provided for in section 6103.22 of the Revised Code shall credit the amount so received to the proper fund to be used and applied towards for the acquisition, construction, or operation and maintenance, as the case may be, of the water supply improvement and other water works to be jointly used facilities or for other authorized purposes.

Sec. 6103.25. Whenever, in the opinion of the board of county commissioners, it is necessary to procure acquire real estate, a right of way, or an easement any interest in real estate for the acquisition, construction, maintenance, or operation of any water supply or other improvement facilities authorized by sections 6103.02 to 6103.30, inclusive, of the Revised Code this chapter, or to acquire the right to acquire, construct, maintain, and operate such water supply or other improvement those facilities in and upon any property within or without outside of a county sewer district, it may purchase the same real estate, interest in real estate, or right by negotiation. If such the board and the owner thereof of the real estate, interest in real estate, or right are unable to agree upon its purchase and sale, or the amount of damage damages to be awarded therefor for it, the board may appropriate such the real estate, right of way, easement interest, or right; in accordance with sections 163.01 to 163.22, inclusive, of the Revised Code, except that the board, in the exercise of the powers granted by this section or any other section of this chapter, may not appropriate real estate or personal property owned by a municipal corporation. The board shall perform all acts and duties required to be performed by the mayor or legislative authority of a municipal corporation by such laws and the passage of equivalent resolutions and ordinances to be passed by the legislative authority of a municipal corporation. In the construction, maintenance, and operation of any water supply or waterworks system, as provided in sections 6103.02 to 6103.30, inclusive, of the Revised Code, the necessary resolutions, waivers, and notices, provided for in such sections;

~~may be passed, made, and given at the same time, or may be included in any similar resolution, waiver, or notice passed, made, or given for the construction, maintenance, and operation of any sewer or sewage disposal works in the same district.~~

Sec. 6103.29. No person or public agency shall tamper with or damage any water supply facility acquired or ~~water main~~ constructed by a county under sections 6103.02 to 6103.30, inclusive, of the Revised Code, this chapter or any apparatus or accessory connected ~~therewith~~ with it or pertaining ~~thereto~~. ~~No person shall to it, or make any connection into or with such the water supply or water main facility,~~ without the permission of the board of county commissioners; or ~~make any such connection~~ in a manner or for a use other than as prescribed by ~~such the~~ board. No person or public agency shall refuse to permit the inspection by the county sanitary engineer of any such connection or willfully cause the pollution of any water supply. No person or public agency shall violate ~~sections 6103.02 to 6103.30, inclusive, of the Revised Code~~ any other provision of this chapter. All fines collected under section 6103.99 of the Revised Code shall be paid to the county treasurer and credited to ~~such the~~ fund as that the board determines to be most appropriate after consideration of the nature and extent of the particular violations.

Sec. 6103.31. (A) If the board of county commissioners determines by resolution that the best interests of the county and the users of a public water supply facilities of the county serving a sewer district so require, the board of county commissioners may sell or otherwise dispose of such public water supply the facilities to another political subdivision, public agency or a person, firm, or private corporation The resolution declaring the necessity ~~therefor~~ of that disposition shall recite the ~~reason~~ reasons for the sale or other disposition and shall ~~include~~ establish any conditions or terms ~~of sale which that the board imposes may impose, including the proposed, but not limited to, a minimum sales price; if a sale is proposed, a requirement for the submission by bidders of the schedule of water rates and charges initially proposed to be imposed upon paid by the users of the water supply facilities,~~ and ~~such~~ other pertinent conditions or terms and provisions relating to the sale or other disposition ~~of the water supply as the board determines~~ The resolution also shall designate a time and place for the hearing of objections to the sale or other disposition by the board. Notice of the ~~passage adoption~~ of the resolution and the time and place of the hearing shall be published once a week for two consecutive weeks, on the same day of the week, in a newspaper of general circulation in the sewer district and in the county served by the public water supply and a. The public hearing on the sale or

~~other disposition shall be held thereon~~ not less than twenty-four days following the date of first publication of the notice ~~of passage of the resolution~~ Notice of the passage of the resolution shall A copy of the notice also shall be mailed sent by first class or certified mail, on or before the date of the second publication, to any municipality public agency within the water supply service area of the sewer district served by the facilities Five At the public hearing, or at any adjournment of it, of which no further published or mailed notice need be given, the board shall hear all interested parties. A period of five days shall be given following the date completion of the hearing, which may be adjourned from time to time, for the filing of written objections by any interested person persons or public agencies to the sale or other disposition of the public water supply, after which the board shall consider such any objections and by resolution determine whether or not to proceed with the sale or other disposition of the public water supply ~~In the event~~ If the board determines to proceed with the sale or other disposition of the public water supply, any interested person whose objection has been overruled may appeal to the probate court of the county in the manner prescribed by sections 6117.09 to 6117.22, inclusive, of the Revised Code. An appeal may be taken with regard to any matter required by this section to be incorporated in the resolution of necessity. The board of county commissioners, in proceeding with the sale or disposition of the water supply, it shall receive bids and proceed in accordance with section 6103.10 of the Revised Code for bidding, after advertising, and sale once a week for four consecutive weeks in a newspaper of general circulation in the county and, subject to the right of the board to reject any or all bids, may make an award to a responsible bidder whose proposal is determined by the board to be in the best interests of the county and the users of the facilities.

(B) A conveyance of water supply facilities by a county to a municipal corporation, in accordance with division (B) of section 6103.04 of the Revised Code, may be made without regard to division (A) of this section.

Sec. 6103.40. it is the intent of the general assembly that the amendments made to this chapter by sub. H.B. 549 of the 123rd general assembly are subject to section 4 of that act. this section does not affect the application of section 3 of that act to sections 1 and 2 of that act.

Sec. 6117.01. (A) As used in this chapter:

(1) "Sanitary facilities" means sanitary sewers, force mains, lift or pumping stations, and facilities for the treatment, disposal, impoundment, or storage of wastes; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(2) "Drainage" or "waters" means flows from rainfall or otherwise

produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage.

(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(4) "County sanitary engineer" means either of the following:

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in section 6117.01 of the Revised Code;

(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter.

(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities to, or to continue sanitary or drainage facilities in, good order and

working condition, but does not include construction of permanent improvements.

(8) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(B) For the purpose of preserving and promoting the public health and welfare, ~~boards~~ a board of county commissioners may ~~by resolution~~ lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within ~~their respective counties, the county and~~ outside of municipal corporations; and may have a registered professional engineer make ~~such the~~ surveys as are necessary for the determination of the proper boundaries of ~~such each~~ district. ~~Each district, which~~ shall be designated by an appropriate name or number. ~~Any~~ The board may acquire, construct, maintain, and operate ~~such main, branch, intercepting, or local sewer, or ditch, channel, or interceptor for the temporary retention of storm water, within any such district, and such outlet sewer and sewage treatment or disposal works within or without such district, as are necessary to care for and conduct the sewage or surface water from any part of such district to a proper outlet, so as to properly treat or dispose of same. Any such sanitary or drainage facilities that it determines to be necessary or appropriate for the collection of sewage and other wastes originating in or entering the district, to comply with the provisions of a contract entered into for the purposes described in sections 6117.41 to 6117.44 of the Revised Code and pursuant to those sections or other applicable provisions of law, or for the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district, and other sanitary or drainage facilities, within or outside of the district, that it determines to be necessary or appropriate to conduct the wastes and waters to a proper outlet and to provide for their proper treatment, disposal, and disposition. The board may provide for the protection of the sanitary and drainage facilities and may negotiate and enter into a contract with any public agency or person for the management, maintenance, operation, and repair of any of the facilities on behalf of the county upon the terms and conditions that may be agreed upon with the agency or person and that may be determined by the board to be in the best interests of the county. By contract with any public agency or person operating sanitary or drainage facilities within or outside of the county, the board may provide a proper outlet for any of the wastes and waters and for their proper treatment, disposal, and disposition.~~

(C) The board of county commissioners may employ a registered professional engineer to be the county sanitary engineer for ~~such the~~ time and on ~~such the~~ terms as it ~~deems~~ considers best; and may authorize ~~such~~

~~registered professional~~ the county sanitary engineer to employ necessary assistants upon ~~such the~~ terms as ~~are~~ fixed by ~~said the~~ board. ~~The~~ Prior to the initial assignment of drainage facilities duties to the county sanitary engineer, if the county sanitary engineer is not the county engineer, the board first shall offer to enter into an agreement with the county engineer pursuant to section 315.14 of the Revised Code for assistance in the performance of those duties of the board pertaining to drainage facilities, and the county engineer shall accept or reject the offer within thirty days after the date the offer is made.

