



Medina County Board of Commissioners

Stephen D. Hambley

Aaron M. Harrison

Colleen M. Swedyk

June 17, 2025

Chairman Roemer, Vice Chairman Thomas, Ranking Member Troy, and Members of the Ohio House Ways and Means Committee:

RE: Opposition to House Bill 335 the Property Tax Relief Now Act

The Medina County Board of Commissioners express our strong opposition to House 335 as introduced, as well as wish to share concerns with a provision that eliminates the collection of Inside Millage of County Commissioners and other local governments, excluding townships. As we understand it, HB 335 declares the General Assembly's intent to disallow any property tax within the ten-mill limitation (inside millage or often-called "unvoted millage") beginning in tax year 2025.

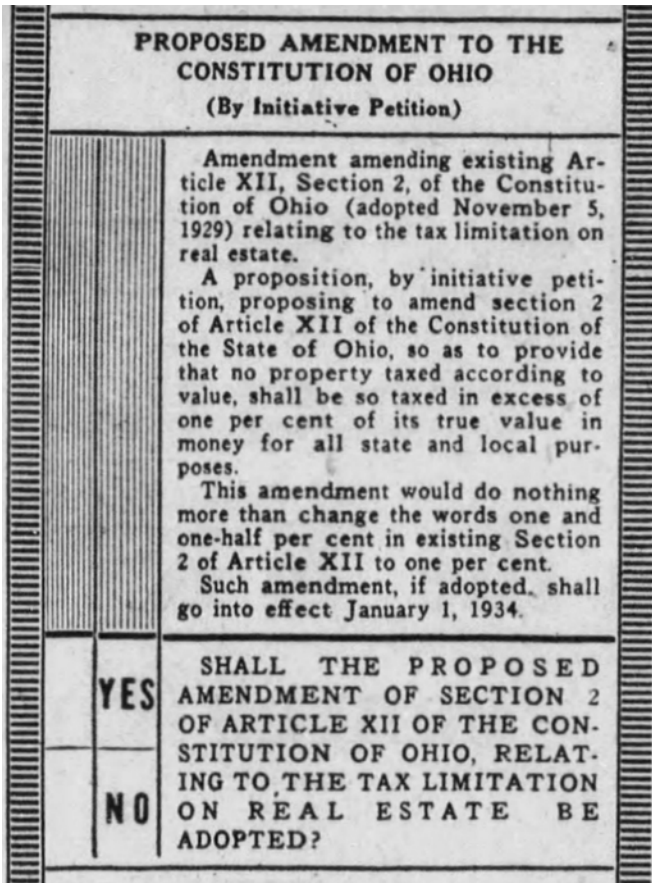
Firstly, the impact to Medina County government of the immediate elimination of 2.5 mills property tax revenues in tax year 2025 would be financially devastating. The immediate impact would be a loss of \$19,176,800 or 32% to our General Fund budget. Currently, 0.14 mills of our inside millage are devoted to bonded debt in strict compliance with the Ohio Constitution, Article XII, Section 11 requiring that whenever bonded indebtedness is incurred an annual tax sufficient to retire the debt must be provided for when the debt is authorized.

In 2025, the total remaining General Obligation debt of Medina County amounts to \$30,735,187.50 in principle and \$14,990,007.52 in interest from 2026 to 2055, all pledged to be paid by the collection of inside millage.

Secondly, sponsor testimony on HB 335 stated that the elimination of inside millage is one of the demanded reforms to the system of taxation and justified because it involves unvoted property taxes. Calling inside millage "unvoted taxes" ignores the fact that Ohio voters cast ballots statewide twice (1929 and 1933) to limit the millage that went to governments as subdivisions of the state government to pay for general government services, as well as functions of state government that have been mandates since their inception.

The rule of *expressio unius est exclusio alterius* should be considered in this issue regarding taxation. Simple in meaning, in statutory construction the rule states that the explicit mention of one (thing) is the exclusion of another. The language of the 1933 Constitutional amendment of Article XII, Section 2 as well as the current language of the Constitution excludes statutory elimination of all property taxes for state and local purposes¹.

The last time that the voters of Ohio weighed in on a constitutional limitation of property taxes was on November 7, 1933, and it did not include any language for their total elimination. In fact, there was no mention of unvoted or voted taxes in the ballot, as seen in the figure below. It called for a reduction of the prior constitutional limit from 15 mills, approved by popular vote in 1929, to 10 mills.



