

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 72

Representative Conditt

**Cosponsors: Representatives Sprague, Dever, Blessing, Baker, Amstutz,
Hambley, Perales**

A BILL

To amend sections 1710.01, 1710.02, 1710.021, 1
1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 2
1710.07, 1710.11, 1710.12, 1710.13, 4582.06, and 3
4582.31; to amend, for the purpose of adopting a 4
new section number as indicated in parentheses, 5
section 1710.061 (1710.40); and to enact 6
sections 1710.20, 1710.21, 1710.22, 1710.23, 7
1710.24, 1710.25, 1710.26, 1710.27, 1710.28, 8
1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 9
1710.34, 1710.35, 1710.36, and 1710.37 of the 10
Revised Code to authorize port authorities to 11
create energy special improvement districts for 12
the purpose of developing and implementing plans 13
for special energy improvement projects and to 14
alter the law governing such districts that are 15
governed by a nonprofit corporation. 16

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

Section 1. That sections 1710.01, 1710.02, 1710.021, 17
1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 1710.11, 18

1710.12, 1710.13, 4582.06, and 4582.31 be amended; section 19
1710.061 (1710.40) be amended for the purpose of adopting a new 20
section number as shown in parentheses; and sections 1710.20, 21
1710.21, 1710.22, 1710.23, 1710.24, 1710.25, 1710.26, 1710.27, 22
1710.28, 1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 1710.34, 23
1710.35, 1710.36, and 1710.37 of the Revised Code be enacted to 24
read as follows: 25

Sec. 1710.01. As used in this chapter: 26

(A) "Special improvement district" means a special 27
improvement district organized under ~~this chapter~~ sections 28
1710.02 to 1710.13 of the Revised Code. 29

(B) "Church" means a fellowship of believers, 30
congregation, society, corporation, convention, or association 31
that is formed primarily or exclusively for religious purposes 32
and that is not formed for the private profit of any person. 33

(C) "Church property" means property that is described as 34
being exempt from taxation under division (A) (2) of section 35
5709.07 of the Revised Code and that the county auditor has 36
entered on the exempt list compiled under section 5713.07 of the 37
Revised Code. 38

(D) "Municipal executive" means the mayor, city manager, 39
or other chief executive officer of the municipal corporation in 40
which a special improvement district is located. 41

(E) "Participating political subdivision" means the 42
municipal corporation or township, or each of the municipal 43
corporations or townships, that has territory within the 44
boundaries of a special improvement district or an energy 45
special improvement district created under this chapter. 46

(F) "Legislative authority of a participating political 47

subdivision" means, with reference to a township, the board of township trustees. 48
49

(G) "Public improvement" means the planning, design, 50
construction, reconstruction, enlargement, or alteration of any 51
facility or improvement, including the acquisition of land, for 52
which a special assessment may be levied under Chapter 727. of 53
the Revised Code, and includes any special energy improvement 54
project. 55

(H) "Public service" means any service that can be 56
provided by a municipal corporation or any service for which a 57
special assessment may be levied under Chapter 727. of the 58
Revised Code. 59

(I) "Special energy improvement project" means any 60
property, device, structure, or equipment necessary for the 61
acquisition, installation, equipping, and improvement of any 62
real or personal property used for the purpose of creating a 63
solar photovoltaic project, a solar thermal energy project, a 64
geothermal energy project, a waste heat recovery project, a 65
hydroelectric project, a water efficiency project, a combined 66
heat and power (CHP) project, a fuel source conversion project, 67
a cogeneration project, a biodigester project, a customer- 68
generated energy project, or an energy efficiency improvement, 69
whether such real or personal property is publicly or privately 70
owned. 71

(J) "Existing qualified nonprofit corporation" means a 72
nonprofit corporation that existed before the creation of the 73
corresponding special improvement district under this chapter, 74
that is composed of members located within or adjacent to the 75
district, that has established a police department under section 76
1702.80 of the Revised Code, and that is organized for purposes 77

that include acquisition of real property within an area 78
specified by its articles for the subsequent transfer of such 79
property to its members exclusively for charitable, scientific, 80
literary, or educational purposes, or holding and maintaining 81
and leasing such property; planning for and assisting in the 82
development of its members; providing for the relief of the poor 83
and distressed or underprivileged in the area and adjacent 84
areas; combating community deterioration and lessening the 85
burdens of government; providing or assisting others in 86
providing housing for low- or moderate-income persons; and 87
assisting its members by the provision of public safety and 88
security services, parking facilities, transit service, 89
landscaping, and parks. 90

(K) "Energy efficiency improvement" means energy 91
efficiency technologies, products, and activities that reduce or 92
support the reduction of energy consumption, allow for the 93
reduction in demand, or support the production of clean, 94
renewable energy and that are or will be permanently fixed to 95
real property. 96

(L) "Customer-generated energy project" means a wind, 97
biomass, or gasification facility for the production of 98
electricity that meets either of the following requirements: 99

(1) The facility is designed to have a generating capacity 100
of two hundred fifty kilowatts of electricity or less. 101

(2) The facility is: 102

(a) Designed to have a generating capacity of more than 103
two hundred fifty kilowatts of electricity; 104

(b) Operated in parallel with electric transmission and 105
distribution facilities serving the real property at the site of 106

the customer-generated energy project; 107

(c) Intended primarily to offset part or all of the 108
facility owner's requirements for electricity at the site of the 109
customer-generated energy project and is located on the facility 110
owner's real property; and 111

(d) Not producing energy for direct sale by the facility 112
owner to the public. 113

(M) "Reduction in demand" means a change in customer 114
behavior or a change in customer-owned or operated assets that 115
reduces or has the capability to reduce the demand for 116
electricity as a result of price signals or other incentives. 117

(N) "Electric distribution utility" and "mercantile 118
customer" have the same meanings as in section 4928.01 of the 119
Revised Code. 120

(O) "Fuel source conversion project" means a project 121
undertaken by a property owner, rural cooperative, or political 122
subdivision of this state to convert an existing fossil fuel- 123
based technology, product, or system to a more efficient 124
technology, product, or system, including conversion to a 125
natural gas or electricity-based technology, product, or system. 126

(P) "Nonresidential property" means real property that is 127
not classified as either residential or agricultural property 128
for property tax purposes. 129

(Q) "Port authority" means a port authority created under 130
section 4582.02 or 4582.22 of the Revised Code. 131

Sec. 1710.02. (A) A special improvement district may be 132
created within the boundaries of any one municipal corporation, 133
any one township, or any combination of contiguous municipal 134

corporations and townships for the purpose of developing and 135
implementing plans for public improvements and public services 136
that benefit the district. A district may be created by petition 137
of the owners of real property within the proposed district, or 138
by an existing qualified nonprofit corporation. If the district 139
is created by an existing qualified nonprofit corporation, the 140
purposes for which the district is created may be supplemental 141
to the other purposes for which the corporation is organized. 142
All territory in a special improvement district shall be 143
contiguous; ~~except that the territory in a special improvement-~~ 144
~~district may be noncontiguous if at least one special energy-~~ 145
~~improvement project is designated for each parcel of real-~~ 146
~~property included within the special improvement district.~~ 147
~~Additional territory may be added to a special improvement-~~ 148
~~district created under this chapter for the purpose of-~~ 149
~~developing and implementing plans for special energy improvement-~~ 150
~~projects if at least one special energy improvement project is-~~ 151
~~designated for each parcel of real property included within such-~~ 152
~~additional territory and the addition of territory is authorized-~~ 153
~~by the initial plan proposed under division (F) of this section-~~ 154
~~or a plan adopted by the board of directors of the special-~~ 155
~~improvement district under section 1710.06 of the Revised Code.~~ 156

The district shall be governed by the board of ~~trustees-~~ 157
directors of a nonprofit corporation. ~~This and the~~ board shall 158
be known as the board of directors of the special improvement 159
district. No special improvement district shall include any 160
church property, or property of the federal or state government 161
or a county, township, or municipal corporation, unless the 162
church or the county, township, or municipal corporation 163
specifically requests in writing that the property be included 164
within the district, or unless the church is a member of the 165

existing qualified nonprofit corporation creating the district 166
at the time the district is created. More than one district may 167
be created within a participating political subdivision, but no 168
real property may be included within more than one district 169
unless the owner of the property files a written consent with 170
the clerk of the legislative authority, the township fiscal 171
officer, or the village clerk, as appropriate. The area of each 172
district shall be contiguous; ~~except that the area of a special-~~ 173
~~improvement district may be noncontiguous if all parcels of real-~~ 174
~~property included within such area contain at least one special-~~ 175
~~energy improvement thereon.~~ 176

(B) Except as provided in division (C) of this section, a 177
district created under ~~this chapter~~ sections 1710.02 to 1710.13 178
of the Revised Code is not a political subdivision. A district 179
created under ~~this chapter~~ those sections shall be considered a 180
public agency under section 102.01 and a public authority under 181
section 4115.03 of the Revised Code. Each member of the board of 182
directors of a district, each member's designee or proxy, and 183
each officer and employee of a district shall be considered a 184
public official or employee under section 102.01 of the Revised 185
Code and a public official and public servant under section 186
2921.42 of the Revised Code. Districts created under ~~this-~~ 187
~~chapter~~ sections 1710.02 to 1710.13 of the Revised Code are not 188
subject to sections 121.81 to 121.83 of the Revised Code. ~~-~~ 189
~~Districts created under this chapter~~ but are subject to 190
sections 121.22 and 121.23 of the Revised Code. 191

(C) Each district created under ~~this chapter~~ sections 192
1710.02 to 1710.13 of the Revised Code shall be considered a 193
political subdivision for purposes of section 4905.34 of the 194
Revised Code. 195

Membership on the board of directors of the district shall 196
not be considered as holding a public office. Directors and 197
their designees shall be entitled to the immunities provided by 198
Chapter 1702. and to the same immunity as an employee under 199
division (A) (6) of section 2744.03 of the Revised Code, except 200
that directors and their designees shall not be entitled to the 201
indemnification provided in section 2744.07 of the Revised Code 202
unless the director or designee is an employee or official of a 203
participating political subdivision of the district and is 204
acting within the scope of the director's or designee's 205
employment or official responsibilities. 206

District officers and district members and directors and 207
their designees or proxies shall not be required to file a 208
statement with the Ohio ethics commission under section 102.02 209
of the Revised Code. All records of the district shall be 210
treated as public records under section 149.43 of the Revised 211
Code, except that records of organizations contracting with a 212
district shall not be considered to be public records under 213
section 149.43 or section 149.431 of the Revised Code solely by 214
reason of any contract with a district. 215

(D) Except as otherwise provided in this section, the 216
nonprofit corporation that governs a district shall be organized 217
in the manner described in Chapter 1702. of the Revised Code. 218
Except in the case of a district created by an existing 219
qualified nonprofit corporation, the corporation's articles of 220
incorporation are required to be approved, as provided in 221
division (E) of this section, by resolution of the legislative 222
authority of each participating political subdivision of the 223
district. A copy of that resolution shall be filed along with 224
the articles of incorporation in the secretary of state's 225
office. 226

In addition to meeting the requirements for articles of incorporation set forth in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation governing a district formed under ~~this chapter~~ sections 1710.02 to 1710.13 of the Revised Code shall provide all the following:

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

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

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

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

(E) The articles of incorporation for a nonprofit corporation governing a district created under ~~this chapter~~ sections 1710.02 to 1710.13 of the Revised Code and amendments to them shall be submitted to the municipal executive, if any, and the legislative authority of each municipal corporation or township in which the proposed district is to be located. Except in the case of a district created by an existing qualified

nonprofit corporation, the articles or amendments shall be 256
accompanied by a petition signed either by the owners of at 257
least sixty per cent of the front footage of all real property 258
located in the proposed district that abuts upon any street, 259
alley, public road, place, boulevard, parkway, park entrance, 260
easement, or other existing public improvement within the 261
proposed district, excluding church property or property owned 262
by the state, county, township, municipal, or federal 263
government, unless a church, county, township, or municipal 264
corporation has specifically requested in writing that the 265
property be included in the district, or by the owners of at 266
least seventy-five per cent of the area of all real property 267
located within the proposed district, excluding church property 268
or property owned by the state, county, township, municipal, or 269
federal government, unless a church, county, township, or 270
municipal corporation has specifically requested in writing that 271
the property be included in the district. Pursuant to Section 20- 272
~~of Article VIII, Ohio Constitution, the petition required under~~ 273
~~this division may be for the purpose of developing and~~ 274
~~implementing plans for special energy improvement projects, and,~~ 275
~~in such case, is determined to be in furtherance of the purposes~~ 276
~~set forth in Section 20 of Article VIII, Ohio Constitution. If a~~ 277
~~special improvement district is being created under this chapter~~ 278
~~for the purpose of developing and implementing plans for special~~ 279
~~energy improvement projects, the petition required under this~~ 280
~~division shall be signed by one hundred per cent of the owners~~ 281
~~of the area of all real property located within the proposed~~ 282
~~special improvement district, at least one special energy~~ 283
~~improvement project shall be designated for each parcel of real~~ 284
~~property within the special improvement district, and the~~ 285
~~special improvement district may include any number of parcels~~ 286
~~of real property as determined by the legislative authority of~~ 287

~~each participating political subdivision in which the proposed special improvement district is to be located.~~ For purposes of determining compliance with these requirements, the area of the district, or the front footage and ownership of property, shall be as shown in the most current records available at the county recorder's office and the county engineer's office sixty days prior to the date on which the petition is filed.