The board may create and maintain a sanitary engineering department, to which shall be under its supervision and in charge of a registered professional which shall be headed by the county sanitary engineer, to be appointed by such board, for the purpose of aiding it in the performance of its duties under sections 6117.01 to 6117.45 this chapter and Chapter 6103. of the Revised Code; or its other duties regarding sanitation, drainage, and water supply provided by law. Said The board shall provide suitable rooms facilities for the use of such the department and shall provide for and pay the compensation of such registered professional the county sanitary engineer and all authorized necessary expenses of such registered professional the county sanitary engineer and the sanitary engineering department which are authorized by such board. Any such registered professional The county sanitary engineer in charge of such department, with the approval of the board, may appoint necessary assistants and clerks, and the compensation of any such those assistants and clerks shall be fixed provided for and paid by such the board. The

(D) The board of county commissioners may adopt, publish, administer, and enforce rules for the construction, maintenance, protection, and use of sewers county-owned or county-operated sanitary and sewer improvements in its county drainage facilities outside of municipal corporations, and of sewers sanitary and sewer improvements drainage facilities within municipal corporations in its county wherever such sewers that are constructed owned or operated by such board the county or that discharge into sewers or sewage treatment plants constructed sanitary or drainage facilities owned or operated by such board the county, including, but not limited to, rules for the establishment and use of any connections, the termination in accordance with reasonable procedures of sanitary service for the nonpayment of county sanitary rates and charges and, if so determined, the concurrent termination of any county water service for the nonpayment of those rates and charges, the termination in accordance with reasonable procedures of drainage service for the nonpayment of county drainage rates

and charges, and the establishment and use of security deposits to the extent considered necessary to ensure the payment of county sanitary or drainage rates and charges ~~Such~~ The rules shall not be inconsistent with the laws of this state or the any applicable rules of the director of environmental protection. ~~No sewers or sewage treatment works~~

(E) No sanitary or drainage facilities shall be constructed in any county outside of municipal corporations by any person, firm, or corporation until the plans and specifications for the same have been approved by the board of county commissioners, and any such construction shall be done under the supervision of the county sanitary engineer. Not less than thirty days before the date drainage plans are submitted to the board for its approval, the plans shall be submitted to the county engineer. If the county engineer is of the opinion after review that the facilities will have a significant adverse effect on roads, culverts, bridges, or existing maintenance within the county, the county engineer may submit a written opinion to the board not later than thirty days after the date the plans are submitted to the county engineer. The board may take action relative to the drainage plans only after the earliest of receiving the written opinion of the county engineer, receiving a written waiver of submission of an opinion from the county engineer, or passage of thirty days from the date the plans are submitted to the county engineer. Any person, firm, or corporation proposing or constructing such improvements the facilities shall pay to the county all expenses incurred by the board in connection therewith with the construction ~~The~~

(F) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or is mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys or examinations inspections necessary for the laying out of sewer districts or designing sewers or treatment works, and may make such surveys and examinations the design or evaluation of county sanitary or drainage facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to 163.22 of the Revised Code that may be pending No person, firm, or corporation public agency shall forbid or interfere with the county sanitary engineer or his the county sanitary engineer's authorized assistants entering or agents to enter, or interfere with their entry, upon such the property for such that purpose or forbid or interfere with their making such of surveys or examinations inspections ~~If actual damage is done to property~~

by the making of ~~such the~~ surveys and ~~examinations~~ inspections, the board shall pay the reasonable value of ~~such the~~ damage to the property owner of the property damaged, and ~~such the~~ cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made cost of the facilities and may be included in any special assessments to be levied and collected to pay that cost.

Sec. 6117.011. ~~Boards~~ A board of county commissioners in the manner provided in this section may make surveys of water ~~works or sewerage systems~~ supply, sanitary, or drainage facilities for any sewer district, the acquisition or construction, improvement, enlargement, or repair of which is contemplated, ~~and they may proceed in the manner provided in this section.~~

Any board desiring to make ~~such~~ a survey shall adopt a resolution declaring ~~the~~ its purpose and necessity ~~therefor~~. In making ~~such the~~ surveys, ~~such the~~ board may call upon engineering officers or employees regularly employed by the board; or may authorize and enter into contracts for the services of registered professional engineers to make ~~such the~~ surveys.

The surveys authorized by this section may include drawings, plans, specifications, estimates of cost of labor and materials, ~~and~~ other items of cost, assessment rolls, and ~~such~~ other facts, material, data, reports, and ~~other~~ information and recommendations as that the board deems considers advisable or necessary for the planning and construction of the improvement proposed or the enlargement, improvement, replacement, or repair of an existing improvement purpose.

~~Agreements~~ Contracts entered into for ~~such the~~ surveys shall be ~~deemed considered~~ contracts for professional services and may provide for preliminary surveys or the making of detailed plans, or both, and ~~may~~ also may provide for ~~engineer- engineering~~ supervision of the work. No ~~such~~ contract shall be valid unless one or more of the services to be performed ~~thereunder~~ are by its terms to be commenced within one year after the contract date.

~~Such~~ The contracts shall be ~~executed in triplicate and shall be~~ signed by at least two members of the board and by the engineer agreeing to perform ~~such the~~ service, and one signed copy ~~thereof of the contract~~ shall be filed with the fiscal officer of the county, whose certificate ~~as provided in, otherwise required by~~ section 5705.41 of the Revised Code ~~shall, need~~ not be ~~required provided~~. Payment ~~therefor for the contracts~~ may be made from the general fund or any other fund legally available for ~~such that~~ use at ~~such the~~ times as that are agreed upon or as determined by the board, ~~and, where bonds or notes are sold, The proceeds of any public obligations issued pursuant to section 6119.36 of the Revised Code or any other public~~

obligations issued or incurred to pay the cost of work facilities to which such a survey related, such funds relates may be used to pay any part of the consideration cost under such contract the contracts or to reimburse the fund from which payment was made.

Sec. 6117.02. (A) The board of county commissioners shall fix reasonable rates ~~to be charged, including penalties for late payments,~~ for the use, ~~or the availability for use,~~ of the ~~sewers or sewerage treatment or disposal works referred to in section 6117.01 of the Revised Code~~ sanitary facilities of a sewer district to be paid by every person, firm, or corporation and public agency whose premises are served, or capable of being served, by a connection directly or indirectly to such sewers or sewerage treatment or disposal works those facilities when such sewers or sewerage treatment or disposal works those facilities are owned or operated by the county, and may change such the rates from time to time as it deems considers advisable. ~~Such rates shall be at least sufficient to pay all the cost of operation and maintenance of improvements for which the resolution declaring the necessity thereof shall be passed after July 1, 1958 and may include, upon billing, additional amounts attributable to connection charges being paid in installments. When the sewerage treatment or disposal works is sanitary facilities to be used by the county are owned by a municipal corporation another public agency or any person, firm, or private corporation the schedule of rates to be charged by such municipal corporation, the public agency or person, firm, or private corporation for the use of such the facilities by the county, or the formula or other procedure for their determination, shall be ratified approved by the board at the time any it enters into a contract is entered into for such that use. The~~

(B) ~~The board shall also shall~~ establish reasonable charges to be collected for the privilege of connecting to the ~~sewers or sewerage treatment or disposal works~~ sanitary facilities of the district, with the requirement that, prior to ~~such the~~ connection, ~~such the~~ charges shall ~~either~~ be paid in full, or, if determined ~~by the board~~ to be equitable ~~by the board in its a~~ resolution ~~providing for relating to~~ the payment of ~~such the~~ charges, provision ~~deemed considered~~ adequate by the board shall be made for ~~their~~ payment in installments at ~~such the~~ times ~~and, in such the~~ amounts, and with ~~such the~~ security, carrying charges, ~~or and~~ penalties as may be found by the board in ~~such that~~ resolution to be fair and appropriate, ~~and no. No public agency or person shall be permitted to connect to the sewers or sewerage treatment or disposal works of the district those facilities until such the charges have been paid in full; or until such provision for their payment in installments has been made. If the connection charges are to be paid in installments, the~~

board shall certify to the county auditor information sufficient to identify each parcel of property served by ~~the~~ a connection and, with respect to each parcel, the total of the charges to be paid in installments, the amount of each installment, and the total number of installments to be paid. The auditor shall record and maintain the information supplied in the sewer improvement record provided for in section 6117.33 of the Revised Code until the connection charges are paid in full. ~~When~~ The board may include amounts attributable to connection charges being paid in installments in its billings of rates and charges for the use of sanitary facilities.

