

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 513**

**Representatives Lear, Craig**

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To amend sections 164.07, 307.022, 307.671, 1  
307.673, 307.674, 307.696, 308.21, 351.06, 2  
353.03, 1506.44, 1710.02, 4115.03, 4115.034, 3  
4115.04, 4115.06, 5540.03, 6117.012, and 4  
6121.061 of the Revised Code to allow political 5  
subdivisions, special districts, and state 6  
institutions of higher education to elect to 7  
apply the Prevailing Wage Law to public 8  
improvement projects and to increase the 9  
threshold amount that triggers application of 10  
the Law for certain state public improvements. 11

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

**Section 1.** That sections 164.07, 307.022, 307.671, 12  
307.673, 307.674, 307.696, 308.21, 351.06, 353.03, 1506.44, 13  
1710.02, 4115.03, 4115.034, 4115.04, 4115.06, 5540.03, 6117.012, 14  
and 6121.061 of the Revised Code be amended to read as follows: 15

**Sec. 164.07.** ~~(A)~~ In awarding contracts for capital 16  
improvement projects to be financed in whole or in part under 17  
this chapter, a local subdivision shall comply with the 18  
percentage requirements of section 125.081 of the Revised Code. 19

~~(B) A capital improvement that is financed in whole or in~~ 20

~~part under this chapter is a public improvement, and a~~ 21  
~~subdivision undertaking a capital improvement is a public~~ 22  
~~authority, for purposes of section 4115.03 of the Revised Code.~~ 23  
~~All contractors and subcontractors working on a capital~~ 24  
~~improvement financed in whole or in part under this chapter~~ 25  
~~shall comply with sections 4115.03 to 4115.16 of the Revised~~ 26  
~~Code.~~ 27

**Sec. 307.022.** (A) The board of county commissioners of any 28  
county may do both of the following without following the 29  
competitive bidding requirements of section 307.86 of the 30  
Revised Code: 31

(1) Enter into a lease, including a lease with an option 32  
to purchase, of correctional facilities for a term not in excess 33  
of forty years. Before entering into the lease, the board shall 34  
publish a notice that the board is accepting proposals for a 35  
lease pursuant to this division once a week for three 36  
consecutive weeks using at least one of the following methods: 37

(a) In the print or digital edition of a newspaper of 38  
general circulation in the county; 39

(b) On the official public notice web site established 40  
under section 125.182 of the Revised Code; 41

(c) On the web site and social media account of the 42  
county. 43

The notice shall state the date before which the proposals 44  
are required to be submitted in order to be considered by the 45  
board. 46

(2) Subject to compliance with this section, grant leases, 47  
easements, and licenses with respect to, or sell, real property 48  
owned by the county if the real property is to be leased back by 49

the county for use as correctional facilities. 50

The lease under division (A) (1) of this section shall 51  
require the county to contract, in accordance with Chapter 153.7 52  
and sections 307.86 to 307.92, ~~and Chapter 4115.~~ of the Revised 53  
Code, for the construction, improvement, furnishing, and 54  
equipping of correctional facilities to be leased pursuant to 55  
this section. Prior to the board's execution of the lease, it 56  
may require the lessor under the lease to cause sufficient money 57  
to be made available to the county to enable the county to 58  
comply with the certification requirements of division (D) of 59  
section 5705.41 of the Revised Code. 60

A lease entered into pursuant to division (A) (1) of this 61  
section by a board may provide for the county to maintain and 62  
repair the correctional facility during the term of the 63  
leasehold, may provide for the county to make rental payments 64  
prior to or after occupation of the correctional facilities by 65  
the county, and may provide for the board to obtain and maintain 66  
any insurance that the lessor may require, including, but not 67  
limited to, public liability, casualty, builder's risk, and 68  
business interruption insurance. The obligations incurred under 69  
a lease entered into pursuant to division (A) (1) of this section 70  
shall not be considered to be within the debt limitations of 71  
section 133.07 of the Revised Code. 72

(B) The correctional facilities leased under division (A) 73  
(1) of this section may include any or all of the following: 74

(1) Facilities in which one or more other governmental 75  
entities are participating or in which other facilities of the 76  
county are included; 77

(2) Facilities acquired, constructed, or renovated by or 78

on behalf of the department of rehabilitation and correction or 79  
the department of administrative services, or financed by the 80  
treasurer of state, and leased to the county pursuant to section 81  
307.021 of the Revised Code; 82

(3) Correctional facilities that are under construction or 83  
have been completed and for which no permanent financing has 84  
been arranged. 85

(C) As used in this section: 86

(1) "Correctional facilities" includes, but is not limited 87  
to, jails, detention facilities, workhouses, community-based 88  
correctional facilities, and family court centers. 89

(2) "Construction" has the same meaning as in division (B) 90  
of section 4115.03 of the Revised Code. 91

**Sec. 307.671.** (A) As used in this section: 92

(1) "Bonds" means, as the context requires: general 93  
obligation bonds of the county, or notes in anticipation 94  
thereof, described in division (B)(1)(b) of this section; 95  
revenue bonds of the port authority described in division (B)(2) 96  
(a) of this section; and urban renewal bonds, or notes in 97  
anticipation thereof, of the host municipal corporation 98  
described in division (B)(3)(a) of this section. 99

(2) "Corporation" means a nonprofit corporation that is 100  
organized under the laws of this state and that includes within 101  
the purposes for which it is incorporated the authorization to 102  
lease and operate facilities such as a port authority 103  
educational and cultural facility. 104

(3) "Debt service charges" means, for any period or 105  
payable at any time, the principal of and interest and any 106

premium due on bonds for that period or payable at that time 107  
whether due at maturity or upon mandatory redemption, together 108  
with any required deposits to reserves for the payment of 109  
principal of and interest on such bonds, and includes any 110  
payments required by the port authority to satisfy any of its 111  
obligations arising from any guaranty agreements, reimbursement 112  
agreements, or other credit enhancement agreements described in 113  
division (C) of this section. 114

(4) "Host municipal corporation" means the municipal 115  
corporation within the boundaries of which the port authority 116  
educational and cultural facility is located. 117

(5) "Port authority" means a port authority created 118  
pursuant to the authority of section 4582.02 of the Revised Code 119  
by a county and a host municipal corporation. 120

(6) "Port authority educational and cultural facility" 121  
means a facility located within an urban renewal area that may 122  
consist of a museum, archives, library, hall of fame, center for 123  
contemporary music, or other facilities necessary to provide 124  
programs of an educational and cultural nature, together with 125  
all parking facilities, walkways, and other auxiliary 126  
facilities, real and personal property, property rights, 127  
easements, and interests that may be appropriate for, or used in 128  
connection with, the operation of the facility. 129