Each municipal corporation or township with which the petition is filed has sixty days to approve or disapprove, by resolution, the petition, including the articles of incorporation. If, by the end of the sixty-day period, the municipal corporation or township does not approve or disapprove the petition, the petition is deemed approved. In the case of a district created by an existing qualified nonprofit corporation, each municipal corporation or township has sixty days to approve or disapprove the creation of the district after the corporation submits the articles of incorporation or amendments thereto. If, by the end of the sixty-day period, the municipal corporation or township does not approve or disapprove the creation of the district, the creation of the district is deemed approved. This ~~chapter section~~ does not prohibit or restrict the rights of municipal corporations under Article XVIII of the Ohio Constitution or the right of the municipal legislative authority to impose reasonable conditions in a resolution of approval. ~~The acquisition, installation, equipping, and improvement of a special energy improvement project under this chapter shall not supersede any local zoning, environmental, or similar law or regulation.~~

(F) Persons proposing creation and operation of the district may propose an initial plan for public services or public improvements that benefit all or any part of the

district. Any initial plan shall be submitted as part of the 319
petition proposing creation of the district or, in the case of a 320
district created by an existing qualified nonprofit corporation, 321
shall be submitted with the articles of incorporation or 322
amendments thereto. 323

An initial plan may include provisions for the following: 324

(1) Creation and operation of the district and of the 325
nonprofit corporation to govern the district ~~under this chapter;~~ 326

(2) Hiring employees and professional services; 327

(3) Contracting for insurance; 328

(4) Purchasing or leasing office space and office 329
equipment; 330

(5) Other actions necessary initially to form, operate, or 331
organize the district and the nonprofit corporation to govern 332
the district; 333

(6) A plan for public improvements or public services that 334
benefit all or part of the district, which plan shall comply 335
with the requirements of division (A) of section 1710.06 of the 336
Revised Code and may include, but is not limited to, any of the 337
permissive provisions described in the fourth sentence of that 338
division or listed in divisions (A) (1) to (7) of that section. 339

~~(7) If the special improvement district is being created 340
under this chapter for the purpose of developing and 341
implementing plans for special energy improvement projects, 342
provision for the addition of territory to the special 343
improvement district. 344~~

After the initial plan is approved by all municipal 345
corporations and townships to which it is submitted for approval 346

and the district is created, each participating subdivision 347
shall levy a special assessment within its boundaries to pay for 348
the costs of the initial plan. The levy shall be for no more 349
than ten years from the date of the approval of the initial 350
plan; ~~except that if the proceeds of the levy are to be used to~~ 351
~~pay the costs of a special energy improvement project, the levy~~ 352
~~of a special assessment shall be for no more than thirty years~~ 353
~~from the date of approval of the initial plan. In the event that~~ 354
~~additional territory is added to a special improvement district,~~ 355
~~the special assessment to be levied with respect to such~~ 356
~~additional territory shall commence not earlier than the date~~ 357
~~such territory is added and shall be for no more than thirty~~ 358
~~years from such date.~~ For purposes of levying an assessment for 359
this initial plan, the services or improvements included in the 360
initial plan shall be deemed a special benefit to property 361
owners within the district. 362

(G) Each nonprofit corporation governing a district under 363
~~this chapter sections 1710.02 to 1710.13 of the Revised Code~~ may 364
do the following: 365

(1) Exercise all powers of nonprofit corporations granted 366
under Chapter 1702. of the Revised Code that do not conflict 367
with ~~this chapter sections 1710.02 to 1710.13 of the Revised~~ 368
Code; 369

(2) Develop, adopt, revise, implement, and repeal plans 370
for public improvements and public services for all or any part 371
of the district; 372

(3) Contract with any person, political subdivision as 373
defined in section 2744.01 of the Revised Code, or state agency 374
as defined in section 1.60 of the Revised Code to develop and 375
implement plans for public improvements or public services 376

within the district; 377

(4) Contract and pay for insurance for the district and 378
for directors, officers, agents, contractors, employees, or 379
members of the district for any consequences of the 380
implementation of any plan adopted by the district or any 381
actions of the district. 382

The board of directors of a special improvement district 383
may, acting as agent and on behalf of a participating political 384
subdivision, sell, transfer, lease, or convey any special energy 385
improvement project owned by the participating political 386
subdivision upon a determination by the legislative authority 387
thereof that the project is not required to be owned exclusively 388
by the participating political subdivision for its purposes, for 389
uses determined by the legislative authority thereof as those 390
that will promote the welfare of the people of such 391
participating political subdivision; to improve the quality of 392
life and the general and economic well-being of the people of 393
the participating political subdivision; better ensure the 394
public health, safety, and welfare; protect water and other 395
natural resources; provide for the conservation and preservation 396
of natural and open areas and farmlands, including by making 397
urban areas more desirable or suitable for development and 398
revitalization; control, prevent, minimize, clean up, or mediate 399
certain contamination of or pollution from lands in the state 400
and water contamination or pollution; or provide for safe and 401
natural areas and resources. The legislative authority of each 402
participating political subdivision shall specify the 403
consideration for such sale, transfer, lease, or conveyance and 404
any other terms thereof. Any determinations made by a 405
legislative authority of a participating political subdivision 406
under this division shall be conclusive. 407

~~Any sale, transfer, lease, or conveyance of a special- 408
energy improvement project by a participating political- 409
subdivision or the board of directors of the special improvement- 410
district may be made without advertising, receipt of bids, or- 411
other competitive bidding procedures applicable to the- 412
participating political subdivision or the special improvement- 413
district under Chapter 153. or 735. or section 1710.11 of the- 414
Revised Code or other representative provisions of the Revised- 415
Code. 416~~

Sec. 1710.021. Any owner of an interest in real property 417
that is located within a proposed or existing special 418
improvement district who enters into a contract to transfer the 419
interest shall give to the transferee of the interest within the 420
specified period of time both of the following: 421

(A) Within five days after entering into the contract, 422
each notice that the owner received under ~~this chapter~~sections 423
1710.02 to 1710.13 of the Revised Code within ninety days prior 424
to entering into the contract; 425

(B) Within five days after its receipt, each notice that 426
the owner receives under ~~this chapter~~sections 1710.02 to 1710.13 427
of the Revised Code after entering into the contract until the 428
contract is completely performed or terminated. 429

Sec. 1710.03. (A) Except as otherwise provided in this 430
division, each owner of real property within a special 431
improvement district other than the state or federal government 432
is a member of the district, and the real property of each 433
member of the district is subject to special assessment under 434
division (C) of section 1710.06 of the Revised Code. A church is 435
not a member of the district unless the church specifically 436
requested in writing that its property be included in the 437

district or unless, in the case of a district created by an 438
existing qualified nonprofit corporation, the church is a member 439
of the corporation at the time the district is created. A 440
county, township, or municipal corporation owning real property 441
in the district is not a member of the district unless such 442
entity specifically requested in writing that its property be 443
included in the district. 444

The identity and address of the owners shall be determined 445
for any particular action of the nonprofit corporation that 446
governs the district, including notice of meetings of the 447
district, no more than sixty days prior to the date of the 448
action, from the most current records available at the county 449
auditor's office. For purposes of ~~this chapter~~sections 1710.02 450
to 1710.13 of the Revised Code, the persons shown on such 451
records as having common or joint ownership interests in a 452
parcel of real property collectively shall constitute the owner 453
of the real property. 454

(B) A member may file a written statement with the 455
district's secretary at least three days prior to any meeting of 456
the entire membership of the district to appoint a proxy to 457
carry out the member's rights and responsibilities under ~~this~~ 458
~~chapter~~sections 1710.02 to 1710.13 of the Revised Code at that 459
meeting. 460

(C) A member also may appoint a designee to carry out the 461
member's rights and responsibilities under ~~this chapter~~sections 462
1710.02 to 1710.13 of the Revised Code by filing a written 463
designation form with the district's secretary. This form shall 464
include the name and address of the member, the name and address 465
of the designee, and the expiration date, if any, of the 466
designation and may authorize the designee to vote at any 467

meeting of the district. 468

(D) A proxy or designee need not be an elector or resident 469
of any participating political subdivision of the district or a 470
member of the district. The appointment of a proxy or a designee 471
may be changed by filing a new form with the district's 472
secretary. The most current form filed with the secretary is the 473
valid appointment. Service of any notice upon a proxy or 474
designee at the proxy's or designee's address as shown on that 475
form satisfies any requirements for notification of the member. 476

Sec. 1710.04. (A) A special improvement district created 477
under ~~this chapter~~ sections 1710.02 to 1710.13 of the Revised 478
Code shall be governed by the board of directors of the special 479
improvement district. The board shall consist of at least five 480
directors. The board shall include a person appointed by the 481
legislative authority of each participating political 482
subdivision and the municipal executive of each municipal 483
corporation with territory within the boundaries of the special 484
improvement district. The remainder of the board's members shall 485
be members of the district. Except for the municipal executives 486
and the appointees of the legislative authorities, and except as 487
otherwise provided in this division, members of the board of 488
directors shall be elected at a meeting of the entire membership 489
of the district. The initial election of directors may occur at 490
the first meeting of the entire membership of the district after 491
its creation. All subsequent elections shall be held at a 492
~~November~~ an annual meeting of the membership. 493

Each municipal executive may designate one person who is 494
an employee of the municipal corporation involved with its 495
planning or economic development functions to serve in the 496
municipal executive's stead. This designee shall serve at the 497

pleasure of the municipal executive. 498

In the case of a district created by an existing qualified 499
nonprofit corporation, the corporation's board of ~~trustees~~ 500
directors or other governing board, however denominated, shall 501
be the board of directors of the special improvement district 502
for the purposes of ~~this chapter~~sections 1710.02 to 1710.13 of 503
the Revised Code. The election of directors otherwise required 504
by this division shall not be required, and the requirement that 505
municipal executives and appointees of the legislative 506
authorities be members of the district's board of directors may 507
be satisfied by the membership on the corporation's governing 508
board of representatives of such participating political 509
subdivisions, or may be waived if approved by resolution of the 510
legislative authorities of the participating political 511
subdivisions. 512