(C) When any rents of the sanitary rates or charges are not paid when due, the board shall certify the same may do any or all of the following as it considers appropriate:

(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor, who shall place them upon the real property tax list and duplicate against the property served by such the connection. Such rents and charges The certified amount shall be a lien on such the property from the date the same are placed upon on the real property tax list and duplicate by the auditor and shall be collected in the same manner as other taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in that amount when separately tendered as payment for the full amount of the unpaid sanitary rates or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.

(2) Collect the unpaid rates or charges, together with any penalties, by actions at law in the name of the county from an owner, tenant, or other person or public agency that is liable for the payment of the rates or charges;

(3) Terminate, in accordance with established rules, the sanitary service to the particular property and, if so determined, any county water service to that property, unless and until the unpaid sanitary rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of sanitary rates and charges for service to the particular property. All

All moneys collected as rents for use of such sewers or sewerage treatment or disposal works or as connection sanitary rates, charges in, or penalties fixed or established in accordance with divisions (A) and (B) of this section for any sewer district shall be paid to the county treasurer and kept in a separate and distinct sanitary fund established by the board to the credit of such the district. Except as otherwise provided in any resolution proceedings authorizing or providing for the security for and payment of any

~~bonds outstanding on July 1, 1958, or thereafter issued public obligations, or in any indenture or trust or other agreement securing such bonds public obligations, such moneys in the sanitary fund shall be used applied first for to the payment of the cost of the management, maintenance, and operation of the sewers of the district and sewerage treatment or disposal works sanitary facilities of, or used by or operated for, the district, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of sanitary facilities and, in accordance with a cost allocation plan adopted under division (B)(E) of this section, payment of all allowable direct and indirect costs of the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for the sanitary purposes of under this chapter, and shall be used applied second for to the payment of interest or principal of debt charges payable on any outstanding debt public obligations issued or incurred for the acquisition or construction of such sewers or sewerage treatment or disposal works sanitary facilities for or serving the district, or for the creation funding of a sinking bond retirement or other fund established for the payment of such debt or security for the obligations Any surplus thereafter remaining in such fund may be used for applied to the enlargement, extension or replacement acquisition or construction of such sewers and sewerage treatment or disposal works those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts Money so collected Moneys in the sanitary fund shall not be expended otherwise other than for the use and benefit of such the district. No provision of this section shall limit or restrict the power and discretion of the board to determine how much of the cost of such improvements shall be borne by the county at large and how much shall be specially assessed upon benefited properties, nor the power to issue notes and bonds for the share to be borne by the county and in anticipation of the levy or collection of special assessments for the share to be specially assessed, nor the power of the board to levy special assessments upon benefited properties for operation and maintenance whenever the rents and other funds available are not sufficient to pay all the cost thereof.~~

~~(B)(D)~~ The board may fix reasonable rates and charges, including connection charges and penalties for late payments, to be paid by any person or public agency owning or having possession or control of any properties that are connected with, capable of being served by, or otherwise served directly or indirectly by, drainage facilities owned or operated by or under the jurisdiction of the county, including, but not limited to, properties

requiring, or lying within an area of the district requiring, in the judgment of the board, the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district, and may change those rates and charges from time to time as it considers advisable. The rates and charges shall be payable periodically as determined by the board, except that any connection charges shall be paid in full in one payment, or, if determined by the board to be equitable in a resolution relating to the payment of those charges, provision considered adequate by the board shall be made for their payment in installments at the times, in the amounts, and with the security, carrying charges, and penalties as may be found by the board in that resolution to be fair and appropriate. The board may include amounts attributable to connection charges being paid in installments in its billings of rates and charges for the services provided by the drainage facilities.

When any of the drainage rates or charges are not paid when due, the board may do any or all of the following as it considers appropriate:

(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor, who shall place them upon the real property tax list and duplicate against the property to which the rates or charges apply. The certified amount shall be a lien on the property from the date placed on the real property tax list and duplicate and shall be collected in the same manner as taxes, except that notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in that amount when separately tendered as payment for the full amount of the unpaid drainage rates or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.

(2) Collect the unpaid rates or charges, together with any penalties, by actions at law in the name of the county from an owner, tenant, or other person or public agency that is liable for the payment of the rates or charges;

(3) Terminate, in accordance with established rules, the drainage service for the particular property until the unpaid rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of drainage rates and charges applicable to the particular property.

All moneys collected as drainage rates, charges, or penalties in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct drainage fund established by the board to the credit of the district. Except as otherwise provided in any proceedings authorizing or providing for the security for and payment of any public obligations, or in

any indenture or trust or other agreement securing public obligations, moneys in the drainage fund shall be applied first to the payment of the cost of the management, maintenance, and operation of the drainage facilities of, or used or operated for, the district, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of drainage facilities and, in accordance with a cost allocation plan adopted under division (E) of this section, payment of all allowable direct and indirect costs of the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for drainage purposes under this chapter, and shall be applied second to the payment of debt charges payable on any outstanding public obligations issued or incurred for the acquisition or construction of drainage facilities for or serving the district, or for the funding of a bond retirement or other fund established for the payment of or security for the obligations. Any surplus remaining may be applied to the acquisition or construction of those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the drainage fund shall not be expended other than for the use and benefit of the district.

(E) A board of county commissioners may adopt a cost allocation plan that identifies, accumulates, and distributes allowable direct and indirect costs that may be paid from each of the fund funds of the district created in division (A) pursuant to divisions (C) and (D) of this section, and that prescribes methods for allocating those costs. The plan shall authorize payment from the fund for each of those funds of only those costs incurred by the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, and those costs incurred by the general and other funds of the county for a common or joint purpose, that are necessary and reasonable for the proper and efficient administration of the district under this chapter and properly attributable to the particular fund of the district. The plan shall not authorize payment from either of the fund funds of any general government expense required to carry out the overall governmental responsibilities of a county. The plan shall conform to United States office of management and budget Circular A-87, "Cost Principles for State and Local, and Indian Tribal Governments," published January 15 May 17, 1983 1995.

Sec. 6117.04. The authority of ~~the~~ a board of county commissioners to ~~provide sewer improvements and to acquire, construct, maintain, and operate the same within~~ sanitary or drainage facilities for a county sewer

~~districts which include a part or all of~~ district in the territory ~~within one or more of a municipal corporations corporation, or a regional district established under Chapter 6119. of the Revised Code, that is in whole or in part within the county sewer district~~ is the same as provided by law with respect to territory within districts a county sewer district that is wholly outside of a municipal corporations, including the levying of assessments. ~~Such authority shall be limited to main works only, and does not include corporation or a regional district, subject to the following in the case of facilities within a municipal corporation:~~

(A) The acquisition, construction and, maintenance, and operation of lateral sewers for local service within such the facilities shall first be authorized by an ordinance or resolution of the legislative authority of the municipal corporation. All

(B) All road surfaces, curbs, sidewalks, sewers, water pipes supply facilities, or other public improvements or property that may be disturbed or damaged by such the construction of the facilities shall be replaced or restored to their original condition within a reasonable time by the board county, and the cost thereof shall be treated as a part of the cost of such improvement. After such main works are constructed, such the facilities.