(7) "Urban renewal area" means an area of a host municipal 130  
corporation that the legislative authority of the host municipal 131  
corporation has, at any time, designated as appropriate for an 132  
urban renewal project pursuant to Chapter 725. of the Revised 133  
Code. 134

(B) The board of county commissioners of a county, a port 135

authority, and a host municipal corporation may enter into a 136  
cooperative agreement with a corporation, under which: 137

(1) The board of county commissioners agrees to do all of 138  
the following: 139

(a) Levy a tax under division (N) of section 5739.09 of 140  
the Revised Code exclusively for the purposes described in 141  
divisions (B) (1) (c) and (d) of this section; 142

(b) Issue general obligation bonds of the county, or notes 143  
in anticipation thereof, pursuant to Chapter 133. of the Revised 144  
Code, for the purpose of acquiring, constructing, and equipping 145  
the port authority educational and cultural facility and 146  
contribute the proceeds from the issuance to the port authority 147  
for such purpose. The cooperative agreement may provide that 148  
such proceeds be deposited with and administered by the trustee 149  
pursuant to the trust agreement provided for in division (C) of 150  
this section. 151

(c) Following the issuance, sale, and delivery of the port 152  
authority revenue bonds provided for in division (B) (2) (a) of 153  
this section, and prior to the date certain stated in the 154  
cooperative agreement which shall be the date estimated for the 155  
completion of construction of the port authority educational and 156  
cultural facility, pledge and contribute to the port authority 157  
revenue from the tax levied pursuant to division (B) (1) (a) of 158  
this section, together with any investment earnings on that 159  
revenue, to pay a portion of the costs of acquiring, 160  
constructing, and equipping the port authority educational and 161  
cultural facility; 162

(d) Following such date certain, pledge and contribute to 163  
the corporation all or such portion as provided for in the 164

cooperative agreement of the revenue from the tax, together with 165  
any investment earnings on that revenue, to pay a portion of the 166  
costs of the corporation of leasing the port authority 167  
educational and cultural facility from the port authority. 168

(2) The port authority agrees to do all of the following: 169

(a) Issue revenue bonds of the port authority pursuant to 170  
Chapter 4582. of the Revised Code for the purpose of acquiring, 171  
constructing, and equipping the port authority educational and 172  
cultural facility; 173

(b) Construct the port authority educational and cultural 174  
facility; 175

(c) Lease the port authority educational and cultural 176  
facility to the corporation; 177

(d) To the extent provided for in the cooperative 178  
agreement or the lease to the corporation, authorize the 179  
corporation to administer on behalf of the port authority the 180  
contracts for acquiring, constructing, or equipping a port 181  
authority educational and cultural facility; 182

(e) Use the revenue derived from the lease of the port 183  
authority educational and cultural facility to the corporation 184  
solely to pay debt service charges on the revenue bonds of the 185  
port authority described in division (B) (2) (a) of this section. 186

(3) The host municipal corporation agrees to do both of 187  
the following: 188

(a) Issue urban renewal bonds of the host municipal 189  
corporation, or notes in anticipation thereof, pursuant to 190  
Chapter 725. of the Revised Code for the purpose of acquiring 191  
and constructing the port authority educational and cultural 192

facility and contribute the proceeds from the issuance to the 193  
port authority for such purpose. The cooperative agreement may 194  
provide that such proceeds be deposited with and administered by 195  
the trustee pursuant to the trust agreement provided for in 196  
division (C) of this section. 197

(b) To the extent provided for in the cooperative 198  
agreement, contribute to the county, for use by the county to 199  
pay debt service charges on the bonds of the county, or notes in 200  
anticipation thereof, described in division (B) (1) (b) of this 201  
section, any excess urban renewal service payments pledged by 202  
the host municipal corporation to the urban renewal bonds 203  
described in division (B) (3) (a) of this section and not required 204  
on an annual basis to pay debt service charges on the urban 205  
renewal bonds. 206

(4) The corporation agrees to do all of the following: 207

(a) Lease the port authority educational and cultural 208  
facility from the port authority; 209

(b) Operate and maintain the port authority educational 210  
and cultural facility pursuant to the lease; 211

(c) To the extent provided for in the cooperative 212  
agreement or the lease from the port authority, administer on 213  
behalf of the port authority the contracts for acquiring, 214  
constructing, or equipping a port authority educational and 215  
cultural facility. 216

(C) The pledges and contributions described in divisions 217  
(B) (1) (c) and (d) of this section and provided for in the 218  
cooperative agreement shall be for the period stated in the 219  
cooperative agreement, but shall not be in excess of the period 220  
necessary to provide for the final retirement of the port 221



authority revenue bonds provided for in division (B) (2) (a) of 222  
this section and any bonds issued by the port authority to 223  
refund such bonds, and for the satisfaction by the port 224  
authority of any of its obligations arising from any guaranty 225  
agreements, reimbursement agreements, or other credit 226  
enhancement agreements relating to such bonds or to the revenues 227  
pledged to such bonds. The cooperative agreement shall provide 228  
for the termination of the cooperative agreement including the 229  
pledges and contributions described in divisions (B) (1) (c) and 230  
(d) of this section if the port authority revenue bonds provided 231  
for in division (B) (2) (a) of this section have not been issued, 232  
sold, and delivered within two years of the effective date of 233  
the cooperative agreement. 234

The cooperative agreement shall provide that any revenue 235  
bonds of the port authority shall be secured by a trust 236  
agreement between the port authority and a corporate trustee 237  
that is a trust company or bank having the powers of a trust 238  
company within or outside the state. The county may be a party 239  
to such trust agreement for the purpose of securing the pledge 240  
by the county of its contribution to the corporation pursuant to 241  
division (B) (1) (d) of this section. A tax levied pursuant to 242  
division (B) (1) (a) of this section is not subject to diminution 243  
by initiative or referendum or diminution by statute, unless 244  
provision is made therein for an adequate substitute therefor 245  
reasonably satisfactory to the trustee under the trust agreement 246  
that secures the revenue bonds of the port authority. 247

(D) A pledge of money by a county under this section shall 248  
not be net indebtedness of the county for purposes of section 249  
133.07 of the Revised Code. 250