If it had been the desire for the initiative petitioners to eliminate all unvoted property taxes, it logically could have been included in the ballot language. Ergo, the rule of *expressio unius est exclusio alterius* proposes that the explicit mention of one thing – a stated reduction of the limitation on aggregate property taxes – is logically the exclusion of a reduction that eliminates all property taxes. Of note, it passed statewide by 59.7% of the vote in 1933: Yes--979,061, No--661,151. Calling it “unvoted taxes” overlooks the fact that Ohio voted twice statewide to limit the aggregate millage.

Thirdly, the elimination of inside millage dedicated to counties for the purpose of funding state mandated services is against historic precedent and counter to the original organizational and taxing authority granted to boards of commissioners by the General Assembly. In 1803, the General Assembly passed the necessary legislation for the organization and taxing authority of townships, as well as the county commissioners. For townships, the property tax required a majority of the electorate, while counties were allowed to assess taxes for the building and repair of prisons, courthouses, and bridges, as well as, “for such other uses as may be for the benefit of said counties; respectively.”ⁱⁱⁱ There was no requirement to obtain the approval of a majority of

the electors in the county for those assessments as these purposes were accomplished as instruments of state government and as mandated by the state.

From the very beginning the state defined which types of property were taxed for county purposes, without a vote of the county electorate. For example, in 1805, CHAPTER IX. An act, regulating county levies. Sec. 1. Stated, “Be it enacted by the general assembly of the state of Ohio, that all lots and out-lots, in towns, all stud horses, and all other horses, mares, mules, asses and neat cattle, of three years old and upwards, and all houses which shall be valued at one hundred dollars or upwards, within this state, are hereby declared chargeable for defraying the county expenses, in which they may respectively be found.”ⁱⁱⁱ Section 7, followed with fixed rates for the animals and livestock, while limiting the Board of Commissioners to an aggregate total on the other taxable properties of “any sum not exceeding one-half per cent on the appraised value thereof,” ; in other words, **5 mills**.^{iv} Over the decades, as a subdivision and instrument of state authority, the County Commissioners have been given limited control of the tax rate and assessments for specific purposes related to the protection of property rights and persons.

Lastly, the abrupt elimination of previously guaranteed property taxes undermines the stability of funding mechanisms that have been used to promote various economic development projects, especially the creation of Tax Increment Financing incentive districts for the construction of public infrastructure. Although rather legally and financially complicated, these economic development tools have been essential to many communities across the state to enhance their opportunities for meaningful development projects. Many of which have added to the quality of life of residents and businesses, as well as improved stability of local tax bases for the support of public services, like public safety and criminal justice. Counties, townships and municipalities - directly or indirectly - would all suffer if inside millage of property tax was summarily eliminated as proposed in HB 335.

We ask that the members of the House Ways & Means Committee respectfully consider our concerns with provisions of HB 335 that eliminates the authority to collect inside millage. We urge you to work with local and county government

stakeholders to develop predictable, fair and consistent property tax reforms that address the legitimate concerns of our residents and businesses.

Sincerely,

Medina County Board of Commissioners



Stephen D. Hambley



Aaron M. Harrison
Board President



Colleen M. Swedyk

cc: Representative Melanie Miller
Representative Sharon Ray

ⁱ Effective: January 1, 1991, Article XII, Section 2 | Limitation on tax rate; exemption – “No property, taxed according to value, shall be so taxed in excess of one per cent of its true value in money for all state and local purposes, but laws may be passed authorizing additional taxes to be levied outside of such limitation, either when approved by at least a majority of the electors of the taxing district voting on such proposition, or when provided for by the charter of a municipal corporation.”

ⁱⁱ Acts of the State of Ohio v.2 1803, Chapter XVI, An Act to provide for the incorporation of townships, Section 8; Chapter XXIV, An Act Establishing Boards of Commissioners, Section 8.

ⁱⁱⁱ Acts of the State of Ohio 1804, CHAPTER IX. An act, regulating county levies. Sec. 1 (February 19, 1805).

^{iv} Acts of the State of Ohio 1804, CHAPTER IX. An act, regulating county levies. Section 7 (February 19, 1805).