(C) The municipal corporation, with the prior approval of or by agreement with the board, may make use of the same as an outlet for branch and local sewers constructed by it for the service and use only of that part of the municipal corporation which lies within the area assessed or to be assessed for the cost of such main works, subject to such facilities in accordance with rules and regulations as are established by the board and subject to all any applicable requirements of the director of environmental protection.

~~At any time after a district is established comprising or including a part or all of the territory within any municipal corporation, its legislative authority may by ordinance or resolution authorize the board to proceed with the construction or the maintenance, repair, and operation of any sewer improvement for local service within such municipal corporation. After such authority has been granted, the board may proceed with the construction or the maintenance and operation of said improvements in the same manner as provided by law for improvements in districts wholly outside of municipal corporations, under the same restrictions as provided in this section for main works.~~

Sec. 6117.05. (A) Whenever any portion of a sewer district is incorporated as, or annexed to, a municipal corporation, the area so incorporated or annexed shall remain under the jurisdiction of the board of

county commissioners for ~~sewerage~~ purposes; of the acquisition and construction of sanitary and drainage facility improvements until all sewerage of those improvements for said the area for which detailed plans have been prepared and the a resolution declaring the necessity thereof described in division (A) or (E) of section 6117.06 of the Revised Code has been adopted by the board have been acquired or completed; or until the board has abandoned such projects the improvements Such The board, unless and until a conveyance is made to a municipal corporation in accordance with division (B) of this section, shall continue to have jurisdiction in the area so incorporated or annexed with respect to the management, maintenance, and operation of all sanitary and drainage facilities so acquired or completed, or previously acquired or completed, including the right to establish rules and rates and charges for the use of, and connections to, the facilities. The incorporation or annexation of any part of a district shall not interfere with or render illegal any issue of bonds or certificate of indebtedness made affect the legality or enforceability of any public obligations issued or incurred by the board county for purposes of this chapter to provide for the payment of the cost of acquisition, construction and, maintenance, or operation of any sewer improvement sanitary or drainage facilities within such the area, or with the validity of any assessments levied or to be levied upon the property properties within such the area to provide for the payment of the cost of acquisition, construction and, maintenance, or operation of the facilities.

(B) Any completed sanitary or drainage facilities acquired or constructed by a county under this chapter for the use of any county sewer district, or any part of those facilities, that are located within a municipal corporation or within any area that is incorporated as, or annexed to, a municipal corporation, or any part of the facilities that serve a municipal corporation or such an area, may be conveyed, by mutual agreement between the board and the municipal corporation, to the municipal corporation on terms and for consideration as may be negotiated. Upon and after the conveyance, the municipal corporation shall manage, maintain, and operate the facilities in accordance with the agreement. The board may retain the right to joint use of all or part of any facilities so conveyed for the benefit of the district. Neither the validity of any assessment levied or to be levied, nor the legality or enforceability of any public obligations issued or incurred, to provide for the payment of the cost of the acquisition, construction, maintenance, or operation of the facilities or any part of them, shall be affected by the conveyance.

Sec. 6117.06. (A) After the establishment of any sewer district, the

board of county commissioners ~~shall, if a sanitary or drainage facility improvement is to be undertaken, may have prepared by the county sanitary engineer prepare, or otherwise cause to be prepared, for the district, or revise as needed, a general plan of sewerage and sewage disposal for such district, or drainage that is as complete in each case as can be made developed at that the time and that is devised with regard to any existing sanitary or drainage facilities in the district and present as well as prospective needs for additional sanitary or drainage facilities in the district.~~ After ~~such~~ the general plan, in original or revised form, has been approved by the board, it ~~shall~~ may adopt a resolution generally describing the improvement that is necessary to be acquired or constructed in accordance with the particular plan, declaring that the improvement is necessary for the preservation and promotion of the public health and welfare, and determining whether or not special assessments are to be levied and collected to pay any part of the cost of the improvement.

(B) If special assessments are not to be levied and collected to pay any part of the cost of the improvement, the board, in the resolution provided for in division (A) of this section or in a subsequent resolution, including a resolution authorizing the issuance or incurrence of public obligations for the improvement, may authorize the improvement and the expenditure of the funds required for its acquisition or construction and may proceed with the improvement without regard to the procedures otherwise required by divisions (C), (D), and (E) of this section and by sections 6117.07 to 6117.24 of the Revised Code. Those procedures are required only for improvements for which special assessments are to be levied and collected.

(C) If special assessments are to be levied and collected pursuant to a determination made in the resolution provided for in division (A) of this section or in a subsequent resolution, the procedures referred to in division (B) of this section as being required for that purpose shall apply, and the board may have prepared by the county sanitary engineer prepare, or otherwise cause to be prepared, detailed plans, specifications, and estimates an estimate of cost of such parts of for the improvement as it is necessary to then construct, together with a tentative assessment of the cost based on such the estimate. Such The tentative assessment shall be for the information of property owners; and shall not be levied or certified to the county auditor for collection. Such The detailed plans, specifications, estimates estimate of cost, and tentative assessment, so prepared by the sanitary engineer and if approved by the board, shall be carefully preserved in the office of the board or the county sanitary engineer and shall be open to the inspection of all persons interested in such the improvement.

~~(B)(D)~~ After the board's approval of the detailed plans, specifications, ~~estimates~~ estimate of cost, and tentative assessment, and at least twenty-four days before adopting a resolution ~~as required by~~ pursuant to division ~~(C)~~ (E) of this section, the board, except to the extent that appropriate waivers of notice are obtained from affected owners, shall ~~send~~ cause to be sent a notice of its intent to ~~consider or~~ adopt a the resolution to each owner of property proposed to be assessed that is listed on the records of the county auditor for current agricultural use value taxation pursuant to section 5713.31 of the Revised Code and that is not located in an agricultural district established under section 929.02 of the Revised Code. The notice shall satisfy all of the following:

- (1) Be sent by first class or certified mail;
- (2) Specify the proposed date of the adoption of the resolution;
- (3) Contain a statement that the project improvement will be financed in whole or in part by special assessments and that all ~~owners of property~~ properties not located in an agricultural district established pursuant to section 929.02 of the Revised Code may be subject to a special assessment; ~~and~~
- (4) Contain a statement that an agricultural district may be established by filing an application with the county auditor.

If it appears, by the return of the mailed notices or by other means, that one or more of the affected owners ~~of property~~ cannot be found or are not served by the mailed notice, the board shall ~~publish~~ cause the notice to be published once in a newspaper of general circulation ~~within~~ in the county not later than ten days before the adoption of the resolution.

~~(C)(E)~~ After complying with divisions (A), ~~(C)~~, and ~~(B)(D)~~ of this section, the board shall ~~may~~ adopt a resolution declaring that ~~such~~ the improvement, ~~describing the same~~ which shall be described as to its nature and the its location, route, and termini ~~thereof~~, is necessary for the preservation and promotion of the public health and welfare, referring to the plans, specifications, ~~estimates~~ estimate of cost, and tentative ~~assessments~~ assessment, stating the place where they are on file and may be examined, and ~~what part of~~ providing that the entire cost or a lesser designated part of the cost will be paid by the county at large and what part will be specially assessed against the benefited ~~property~~ properties within the district and that any balance will be paid by the county at large from other available funds ~~Such~~ The resolution shall also ~~shall~~ contain a description of the boundaries of that part of the district to be assessed; and ~~may include the estimated cost of maintaining the improvement for one year.~~ The resolution shall designate a time and place, ~~to be fixed by the board, when and where~~ for objections to

the improvement, to the tentative assessment, or to the boundaries of the assessment district ~~will to~~ be heard by the board. The date of ~~such that~~ hearing shall be not less than twenty-four days after the date of the first publication of the notice of the hearing required by this ~~section~~ division. ~~The~~

~~The~~ board shall ~~publish~~ cause a notice of the hearing to be published once a week for two consecutive weeks in a newspaper of general circulation ~~within in~~ the county, and on or before the date of the second publication, ~~it shall send~~ cause to be sent by ~~ordinary~~ first class or certified mail a copy of the notice to every owner of property to be assessed for ~~such the~~ improvement whose address is known. ~~The~~

~~The~~ notice shall set forth the time and place of ~~such the~~ hearing, a summary description of the proposed improvement, including its general route and termini, a summary description of the area ~~to be assessed~~ constituting the assessment district, and the place where the plans, specifications, ~~estimates~~ estimate of cost, and tentative ~~assessments~~ assessment are on file and may be examined. ~~The~~ Each mailed notice shall also shall include a statement that the property of the addressee will be assessed for ~~such the~~ improvement. The notice also

~~Notice of such hearing~~ shall be mailed sent by first class or certified mail, on or before the date of the second publication, to the clerk, or to the official discharging the duties of a clerk, of any municipal corporation any part of which lies within the assessment district and shall state whether or not any property belonging to the municipal corporation is to be assessed and, if so, shall identify that property.