(B) A director may file a written statement with the 513
district's secretary at least three days prior to any meeting of 514
the board to have a person act as proxy to carry out the 515
director's rights and responsibilities under ~~this~~ 516
~~chapter~~sections 1710.02 to 1710.13 of the Revised Code at that 517
meeting. 518

A director may also appoint a designee to carry out the 519
director's rights and responsibilities under ~~this chapter~~ 520
sections 1710.02 to 1710.13 of the Revised Code by filing a 521
written designation form with the district's secretary. This 522
form shall include the name and address of the director, the 523
name and address of the designee, and the expiration date, if 524
any, of the designation. 525

A proxy or designee need not be an elector or resident of 526
a participating political subdivision of the district or a 527

member of the district. The appointment of a proxy or designee 528
may be changed by filing a new form with the district's 529
secretary. The most current form filed with the secretary is the 530
valid appointment. Service of any notice upon a proxy or 531
designee at the proxy's or designee's address as shown on that 532
form satisfies any requirements for notification of the 533
director. 534

(C) Notice of the time, date, place, and agenda for any 535
meeting of the board of directors shall be by written notice to 536
each director, transmitted by certified mail, personal service, 537
or electronic device prior to the meeting. If possible, the 538
notice shall be served at least one week prior to the meeting. 539

The board shall act by a majority vote of those present 540
and authorized to vote at any meeting where proper notice has 541
been served. 542

(D) The board shall elect a chairperson, vice-chairperson, 543
secretary, and treasurer of the board. These officers shall 544
serve at the board's pleasure. A director may be elected to more 545
than one office, except that the director elected as treasurer 546
shall not be elected to any other office of the board. 547

By the first day of March of each year, the treasurer 548
shall submit to each member of the district and to the municipal 549
executive, chief fiscal officer, and legislative authority of 550
each municipal corporation with territory within the boundaries 551
of the special improvement district and the board of township 552
trustees of each township with territory within the boundaries 553
of the special improvement district, a report of the district's 554
activities and financial condition for the previous year. 555

(E) Divisions (B), (C), and (D) of this section do not 556

apply to a district created by an existing qualified nonprofit corporation to the extent those divisions are not consistent with the regulations of the corporation, in which case the regulations of the corporation shall govern.

Sec. 1710.05. Except as otherwise provided in ~~this chapter~~ sections 1710.02 to 1710.13 of the Revised Code, the articles of incorporation or the code of regulations governing the nonprofit corporation shall provide for the method by which notice for meetings of the membership of the special improvement district is to be given and the method for voting by the membership of the district.

Sec. 1710.06. (A) The board of directors of a special improvement district may develop and adopt one or more written plans for public improvements or public services that benefit all or any part of the district. Each plan shall set forth the specific public improvements or public services that are to be provided, identify the area in which they will be provided, and specify the method of assessment to be used. Each plan for public improvements or public services shall indicate the period of time the assessments are to be levied for the improvements and services and, if public services are included in the plan, the period of time the services are to remain in effect. Plans for public improvements may include the planning, design, construction, reconstruction, enlargement, or alteration of any public improvements and the acquisition of land for the improvements. Plans for public improvements or public services may also include, but are not limited to, provisions for the following:

(1) Creating and operating the district and the nonprofit corporation under ~~this chapter~~ sections 1710.02 to 1710.13 of the

Revised Code, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;

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

(3) Conducting court proceedings to carry out ~~this~~ chapter sections 1710.02 to 1710.13 of the Revised Code;

(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;

(5) Paying the costs of issuing, paying interest on, and redeeming or refunding notes and bonds issued for funding public improvements and public services plans;

~~(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and~~

~~(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special~~

~~improvement district, upon the consent of the owners of the~~ 616
~~credits and for the purpose of negotiating and completing the~~ 617
~~sale of such credits.~~ 618

(B) Once the board of directors of the special improvement 619
district adopts a plan, it shall submit the plan to the 620
legislative authority of each participating political 621
subdivision and the municipal executive of each municipal 622
corporation in which the district is located, if any. The 623
legislative authorities and municipal executives shall review 624
the plan and, within sixty days after receiving it, may submit 625
their comments and recommendations about it to the district. 626
After reviewing these comments and recommendations, the board of 627
directors may amend the plan. It may then submit the plan, 628
amended or otherwise, in the form of a petition to members of 629
the district whose property may be assessed for the plan. Once 630
the petition is signed by those members who own at least sixty 631
per cent of the front footage of property that is to be assessed 632
and that abuts upon a street, alley, public road, place, 633
boulevard, parkway, park entrance, easement, or other public 634
improvement, or those members who own at least seventy-five per 635
cent of the area to be assessed for the improvement or service, 636
the petition may be submitted to each legislative authority for 637
approval. ~~If the special improvement district was created for~~ 638
~~the purpose of developing and implementing plans for special~~ 639
~~energy improvement projects, the petition required under this~~ 640
~~division shall be signed by one hundred per cent of the owners~~ 641
~~of the area of all real property located within the area to be~~ 642
~~assessed for the special energy improvement project.~~ 643

Each legislative authority shall, by resolution, approve 644
or reject the petition within sixty days after receiving it. If 645
the legislative authority does not approve or disapprove the 646

petition by resolution within sixty days, the petition is deemed 647
approved. If the petition is approved by the legislative 648
authority of each participating political subdivision, the plan 649
contained in the petition shall be effective at the earliest 650
date on which a nonemergency resolution of the legislative 651
authority with the latest effective date may become effective. A 652
plan may not be resubmitted to the legislative authorities and 653
municipal executives more than three times in any twelve-month 654
period. 655

(C) Each participating political subdivision shall levy, 656
by special assessment upon specially benefited property located 657
within the district, the costs of any public improvements or 658
public services plan contained in a petition approved by the 659
participating political subdivisions under this section or 660
division (F) of section 1710.02 of the Revised Code. The levy 661
shall be made in accordance with the procedures set forth in 662
Chapter 727. of the Revised Code, except that: 663

(1) The assessment for each improvements or services plan 664
may be levied by any one or any combination of the methods of 665
assessment listed in section 727.01 of the Revised Code, 666
provided that the assessment is uniformly applied. 667

(2) For the purpose of levying an assessment, the board of 668
directors may combine one or more improvements or services plans 669
or parts of plans and levy a single assessment against specially 670
benefited property. 671

(3) For purposes of special assessments levied by a 672
township pursuant to ~~this chapter~~ sections 1710.02 to 1710.13 of 673
the Revised Code, references in Chapter 727. of the Revised Code 674
to the municipal corporation shall be deemed to refer to the 675
township, and references to the legislative authority of the 676

municipal corporation shall be deemed to refer to the board of township trustees. 677
678

Church property or property owned by a political subdivision, including any participating political subdivision in which a special improvement district is located, shall be included in and be subject to special assessments made pursuant to a plan adopted under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district or, in the case of a district created by an existing qualified nonprofit corporation, if the church is a member of the corporation. 679
680
681
682
683
684
685
686
687
688
689
690

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter sections 1710.02 to 1710.13 of the Revised Code, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter sections 1710.02 to 1710.13 of the Revised Code shall have the same rights and privileges as property owners assessed for public improvements under this chapter sections 1710.02 to 1710.13 of the Revised Code. 691
692
693
694
695
696
697
698
699
700
701
702
703

Sec. 1710.07. The cost of any public improvements or public services plan of a special improvement district may include, but is not limited to, the following: 704
705
706

(A) The cost of creating and operating the district under 707
~~this chapter~~sections 1710.02 to 1710.13 of the Revised Code, 708
including creating and operating a nonprofit organization 709
organized under ~~this chapter~~sections 1710.02 to 1710.13 of the 710
Revised Code, hiring employees and professional services, 711
contracting for insurance, and purchasing or leasing office 712
space or office equipment; 713

(B) The cost of planning, designing, and implementing the 714
public improvements or public services plan, including payment 715
of architectural, engineering, legal, appraisal, insurance, 716
consulting, energy auditing, and planning fees and expenses, 717
and, for public services, the management, protection, and 718
maintenance costs of public or private facilities; 719

(C) Any court costs incurred by the district in 720
implementing the public improvements or public services plan; 721

(D) Any damages resulting from implementing the public 722
improvements or public services plan; 723

(E) The costs of issuing, paying interest on, and 724
redeeming or refunding notes and bonds issued for funding the 725
public improvements or public services plan; ~~and~~ 726

~~(F) The costs associated with the sale, lease, lease with 727
an option to purchase, conveyance of other interests in, or 728
other contracts for the acquisition, construction, maintenance, 729
repair, furnishing, equipping, operation, or improvement of any 730
special energy improvement project by the district, between a 731
participating political subdivision and the special improvement 732
district, or between the special improvement district and any 733
owner of real property in the special improvement district on 734
which a special energy improvement project has been acquired, 735~~

~~installed, equipped, or improved.~~ 736

Sec. 1710.11. The board of directors of a special 737
improvement district shall adopt written rules prescribing 738
competitive bidding procedures for contracts awarded under ~~this~~ 739
~~chapter~~sections 1710.02 to 1710.13 of the Revised Code. The 740
procedures may differ from competitive bidding procedures 741
applicable to the participating political subdivisions of the 742
district or those provided in Chapter 735. of the Revised Code. 743
The rules shall provide for advertising for bids and specify the 744
bidding procedures to be followed, and may specify conditions 745
under which competitive bidding is not required and other 746
conditions such as establishing a dollar limit per contract or 747
specifying particular parties to a contract. 748

Sec. 1710.12. Any participating political subdivision of a 749
special improvement district may issue bonds and notes in 750
anticipation of collection of any special assessments authorized 751
by ~~this chapter~~sections 1710.02 to 1710.13 of the Revised Code. 752
All proceeds of any ~~assessments, such bonds,~~ or notes issued to 753
fund any public improvements or public services plan under ~~this~~ 754
~~chapter~~sections 1710.02 to 1710.13 of the Revised Code shall 755
first be applied by the political subdivision to payment of 756
those bonds or notes and any interest on them, as required by 757
section 133.17 of the Revised Code. Any remaining proceeds shall 758
be turned over to the treasurer of the district and deposited in 759
a district account to be used for the purposes for which the 760
assessment was made or for which the bonds or notes were issued. 761

Sec. 1710.13. This section does not apply to a special 762
improvement district created by an existing qualified nonprofit 763
corporation. 764

The process for dissolving a special improvement district 765

or repealing an improvements or services plan may be initiated 766
by a petition signed by members of the district who own at least 767
twenty per cent of the appraised value of the real property 768
located in the district, excluding church property or real 769
property owned by the federal government, the state, or a 770
county, township, or municipal corporation, unless the church, 771
county, township, or municipal corporation has specifically 772
requested in writing that the property be included in the 773
district, and filed with the municipal executive, if any, and 774
the legislative authorities of all the participating political 775
subdivisions of the district. As used in this section, 776
"appraised value" means the taxable value established by the 777
county auditor for purposes of real estate taxation. 778

No later than forty-five days after such a petition is 779
filed, the members of the district shall meet to consider it. 780
Notice of the meeting shall be given as provided in section 781
1710.05 of the Revised Code. Upon the affirmative vote of 782
members who collectively own more than fifty per cent of the 783
appraised value of the real property in the district that may be 784
subject to assessment under division (C) of section 1710.06 of 785
the Revised Code, the district shall be dissolved, or the plan 786
shall be repealed, as applicable. 787

No rights or obligations of any person under any contract, 788
or in relation to any bonds, notes, or assessments made under 789
~~this chapter~~ sections 1710.02 to 1710.13 of the Revised Code, 790
shall be affected by the dissolution of the district or the 791
repeal of a plan, except with the consent of that person or by 792
order of a court with jurisdiction over the matter. Upon 793
dissolution of a district, any assets or rights of the district, 794
after payment of all bonds, notes, or other obligations of the 795
district, shall be deposited in a special account in the 796

treasury of each participating political subdivision, prorated 797
among all participating political subdivisions to reflect the 798
percentage of the district's territory within that political 799
subdivision, to be used for the benefit of the territory that 800
made up the district. 801

