

As Introduced

128th General Assembly
Regular Session
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S. B. No. 85

Senator Stewart

Cosponsor: Senator Seitz

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To enact sections 9.29, 6101.161, 6103.101, 6115.201,
and 6119.101 of the Revised Code to authorize
certain political subdivisions to contract for
engineering, repair, sustainability, water quality
management, and maintenance of a water storage
tank through a professional service contract under
specified conditions.

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

Section 1. That sections 9.29, 6101.161, 6103.101, 6115.201,
and 6119.101 of the Revised Code be enacted to read as follows:

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Sec. 9.29. (A) The following subdivisions may enter into, by
direct negotiation or through the solicitation of requests for
proposals or requests for qualifications, a multi-year, asset
management professional service contract for the engineering,
repair, sustainability, water quality management, and maintenance
of a water storage tank and appurtenant facilities owned,
controlled, or operated by that political subdivision, but only if
the contract complies with division (B) of this section:

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(1) A board of county commissioners, board of directors of a
conservancy district, board of directors of a sanitary district,
or board of trustees of a regional water and sewer district;

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(2) A municipal corporation through its director of public 21
service, mayor, city manager, board of trustees of public affairs, 22
village administrator, or other contracting officer, commission, 23
board, or authority as authorized by ordinance of the municipal 24
corporation's legislative authority. 25

(B) A contract entered into pursuant to division (A) of this 26
section shall include provisions that do all of the following: 27

(1) Prohibit the county, conservancy district, sanitary 28
district, regional water and sewer district, or municipal 29
corporation from being required to make total payments in a single 30
year that exceed the water utility charges the county, conservancy 31
district, sanitary district, regional water and sewer district, or 32
municipal corporation receives for that year; 33

(2) Require that the work performed be done under the 34
supervision of a professional engineer licensed under Chapter 35
4733. of the Revised Code, who certifies that the work will be 36
performed in compliance with all applicable codes and engineering 37
standards; 38

(3) Provide that if, on the date of commencement of the 39
contract, the water tank or appurtenant facilities require 40
engineering, repair, sustainability, water quality management, or 41
service in order to bring the tank or facilities into compliance 42
with federal, state, or local requirements, the party contracting 43
with the county, conservancy district, sanitary district, regional 44
water and sewer district, or municipal corporation must provide 45
the engineering, repair, sustainability, water quality management, 46
or service. The cost of the work necessary to ensure such 47
compliance shall be itemized separately and charged to the county, 48
conservancy district, sanitary district, regional water and sewer 49
district, or municipal corporation in payments spread over a 50
period of not less than three years from the date of commencement 51
of the contract. 52

Sec. 6101.161. Notwithstanding section 6101.16 of the Revised 53
Code, the board of directors of a conservancy district shall 54
comply with section 9.29 of the Revised Code regarding any 55
contract for the engineering, repair, sustainability, water 56
quality management, and maintenance of a water storage tank and 57
appurtenant facilities. 58

Sec. 6103.101. Notwithstanding sections 307.86 and 6103.10 of 59
the Revised Code, the board of county commissioners shall comply 60
with section 9.29 of the Revised Code regarding any contract for 61
the engineering, repair, sustainability, water quality management, 62
and maintenance of a water storage tank and appurtenant 63
facilities. 64

Sec. 6115.201. Notwithstanding section 6115.20 of the Revised 65
Code, the board of directors of a sanitary district shall comply 66
with section 9.29 of the Revised Code regarding any contract for 67
the engineering, repair, sustainability, water quality management, 68
and maintenance of a water storage tank and appurtenant 69
facilities. 70

Sec. 6119.101. Notwithstanding section 6101.16 of the Revised 71
Code, the board of trustees of a regional water and sewer district 72
shall comply with section 9.29 of the Revised Code regarding any 73
contract for the engineering, repair, sustainability, water 74
quality management, and maintenance of a water storage tank and 75
appurtenant facilities. 76