A ~~At the~~ hearing ~~shall be granted by, or at any adjournment of the hearing, of which no further published or mailed notice need be given,~~ the board ~~to shall hear~~ all parties ~~interested at the time and place fixed by such resolution and notice~~ whose properties are proposed to be assessed. Written objections to or ~~indorsements~~ endorsements of the proposed improvement ~~or the, its~~ character and termini ~~thereof~~, the boundaries of the assessment district, or the tentative assessment shall be received by the board for a period of five days after the completion of the hearing. ~~No, and no~~ action shall be taken by the board in the matter until after ~~such that~~ period has elapsed. The minutes of the hearing shall be entered on the journal of the board, showing the persons who appear in person or by attorney. ~~All, and all~~ written objections shall be preserved and filed in the office of the board.

Sec. 6117.08. After the ~~passage~~ adoption of ~~the a~~ resolution to proceed with an improvement as provided for in section 6117.07 of the Revised Code, ~~no further action~~ the construction of the improvement shall be ~~taken or work done in connection therewith~~ deferred until ten days have elapsed.

If, at the expiration of ~~such~~ that period, no appeal has been effected by any property owner, as provided in sections 6117.09 to 6117.24, ~~inclusive~~, of the Revised Code, the action of the board of county commissioners shall be final, and the board may proceed to issue ~~and sell bonds or certificates of indebtedness~~ incur public obligations and ~~to~~ construct ~~such~~ the improvement. If, at the end of that ten days, any owner of property to be assessed ~~or taxed~~ for the improvement has effected ~~such an~~ appeal, ~~then said work~~ the construction of the improvement shall ~~not be proceeded with~~ deferred until the matters appealed from have been disposed of in court.

Sec. 6117.23. The final judgment of the probate court may be reviewed on appeal as in other cases. If an appeal is prosecuted from the judgment of the probate court as to the ~~question of~~ necessity of the improvement, ~~no action shall be taken by the board of county commissioners in proceeding with the construction of the improvement~~ shall be deferred until ~~such~~ the appeal is finally disposed of. If an appeal is prosecuted from the judgment of the court as to the inclusion of any property in the assessment district or as to the apportionment of the tentative assessment, the board of county commissioners may proceed with the construction of the improvement in accordance with the transcript of the probate court and ~~shall~~ thereafter shall adjust ~~such those~~ matters to the extent necessary in accordance with ~~the~~ their final adjudication ~~in regard thereto~~.

Sec. 6117.251. (A) After the establishment of any county sewer district, the board of county commissioners may determine by resolution that it is necessary to provide ~~sewer and sewage disposal~~ sanitary or drainage facility improvements and to maintain and operate the ~~same~~ improvements within the ~~sewer~~ district or a designated portion ~~thereof and of the district~~, that ~~such sewer and sewage disposal~~ the improvements, ~~which shall be~~ generally described in ~~such~~ the resolution, shall be constructed, that funds are required to pay the preliminary costs of the improvements to be incurred prior to the commencement of the proceedings for their construction, and that those funds shall be provided in accordance with this section.

(B) Prior to the adoption of ~~such~~ the resolution, the board ~~of county commissioners~~ shall give notice of ~~the~~ its pendency ~~thereof~~ and of the proposed determination of the necessity of the improvements ~~therein~~ generally described, ~~which~~ in the resolution. The notice shall set forth a description of the properties to be benefited by the improvements and the time and place of a hearing of objections to and endorsements of the improvements. ~~Such~~ The notice shall be given either by publication in a newspaper of general circulation in the county once a week for two consecutive weeks, or by mailing a copy of the notice by first class or

certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the first publication to be made or the mailing to occur at least two weeks prior to the date set for the hearing. At such the hearing, or at any adjournment thereof of the hearing, of which no further published or mailed notice need be given, the board of county commissioners shall hear all persons whose properties are proposed to be assessed, and such the evidence as is deemed it considers to be necessary, and shall. The board then shall determine the necessity of the proposed improvement, improvements and in addition shall determine whether such the improvements shall be made by the board of county commissioners and, if they are to be made, shall direct the preparation of tentative assessments upon the benefited properties and by whom they shall be prepared.

Thereupon in (C) In order to obtain funds for the preparation of a general or revised general plan of sewers or sewers and sewage disposal works sewerage or drainage for such the district or part thereof and of the district, for the preparation of the detailed plans, specifications, estimates estimate of cost, preparation of the and tentative assessment for the proposed improvements, and for the cost of financing and legal services incident to the preparation of all of such those plans and a plan of financing the proposed improvement improvements, the board of county commissioners may levy upon the property properties to be benefited in such the district a preliminary assessment apportioned according to benefits or to tax valuation or partly by one method and partly by the other; method as the board of county commissioners may determine. Such The assessments shall be in the amount determined to be necessary to obtain funds for such the general and detailed plans and such costs the cost of financing and legal services and shall be payable in such the number of years as that the board of county commissioners shall determine, not to exceed twenty years, together with interest on any notes which public obligations that may be issued or incurred in anticipation of the collection of such the assessments.

(D) The board of county commissioners shall have power at any time to levy additional assessments according to benefits or to tax valuation or partly by one method and partly by the other; method as the board of county commissioners may determine for such the purposes described in division (C) of this section upon such the benefited properties to complete the payment of such the costs described in division (C) of this section or to pay the cost of any additional plans, specifications, estimates estimate of cost, or tentative assessments assessment and the cost of financing and legal services incident to the preparation of such those plans and such the plan of

financing, which additional assessments shall be payable in ~~such~~ the number of years as ~~that~~ the legislative authority board shall determine, not to exceed twenty years, together with interest on any ~~notes and bonds which public obligations that~~ may be issued or incurred in anticipation of the collection ~~thereof of the additional assessments.~~

(E) Prior to the adoption of ~~the~~ a resolution levying ~~such~~ assessments under this section, the board shall give ~~at least ten days'~~ notice either by one publication in one a newspaper of general circulation in the county which shall state, or by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the publication to be made or the mailing to occur at least ten days prior to the time and place when and where such date of the meeting at which the resolution shall be taken up for consideration; that notice shall state the time and place of the meeting at which the resolution is to be considered At ~~such the~~ the time and place ~~of the meeting,~~ or at any adjournment ~~thereof of the meeting,~~ of which no further published ~~or mailed~~ notice need be given, the board shall hear all persons whose properties are proposed to be assessed, shall correct any errors and make any revisions that appear to be necessary or just, and ~~may then pass~~ may adopt a resolution levying upon the properties determined to be benefited ~~such the~~ the assessments as so corrected and revised.

The assessments levied by ~~such the~~ the resolution shall be certified to the county auditor for collection in the same manner as ~~other~~ taxes in the year or years in which they are payable.

(F) Upon the adoption of ~~such the~~ the resolution described in division (E) of this section, no further action shall be taken or work done until ten days have elapsed. If, at the expiration of ~~such that~~ that period, no appeal has been effected by any property owner as ~~herein~~ provided in this division, the action of the board shall be final. If, at the end of ~~that~~ ten days, any owner of property to be assessed for the ~~improvement~~ improvements has effected ~~such~~ an appeal ~~then,~~ no further action shall be taken and no work done in connection with ~~such the~~ the improvements under ~~said the~~ the resolution until the matters appealed from have been disposed of in court.

Any owner of property to be assessed may appeal as provided and upon the grounds stated in sections 6117.09 to 6117.24, ~~inclusive,~~ of the Revised Code.