Once the members have approved the repeal of a plan, all 802
bonds, notes, and other obligations of the district associated 803
with the plan shall be paid. Thereafter, the plan shall be 804
repealed. Upon receipt of proof that all bonds, notes, and other 805
obligations have been paid and that the plan has been repealed, 806
the participating political subdivisions shall terminate any 807
levies imposed to pay for costs of the plan. 808

Sec. 1710.20. For the purpose of developing and 809
implementing plans for special energy improvement projects on 810
nonresidential property, a property owner or owners may create 811
an energy special improvement district. The property owner or 812
owners shall create the district in accordance with sections 813
1710.20 to 1710.28 of the Revised Code and shall ensure that all 814
of the following apply to the district: 815

(A) The district is governed by a nonprofit corporation 816
organized under Chapter 1702. of the Revised Code acting through 817
its board of directors. 818

(B) The territory comprising the district is within the 819
boundaries of any one municipal corporation, any one township, 820
or any combination of contiguous or noncontiguous municipal 821
corporations or townships. 822

(C) At least one special energy improvement project is 823
designated for each parcel of real property within the district. 824

Sec. 1710.21. In order to create an energy special 825

improvement district under sections 1710.20 to 1710.28 of the 826
Revised Code, the person or persons proposing the creation of 827
the district shall submit to each participating political 828
subdivision all of the following: 829

(A) A written plan for special energy improvement projects 830
created in accordance with section 1710.22 of the Revised Code; 831

(B) The articles of incorporation for the nonprofit 832
corporation that will govern the district that meet the 833
requirements of section 1710.23 of the Revised Code; and 834

(C) A petition for the creation of the district signed by 835
one hundred per cent of the property owners located within the 836
proposed district. 837

For purposes of compliance with division (C) of this 838
section, the person or persons proposing creation of the 839
district shall show the area of the district and the ownership 840
of each parcel of property of the proposed district by reference 841
to records that were available from each county recorder's 842
office not more than sixty days prior to the submission of the 843
petition. A petition submitted under division (C) of this 844
section is in furtherance of the purposes set forth in Section 845
2o of Article VIII, Ohio Constitution. 846

Sec. 1710.22. (A) The person or persons proposing the 847
creation of an energy special improvement district under 848
sections 1710.20 to 1710.28 of the Revised Code shall ensure 849
that the plan required under section 1710.21 of the Revised Code 850
includes both of the following: 851

(1) A description of the proposed special energy 852
improvement project or projects, including the cost of the 853
proposed project or projects and a statement of which property 854

or properties each project will benefit. The person or persons 855
shall designate at least one special energy improvement project 856
for each parcel of real property within the proposed district. 857

(2) The method of assessment to be used and the time 858
period during which the assessment will be levied. 859

(B) The person or persons proposing the creation of an 860
energy special improvement district under sections 1710.20 to 861
1710.28 of the Revised Code may include in the plan submitted 862
under section 1710.21 of the Revised Code provisions for the 863
following: 864

(1) Creating and operating the district and the nonprofit 865
corporation, including hiring employees and professional 866
services, contracting for insurance, and purchasing or leasing 867
office space and office equipment and other requirements of the 868
district; 869

(2) Planning, designing, and implementing a plan, and 870
paying the costs of any action taken in furtherance of the plan, 871
including hiring architectural, engineering, legal, appraisal, 872
insurance, consulting, energy auditing, and planning services; 873

(3) Conducting court proceedings to carry out sections 874
1710.20 to 1710.28 of the Revised Code; 875

(4) Paying damages resulting from the provision of public 876
improvements or public services and implementing a plan; 877

(5) Paying the costs of issuing, paying interest on, and 878
redeeming or refunding notes and bonds issued for the purpose of 879
funding a plan; 880

(6) Sale, lease, lease with an option to purchase, 881
conveyance of other interests in, or other contracts for the 882

acquisition, construction, maintenance, repair, furnishing, 883
equipping, operation, or improvement of any special energy 884
improvement project by the energy special improvement district, 885
between a participating political subdivision and the district, 886
and between the district and any owner of real property in the 887
district on which a special energy improvement project has been 888
acquired, installed, equipped, or improved; 889

(7) Aggregating the renewable energy credits generated by 890
one or more special energy improvement projects within an energy 891
special improvement district, upon the consent of the owners of 892
the credits and for the purpose of negotiating and completing 893
the sale of such credits; 894

(8) The addition of territory to the energy special 895
improvement district; 896

(9) Any other actions necessary to form, operate, or 897
organize the energy special improvement district and the 898
nonprofit corporation that will govern the energy special 899
improvement district. 900

Sec. 1710.23. The person or persons proposing the creation 901
of an energy special improvement district under sections 1710.20 902
to 1710.28 of the Revised Code shall ensure that in addition to 903
meeting the requirements for articles of incorporation set forth 904
in Chapter 1702. of the Revised Code, the articles of 905
incorporation submitted under section 1710.21 of the Revised 906
Code for the nonprofit corporation that will govern the energy 907
special improvement district provide all of the following: 908

(A) The name for the district; 909

(B) A description of the territory within the district, 910
which may be all or part of each participating political 911

subdivision; 912

(C) A description of the procedure by which the articles 913
of incorporation may be amended; 914

(D) The reasons for creating the district and an 915
explanation of how the district will be conducive to the public 916
health, safety, peace, convenience, and welfare of the district. 917

Sec. 1710.24. (A) Each participating political subdivision 918
with which the petition, the plan, and the articles of 919
incorporation are filed under section 1710.21 of the Revised 920
Code has sixty days to approve or disapprove, by resolution, the 921
petition, the plan, and the articles of incorporation. If, by 922
the end of the sixty-day period, the political subdivision does 923
not approve or disapprove the petition, plan, and articles of 924
incorporation, they are deemed approved. A copy of that 925
resolution shall be filed along with the articles of 926
incorporation in the secretary of state's office. The energy 927
special improvement district is created upon the filing of 928
approval by all participating political subdivisions within the 929
proposed energy special improvement district. 930

This division does not prohibit or restrict the rights of 931
municipal corporations under Article XVIII of the Ohio 932
Constitution or the right of the municipal legislative authority 933
to impose reasonable conditions in a resolution of approval. The 934
acquisition, installation, equipping, and improvement of a 935
special energy improvement project under this section does not 936
supersede any local zoning, environmental, or similar law or 937
regulation. 938

(B) If a participating political subdivision approves the 939
petition, the plan, and the articles of incorporation, the 940

participating political subdivision shall levy a special 941
assessment on all real property in the energy special 942
improvement district that is located within its boundaries to 943
pay for the costs of the plan. The participating political 944
subdivision shall levy the special assessment for not more than 945
thirty years from the first day of the year in which the special 946
assessment is imposed. In the event that additional territory is 947
added to the energy special improvement district, a 948
participating political subdivision shall levy the special 949
assessment with respect to such additional territory commencing 950
not earlier than the date such territory is added and for not 951
more than thirty years from the first day of the year in which 952
the special assessment is first imposed. 953

(C) For purposes of levying a special assessment for the 954
plan, the special energy improvement projects included in the 955
plan are deemed a special benefit to property owners within the 956
energy special improvement district. The use of special 957
assessments levied to benefit such property owners does not 958
constitute expenditures made with public funds. The 959
participating political subdivision shall levy the special 960
assessment in accordance with Chapter 727. of the Revised Code 961
except that: 962

(1) The participating political subdivision may levy the 963
assessment for each plan by any one or any combination of the 964
methods of assessment listed in section 727.01 of the Revised 965
Code, provided that the assessment is uniformly applied; 966

(2) For purposes of levying an assessment, the 967
participating political subdivision may combine one or more 968
plans or parts of plans and levy a single assessment against 969
specially benefited property; 970

(3) For purposes of special assessments levied by a 971
township under this section, references in Chapter 727. of the 972
Revised Code to the municipal corporation are deemed to refer to 973
the township, and references to the legislative authority of the 974
municipal corporation are deemed to refer to the board of 975
township trustees. 976

(D) All applicable rights and privileges of a property 977
owner that is assessed under Chapter 727. of the Revised Code 978
are granted to a property owner assessed under this section, 979
including those rights and privileges specified in sections 980
727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and 981
the right to notice of the resolution of necessity and the 982
filing of the estimated assessment under section 727.13 of the 983
Revised Code. Property owners assessed for public services under 984
this section have the same rights and privileges as property 985
owners assessed for public improvements under this section. 986

Sec. 1710.25. (A) Each nonprofit corporation governing an 987
energy special improvement district under sections 1710.20 to 988
1710.28 of the Revised Code may do the following: 989

(1) Exercise all powers of nonprofit corporations granted 990
under Chapter 1702. of the Revised Code that do not conflict 991
with sections 1710.20 to 1710.28 of the Revised Code; 992

(2) Develop, adopt, revise, implement, and repeal plans 993
for all or any part of the district; 994

(3) Contract with any person, political subdivision as 995
defined in section 2744.01 of the Revised Code, or state agency 996
as defined in section 1.60 of the Revised Code to develop and 997
implement plans for special energy improvement projects within 998
the district; 999

<u>(4) Contract and pay for insurance for the district and</u>	1000
<u>for directors, officers, agents, contractors, employees, or</u>	1001
<u>members of the district for any consequences of the</u>	1002
<u>implementation of any plan adopted by the district or any</u>	1003
<u>actions of the district;</u>	1004
<u>(5) Act as an agent for and on behalf of a participating</u>	1005
<u>political subdivision in order to sell, transfer, lease, or</u>	1006
<u>convey any special energy improvement project owned by the</u>	1007
<u>political subdivision, provided that the legislative authority</u>	1008
<u>of the participating political subdivision determines that the</u>	1009
<u>project is not required to be exclusively owned by the political</u>	1010
<u>subdivision for its purposes, and provided that the sale is for</u>	1011
<u>any of the following purposes:</u>	1012
<u>(a) To promote the welfare of the people of such</u>	1013
<u>participating political subdivision;</u>	1014
<u>(b) To improve the quality of life and the general and</u>	1015
<u>economic well-being of the people of the participating political</u>	1016
<u>subdivision;</u>	1017
<u>(c) To better ensure the public health, safety, and</u>	1018
<u>welfare;</u>	1019
<u>(d) To protect water and other natural resources;</u>	1020
<u>(e) To provide for the conservation and preservation of</u>	1021
<u>natural and open areas and farmlands, including by making urban</u>	1022
<u>areas more desirable or suitable for development and</u>	1023
<u>revitalization;</u>	1024
<u>(f) To control, prevent, minimize, clean up, or mediate</u>	1025
<u>certain contamination of or pollution from lands in the state</u>	1026
<u>and water contamination or pollution; or</u>	1027

(g) To provide for safe and natural areas and resources. 1028

The legislative authority of a participating political 1029
subdivision shall specify the consideration for such sale, 1030
transfer, lease, or conveyance and any other terms thereof. Any 1031
determinations made by a legislative authority of a 1032
participating political subdivision under division (A) (5) of 1033
this section are conclusive. 1034

(B) A participating political subdivision or a nonprofit 1035
corporation governing an energy special improvement district may 1036
make any purchase, sale, transfer, lease, or conveyance of a 1037
special energy improvement project without advertising, receipt 1038
of bids, or other competitive bidding procedures applicable to 1039
the participating political subdivision or the energy special 1040
improvement district under Chapter 153. or 735. or section 1041
1710.11 of the Revised Code or other representative provisions 1042
of the Revised Code. 1043

(C) Membership on the board of directors of the district 1044
is not considered holding a public office. Directors and their 1045
designees are entitled to the immunities provided by Chapter 1046
1702. and to the same immunity as an employee under division (A) 1047
(6) of section 2744.03 of the Revised Code, except that 1048
directors and their designees are not entitled to the 1049
indemnification provided in section 2744.07 of the Revised Code 1050
unless the director or designee is an employee or official of a 1051
participating political subdivision of the district and is 1052
acting within the scope of the director's or designee's 1053
employment or official responsibilities. 1054