(E) If the terms of the cooperative agreement so provide, 251

any contract for the acquisition, construction, or equipping of 252  
a port authority educational and cultural facility shall be made 253  
in such manner as is determined by the board of directors of the 254  
port authority, and unless the cooperative agreement provides 255  
otherwise, such a contract is not subject to division (A) of 256  
section 4582.12 of the Revised Code. The port authority may take 257  
the assignment of and assume any contracts for the acquisition, 258  
construction, and equipping of a port authority educational and 259  
cultural facility that previously have been authorized by either 260  
or both the host municipal corporation or the corporation. Such 261  
contracts likewise are not subject to division (A) of section 262  
4582.12 of the Revised Code. 263

~~Any contract for the acquisition, construction, or 264~~  
~~equipping of a port authority educational and cultural facility 265~~  
~~entered into, assigned, or assumed pursuant to this division 266~~  
~~shall provide that all laborers and mechanics employed for the 267~~  
~~acquisition, construction, or equipping of the port authority 268~~  
~~educational and cultural facility shall be paid at the 269~~  
~~prevailing rates of wages of laborers and mechanics for the 270~~  
~~class of work called for by the port authority educational and 271~~  
~~cultural facility, which wages shall be determined in accordance 272~~  
~~with the requirements of Chapter 4115. of the Revised Code for 273~~  
~~the determination of prevailing wage rates. 274~~

**Sec. 307.673.** This section applies only in a county in 275  
which a tax is levied under section 307.697, 4301.421, 5743.024, 276  
or 5743.323 of the Revised Code on July 19, 1995. 277

(A) As used in this section: 278

(1) "County taxes" means taxes levied by a board of county 279  
commissioners under divisions (D) and (E) of section 307.697, 280  
divisions (B) and (C) of section 4301.421, divisions (C) and (D) 281

of section 5743.024, and sections 5743.323, 5743.511, 5743.521, 282  
5743.621, and 5743.631 of the Revised Code. 283

(2) "Corporation" means a nonprofit corporation organized 284  
under the laws of this state and that includes among the 285  
purposes for which it is incorporated the authority to acquire, 286  
construct, renovate, repair, equip, lease, manage, or operate a 287  
sports facility. 288

(3) "Cooperative agreement" means an agreement entered 289  
into pursuant to this section. 290

(4) "Cost of a sports facility" means the cost of 291  
acquiring, constructing, renovating, repairing, equipping, or 292  
improving one or more sports facilities, including 293  
reconstructing, rehabilitating, remodeling, and enlarging; the 294  
cost of equipping and furnishing such a facility; and all 295  
financing costs pertaining thereto, including the cost of 296  
engineering, architectural, and other professional services, 297  
designs, plans, specifications and surveys, and estimates of 298  
costs; the costs of refinancing obligations issued by, or 299  
reimbursement of money advanced by, the parties to the 300  
cooperative agreement or other persons, the proceeds of which 301  
obligations were used to pay the costs of the sports facility; 302  
the cost of tests and inspections; the cost of any indemnity or 303  
surety bonds and premiums on insurance, all related direct and 304  
administrative costs pertaining thereto, fees and expenses of 305  
trustees, depositories, and paying agents for the obligations, 306  
capitalized interest on the obligations, amounts necessary to 307  
establish reserves as required by the obligation proceedings, 308  
the reimbursement of money advanced or applied by the parties to 309  
the cooperative agreement or other persons for the payment of 310  
any item of costs of the sports facility, and all other expenses 311

necessary or incident to planning or determining the feasibility 312  
or practicability with respect to the sports facility; and any 313  
other such expenses as may be necessary or incident to the 314  
acquisition, construction, reconstruction, rehabilitation, 315  
remodeling, renovation, repair, enlargement, improvement, 316  
equipping, and furnishing of the sports facility, the financing 317  
of the sports facility, placing the sports facility in use and 318  
operation, including any one, part of, or combination of such 319  
classes of costs and expenses. 320

(5) "Financing costs" has the same meaning as in section 321  
133.01 of the Revised Code. 322

(6) "Obligations" means obligations issued or incurred to 323  
pay the cost of a sports facility, including bonds, notes, 324  
certificates of indebtedness, commercial paper, and other 325  
instruments in writing, anticipatory securities as defined in 326  
section 133.01 of the Revised Code, issued or incurred by an 327  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 328  
this section, or otherwise, to evidence the issuer's obligation 329  
to repay borrowed money, or to pay interest, by, or to pay at 330  
any future time other money obligations of, the issuer of the 331  
obligations, including obligations of an issuer or lessee to 332  
make payments under an installment sale, lease, lease-purchase, 333  
or similar agreement. 334

(7) "Owner" means any person that owns or operates a 335  
professional athletic or sports team, that is party to a 336  
cooperative agreement, or that has a lease or other agreement 337  
with a party to a cooperative agreement, and that commits to use 338  
the sports facility that is the subject of the cooperative 339  
agreement for all of the team's home games for the period 340  
specified in that agreement. 341

(8) "Payments," when used with reference to obligations, 342  
means payments of the principal, including any mandatory sinking 343  
fund deposits and mandatory redemption payments, interest and 344  
any redemption premium, and lease rentals, lease-purchase 345  
payments and other amounts payable under obligations in the form 346  
of installment sale, lease, lease-purchase, or similar 347  
agreements. 348

(9) "Person" has the same meaning as defined in section 349  
133.01 of the Revised Code. 350

(10) "Port authority" means a port authority created under 351  
Chapter 4582. of the Revised Code. 352

(11) "Sports facility" means a facility, including a 353  
stadium, that is intended to house or provide a site for one or 354  
more major league professional athletic or sports teams or 355  
activities, together with all spectator facilities, parking 356  
facilities, walkways, and auxiliary facilities, real and 357  
personal property, property rights, easements, leasehold 358  
estates, and interests that may be appropriate for, or used in 359  
connection with, the operation of the sports facility. 360

(B) The board of county commissioners of a county, the 361  
legislative authority of a municipal corporation, a port 362  
authority, a corporation, and an owner, or any combination 363  
thereof, may enter into one or more cooperative agreements under 364  
which the parties enter into one or more of the agreements 365  
described in divisions (B)(1) to (5) of this section. 366

(1) The board of county commissioners agrees to do one or 367  
more of the following: 368

(a) Levy a tax under division (D) or (E) of section 369  
307.697, division (B) or (C) of section 4301.421, division (C) 370

or (D) of section 5743.024, or section 5743.323, 5743.511, 371  
5743.521, 5743.621, and 5743.631 of the Revised Code and make 372  
available all or a portion of the revenue from those taxes for 373  
the payment of the cost of the sports facility or to make 374  
payments on obligations; 375

(b) Issue or incur obligations of the county pursuant to 376  
Chapter 133. of the Revised Code or this section; 377