If no appeal has been perfected or if on appeal the resolution of ~~award of county commissioners~~ the board is sustained, the board ~~of county commissioners~~ may authorize and enter into contracts to carry out the purposes for which ~~such the~~ the assessments have been levied without the prior

issuance of notes, provided that the payments ~~due by the board of county commissioners under those contracts~~ do not fall due prior to the time ~~in by which such the assessments shall are to~~ be collected. The board ~~of county commissioners shall also have power to~~ may issue and sell ~~its~~ bonds with a maximum maturity of twenty years in anticipation of the collection of ~~such the~~ assessments and may issue ~~its~~ notes in anticipation of the issuance of ~~such the~~ bonds, which notes and bonds, as public obligations, shall be issued and sold as provided in Chapter 133. of the Revised Code.

Sec. 6117.28. Whenever the owners of all the lots and lands to be benefited by, ~~and to be assessed for; any sewer sanitary or drainage facility improvement or sewage treatment works, provided for in sections 6117.01 to 6117.45, inclusive, of the Revised Code~~ this chapter, by petition in writing, request the board of county commissioners to provide for the acquisition or construction, maintenance, and operation of ~~any such improvements the improvement, describing the improvements desired improvement and the lots and lands owned by them respectively to be assessed to pay the cost and of acquisition or construction, maintenance, and operation of such improvements; the improvement and consenting that their said lots and lands may be assessed to pay the cost of such improvements the acquisition or construction of the improvement and of its maintenance and operation as provided in such sections this chapter, and waive notice and the publication of all resolutions and legal notices provided for in such sections otherwise required, the board shall may have the county sanitary engineer prepare, or otherwise cause to be prepared, the necessary plans, specifications, and estimates estimate of cost of the acquisition or construction, maintenance, and operation thereof, of the improvement and a tentative assessment. When all the owners of the lots and lands to be benefited by and assessed for the proposed improvements state, in writing, that they have examined the estimated estimate of cost and tentative assessment as made by the county sanitary engineer, that they have no objection thereto objections to them, and that, in case bonds are sold proposed to be issued prior to the acquisition or construction of the improvements improvement, they waive their right of or option to pay the assessments in cash, then the board shall may proceed; as provided in such sections; this chapter to cause such improvements the improvement to be acquired or constructed and to cause provision to be made for the payment of the cost of its acquisition or construction, maintenance, and operation in accordance with such sections, except that none of the notices or publications otherwise required by law need be made nor any given and no opportunity need be given provided for the filing of objections to the~~

improvement, its character and termini, the boundaries of the assessment district, or to the tentative assessment or, if bonds have been sold are issued prior to the acquisition or construction of the improvement, for paying the assessments in cash. The board shall forthwith may proceed to authorize and issue bonds or certificates incur public obligations in the required amount, complete the acquisition or construction of indebtedness the improvement, and levy and collect the assessments authorized in sections 6117.01 to 6117.40, inclusive, of the Revised Code by this chapter. No person, firm, or corporation may public agency shall have the right to appeal from any decision or action of the board in the matter except refusal by the board to proceed with such the improvement. The

The tentative assessment provided for in this section shall be for the information of property owners and shall not be levied or certified to the county auditor for collection. On completion of the work improvement, the its cost thereof shall be determined, including incidental expense as defined in sections 6117.01 to 6117.40, inclusive, of the Revised Code, and a revised assessment shall be prepared by the county sanitary engineer shall prepare, or otherwise cause to be prepared, a revised assessment based on such the actual cost and in substantially the same proportion as the tentative assessment. The board shall confirm such and levy the revised assessment and certify the same it to the county auditor for collection.

Sec. 6117.29. The cost of any improvement provided for in sections 6117.01 to 6117.40, inclusive, of the Revised Code, this chapter and the cost of the its maintenance and operation thereof shall include, in addition to the cost of its acquisition or construction, the cost of engineering, necessary publications, inspection, interest on certificates of indebtedness or on bonds public obligations, and all other items of cost incident to such the improvement as described in division (B) of section 133.15 of the Revised Code. The county may pay from available county funds any part of the cost of such the improvement and any part of the cost of its maintenance and operation thereof if the board of county commissioners deems such considers the payment to be just.

Sec. 6117.30. The cost and expense of the acquisition or construction of a main, branch or intercepting sewer or sewerage treatment or disposal works sanitary or drainage facilities to be paid by assessment assessments shall be assessed, as an assessment district assessment, upon all the property within such the county sewer district found to be benefited in accordance with the special benefits conferred, less such any part of said the cost as that is paid by the county at large, and state lands from other available funds. State land so benefited shall bear its proportion portion of the assessed cost

~~according to special benefit.~~

Sec. 6117.32. The county sanitary engineer, upon the completion of any improvement ~~under sections 6117.01 to 6117.45, inclusive, of the Revised Code in accordance with this chapter,~~ shall prepare, ~~or otherwise cause to be prepared,~~ and shall present to the board of county commissioners a revised assessment; based on the tentative assessment previously ratified by the board for ~~such the~~ improvement; or, if ~~such the~~ tentative assessment has been revised by order of court, based on ~~such the~~ revised tentative assessment, the assessment levied on each piece of property being modified in substantially the same proportion as the actual cost of the ~~work improvement,~~ including incidental costs ~~provided for in sections 6117.01 to 6117.40, inclusive, of the Revised Code,~~ bears to the estimated cost on which ~~such the~~ tentative assessment was based. No notice of ~~such the~~ revised assessment shall be given unless ~~such the~~ actual cost ~~exceed~~ exceeds the estimated cost. If the actual cost exceeds the estimated cost, notice shall be given to all property owners within the assessment district and shall be published as provided by section 6117.07 of the Revised Code for amendments of the tentative assessment. ~~Any, and any~~ property owner may appeal as provided for in ~~the case of a tentative assessments assessment.~~ The board shall confirm ~~such the~~ revised assessment, and, when so confirmed, ~~the same is~~ it shall be final and conclusive. If an appeal has been made, as ~~provided in this section,~~ such that confirmation shall be subject to the finding of the court. ~~The~~

The board may, at such intervals as it deems considers expedient, assess may levy an additional assessment on the lots and parcels of land specified in said notice of assessment and levy taxes upon the taxable property of the district so improved assessed for the improvement, including state land, in order to pay the cost of the maintenance, repair, and operation of any such the improvement, including disposal of sewage, after its completion thereof, and for the purpose of keeping clean and in repair ditches, drains and water courses serving such improvements. No further notice shall be necessary of such maintenance, repair, or operation that additional assessment shall be necessary unless the amount thereof of it exceeds ten per cent of the original cost of the construction acquiring or constructing the improvement. If such maintenance, repair, and operation that additional assessment exceeds ten per cent of the original cost of the construction acquiring or constructing the improvement, the method and manner of making said that additional assessment, together with the notice thereof of it, shall be the same as provided in sections 6117.01 to 6117.45, inclusive, of the Revised Code, this chapter for the original assessment. That additional

assessment shall be subject to any applicable provisions of section 6117.33 of the Revised Code, provided that the assessment may bear interest at a rate as the board determines to be appropriate.

Sec. 6117.34. Whenever the legislative authority or board of health, or the officers performing the duties of the legislative authority or board of health, of a municipal corporation, the board of health of a general health district, or a board of township trustees makes complaint, in writing, to the environmental protection agency that unsanitary conditions exist in any county, the ~~agency's~~ director ~~of environmental protection shall~~ forthwith shall inquire into and investigate the conditions complained of. If, upon investigation of ~~such the~~ complaint, the director finds that it is necessary for the public health and welfare that ~~sewer improvements or sewage treatment or disposal works~~ sanitary or drainage facilities be acquired or constructed, maintained, and operated for the service of to serve any territory outside of municipal corporations in any county, the director shall notify the board of county commissioners of ~~such the~~ county of ~~its that~~ finding and order that corrective action be taken. The board shall obey ~~such the~~ order and proceed as provided in ~~sections 6117.01 to 6117.45 of the Revised Code, this chapter~~ to establish a county sewer districts district, if required, to provide the necessary funds, and to acquire or construct such sewers or treatment works the facilities, or and to maintain, repair, or and operate the same facilities, as are required by such the order and in such a manner as that is satisfactory to the director. Any part or all of the cost of such improvement the facilities or of the maintenance and operation of the facilities may be assessed upon the property benefited properties as provided in sections 6117.01 to 6117.45 of the Revised Code this chapter.