District officers and district members and directors and 1055
their designees or proxies are not required to file a statement 1056
with the Ohio ethics commission under section 102.02 of the 1057

Revised Code. All records of the district are public records 1058
under section 149.43 of the Revised Code, except that records of 1059
organizations contracting with a district are not public records 1060
under section 149.43 or section 149.431 of the Revised Code 1061
solely by reason of any contract with a district. 1062

Sec. 1710.26. (A) Each owner of real property within an 1063
energy special improvement district created under sections 1064
1710.20 to 1710.28 of the Revised Code is a member of the energy 1065
special improvement district. The nonprofit corporation 1066
governing the district shall determine the identity and address 1067
of each owner for any particular action of the nonprofit 1068
corporation, including notice of meetings of the district, not 1069
more than sixty days prior to the date of the action, from the 1070
most current records available at the county auditor's office. 1071
For purposes of this section, the persons shown on such records 1072
as having common or joint ownership interests in a parcel of 1073
real property collectively constitute the owner of the real 1074
property. The articles of incorporation or the code of 1075
regulations governing the nonprofit corporation shall provide 1076
for the method by which notice for meetings of the membership of 1077
the energy special improvement district is given and the method 1078
for voting by the membership of the district. 1079

(B) A member may file a written statement with the 1080
district's secretary at least three days prior to any meeting of 1081
the entire membership of the district to appoint a proxy to 1082
carry out the member's rights and responsibilities under 1083
sections 1710.20 to 1710.28 of the Revised Code at that meeting. 1084

(C) A member also may appoint a designee to carry out the 1085
member's rights and responsibilities under sections 1710.20 to 1086
1710.28 of the Revised Code by filing a written designation form 1087

with the district's secretary. This form shall include the name 1088
and address of the member, the name and address of the designee, 1089
and the expiration date, if any, of the designation and may 1090
authorize the designee to vote at any meeting of the district. 1091

(D) A proxy or designee need not be an elector or resident 1092
of any participating political subdivision of the district or a 1093
member of the district. A member may change the appointment of a 1094
proxy or a designee by filing a new form with the district's 1095
secretary. The most current form filed with the secretary is the 1096
valid appointment. Service of any notice upon a proxy or 1097
designee at the proxy's or designee's address as shown on that 1098
form satisfies any requirements for notification of the member. 1099

Sec. 1710.27. The board of directors of the nonprofit 1100
corporation that governs an energy special improvement district 1101
created under sections 1710.20 to 1710.28 of the Revised Code 1102
may add additional territory to the district upon approval of a 1103
petition by one hundred per cent of the property owners of the 1104
additional territory and a plan that designates at least one 1105
special energy improvement project for each parcel of real 1106
property and that complies with section 1710.22 of the Revised 1107
Code. 1108

Sec. 1710.28. A nonprofit corporation created for the 1109
purpose of governing an energy special improvement district 1110
created under sections 1710.20 to 1710.28 of the Revised Code 1111
may be dissolved not earlier than one year following the 1112
creation of the district if both of the following apply: 1113

(A) The petition of property owners or the plan submitted 1114
under section 1710.21 of the Revised Code authorized 1115
dissolution; 1116

(B) Sufficient provisions have been made to levy and 1117
collect special assessments to pay the costs of existing special 1118
energy improvement projects pursuant to a written agreement with 1119
a participating political subdivision. 1120

Upon dissolution of a nonprofit corporation that governs 1121
an energy special improvement district, the property owners 1122
shall succeed to all rights and responsibilities of the 1123
nonprofit corporation. 1124

Sec. 1710.29. On and after the effective date of this 1125
section, any energy special improvement district that, prior to 1126
the effective date of this section, was created under sections 1127
1710.01 to 1710.13 of the Revised Code for the purpose of 1128
developing and implementing plans for special energy improvement 1129
projects shall continue and shall be treated as though it was 1130
created under sections 1710.20 to 1710.28 of the Revised Code. 1131
Such a district shall hereafter be governed by the requirements 1132
of sections 1710.20 to 1710.28 of the Revised Code. 1133

Sec. 1710.30. For the purpose of developing and 1134
implementing plans for special energy improvement projects on 1135
nonresidential property, a port authority may create an energy 1136
special improvement district. The port authority shall create 1137
the district in accordance with sections 1710.30 to 1710.37 of 1138
the Revised Code and shall ensure that all of the following 1139
apply to the district: 1140

(A) The district is governed either by the board of 1141
directors of the port authority or a nonprofit corporation 1142
organized under Chapter 1702. of the Revised Code acting through 1143
its board of directors. 1144

(B) The territory comprising the district is within the 1145

jurisdiction of the port authority, but may include territory 1146
within the boundaries of any one municipal corporation, any one 1147
township, or any combination of contiguous or noncontiguous 1148
municipal corporations or townships. 1149

(C) At least one special energy improvement project is 1150
designated for each parcel of real property within the district. 1151

Sec. 1710.31. In order to create an energy special 1152
improvement district under sections 1710.30 to 1710.37 of the 1153
Revised Code, the person or persons proposing the creation of 1154
the district shall submit to the board of directors of a port 1155
authority that has jurisdiction over the territory in which the 1156
proposed energy special improvement district is to be located 1157
both of the following: 1158

(A) A written plan for special energy improvement projects 1159
created in accordance with section 1710.32 of the Revised Code; 1160

(B) A petition for the creation of the district signed by 1161
one hundred per cent of the property owners within the proposed 1162
district. 1163

For purposes of compliance with division (B) of this 1164
section, the person or persons proposing creation of the 1165
district shall show the area of the district and the ownership 1166
of each parcel of property of the proposed district by reference 1167
to records that were available from each county recorder's 1168
office not more than sixty days prior to the submission of the 1169
petition. A petition submitted under division (B) of this 1170
section is in furtherance of the purposes set forth in Section 1171
2o of Article VIII, Ohio Constitution. 1172

Sec. 1710.32. (A) The person or persons proposing the 1173
creation of an energy special improvement district under 1174

sections 1710.30 to 1710.37 of the Revised Code shall ensure 1175
that the plan required under section 1710.31 of the Revised Code 1176
includes both of the following: 1177

(1) A description of the proposed special energy 1178
improvement project or projects, including the cost of the 1179
proposed project or projects and a statement of which property 1180
or properties each project will benefit. The person or persons 1181
shall designate at least one special energy improvement project 1182
for each parcel of real property within the proposed district. 1183

(2) The method of assessment to be used and the time 1184
period during which the assessment will be levied. 1185

(B) The person or persons proposing the creation of an 1186
energy special improvement district under sections 1710.30 to 1187
1710.37 of the Revised Code may include in the plan submitted 1188
under section 1710.31 of the Revised Code provisions for the 1189
following: 1190

(1) Creating and operating the district and the nonprofit 1191
corporation, including hiring employees and professional 1192
services, contracting for insurance, and purchasing or leasing 1193
office space and office equipment and other requirements of the 1194
district; 1195

(2) Planning, designing, and implementing a plan, and 1196
paying the cost of any action taken in furtherance of the plan, 1197
including hiring architectural, engineering, legal, appraisal, 1198
insurance, consulting, energy auditing, and planning services; 1199

(3) Conducting court proceedings to carry out sections 1200
1710.30 to 1710.37 of the Revised Code; 1201

(4) Paying damages resulting from the provision of public 1202
improvements or public services and implementing a plan; 1203

(5) Paying the costs of issuing, paying interest on, and 1204
redeeming or refunding notes and bonds issued for the purpose of 1205
funding a plan; 1206

(6) Sale, lease, lease with an option to purchase, 1207
conveyance of other interests in, or other contracts for the 1208
acquisition, construction, maintenance, repair, furnishing, 1209
equipping, operation, or improvement of any special energy 1210
improvement project by the energy special improvement district, 1211
between a participating political subdivision and the district, 1212
and between the district and any owner of real property in the 1213
district on which a special energy improvement project has been 1214
acquired, installed, equipped, or improved; 1215

(7) Aggregating the renewable energy credits generated by 1216
one or more special energy improvement projects within a 1217
district, upon the consent of the owners of the credits and for 1218
the purpose of negotiating and completing the sale of such 1219
credits; 1220

(8) The addition of territory to the energy special 1221
improvement district; 1222

(9) Any other actions necessary to form, operate, or 1223
organize the energy special improvement district and, if 1224
applicable, the nonprofit corporation that will govern the 1225
energy special improvement district. 1226

Sec. 1710.33. (A) (1) The board of directors of a port 1227
authority with which a petition and plan are filed under section 1228
1710.31 of the Revised Code may approve or disapprove of the 1229
plan and petition. If the board approves of the petition and 1230
plan, the board shall create an energy special improvement 1231
district. The board of directors of the port authority also 1232

shall determine whether the board will govern the district or 1233
whether the board will create a nonprofit corporation to govern 1234
the district. 1235

(2) If the board of directors of the port authority will 1236
govern the energy special improvement district, the board shall 1237
prepare bylaws for the energy special improvement district that 1238
include all of the following: 1239

(a) The name of the district; 1240

(b) A description of the territory within the district, 1241
which may include all or part of a municipal corporation or 1242
township within the jurisdiction of the port authority; 1243

(c) Procedures and requirements governing meetings on 1244
special energy improvement projects, including procedures 1245
governing the provision of notice regarding such meetings; 1246

(d) A provision governing the addition of territory to the 1247
district; 1248

(e) Provisions for the operation of the district, hiring 1249
employees and professional services, contracting for insurance, 1250
purchasing and leasing office space and office equipment, and 1251
other actions necessary to form, operate, or organize the 1252
district. 1253

(B) If the board of directors of the port authority 1254
creates a nonprofit corporation for the purpose of governing the 1255
energy special improvement district, the board shall prepare 1256
articles of incorporation for the nonprofit corporation. The 1257
board shall ensure that in addition to meeting the requirements 1258
for articles of incorporation set forth in Chapter 1702. of the 1259
Revised Code, the articles of incorporation provide all of the 1260
following: 1261

<u>(1) The name for the district;</u>	1262
<u>(2) A description of the territory within the district,</u>	1263
<u>which may be all or part of each participating political</u>	1264
<u>subdivision;</u>	1265
<u>(3) A description of the procedure by which the articles</u>	1266
<u>of incorporation may be amended;</u>	1267
<u>(4) The reasons for creating the district and an</u>	1268
<u>explanation of how the district will be conducive to the public</u>	1269
<u>health, safety, peace, convenience, and welfare of the district.</u>	1270
<u>(C) The board of directors of the port authority shall</u>	1271
<u>provide notice to the property owners that submitted the</u>	1272
<u>petition and plan under section 1710.31 of the Revised Code and</u>	1273
<u>any participating political subdivision that is located within</u>	1274
<u>the energy special improvement district of the approval of the</u>	1275
<u>petition and the plan and the creation of an energy special</u>	1276
<u>improvement district. Along with the notice, the board shall</u>	1277
<u>provide the approved petition, the approved plan, and either the</u>	1278
<u>bylaws or the bylaws and the articles of incorporation, as</u>	1279
<u>applicable, that will dictate the governance of the district.</u>	1280
<u>The board shall include with the notice to the participating</u>	1281
<u>political subdivisions a statement of the responsibilities each</u>	1282
<u>participating political subdivision will assume if the political</u>	1283
<u>subdivision approves the petition and the plan.</u>	1284
<u>Sec. 1710.34. (A) Each participating political subdivision</u>	1285
<u>that receives notice of the creation of an energy special</u>	1286
<u>improvement district under section 1710.34 of the Revised Code</u>	1287
<u>has sixty days to approve or disapprove, by resolution, the</u>	1288
<u>petition by the property owners, the plan for special energy</u>	1289
<u>improvement projects, and either the bylaws or the bylaws and</u>	1290

the articles of incorporation, as applicable, that dictate the 1291
governance of the district. If, by the end of the sixty-day 1292
period, the political subdivision does not approve or disapprove 1293
these documents, they are deemed approved. A copy of that 1294
resolution shall be filed in the secretary of state's office. 1295