(c) Make available all or a portion of the revenue from 378  
those taxes or of the proceeds from the issuance of those 379  
obligations to the municipal corporation, port authority, 380  
corporation, or otherwise for the payment of the cost of a 381  
sports facility or the payment of obligations; 382

(d) Acquire, construct, renovate, repair, equip, lease to 383  
or from another person, and operate, directly or by a lease or 384  
management contract with another person, one or more sports 385  
facilities; 386

(e) To the extent provided in the cooperative agreement or 387  
a lease with respect to a sports facility, authorize the 388  
municipal corporation, port authority, corporation, or owner to 389  
administer contracts for designing, planning, acquiring, 390  
constructing, renovating, repairing, or equipping a sports 391  
facility. 392

(2) The port authority agrees to do one or more of the 393  
following: 394

(a) Issue or incur obligations of the port authority 395  
pursuant to Chapter 133. or 4582. of the Revised Code or this 396  
section; 397

(b) Make available all or a portion of the proceeds from 398  
the issuance of those obligations to the municipal corporation, 399

county, or corporation for the payment of the cost of a sports 400  
facility or the payment of obligations; 401

(c) Acquire, construct, renovate, repair, equip, lease to 402  
or from another person, and operate, directly or by a lease or 403  
management contract with another person, one or more sports 404  
facilities; 405

(d) To the extent provided in the cooperative agreement or 406  
a lease with respect to a sports facility, authorize the 407  
municipal corporation, county, corporation, or owner to 408  
administer contracts for designing, planning, acquiring, 409  
constructing, renovating, repairing, or equipping a sports 410  
facility. 411

(3) The legislative authority of the municipal corporation 412  
agrees to do one or more of the following: 413

(a) Make available the revenue from taxes levied by the 414  
legislative authority for the payment of the cost of a sports 415  
facility or to make payments on obligations; 416

(b) Issue or incur obligations of the municipal 417  
corporation pursuant to Chapter 133. of the Revised Code or 418  
otherwise; 419

(c) Make available all or a portion of the proceeds from 420  
the issuance of those obligations to the county, port authority, 421  
corporation, or otherwise for the payment of the cost of a 422  
sports facility or the payment of obligations; 423

(d) Acquire, construct, renovate, repair, equip, lease to 424  
or from another person, and operate, directly or by a lease or 425  
management contract with another person, one or more sports 426  
facilities; 427

(e) To the extent provided in the cooperative agreement or 428  
a lease with respect to a sports facility, authorize the county, 429  
port authority, corporation, or owner to administer contracts 430  
for designing, planning, acquiring, constructing, renovating, 431  
repairing, or equipping a sports facility. 432

(4) The corporation agrees to do one or more of the 433  
following: 434

(a) Issue or incur obligations; 435

(b) Make available all or a portion of the proceeds from 436  
the issuance of those obligations to the county, port authority, 437  
municipal corporation, or otherwise for the payment of the cost 438  
of a sports facility or the payment of obligations; 439

(c) Acquire, construct, renovate, repair, equip, lease to 440  
or from another person, and operate, directly or by a lease or 441  
management contract with another person, one or more sports 442  
facilities; 443

(d) To the extent provided in the cooperative agreement or 444  
a lease with respect to a sports facility, agree that the 445  
corporation will administer contracts for designing, planning, 446  
acquiring, constructing, renovating, repairing, or equipping a 447  
sports facility. 448

(5) The owner agrees to do one or more of the following: 449

(a) Use the sports facility that is the subject of the 450  
cooperative agreement for all of the home games of the owner's 451  
professional athletic or sports team for a specified period; 452

(b) Administer contracts for designing, planning, 453  
acquiring, constructing, renovating, repairing, or equipping a 454  
sports facility. 455



(C) Any obligations may be secured by a trust agreement 456  
between the issuer of obligations and a corporate trustee that 457  
is a trust company or bank having the powers of a trust company 458  
in or outside this state and authorized to exercise corporate 459  
trust powers in this state. Proceeds from the issuance of any 460  
obligations or the taxes levied and collected by any party to 461  
the cooperative agreement may be deposited with and administered 462  
by a trustee pursuant to the trust agreement. 463

~~(D) Any contract for the acquisition, construction, 464  
renovation, repair, or equipping of a sports facility entered 465  
into, assigned, or assumed under this section shall provide that 466  
all laborers and mechanics employed in the acquisition, 467  
construction, renovation, repair, or equipping of the sports 468  
facility shall be paid at the prevailing rates of wages of 469  
laborers and mechanics for the class of work called for, as 470  
those wages are determined in accordance with Chapter 4115. of 471  
the Revised Code. 472~~

**Sec. 307.674.** (A) As used in this section: 473

(1) "Bonds" means: 474

(a) Revenue bonds of the port authority described in 475  
division (B) (2) (a) of this section; 476

(b) Securities as defined in division (KK) of section 477  
133.01 of the Revised Code issued by the host municipal 478  
corporation, described in division (B) (3) (a) of this section; 479

(c) Any bonds issued to refund any of those revenue bonds 480  
or securities. 481

(2) "Corporation" means a nonprofit corporation that is 482  
organized under the laws of this state and that includes within 483  
the purposes for which it is incorporated the authorization to 484

lease and operate facilities such as a port authority 485  
educational and cultural performing arts facility. 486

(3) "Cost," as applied to a port authority educational and 487  
cultural performing arts facility, means the cost of acquiring, 488  
constructing, renovating, rehabilitating, equipping, or 489  
improving the facility, or any combination of those purposes, 490  
collectively referred to in this section as "construction," and 491  
the cost of acquisition of all land, rights of way, property 492  
rights, easements, franchise rights, and interests required for 493  
those purposes, the cost of demolishing or removing any 494  
buildings or structures on land so acquired, including the cost 495  
of acquiring any land to which those buildings or structures may 496  
be moved, the cost of public utility and common carrier 497  
relocation or duplication, the cost of all machinery, 498  
furnishings, and equipment, financing charges, interest prior to 499  
and during construction and for not more than three years after 500  
completion of construction, costs arising under guaranty 501  
agreements, reimbursement agreements, or other credit 502  
enhancement agreements relating to bonds, engineering, expenses 503  
of research and development with respect to such facility, legal 504  
expenses, plans, specifications, surveys, studies, estimates of 505  
costs and revenues, other expenses necessary or incident to 506  
determining the feasibility or practicability of acquiring or 507  
constructing the facility, administrative expense, and other 508  
expenses as may be necessary or incident to that acquisition or 509  
construction and the financing of such acquisition or 510  
construction, including, with respect to the revenue bonds of a 511  
port authority, amounts to be paid into any special funds from 512  
the proceeds of those bonds, and repayments to the port 513  
authority, host county, host municipal corporation, or 514  
corporation of any amounts advanced for the foregoing purposes. 515