Sec. 6117.38. (A) At any time after the formation of any county sewer district, the board of county commissioners, when it ~~deems~~ considers it ~~expedient appropriate~~, on application by a ~~corporation, individual, person or public institution~~ agency for the provision of sewerage or drainage to properties of the person or public agency located outside of any the district, may contract with ~~such corporation, individual, the person or public institution~~ agency for depositing sewage or drainage from premises outside such district those properties in the sewers facilities acquired or constructed or to be acquired or constructed by the county to serve such the district and for the treatment or, disposal thereof, and disposition of the sewage or drainage, on such terms as that the board deems considers equitable. The amount to be paid by the person or public agency to reimburse the county for costs of acquiring or constructing those facilities shall not be less than the original or comparable assessment for similar property within the district

or, and such in the absence of an original or comparable assessment, an amount that is found by the board to be reasonable and fairly reflective of that portion of the cost of those facilities attributable to the properties to be served. The board shall appropriate any moneys received for such that service to and for the use and benefit of such the district. When the The board deems it necessary to contract with a corporation, individual, or public institution for depositing sewage from premises outside such district in the sewers constructed or to be constructed to serve such district, it shall so determine by resolution, and may collect said the amount in cash to be paid by the person or public agency in full, in cash or in installments as a part of a connection charge to be collected in accordance with division (B) or (D) of section 6117.02 of the Revised Code, or if the properties to be served are located within the county, the same amount may be assessed against said lots or parcels of land those properties, and, in that event, the manner of making said the assessment, together with the notice thereof of it, shall be the same as provided in sections 6117.01 to 6117.40, inclusive, of the Revised Code, for the original assessment this chapter.

(B) Whenever sewers sanitary or drainage facilities have been acquired or constructed by, and at the expense of, a corporation, individual, person or public institution at its own cost for the purpose of providing sewerage for any allotment, development, subdivision, or similar enterprise, or for any institution, agency and the board deems considers it expedient appropriate to acquire said sewers the facilities or any part thereof of them for the purpose of providing sewerage for or drainage service to territory outside the allotment, subdivision, development, or other such enterprise for which such sewers were constructed, such additional territory being within a sewer district, the county sanitary engineer, at the direction of the board, shall examine said sewers the facilities If he the county sanitary engineer finds such sewers the facilities properly designed and constructed he, the county sanitary engineer shall make an appraisal of the present value of said sewers or parts thereof to the district as a means of providing sewerage for such territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed and shall certify the same that fact to the board. In such appraisal no allowance shall be made for the value of such sewers to the territory for the service of which it was originally constructed. The board by resolution may determine to purchase said sewers the facilities or any part of them at a cost not to exceed the present value of said sewers as certified by that, after consultation with the county sanitary engineer, it finds to be reasonable For

ons (C), (D), and (E) of section 6117.06 of the Revised Code, the board may purchase the facilities or any part of them by negotiation. For the purpose of paying for said sewers and the maintenance thereof cost of their acquisition, the board may issue bonds or certificates of indebtedness incur public obligations and assess the entire cost, or a lesser designated part of the cost, of their acquisition against the benefited property properties in the same manner as provided by sections 6117.01 to 6117.40, inclusive, of the Revised Code, in this chapter for the construction of an original sewer or comparable facilities.

Sec. 6117.39. Whenever, in the opinion of the board of county commissioners, it is necessary to ~~procure~~ acquire real estate, ~~a right of way, or an easement~~ any interest in real estate for the acquisition, construction, maintenance, or operation of any sewer, drainage, or other improvement authorized by ~~sections 6117.01 to 6117.45, inclusive, of the Revised Code~~ this chapter, or to acquire the right to construct, maintain, and operate ~~such~~ the sewer, drainage, or other improvement in and upon any property within or ~~without~~ outside of a county sewer district, it may purchase the ~~same, or if such~~ real estate, interest in real estate, or right by negotiation. If the board and the ~~owners thereof~~ owner of the real estate, interest in real estate, or right are unable to agree upon its purchase and sale, or the amount of damages to be awarded ~~therefor~~ for it, the board may appropriate ~~such~~ the real estate, ~~right of way, easement interest, or right. Such proceedings shall be had as are provided for in~~ accordance with sections 163.01 to 163.22, ~~inclusive, of the Revised Code, except that the board, in the exercise of the powers granted by this section or any other section of this chapter, may not appropriate real estate or personal property owned by a municipal corporation.~~

Sec. 6117.41. ~~The~~ At any time after the formation of any county sewer district, the board of county commissioners ~~of any county or the legislative authority of any municipal corporation~~ may enter into a contract, upon ~~such~~ the terms and for ~~such~~ the period of time as ~~that~~ are mutually agreed upon, with any other ~~county or municipal corporation~~ public agency to prepare all necessary plans and estimates of cost; ~~and to connect~~ acquire or construct any ~~sewers of such county or municipal corporation with any sewers constructed; sanitary or drainage facilities that are to be constructed; used jointly by any other county or municipal corporation~~ the contracting parties, and to provide for the maintenance, operation, and joint use by such the contracting parties of ~~such sewers and of any sewage treatment or disposal works of such county or municipal corporation~~ those facilities or the maintenance, operation, and joint use of any suitable existing sanitary or

rainage facilities belonging to either of the contracting parties.

Sec. 6117.42. All contracts under section 6117.41 of the Revised Code shall provide for the payment of compensation to the county or ~~municipal corporation~~ other public agency owning, acquiring, or constructing, or about agreeing to acquire or construct a sewer or sewage treatment or disposal works, the sanitary or drainage facilities to be jointly used, of the in an amount agreed upon by the county or ~~municipal corporation~~ so contracting for the joint use thereof as the other party's share of the cost of acquiring or constructing the facilities. The contract also shall provide for payment of compensation to the county or other public agency owning, acquiring, or constructing the facilities and operating and maintaining them in an amount agreed upon as the other party's share of the cost of operating and maintaining them or, in lieu of all other or differing payments, and agreed price per unit of flow. Any such A county or ~~municipal corporation~~ other public agency owning, acquiring, or constructing, or agreeing to acquire or construct, any such sewer improvement or sewage treatment works, as provided in sections 6117.41 to 6117.44 of the Revised Code, of the facilities and permitting the agreeing to their use thereof by such other county or ~~municipal corporation~~, another public agency shall retain full control and management of the acquisition, construction, maintenance, repair, and operation of such sewer improvement and sewage treatment or disposal works, the facilities, unless otherwise provided in the contract and except, in the case of a county, when conveyed to a municipal corporation as provided in this division (B) of section 6117.05 of the Revised Code Any such contract before going into effect shall be approved by the director of environmental protection. Any completed sewer improvement or sewage treatment works constructed under sections 6117.01 to 6117.45 of the Revised Code, for the use of any sewer district and located within any municipal corporation or within any area which may be annexed to or incorporated as a municipal corporation, may by mutual agreement between the board of county commissioners and such municipal corporation be conveyed to such municipal corporation, which shall thereafter maintain and operate such sewer improvement or sewage treatment works. The board may retain the right to joint use of such sewers or treatment works for the benefit of the district. The validity of any assessments levied to provide means for the payment of the cost of construction or maintenance of such sewer improvement or sewage treatment works or any part thereof shall not be affected by such conveyance.

Sec. 6117.43. The A county or ~~municipal corporation~~ other public agency contracting under section as provided in sections 6117.41 and

6117.42 of the Revised Code for the joint use of any sewer or sewage treatment or disposal works sanitary or drainage facilities acquired or constructed, or to be acquired or constructed, by another county or municipal corporation public agency may provide for payment of the agreed compensation by the levy of taxes; or special assessments; or from sanitary sewer rentals or drainage rates and charges, as provided in if and to the extent that the public agency is authorized by the laws governing such county or municipal corporation it in the acquisition, construction, maintenance, repair, or operation of a sewer improvement or sewage treatment or disposal works the facilities to provide for payment of the costs in respect of which the compensation is due from those sources, and may issue bonds or incur public obligations as provided by such those laws in anticipation of such taxes or assessments and pay the debt charges on those obligations from those sources if and to the extent so authorized.