This division does not prohibit or restrict the rights of 1296
municipal corporations under Article XVIII of the Ohio 1297
Constitution or the right of the municipal legislative authority 1298
to impose reasonable conditions in a resolution of approval. The 1299
acquisition, installation, equipping, and improvement of a 1300
special energy improvement project under this section shall not 1301
supersede any local zoning, environmental, or similar law or 1302
regulation. 1303

(B) If a participating political subdivision approves the 1304
petition, the plan, and either the bylaws or the bylaws and the 1305
articles of incorporation, as applicable, the participating 1306
political subdivision shall levy a special assessment on all 1307
real property in the energy special improvement district that is 1308
located within its boundaries to pay for the costs of the plan. 1309
The participating political subdivision shall levy the special 1310
assessment for not more than thirty years from the first day of 1311
the year in which the special assessment is first imposed. In 1312
the event that additional territory is added to the energy 1313
special improvement district, a participating political 1314
subdivision shall levy the special assessment with respect to 1315
such additional territory commencing not earlier than the date 1316
such territory is added and for not more than thirty years from 1317
the first day of the year in which the special assessment is 1318
first imposed. 1319

(C) For purposes of levying a special assessment for the 1320

plan, the special energy improvement projects included in the 1321
plan are deemed a special benefit to property owners within the 1322
energy special improvement district. The use of special 1323
assessments levied to benefit such property owners does not 1324
constitute expenditures made with public funds. The 1325
participating political subdivision shall levy the special 1326
assessment in accordance with Chapter 727. of the Revised Code 1327
except that: 1328

(1) The participating political subdivision may levy the 1329
assessment for each plan by any one or any combination of the 1330
methods of assessment listed in section 727.01 of the Revised 1331
Code, provided that the assessment is uniformly applied; 1332

(2) For purposes of levying an assessment, the 1333
participating political subdivision may combine one or more 1334
plans or parts of plans and levy a single assessment against 1335
specially benefited property; 1336

(3) For purposes of special assessments levied by a 1337
township under this section, references in Chapter 727. of the 1338
Revised Code to the municipal corporation are deemed to refer to 1339
the township, and references to the legislative authority of the 1340
municipal corporation are deemed to refer to the board of 1341
township trustees. 1342

(D) All applicable rights and privileges of a property 1343
owner that is assessed under Chapter 727. of the Revised Code 1344
are granted to a property owner assessed under this section, 1345
including those rights and privileges specified in sections 1346
727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and 1347
the right to notice of the resolution of necessity and the 1348
filing of the estimated assessment under section 727.13 of the 1349
Revised Code. Property owners assessed for public services under 1350

this section have the same rights and privileges as property 1351
owners assessed for public improvements under this section. 1352

Sec. 1710.35. (A) Each nonprofit corporation or port 1353
authority governing an energy special improvement district under 1354
sections 1710.30 to 1710.37 of the Revised Code may do the 1355
following: 1356

(1) Develop, adopt, revise, implement, and repeal plans 1357
for all or any part of the district; 1358

(2) Contract with any person, political subdivision as 1359
defined in section 2744.01 of the Revised Code, or state agency 1360
as defined in section 1.60 of the Revised Code to develop and 1361
implement plans for special energy improvement projects within 1362
the district; 1363

(3) Contract and pay for insurance for the district and 1364
for directors, officers, agents, contractors, employees, or 1365
members of the district for any consequences of the 1366
implementation of any plan adopted by the district or any 1367
actions of the district; 1368

(4) Act as an agent for and on behalf of a participating 1369
political subdivision in order to sell, transfer, lease, or 1370
convey any special energy improvement project owned by the 1371
political subdivision, provided that the legislative authority 1372
of the participating political subdivision determines that the 1373
project is not required to be exclusively owned by the political 1374
subdivision for its purposes, and provided that the sale is for 1375
any of the following purposes: 1376

(a) To promote the welfare of the people of such 1377
participating political subdivision; 1378

(b) To improve the quality of life and the general and 1379

economic well-being of the people of the participating political 1380
subdivision; 1381

(c) To better ensure the public health, safety, and 1382
welfare; 1383

(d) To protect water and other natural resources; 1384

(e) To provide for the conservation and preservation of 1385
natural and open areas and farmlands, including by making urban 1386
areas more desirable or suitable for development and 1387
revitalization; 1388

(f) To control, prevent, minimize, clean up, or mediate 1389
certain contamination of or pollution from lands in the state 1390
and water contamination or pollution; or 1391

(g) To provide for safe and natural areas and resources. 1392

The legislative authority of a participating political 1393
subdivision shall specify the consideration for such sale, 1394
transfer, lease, or conveyance and any other terms thereof. Any 1395
determinations made by a legislative authority of a 1396
participating political subdivision under division (A)(4) of 1397
this section are conclusive. 1398

(B) In addition to the actions authorized under division 1399
(A) of this section, a nonprofit corporation governing an energy 1400
special improvement district under sections 1710.30 to 1710.37 1401
of the Revised Code may exercise all powers of nonprofit 1402
corporations granted under Chapter 1702. of the Revised Code, 1403
and a port authority governing an energy special improvement 1404
district under sections 1710.30 to 1710.37 of the Revised Code 1405
may exercise all applicable powers of port authorities granted 1406
under Chapter 4582. of the Revised Code that do not conflict 1407
with sections 1710.30 to 1710.37 of the Revised Code. 1408

(C) A participating political subdivision, or a nonprofit corporation or port authority governing an energy special improvement district, may make any purchase, sale, transfer, lease, or conveyance of a special energy improvement project without advertising, receipt of bids, or other competitive bidding procedures applicable to the participating political subdivision or the energy special improvement district under Chapter 153. or 735. or section 1710.11 of the Revised Code or other representative provisions of the Revised Code. 1409
1410
1411
1412
1413
1414
1415
1416
1417

(D) Membership on the board of directors of the district is not considered holding a public office. Directors and their designees are entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A) (6) of section 2744.03 of the Revised Code, except that directors and their designees are not entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or official of a participating political subdivision of the district and is acting within the scope of the director's or designee's employment or official responsibilities. 1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428

District officers and district members and directors and their designees or proxies are not required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district are public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district are not public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district. 1429
1430
1431
1432
1433
1434
1435
1436

Sec. 1710.36. (A) Each owner of real property within an energy special improvement district created under sections 1437
1438

1710.30 to 1710.37 of the Revised Code is a member of the energy 1439
special improvement district. The port authority or nonprofit 1440
corporation governing the district shall determine the identity 1441
and address of each owner for any particular action of the port 1442
authority or nonprofit corporation, including notice of meetings 1443
of the district, not more than sixty days prior to the date of 1444
the action, from the most current records available at the 1445
county auditor's office. For purposes of this section, the 1446
persons shown on such records as having common or joint 1447
ownership interests in a parcel of real property collectively 1448
constitute the owner of the real property. The articles of 1449
incorporation or the code of regulations governing the nonprofit 1450
corporation, or the bylaws of the energy special improvement 1451
district, shall provide for the method by which notice for 1452
meetings of the membership of the district is to be given and 1453
the method for voting by the membership of the district. 1454

(B) A member may file a written statement with the 1455
district's secretary at least three days prior to any meeting of 1456
the entire membership of the district to appoint a proxy to 1457
carry out the member's rights and responsibilities under 1458
sections 1710.30 to 1710.37 of the Revised Code at that meeting. 1459

(C) A member also may appoint a designee to carry out the 1460
member's rights and responsibilities under sections 1710.30 to 1461
1710.37 of the Revised Code by filing a written designation form 1462
with the district's secretary. This form shall include the name 1463
and address of the member, the name and address of the designee, 1464
and the expiration date, if any, of the designation and may 1465
authorize the designee to vote at any meeting of the district. 1466

(D) A proxy or designee need not be an elector or resident 1467
of any participating political subdivision of the district or a 1468

member of the district. A member may change the appointment of a 1469
proxy or a designee by filing a new form with the district's 1470
secretary. The most current form filed with the secretary is the 1471
valid appointment. Service of any notice upon a proxy or 1472
designee at the proxy's or designee's address as shown on that 1473
form satisfies any requirements for notification of the member. 1474

Sec. 1710.37. The board of directors of the port authority 1475
or the nonprofit corporation that governs an energy special 1476
improvement district created under sections 1710.30 to 1710.37 1477
of the Revised Code may add additional territory to the district 1478
upon approval of a petition by one hundred per cent of the 1479
property owners of the additional territory and a plan that 1480
designates at least one special energy improvement project for 1481
each parcel of real property and that complies with section 1482
1710.32 of the Revised Code. 1483

Sec. ~~1710.061~~ 1710.40. (A) Except as provided in division 1484
(B) of this section, an electric distribution utility may count 1485
toward its compliance with the energy efficiency and peak demand 1486
reduction requirements of section 4928.66 of the Revised Code 1487
any efficiency savings or reduction in demand produced by a 1488
special energy improvement project located in its certified 1489
territory. 1490

(B) A mercantile customer that realizes energy efficiency 1491
savings or reduction in demand produced by a special energy 1492
improvement project that it owns may elect to commit the savings 1493
or reduction to the electric distribution utility in exchange 1494
for an exemption from an energy efficiency cost recovery 1495
mechanism permitted under section 4928.66 of the Revised Code, 1496
approved by the public utilities commission. 1497

(C) The board of directors of a ~~an~~ energy special 1498

improvement district shall submit a quarterly report to the 1499
electric distribution utility that includes, but is not limited 1500
to, both of the following: 1501

(1) The total number and a description of each new and 1502
ongoing special energy improvement project located within the 1503
energy special improvement district that produces energy 1504
efficiency savings or reduction in demand; 1505

(2) Any additional information that the electric 1506
distribution utility needs in order to obtain credit under 1507
section 4928.66 of the Revised Code for energy efficiency 1508
savings or reduction in demand from such projects. 1509

Sec. 4582.06. (A) A port authority created in accordance 1510
with section 4582.02 of the Revised Code may: 1511

(1) Acquire, construct, furnish, equip, maintain, repair, 1512
sell, exchange, lease to or from, lease with an option to 1513
purchase, convey other interests in, or operate real or personal 1514
property, or any combination thereof, related to, useful for, or 1515
in furtherance of any authorized purpose, and make charges for 1516
the use of any port authority facility, which shall be not less 1517
than the charges established for the same services furnished by 1518
a public utility or common carrier in the jurisdiction of the 1519
particular port authority; 1520

(2) Straighten, deepen, and improve any canal, channel, 1521
river, stream, or other water course or way that may be 1522
necessary or proper in the development of the facilities of the 1523
port authority; 1524

(3) Issue bonds or notes for the acquisition, 1525
construction, furnishing, or equipping of any real or personal 1526
property, or any combination thereof, related to, useful for, or 1527

in furtherance of any authorized purpose, in compliance with 1528
Chapter 133. of the Revised Code, except that the bonds or notes 1529
only may be issued pursuant to a vote of the electors residing 1530
within the territory of the port authority. The net indebtedness 1531
incurred by a port authority shall never exceed two per cent of 1532
the total value of all property within the territory comprising 1533
the authority as listed and assessed for taxation. 1534

(4) By resolution of its board of directors, issue revenue 1535
bonds beyond the limit of bonded indebtedness provided by law, 1536
for the acquisition, construction, furnishing, or equipping of 1537
any real or personal property, or any combination thereof, 1538
related to, useful for, or in furtherance of any authorized 1539
purpose, including all costs in connection with or incidental 1540
thereto. 1541