(4) "Debt service charges" means, for any period or 516  
payable at any time, the principal of and interest and any 517  
premium due on bonds for that period or payable at that time 518  
whether due at maturity or upon mandatory redemption, together 519  
with any required deposits to reserves for the payment of 520  
principal of and interest on those bonds, and includes any 521  
payments required by the port authority to satisfy any of its 522  
obligations under or arising from any guaranty agreements, 523  
reimbursement agreements, or other credit enhancement agreements 524  
described in division (C) of this section. 525

(5) "Host county" means the county within the boundaries 526  
of which the port authority educational and cultural performing 527  
arts facility is or will be located. 528

(6) "Host municipal corporation" means the municipal 529  
corporation within the boundaries of which the port authority 530  
educational and cultural performing arts facility is or will be 531  
located. 532

(7) "Port authority" means a port authority created 533  
pursuant to section 4582.22 of the Revised Code. 534

(8) "Port authority educational and cultural performing 535  
arts facility" means a facility that consists of a center for 536  
music or other performing arts, a theater or other facilities to 537  
provide programs of an educational, recreational, or cultural 538  
nature, or any combination of those purposes as determined by 539  
the parties to the cooperative agreement for which provision is 540  
made in division (B) of this section to fulfill the public 541  
educational, recreational, and cultural purposes set forth 542  
therein, together with all parking facilities, walkways, and 543  
other auxiliary facilities, real and personal property, property 544  
rights, easements, and interests that may be appropriate for, or 545

used in connection with, the operation of the facility. 546

(B) A host county, a host municipal corporation, and a 547  
port authority may enter into a cooperative agreement with a 548  
corporation under which, as further provided for in that 549  
agreement: 550

(1) The host county may agree to do any or all of the 551  
following: 552

(a) Levy and collect a tax under divisions (O) and (P) of 553  
section 5739.09 of the Revised Code for the purposes, and in an 554  
amount sufficient for those purposes, described in divisions (B) 555  
(1) (b) and (c) of this section; 556

(b) Pay to the port authority all or such portion as 557  
provided for in the cooperative agreement of the revenue from 558  
the tax, together with any investment earnings on that revenue, 559  
to be used to pay a portion of the costs of acquiring, 560  
constructing, renovating, rehabilitating, equipping, or 561  
improving the port authority educational and cultural performing 562  
arts facility; 563

(c) Pledge and pay to the corporation all or such portion 564  
as provided for in the cooperative agreement of the revenue from 565  
the tax, together with any investment earnings on that revenue, 566  
to be used to pay a portion of the costs to the corporation of 567  
leasing the port authority educational and cultural performing 568  
arts facility from the port authority. 569

(2) The port authority may agree to do any or all of the 570  
following: 571

(a) Issue its revenue bonds pursuant to section 4582.48 of 572  
the Revised Code for the purpose of paying all or a portion of 573  
the costs of the port authority educational and cultural 574

performing arts facility; 575

(b) Acquire, construct, renovate, rehabilitate, equip, and 576  
improve the port authority educational and cultural performing 577  
arts facility; 578

(c) Lease the port authority educational and cultural 579  
performing arts facility to the corporation; 580

(d) To the extent provided for in the cooperative 581  
agreement or the lease to the corporation, authorize the 582  
corporation to administer on behalf of the port authority the 583  
contracts for acquiring, constructing, renovating, 584  
rehabilitating, or equipping the port authority educational and 585  
cultural performing arts facility; 586

(e) Use the revenue derived from the lease of the port 587  
authority educational and cultural performing arts facility to 588  
the corporation solely to pay debt service charges on revenue 589  
bonds of the port authority issued pursuant to division (B) (2) 590  
(a) of this section and to pay its obligations under or arising 591  
from any guaranty agreements, reimbursement agreements, or other 592  
credit enhancement agreements provided for in this section. 593

(3) The host municipal corporation may agree to do either 594  
or both of the following: 595

(a) Issue its bonds for the purpose of paying all or a 596  
portion of the costs of the port authority educational and 597  
cultural performing arts facility, and pay the proceeds from the 598  
issuance to the port authority for that purpose; 599

(b) Enter into a guaranty agreement, a reimbursement 600  
agreement, or other credit enhancement agreement with the port 601  
authority to provide a guaranty or other credit enhancement of 602  
the port authority revenue bonds referred to in division (B) (2) 603

(a) of this section pledging taxes, other than ad valorem 604  
property taxes, or other revenues for the purpose of providing 605  
the funds required to satisfy the host municipal corporation's 606  
obligations under that agreement. 607

The cooperative agreement may provide that the proceeds of 608  
such securities or of such guaranty agreement, reimbursement 609  
agreement, or other credit enhancement agreement be deposited 610  
with and administered by the trustee pursuant to the trust 611  
agreement authorized in division (C) of this section. 612

(4) The corporation may agree to do any or all of the 613  
following: 614

(a) Lease the port authority educational and cultural 615  
performing arts facility from the port authority; 616

(b) Operate and maintain the port authority educational 617  
and cultural performing arts facility pursuant to the lease; 618

(c) To the extent provided for in the cooperative 619  
agreement or the lease from the port authority, administer on 620  
behalf of the port authority the contracts for acquiring, 621  
constructing, renovating, rehabilitating, or equipping the port 622  
authority educational and cultural performing arts facility. 623

(C) The pledge and payments referred to in divisions (B) 624  
(1) (b) and (c) of this section and provided for in the 625  
cooperative agreement shall be for the period stated in the 626  
cooperative agreement but shall not extend longer than the 627  
period necessary to provide for the final retirement of the port 628  
authority revenue bonds referred to in division (B) (2) (a) of 629  
this section, and for the satisfaction by the port authority of 630  
any of its obligations under or arising from any guaranty 631  
agreements, reimbursement agreements, or other credit 632

enhancement agreements relating to those bonds or to the 633  
revenues pledged to them. The cooperative agreement shall 634  
provide for the termination of the cooperative agreement, 635  
including the pledge and payment referred to in division (B)(1) 636  
(c) of this section, if the port authority revenue bonds 637  
referred to in division (B)(2)(a) of this section have not been 638  
issued, sold, and delivered within five years of the effective 639  
date of the cooperative agreement. 640