Sec. 6117.44. The A county or municipal corporation other public agency receiving the compensation provided for in section 6117.42 of the Revised Code shall credit the amount so received to the proper fund to be applied towards used for the acquisition, construction, or operation and maintenance, as the case may be, of the sewer and other works to be so jointly used sanitary or drainage facilities or for other authorized purposes.

Sec. 6117.45. No person or public agency shall tamper with or damage any sewer or sewage disposal plant sanitary or drainage facility acquired or constructed by a county under sections 6117.01 to 6117.45, inclusive, of the Revised Code, this chapter or any apparatus or accessory connected therewith with it or pertaining thereto to it, or make any connection into any such sewer or sewage disposal plant or with the facility, without the permission of the board of county commissioners or in a manner or for a use other than as prescribed by such the board. No person or public agency shall refuse to permit the inspection by the county sanitary engineer of any such connection. No person or public agency shall violate sections 6117.01 to 6117.45, inclusive, of the Revised Code any other provision of this chapter.

All fines collected under division (A) of section 6117.99 of the Revised Code shall be paid into to the county treasury treasurer and credited to any county sewer improvement or maintenance the fund as that the board directs determines to be most appropriate after consideration of the nature and extent of the particular violations.

Sec. 6117.49. (A) If the board of county commissioners determines by resolution that the best interests of the county and those served by the sanitary or drainage facilities of a county sewer district so require, the board may sell or otherwise dispose of the facilities to another public agency or a

person. The resolution declaring the necessity of that disposition shall recite the reasons for the sale or other disposition and shall establish any conditions or terms that the board may impose, including, but not limited to, a minimum sales price if a sale is proposed, a requirement for the submission by bidders of the schedule of rates and charges initially proposed to be paid for the services of the facilities, and other pertinent conditions or terms relating to the sale or other disposition. The resolution also shall designate a time and place for the hearing of objections to the sale or other disposition by the board. Notice of the adoption of the resolution and the time and place of the hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the sewer district and in the county. The public hearing on the sale or other disposition shall be held not less than twenty-four days following the date of first publication of the notice. A copy of the notice also shall be sent by first class or certified mail, on or before the date of the second publication, to any public agency within the area served by the facilities. At the public hearing, or at any adjournment of it, of which no further published or mailed notice need be given, the board shall hear all interested parties. A period of five days shall be given following the completion of the hearing for the filing of written objections by any interested persons or public agencies to the sale or other disposition, after which the board shall consider any objections and by resolution determine whether or not to proceed with the sale or other disposition. If the board determines to proceed with the sale or other disposition, it shall receive bids after advertising once a week for four consecutive weeks in a newspaper of general circulation in the county and, subject to the right of the board to reject any or all bids, may make an award to a responsible bidder whose proposal is determined by the board to be in the best interests of the county and those served by the facilities.

(B) A conveyance of sanitary or drainage facilities by a county to a municipal corporation in accordance with division (B) of section 6117.05 of the Revised Code may be made without regard to division (A) of this section.

Sec. 6117.60. it is the intent of the general assembly that the amendments made to this chapter by sub. H.B. 549 of the 123rd general assembly are subject to section 4 of that act. this section does not affect the application of section 3 of that act to sections 1 and 2 of that act.

Sec. 6119.36. ~~For~~ In lieu of submitting to the electors for approval the question of a tax levy outside the ten-mill limitation and levying that tax following approval, as provided for in sections 6119.31 and 6119.32 of the Revised Code, the board of county commissioners may issue securities, as

defined in section 133.01 of the Revised Code, including anticipatory securities, for the purposes purpose of paying the cost of the preparation of the data, including plans, specifications, surveys, and maps needed or determined to be necessary or appropriate in order to plan for the proper supply, purification, filtration, and distribution of water or, the proper collection and, treatment, and disposal of sewage, or the proper collection, control, abatement, or treatment of surface and subsurface drainage, each and all within the limits of the county or a part thereof of the county or beyond the limits of the county but within the same drainage area as is in part within the county, and, if the board of county commissioners determines that the funds allocated for general operating expenses of the county are insufficient to pay the operating expenses for the current year and the cost of the preparation of such data, the board in lieu of the submission of the question of a levy to the voters and the levy of a tax outside the ten mill limitation as provided for in sections 6119.31 and 6119.32 of the Revised Code may issue bonds of such subdivision it to be necessary or appropriate, for the purpose of paying the costs of acquiring real estate or interests in real estate for improvements for one or more of those purposes. The data may include, but are not limited to, plans, specifications, estimates of cost, drillings, maps, soundings, surveys, and tentative assessments against properties that are potentially benefited. The securities shall be in an amount not exceeding the total estimated cost of the preparation of such data to defray the expense of such data and of making any acquisitions of real estate or interests in real estate, together with all other items of cost that are incident to that preparation or those acquisitions and that are described in division (B) of section 133.15 of the Revised Code.

Prior to the issuance or the first issuance of the securities, the board shall determine that the funds allocated for general operating expenses of the county are insufficient to pay both those operating expenses for the current year and the total estimated cost to be financed under authority of this section.

The securities shall be Chapter 133. securities, and their issuance of the bonds, or notes in anticipation thereof, shall be subject to Chapter 133. of the Revised Code that chapter, except that the maximum maturity of the bonds securities shall not extend beyond a period of exceed ten years. The proceeds of bonds, or notes in anticipation thereof, securities issued for the purpose of paying costs of the improvements for which such the data has been is prepared, or for which any acquisition of real estate or interest in real estate is made may be issued applied, without reduction of their maximum maturity, to retire notes anticipatory securities issued pursuant to this

All moneys raised by the issuance of ~~bonds and notes~~ securities pursuant to this section shall be ~~appropriated for~~ applied to the purpose of preparing such data as purposes provided for in section 6119.31 of the Revised Code and in this section.

SECTION 2. That existing sections 133.15, 307.09, 315.14, 5555.01, 5555.43, 5555.46, 5555.51, 5571.15, 5573.07, 6103.01, 6103.02, 6103.03, 6103.04, 6103.05, 6103.07, 6103.081, 6103.11, 6103.12, 6103.13, 6103.15, 6103.17, 6103.20, 6103.21, 6103.22, 6103.23, 6103.24, 6103.25, 6103.29, 6103.31, 6117.01, 6117.011, 6117.02, 6117.04, 6117.05, 6117.06, 6117.08, 6117.23, 6117.251, 6117.28, 6117.29, 6117.30, 6117.32, 6117.34, 6117.38, 6117.39, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 6119.36 and sections 6103.09 and 6117.26 of the Revised Code are hereby repealed.

SECTION 3. The amendments and enactments made by Sections 1 and 2 of this act shall apply, insofar as their provisions support them, to any proceedings, including proceedings defined in section 133.01 of the Revised Code, that on the effective date of this act are pending, in progress, or complete and that are supplemented to provide or confirm compliance with or support by the provisions of those amendments and enactments as if they had been in effect at the time of those proceedings, and also apply to the public obligations authorized, issued, or incurred pursuant to those proceedings, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings pending or in progress on the effective date of this act, and public obligations authorized, sold, issued, incurred, delivered, and if applicable, validated pursuant to those proceedings, shall be deemed to have been taken, and authorized, sold, issued, incurred, delivered, and validated, in conformity with those amendments and enactments.

The provisions of the Revised Code amended or repealed by this act shall be deemed to remain applicable to public obligations issued or incurred pursuant to or in reliance on them prior to the effective date of those amendments or repeals.

SECTION 4. The authority provided by Sections 1 and 2 of this act provides additional and supplemental provisions for the subject matter that also may be the subject of other laws and is supplemental to and not in derogation of any similar authority provided by, derived from, or implied by the Ohio Constitution or any other law, including sections of the Revised Code amended by this act, or any charter, order, resolution, or ordinance, and no inference shall be drawn to negate the authority under them by reason of express provisions contained in Section 1 of this act.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____