The revenue bonds of the port authority shall be secured 1542
only by a pledge of and a lien on the revenues of the port 1543
authority derived from those loan payments, rentals, fees, 1544
charges, or other revenues that are designated in the 1545
resolution, including, but not limited to, any property to be 1546
acquired, constructed, furnished, or equipped with the proceeds 1547
of the bond issue, after provision only for the reasonable cost 1548
of operating, maintaining, and repairing the property of the 1549
port authority so designated. The bonds may further be secured 1550
by the covenant of the port authority to maintain rates or 1551
charges that will produce revenues sufficient to meet the costs 1552
of operating, maintaining, and repairing such property and to 1553
meet the interest and principal requirements of the bonds and to 1554
establish and maintain reserves for the foregoing purposes. The 1555
board of directors, by resolution, may provide for the issuance 1556
of additional revenue bonds from time to time, to be secured 1557
equally and ratably, without preference, priority, or 1558

distinction, with outstanding revenue bonds, but subject to the 1559
terms and limitations of any trust agreement described in this 1560
section, and of any resolution authorizing bonds then 1561
outstanding. The board of directors, by resolution, may 1562
designate additional property of the port authority, the 1563
revenues of which shall be pledged and be subject to a lien for 1564
the payment of the debt charges on revenue bonds theretofore 1565
authorized by resolution of the board of directors, to the same 1566
extent as the revenues above described. 1567

In the discretion of the board of directors, the revenue 1568
bonds of the port authority may be secured by a trust agreement 1569
between the board of directors on behalf of the port authority 1570
and a corporate trustee, that may be any trust company or bank 1571
having powers of a trust company, within or without the state. 1572

The trust agreement may provide for the pledge or 1573
assignment of the revenues to be received, but shall not pledge 1574
the general credit and taxing power of the port authority. A 1575
trust agreement securing revenue bonds issued to acquire, 1576
construct, furnish, or equip real property, plants, factories, 1577
offices, and other structures and facilities for authorized 1578
purposes consistent with Section 13 or 16 of Article VIII, Ohio 1579
Constitution, may mortgage the real or personal property, or a 1580
combination thereof, to be acquired, constructed, furnished, or 1581
equipped from the proceeds of such revenue bonds, as further 1582
security for the bonds. The trust agreement or the resolution 1583
providing for the issuance of revenue bonds may set forth the 1584
rights and remedies of the bondholders and trustee, and may 1585
contain other provisions for protecting and enforcing their 1586
rights and remedies that are determined in the discretion of the 1587
board of directors to be reasonable and proper. The agreement or 1588
resolution may provide for the custody, investment, and 1589

disbursement of all moneys derived from the sale of such bonds, 1590
or from the revenues of the port authority, other than those 1591
moneys received from taxes levied pursuant to section 4582.14 of 1592
the Revised Code, and may provide for the deposit of such funds 1593
without regard to section 4582.15 of the Revised Code. 1594

All bonds issued under authority of this chapter, 1595
regardless of form or terms and regardless of any other law to 1596
the contrary, shall have all qualities and incidents of 1597
negotiable instruments, subject to provisions for registration, 1598
and may be issued in coupon, fully registered, or other form, or 1599
any combination thereof, as the board of directors determines. 1600
Provision may be made for the registration of any coupon bonds 1601
as to principal alone or as to both principal and interest, and 1602
for the conversion into coupon bonds of any fully registered 1603
bonds or bonds registered as to both principal and interest. 1604

The revenue bonds shall bear interest at such rate or 1605
rates, shall bear such date or dates, and shall mature within 1606
forty-five years following the date of issuance and in such 1607
amount, at such time or times, and in such number of 1608
installments, as may be provided in or pursuant to the 1609
resolution authorizing their issuance. The final maturity of any 1610
original issue of revenue bonds shall not be later than forty- 1611
five years from their date of issue. Such resolution also shall 1612
provide for the execution of the bonds, which may be by 1613
facsimile signatures unless prohibited by the resolution, and 1614
the manner of sale of the bonds. The resolution shall provide 1615
for, or provide for the determination of, any other terms and 1616
conditions relative to the issuance, sale, and retirement of the 1617
bonds that the board of directors in its discretion determines 1618
to be reasonable and proper. 1619

Whenever a port authority considers it expedient, it may 1620
issue renewal notes and refund any bonds, whether the bonds to 1621
be refunded have or have not matured. The final maturity of any 1622
notes, including any renewal notes, shall not be later than five 1623
years from the date of issue of the original issue of notes. The 1624
final maturity of any refunding bonds shall not be later than 1625
the later of forty-five years from the date of issue of the 1626
original issue of bonds. The refunding bonds shall be sold and 1627
the proceeds applied to the purchase, redemption, or payment of 1628
the bonds to be refunded and the costs of issuance of the 1629
refunding bonds. The bonds and notes issued under this chapter, 1630
their transfer, and the income therefrom, shall at all times be 1631
free from taxation within the state. 1632

(5) Do any of the following, in regard to any interests in 1633
any real or personal property, or any combination thereof, 1634
including, without limitation, machinery, equipment, plants, 1635
factories, offices, and other structures and facilities related 1636
to, useful for, or in furtherance of any authorized purpose, for 1637
such consideration and in such manner, consistent with Article 1638
VIII, Ohio Constitution, as the board in its sole discretion may 1639
determine: 1640

(a) Loan moneys to any person or governmental entity for 1641
the acquisition, construction, furnishing, and equipping of the 1642
property; 1643

(b) Acquire, construct, maintain, repair, furnish, and 1644
equip the property; 1645

(c) Sell to, exchange with, lease, convey other interests 1646
in, or lease with an option to purchase the same or any lesser 1647
interest in the property to the same or any other person or 1648
governmental entity; 1649

(d) Guarantee the obligations of any person or 1650
governmental entity. 1651

A port authority may accept and hold as consideration for 1652
the conveyance of property or any interest therein such property 1653
or interests therein as the board in its discretion may 1654
determine, notwithstanding any restrictions that apply to the 1655
investment of funds by a port authority. 1656

(6) Construct, maintain, repair, furnish, equip, sell, 1657
exchange, lease, or lease with an option to purchase, any 1658
property that it is authorized to acquire. A port authority that 1659
is subject to this section also may operate any property in 1660
connection with transportation, recreational, governmental 1661
operations, or cultural activities. 1662

(a) Any purchase, exchange, sale, lease, lease with an 1663
option to purchase, conveyance of other interests in, or other 1664
contract with a person or governmental entity that pertains to 1665
the acquisition, construction, maintenance, repair, furnishing, 1666
equipping, or operation of any real or personal property, or any 1667
combination thereof, related to, useful for, or in furtherance 1668
of an activity contemplated by Section 13 or 16 of Article VIII, 1669
Ohio Constitution, shall be made in such manner and subject to 1670
such terms and conditions as may be determined by the board of 1671
directors in its discretion. 1672

(b) Division (A) (6) (a) of this section applies to all 1673
contracts that are subject to the division, notwithstanding any 1674
other provision of law that might otherwise apply, including, 1675
without limitation, any requirement of notice, any requirement 1676
of competitive bidding or selection, or any requirement for the 1677
provision of security. 1678

(c) Divisions (A) (6) (a) and (b) of this section do not	1679
apply to either of the following:	1680
(i) Any contract secured by or to be paid from moneys	1681
raised by taxation or the proceeds of obligations secured by a	1682
pledge of moneys raised by taxation;	1683
(ii) Any contract secured exclusively by or to be paid	1684
exclusively from the general revenues of the port authority. For	1685
the purposes of this section, any revenues derived by the port	1686
authority under a lease or other agreement that, by its terms,	1687
contemplates the use of amounts payable under the agreement	1688
either to pay the costs of the improvement that is the subject	1689
of the contract or to secure obligations of the port authority	1690
issued to finance costs of such improvement, are excluded from	1691
general revenues.	1692
(7) Apply to the proper authorities of the United States	1693
pursuant to appropriate law for the right to establish, operate,	1694
and maintain foreign trade zones and to establish, operate, and	1695
maintain foreign trade zones; and to acquire land or property	1696
therefor, in a manner consistent with section 4582.17 of the	1697
Revised Code;	1698
(8) Exercise the right of eminent domain to appropriate	1699
any land, rights, rights-of-way, franchises, easements, or other	1700
property, necessary or proper for any authorized purpose,	1701
pursuant to the procedure provided in sections 163.01 to 163.22	1702
of the Revised Code, if funds equal to the appraised value of	1703
the property to be acquired as a result of such proceedings are	1704
available for that purpose, except that nothing contained in	1705
sections 4582.01 to 4582.20 of the Revised Code shall authorize	1706
a port authority to take or disturb property or facilities	1707
belonging to any agency or political subdivision of this state,	1708

public utility, or common carrier, which property or facilities 1709
are necessary and convenient in the operation of the agency or 1710
political subdivision, public utility, or common carrier, unless 1711
provision is made for the restoration, relocation, or 1712
duplication of the property or facilities, or upon the election 1713
of the agency or political subdivision, public utility, or 1714
common carrier, for the payment of compensation, if any, at the 1715
sole cost of the port authority, provided that: 1716

(a) If any restoration or duplication proposed to be made 1717
pursuant to this section involves a relocation of such property 1718
or facilities, the new facilities and location shall be of at 1719
least comparable utilitarian value and effectiveness, and the 1720
relocation shall not impair the ability of the public utility or 1721
common carrier to compete in its original area of operation. 1722

(b) If any restoration or duplication made pursuant to 1723
this section involves a relocation of such property or 1724
facilities, the port authority shall acquire no interest or 1725
right in or to the appropriated property or facilities, except 1726
as provided in division (A)(11) of this section, until the 1727
relocated property or facilities are available for use and until 1728
marketable title thereto has been transferred to the public 1729
utility or common carrier. 1730

(c) Provisions for restoration or duplication shall be 1731
described in detail in the resolution for appropriation passed 1732
by the port authority. 1733

(9) Enjoy and possess the same rights, privileges, and 1734
powers granted municipal corporations under sections 721.04 to 1735
721.11 of the Revised Code; 1736

(10) Maintain such funds as it considers necessary; 1737

(11) Direct its agents or employees, when properly 1738
identified in writing, and after at least five days' written 1739
notice, to enter upon lands within the confines of its 1740
jurisdiction in order to make surveys and examinations 1741
preliminary to location and construction of works for the 1742
purposes of the port authority, without liability of the port 1743
authority or its agents or employees except for actual damage 1744
done; 1745

(12) Sell, lease, or convey other interests in real and 1746
personal property and grant easements or rights-of-way over 1747
property of the port authority. The board of directors shall 1748
specify the consideration and any terms thereof for the sale, 1749
lease, or conveyance of other interests in real and personal 1750
property. Any determinations made by the board of directors 1751
under this division shall be conclusive. The sale, lease, or 1752
conveyance may be made without advertising and the receipt of 1753
bids. 1754

(13) Promote, advertise, and publicize the port authority 1755
facilities and its authorized purposes, provide information to 1756
persons with an interest in transportation and other port 1757
authority activities, and appear before rate-making authorities 1758
to represent and promote the interests of the port authority and 1759
its authorized purposes; 1760

(14) Adopt rules, not in conflict with general law, 1761
governing the use of and the safeguarding of its property, 1762
grounds, buildings, equipment, and facilities, safeguarding 1763
persons and their property located on or in port authority 1764
property, and governing the conduct of its employees and the 1765
public, in order to promote the public safety and convenience in 1766
and about its terminals and grounds, and to maintain order. Any 1767

such regulation shall be posted at no less than five public 1768
places in the port authority, as determined by the board of 1769
directors, for a period of not fewer than fifteen days, and 1770
shall be available for public inspection at the principal office 1771
of the port authority during regular business hours. No person 1772
shall violate any lawful regulation adopted and posted as 1773
provided in this division. 1774