The cooperative agreement shall provide that any port 641  
authority revenue bonds shall be secured by a trust agreement 642  
between the port authority and a corporate trustee that is a 643  
trust company or bank having the powers of a trust company 644  
within or outside the state but authorized to exercise trust 645  
powers within the state. The host county may be a party to that 646  
trust agreement for the purpose of better securing the pledge by 647  
the host county of its payment to the corporation pursuant to 648  
division (B)(1)(c) of this section. A tax levied pursuant to 649  
section 5739.09 of the Revised Code for the purposes specified 650  
in division (B)(1)(b) or (c) of this section is not subject to 651  
diminution by initiative or referendum or diminution by statute, 652  
unless provision is made for an adequate substitute reasonably 653  
satisfactory to the trustee under the trust agreement that 654  
secures the port authority revenue bonds. 655

(D) A pledge of money by a host county under this section 656  
shall not be net indebtedness of the host county for purposes of 657  
section 133.07 of the Revised Code. A guaranty or other credit 658  
enhancement by a host municipal corporation under this section 659  
shall not be net indebtedness of the host municipal corporation 660  
for purposes of section 133.05 of the Revised Code. 661

(E) If the terms of the cooperative agreement so provide, 662

any contract for the acquisition, construction, renovation, 663  
rehabilitation, equipping, or improving of a port authority 664  
educational and cultural performing arts facility shall be made 665  
in such manner as is determined by the board of directors of the 666  
port authority, and unless the cooperative agreement provides 667  
otherwise, such a contract is not subject to division (A) (18) (b) 668  
of section 4582.31 of the Revised Code. The port authority may 669  
take the assignment of and assume any contracts for the 670  
acquisition, construction, renovation, rehabilitation, 671  
equipping, or improving of a port authority educational and 672  
cultural performing arts facility that had previously been 673  
authorized by any of the host county, the host municipality, or 674  
the corporation. Such contracts are not subject to division (A) 675  
(18) (b) of section 4582.31 of the Revised Code. 676

~~Any contract for the acquisition, construction, 677  
renovation, rehabilitation, equipping, or improving of a port 678  
authority educational and cultural performing arts facility 679  
entered into, assigned, or assumed pursuant to this division 680  
shall provide that all laborers and mechanics employed for the 681  
acquisition, construction, renovation, rehabilitation, 682  
equipping, or improving of that facility shall be paid at the 683  
prevailing rates of wages of laborers and mechanics for the 684  
class of work called for by the port authority educational and 685  
cultural performing arts facility, which wages shall be 686  
determined in accordance with the requirements of Chapter 4115. 687  
of the Revised Code for the determination of prevailing wage 688  
rates. 689~~

Notwithstanding any provisions to the contrary in section 690  
123.281 of the Revised Code, construction services and general 691  
building services for a port authority educational and cultural 692  
performing arts facility funded completely or in part with money 693



appropriated by the state to the Ohio facilities construction 694  
commission may be provided by a port authority or a corporation 695  
that occupies, will occupy, or is responsible for that facility, 696  
as determined by the commission. The construction services and 697  
general building services to be provided by the port authority 698  
or the corporation shall be specified in an agreement between 699  
the commission and the port authority or corporation. That 700  
agreement, or any actions taken under it, are not subject to 701  
Chapters 123. or 153. of the Revised Code, ~~but are subject to~~ 702  
~~Chapter 4115. of the Revised Code.~~ 703

**Sec. 307.696.** (A) As used in this section: 704

(1) "County taxes" means taxes levied by the county 705  
pursuant to sections 307.697, 4301.421, 5743.024, 5743.323, 706  
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 707

(2) "Corporation" means either of the following: 708

(a) A nonprofit corporation that is organized under the 709  
laws of this state for the purposes of operating or constructing 710  
and operating a sports facility in the county and that may also 711  
be organized under the laws of this state for the additional 712  
purposes of conducting redevelopment and economic development 713  
activities within the host municipal corporation; 714

(b) A new community authority as defined in section 349.01 715  
of the Revised Code. 716

(3) "Sports facility" means a sports facility that is 717  
intended to house major league professional athletic teams, 718  
including a stadium, together with all parking facilities, 719  
walkways, and other auxiliary facilities, real and personal 720  
property, property rights, easements, and interests that may be 721  
appropriate for, or used in connection with, the operation of 722

the facility. 723

(4) "Construction" includes, but is not limited to, 724  
providing fixtures, furnishings, and equipment and providing for 725  
capital repairs and improvements. 726

(5) "Debt service charges" means the interest, principal, 727  
premium, if any, carrying and redemption charges, and expenses 728  
on bonds issued by either the county or the corporation to: 729

(a) Construct a sports facility or provide for related 730  
redevelopment or economic development as provided in this 731  
section; 732

(b) Acquire real and personal property, property rights, 733  
easements, or interests that may be appropriate for, or used in 734  
connection with, the operation of the facility; and 735

(c) Make site improvements to real property, including, 736  
but not limited to, demolition, excavation, and installation of 737  
footers, pilings, and foundations. 738

(6) "Host municipal corporation" means the municipal 739  
corporation within the boundaries of which the sports facility 740  
is located. 741

(B) A board of county commissioners of a county that 742  
levies a tax under section 307.697, 4301.421, or 5743.024 of the 743  
Revised Code may enter into an agreement with a corporation 744  
operating in the county, and, if there is a host municipal 745  
corporation all or a part of which is located in the county, 746  
shall enter into an agreement with a corporation operating in 747  
the county and the host municipal corporation, under which: 748

(1) (a) The corporation agrees to construct and operate a 749  
sports facility in the county and to pledge and contribute all 750

or any part of the revenues derived from its operation, as 751  
specified in the agreement, for the purposes described in 752  
division (C) (1) of this section; and 753

(b) The board agrees to levy county taxes and pledge and 754  
contribute any part or all of the revenues therefrom, as 755  
specified in the agreement, for the purposes described in 756  
division (C) (1) of this section; or 757

(2) (a) The corporation agrees to operate a sports facility 758  
constructed by the county and to pledge and contribute all or 759  
any part of the revenues derived from its operation, as 760  
specified in the agreement, for the purposes described in 761  
division (C) (2) of this section; and 762

(b) The board agrees to issue revenue bonds of the county, 763  
use the proceeds from the sale of the bonds to construct a 764  
sports facility in the county, and to levy county taxes and 765  
pledge and contribute all or any part of the revenues therefrom, 766  
as specified in the agreement, for the purposes described in 767  
division (C) (2) of this section; and, if applicable 768

(3) The host municipal corporation agrees to expend the 769  
unused pledges and contributions and surplus revenues as 770  
described in divisions (C) (1) and (2) of this section for 771  
redevelopment and economic development purposes related to the 772  
sports facility. 773