(15) Do all acts necessary or appropriate to carry out its 1775
authorized purposes. The port authority shall have the powers 1776
and rights granted to other subdivisions under section 9.20 of 1777
the Revised Code. 1778

(16) Develop and implement plans for special energy 1779
improvement projects and create and govern energy special 1780
improvement districts in accordance with sections 1710.30 to 1781
1710.37 of the Revised Code. 1782

(B) Any instrument by which real property is acquired 1783
pursuant to this section shall identify the agency of the state 1784
that has the use and benefit of the real property as specified 1785
in section 5301.012 of the Revised Code. 1786

(C) Whoever violates division (A) (14) of this section is 1787
guilty of a minor misdemeanor. 1788

Sec. 4582.31. (A) A port authority created in accordance 1789
with section 4582.22 of the Revised Code may: 1790

(1) Adopt bylaws for the regulation of its affairs and the 1791
conduct of its business; 1792

(2) Adopt an official seal; 1793

(3) Maintain a principal office within its jurisdiction, 1794
and maintain such branch offices as it may require; 1795

(4) Acquire, construct, furnish, equip, maintain, repair,	1796
sell, exchange, lease to or from, or lease with an option to	1797
purchase, convey other interests in real or personal property,	1798
or any combination thereof, related to, useful for, or in	1799
furtherance of any authorized purpose and operate any property	1800
in connection with transportation, recreational, governmental	1801
operations, or cultural activities;	1802
(5) Straighten, deepen, and improve any channel, river,	1803
stream, or other water course or way which may be necessary or	1804
proper in the development of the facilities of a port authority;	1805
(6) Make available the use or services of any port	1806
authority facility to one or more persons, one or more	1807
governmental agencies, or any combination thereof;	1808
(7) Issue bonds or notes for the acquisition,	1809
construction, furnishing, or equipping of any port authority	1810
facility or other permanent improvement that a port authority is	1811
authorized to acquire, construct, furnish, or equip, in	1812
compliance with Chapter 133. of the Revised Code, except that	1813
such bonds or notes may only be issued pursuant to a vote of the	1814
electors residing within the area of jurisdiction of the port	1815
authority. The net indebtedness incurred by a port authority	1816
shall never exceed two per cent of the total value of all	1817
property within the territory comprising the port authority as	1818
listed and assessed for taxation.	1819
(8) Issue port authority revenue bonds beyond the limit of	1820
bonded indebtedness provided by law, payable solely from	1821
revenues as provided in section 4582.48 of the Revised Code, for	1822
the purpose of providing funds to pay the costs of any port	1823
authority facility or facilities or parts thereof;	1824

- (9) Apply to the proper authorities of the United States 1825
pursuant to appropriate law for the right to establish, operate, 1826
and maintain foreign trade zones and establish, operate, and 1827
maintain foreign trade zones and to acquire, exchange, sell, 1828
lease to or from, lease with an option to purchase, or operate 1829
facilities, land, or property therefor in accordance with the 1830
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 1831
81u; 1832
- (10) Enjoy and possess the same rights, privileges, and 1833
powers granted municipal corporations under sections 721.04 to 1834
721.11 of the Revised Code; 1835
- (11) Maintain such funds as it considers necessary; 1836
- (12) Direct its agents or employees, when properly 1837
identified in writing, and after at least five days' written 1838
notice, to enter upon lands within the confines of its 1839
jurisdiction in order to make surveys and examinations 1840
preliminary to location and construction of works for the 1841
purposes of the port authority, without liability of the port 1842
authority or its agents or employees except for actual damage 1843
done; 1844
- (13) Promote, advertise, and publicize the port authority 1845
and its facilities; provide information to shippers and other 1846
commercial interests; and appear before rate-making authorities 1847
to represent and promote the interests of the port authority; 1848
- (14) Adopt rules, not in conflict with general law, it 1849
finds necessary or incidental to the performance of its duties 1850
and the execution of its powers under sections 4582.21 to 1851
4582.54 of the Revised Code. Any such rule shall be posted at no 1852
less than five public places in the port authority, as 1853

determined by the board of directors, for a period of not fewer 1854
than fifteen days, and shall be available for public inspection 1855
at the principal office of the port authority during regular 1856
business hours. No person shall violate any lawful rule adopted 1857
and posted as provided in this division. 1858

(15) Do any of the following, in regard to any interests 1859
in any real or personal property, or any combination thereof, 1860
including, without limitation, machinery, equipment, plants, 1861
factories, offices, and other structures and facilities related 1862
to, useful for, or in furtherance of any authorized purpose, for 1863
such consideration and in such manner, consistent with Article 1864
VIII of the Ohio Constitution, as the board in its sole 1865
discretion may determine: 1866

(a) Loan moneys to any person or governmental entity for 1867
the acquisition, construction, furnishing, and equipping of the 1868
property; 1869

(b) Acquire, construct, maintain, repair, furnish, and 1870
equip the property; 1871

(c) Sell to, exchange with, lease, convey other interests 1872
in, or lease with an option to purchase the same or any lesser 1873
interest in the property to the same or any other person or 1874
governmental entity; 1875

(d) Guarantee the obligations of any person or 1876
governmental entity. 1877

A port authority may accept and hold as consideration for 1878
the conveyance of property or any interest therein such property 1879
or interests therein as the board in its discretion may 1880
determine, notwithstanding any restrictions that apply to the 1881
investment of funds by a port authority. 1882

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

(17) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose. However, nothing contained in sections 4582.201 to 4582.59 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, cable operator, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, cable operator, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facilities, or upon the election of the agency or political subdivision, public utility, cable operator, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

(a) If any restoration or duplication proposed to be made under this section involves a relocation of the property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and shall not

impair the ability of the public utility, cable operator, or 1914
common carrier to compete in its original area of operation; 1915

(b) If any restoration or duplication made under this 1916
section involves a relocation of the property or facilities, the 1917
port authority shall acquire no interest or right in or to the 1918
appropriated property or facilities, except as provided in 1919
division (A) (15) of this section, until the relocated property 1920
or facilities are available for use and until marketable title 1921
thereto has been transferred to the public utility, cable 1922
operator, or common carrier. 1923

As used in division (A) (17) of this section, "cable 1924
operator" has the same meaning as in the "Cable Communications 1925
Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 1926
U.S.C. 522, as amended by the "Telecommunications Act of 1996," 1927
Pub. L. No. 104-104, 110 Stat. 56. 1928

(18) (a) Make and enter into all contracts and agreements 1929
and execute all instruments necessary or incidental to the 1930
performance of its duties and the execution of its powers under 1931
sections 4582.21 to 4582.59 of the Revised Code. 1932

(b) (i) Except as provided in division (A) (18) (c) of this 1933
section or except when the port authority elects to construct a 1934
building, structure, or other improvement pursuant to a contract 1935
made with a construction manager at risk under sections 9.33 to 1936
9.335 of the Revised Code or with a design-build firm under 1937
section 153.65 to 153.73 of the Revised Code, when the cost of a 1938
contract for the construction of any building, structure, or 1939
other improvement undertaken by a port authority involves an 1940
expenditure exceeding the higher of one hundred thousand dollars 1941
or the amount as adjusted under division (A) (18) (b) (ii) of this 1942
section, and the port authority is the contracting entity, the 1943

port authority shall make a written contract after notice 1944
calling for bids for the award of the contract has been given by 1945
publication twice, with at least seven days between 1946
publications, in a newspaper of general circulation in the area 1947
of the port authority or as provided in section 7.16 of the 1948
Revised Code. Each such contract shall be let to the lowest 1949
responsive and responsible bidder in accordance with section 1950
9.312 of the Revised Code. Every contract shall be accompanied 1951
by or shall refer to plans and specifications for the work to be 1952
done, prepared for and approved by the port authority, signed by 1953
an authorized officer of the port authority and by the 1954
contractor, and shall be executed in triplicate. 1955

Each bid shall be awarded in accordance with sections 1956
153.54, 153.57, and 153.571 of the Revised Code. The port 1957
authority may reject any and all bids. 1958

(ii) On January 1, 2012, and the first day of January of 1959
every even-numbered year thereafter, the director of commerce 1960
shall adjust the threshold level for contracts subject to the 1961
bidding requirements contained in division (A)(18)(b)(i) of this 1962
section. The director shall adjust this amount according to the 1963
average increase for each of the two years immediately preceding 1964
the adjustment as set forth in the producer price index for 1965
material and supply inputs for new nonresidential construction 1966
as determined by the bureau of labor statistics of the United 1967
States department of labor or, if that index no longer is 1968
published, a generally available comparable index. If there is 1969
no resulting increase, the threshold shall remain the same until 1970
the next scheduled adjustment on the first day of January of the 1971
next even-numbered year. 1972

(c) The board of directors by rule may provide criteria 1973

for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

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

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

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

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

(v) A single bid is received by the port authority after complying with the provisions of division (A) (18) (b) of this section.

(d) (i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A) (18) (c) (ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in

1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002

section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A) (18) (c) (iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

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

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

(iii) Divisions (A) (18) (e) (i) and (ii) of this section do not apply to either of the following: any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation; or

any contract secured exclusively by or to be paid exclusively 2033
from the general revenues of the port authority. For the 2034
purposes of this section, any revenues derived by the port 2035
authority under a lease or other agreement that, by its terms, 2036
contemplates the use of amounts payable under the agreement 2037
either to pay the costs of the improvement that is the subject 2038
of the contract or to secure obligations of the port authority 2039
issued to finance costs of such improvement, are excluded from 2040
general revenues. 2041

(19) Employ managers, superintendents, and other employees 2042
and retain or contract with consulting engineers, financial 2043
consultants, accounting experts, architects, attorneys, and any 2044
other consultants and independent contractors as are necessary 2045
in its judgment to carry out this chapter, and fix the 2046
compensation thereof. All expenses thereof shall be payable from 2047
any available funds of the port authority or from funds 2048
appropriated for that purpose by a political subdivision 2049
creating or participating in the creation of the port authority. 2050

(20) Receive and accept from any state or federal agency 2051
grants and loans for or in aid of the construction of any port 2052
authority facility or for research and development with respect 2053
to port authority facilities, and receive and accept aid or 2054
contributions from any source of money, property, labor, or 2055
other things of value, to be held, used, and applied only for 2056
the purposes for which the grants and contributions are made; 2057

(21) Engage in research and development with respect to 2058
port authority facilities; 2059

(22) Purchase fire and extended coverage and liability 2060
insurance for any port authority facility and for the principal 2061
office and branch offices of the port authority, insurance 2062

protecting the port authority and its officers and employees 2063
against liability for damage to property or injury to or death 2064
of persons arising from its operations, and any other insurance 2065
the port authority may agree to provide under any resolution 2066
authorizing its port authority revenue bonds or in any trust 2067
agreement securing the same; 2068

(23) Charge, alter, and collect rentals and other charges 2069
for the use or services of any port authority facility as 2070
provided in section 4582.43 of the Revised Code; 2071

(24) Provide coverage for its employees under Chapters 2072
145., 4123., and 4141. of the Revised Code; 2073

(25) Do all acts necessary or proper to carry out the 2074
powers expressly granted in sections 4582.21 to 4582.59 of the 2075
Revised Code; 2076

(26) Develop and implement plans for special energy 2077
improvement projects and create and govern energy special 2078
improvement districts in accordance with sections 1710.30 to 2079
1710.37 of the Revised Code. 2080

(B) Any instrument by which real property is acquired 2081
pursuant to this section shall identify the agency of the state 2082
that has the use and benefit of the real property as specified 2083
in section 5301.012 of the Revised Code. 2084

(C) Whoever violates division (A) (14) of this section is 2085
guilty of a minor misdemeanor. 2086

Section 2. That existing sections 1710.01, 1710.02, 2087
1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 2088
1710.11, 1710.12, 1710.13, 4582.06, and 4582.31 of the Revised 2089
Code are hereby repealed. 2090