(C) (1) The primary purpose of the pledges and 774  
contributions described in division (B) (1) of this section is 775  
payment of debt service charges. To the extent the pledges and 776  
contributions are not used by the county or corporation for 777  
payment of debt service charges, the county or corporation, 778  
pursuant to the agreement provided for in division (B) of this 779

section, shall provide the unused pledges and contributions, 780  
together with surplus revenues of the sports facility not needed 781  
for debt service charges or the operation and maintenance of the 782  
sports facility, to the host municipal corporation, or a 783  
nonprofit corporation, which may be the corporation acting on 784  
behalf of the host municipal corporation, for redevelopment and 785  
economic development purposes related to the sports facility. If 786  
the county taxes are also levied for the purpose of making 787  
permanent improvements, the agreement shall include a schedule 788  
of annual pledges and contributions by the county for the 789  
payment of debt service charges. The county's pledge and 790  
contribution provided for in the agreement shall be for the 791  
period stated in the agreement but not to exceed twenty years. 792  
The agreement shall provide that any such bonds and notes shall 793  
be secured by a trust agreement between the corporation or other 794  
bond issuer and a corporate trustee that is a trust company or 795  
bank having the powers of a trust company within or without the 796  
state, and the trust agreement shall pledge or assign to the 797  
retirement of the bonds or notes, all moneys paid by the county 798  
for that purpose under this section. A county tax, all or any 799  
part of the revenues from which are pledged under an agreement 800  
entered into by a board of county commissioners under this 801  
section shall not be subject to diminution by initiative or 802  
referendum, or diminution by statute, unless provision is made 803  
therein for an adequate substitute therefor reasonably 804  
satisfactory to the trustee under the trust agreement that 805  
secures the bonds and notes. 806

(2) The primary purpose of the pledges and contributions 807  
described in division (B)(2) of this section is payment of debt 808  
service charges. To the extent the pledges and contributions are 809  
not used by the county for payment of debt service charges, the 810

county or corporation, pursuant to the agreement provided for in 811  
division (B) of this section, shall provide the unused pledges 812  
and contributions, together with surplus revenues of the sports 813  
facility not needed for debt service charges or the operation 814  
and maintenance of the sports facility, to the host municipal 815  
corporation, or a nonprofit corporation, which may be the 816  
corporation, acting on behalf of the host municipal corporation, 817  
for redevelopment and economic development purposes related to 818  
the sports facility. The corporation's pledge and contribution 819  
provided for in the agreement shall be until all of the bonds 820  
issued for the construction of the facility have been retired. 821

(D) A pledge of money by a county under this section shall 822  
not be indebtedness of the county for purposes of Chapter 133. 823  
of the Revised Code. 824

(E) If the terms of the agreement so provide, the board of 825  
county commissioners may acquire, make site improvements to, 826  
including, but not limited to, demolition, excavation, and 827  
installation of footers, pilings, and foundations, and lease 828  
real property for the sports facility to a corporation that 829  
constructs a sports facility under division (B)(1) of this 830  
section. The agreement shall specify the term, which shall not 831  
exceed thirty years and shall be on such terms as are set forth 832  
in the agreement. The purchase, improvement, and lease may be 833  
the subject of an agreement between the county and a municipal 834  
corporation located within the county pursuant to section 153.61 835  
or 307.15 of the Revised Code, and are not subject to the 836  
limitations of sections 307.02 and 307.09 of the Revised Code. 837

(F) The corporation shall not enter into any construction 838  
contract or contract for the purchase of services for use in 839  
connection with the construction of a sports facility prior to 840

the corporation's adoption and implementation of a policy on the 841  
set aside of contracts for bidding by or award to minority 842  
business enterprises, as defined in division (E) (1) of section 843  
122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the~~ 844  
~~Revised Code apply to a sports facility constructed under this~~ 845  
~~section.~~ 846

(G) Not more than one-half of the total costs, including 847  
debt service charges and cost of operation, of a project 848  
undertaken pursuant to an agreement entered into under division 849  
(B) of this section shall be paid from county taxes. Nothing in 850  
this section authorizes the use of revenues from county taxes or 851  
proceeds from the sale of bonds issued by the board of county 852  
commissioners for payment of costs of operation of a sports 853  
facility. 854

(H) Division (G) of this section and the twenty-year 855  
limitation prescribed in division (C) (1) of this section do not 856  
apply in the case of taxes levied pursuant to division (E) of 857  
section 307.697 of the Revised Code, division (C) of section 858  
4301.421 of the Revised Code, division (D) of section 5743.024 859  
of the Revised Code, division (C) of section 5743.323 of the 860  
Revised Code, and sections 5743.511, 5743.521, 5743.621, and 861  
5743.631 of the Revised Code. Notwithstanding anything to the 862  
contrary in this section or any other section of the Revised 863  
Code, revenue from the taxes levied pursuant to those provisions 864  
shall be equally divided by the county among the sports 865  
facilities that exist within the boundaries of the county during 866  
the period that the taxes are levied. Unless documented by an 867  
agreement with the applicable owner of a sports facility, such 868  
division of revenue shall be made directly by the county 869  
treasurer by payment to the respective owners of the sports 870  
facilities. 871

**Sec. 308.21.** (A) The board of trustees of a regional 872  
airport authority, the board of directors of a port authority, 873  
or the legislative authority of a municipal corporation that 874  
owns, operates, or maintains a qualifying airport may, by 875  
resolution adopted before January 1, 2024, create an airport 876  
development district for the purpose of developing and 877  
implementing plans for public infrastructure improvements that 878  
benefit the qualifying airport and to finance expenditures to 879  
attract or retain airlines, increase the number of scheduled 880  
flights to and from the qualifying airport, or increase use of 881  
the airport by aircraft having greater passenger capacity or 882  
greater first-class seating availability. The resolution shall 883  
include a development plan for the district that, at minimum, 884  
specifies all of the following: 885

(1) The manner in which the nonprofit corporation that is 886  
to govern the district will be formed, operated, and organized; 887

(2) The manner in which the board of directors of the 888  
nonprofit corporation that is to govern the district are 889  
appointed; 890

(3) A plan for the public infrastructure improvements and 891  
other expenditures to be financed by the district; 892

(4) A description of the territory of the district, which 893  
shall consist of all parcels of real property that are located 894  
within five miles of the qualifying airport. For the purpose of 895  
this division, a parcel is located within five miles of a 896  
qualifying airport if the distance between any portion of the 897  
parcel and any portion of the qualifying airport is five miles 898  
or less. 899

(B) After adopting a resolution under division (A) of this 900

section, the board of trustees of the regional airport 901  
authority, board of directors of the port authority, or 902  
legislative authority of the municipal corporation shall submit 903  
a copy to the director of development. 904

(C) An airport development district is not a political 905  
subdivision for any purpose prescribed in the Revised Code. A 906  
district shall be considered a public agency under section 907  
102.01 of the Revised Code ~~and a public authority under section~~ 908  
~~4115.03 of the Revised Code.~~ Districts are subject to sections 909  
121.22 and 121.23 of the Revised Code, but are not subject to 910  
sections 121.81 to 121.82 of the Revised Code. 911

**Sec. 351.06.** ~~A facility to be constructed pursuant to this~~ 912  
~~chapter is a public improvement and a convention facilities~~ 913  
~~authority is a public authority for purposes of section 4115.03~~ 914  
~~of the Revised Code. All contractors and subcontractors working~~ 915  
~~on such facilities are subject to and shall comply with sections~~ 916  
~~4115.03 to 4115.16 of the Revised Code.~~ A convention facilities 917  
authority is a contracting authority for purposes of sections 918  
307.86 to 307.91 of the Revised Code. 919

No convention facilities authority shall construct a 920  
facility under this chapter unless the plans for the facility 921  
provide for parking and transportation determined by the board 922  
of county commissioners as adequate to serve that facility. 923

A convention facilities authority may do all of the 924  
following: 925

(A) Adopt bylaws for the regulation of its affairs and the 926  
conduct of its business; 927

(B) Adopt an official seal; 928

(C) Maintain a principal office within its territory; 929



(D) Acquire, purchase, construct, reconstruct, enlarge, 930  
furnish, equip, maintain, repair, sell, exchange, lease or rent 931  
to, lease or rent from, operate, or contract for the operation 932  
by others of, facilities within its territory, and make charges 933  
for the use of the facilities; 934

(E) Make available the use or services of any facility to 935  
persons or governmental agencies on such terms and conditions as 936  
the authority shall determine; 937

(F) By resolution of its board of directors, issue 938  
convention facilities authority revenue bonds beyond the limit 939  
of bonded indebtedness provided by law, payable solely from 940  
revenues as provided in section 351.14 of the Revised Code, 941  
unless the bonds are refunded by refunding bonds, for the 942  
purpose of providing funds to pay the costs of any facility or 943  
facilities or parts of any facility or facilities, and, if 944  
moneys raised by taxation are not obligated or pledged for the 945  
payment of those revenue bonds, to pay the costs of any facility 946  
or facilities or parts of any facility or facilities pursuant to 947  
Section 13 of Article VIII, Ohio Constitution, and in order to 948  
create or preserve jobs and employment opportunities and improve 949  
the economic welfare of the people of the state; 950

(G) Maintain such funds as it determines necessary; 951

(H) Direct its agents or employees, when properly 952  
identified in writing and after at least five days' written 953  
notice, to enter upon lands within its territory in order to 954  
make surveys and examinations preliminary to location and 955  
construction of facilities, or other work for the purposes of 956  
the convention facilities authority, without liability of the 957  
authority or its agents or employees except for actual damage 958  
done; 959

(I) Promote, advertise, and publicize the authority and 960  
its facilities; 961

(J) (1) Adopt rules, not in conflict with general law, 962  
governing the use of its property, grounds, buildings, 963  
equipment, and facilities, and the conduct of its employees and 964  
the public, in order to promote the public safety and 965  
convenience in and about its facilities and grounds, and to 966  
maintain order. Any such rule shall be posted at a prominent 967  
place in each of the buildings or facilities to which it 968  
applies. 969

(2) No person shall violate any lawful rule adopted and 970  
posted as provided in this division. 971

(K) Acquire by gift or purchase, hold, lease, and dispose 972  
of real and personal property and interests in the property in 973  
the exercise of its powers and the performance of its duties 974  
under this chapter; 975

(L) Acquire, in the name of the authority, by purchase or 976  
otherwise, on such terms and in such manner as the authority 977  
finds proper, or by the exercise of the right of appropriation 978  
in the manner provided by section 351.22 of the Revised Code, 979  
such public or private lands, including public parks, 980  
playgrounds, or reservations, or parts thereof or rights 981  
therein, rights-of-way, rights, franchises, easements, and 982  
interests as it finds necessary or proper for carrying out this 983  
chapter, and compensation shall be paid for public or private 984  
lands so taken; 985

(M) Make and enter into all contracts and agreements and 986  
execute all instruments necessary or incidental to the 987  
performance of its duties and the execution of its powers under 988

this chapter provided that no construction contract or contract 989  
for the purchase of goods or services shall be approved or 990  
entered into by the authority prior to the adoption and 991  
implementation of a policy on the set aside of contracts for 992  
bidding by or award to minority business enterprises, as defined 993  
in division (E)(1) of section 122.71 of the Revised Code; 994

(N) Employ managers, superintendents, and other employees 995  
and retain or contract with consulting engineers, financial 996  
consultants, accounting experts, architects, attorneys, and such 997  
other consultants and independent contractors as are necessary 998  
in its judgment to carry out this chapter, and fix their 999  
compensation. All expenses of doing so shall be payable solely 1000  
from the proceeds of convention facilities authority bonds and 1001  
notes issued under this chapter, or from excise taxes and 1002  
revenues. 1003

(O) Receive and accept from any governmental agency grants 1004  
for or in aid of the purposes of the authority, and receive and 1005  
accept aid or contributions from any source of money, property, 1006  
labor, or other things of value, to be held, used, and applied 1007  
only for the purposes for which such grants and contributions 1008  
are made; 1009

(P) Engage in research and development with respect to 1010  
facilities; 1011

(Q) Purchase fire and extended coverage and liability 1012  
insurance for any facility and for the offices of the authority, 1013  
insurance protecting the authority and its officers and 1014  
employees against liability for damage to property or injury to 1015  
or death of persons arising from its operations, and any other 1016  
insurance the authority may agree to provide under any 1017  
resolution authorizing its convention facilities authority 1018

revenue bonds or in any trust agreement securing the same; 1019

(R) Charge, alter, and collect rentals and other charges 1020  
for the use or services of any facility as provided in section 1021  
351.09 of the Revised Code; 1022

(S) If a tax proposed under section 5739.026 of the 1023  
Revised Code is disapproved by the electors, request the board 1024  
of county commissioners to dissolve the authority pursuant to 1025  
section 351.03 of the Revised Code; 1026

(T) By resolution of its board of directors, levy any of 1027  
the excise taxes authorized by division (B) or (C) of section 1028  
351.021 of the Revised Code if authorized by the county 1029  
commissioners, and issue convention facilities authority tax 1030  
anticipation bonds beyond any limit of bonded indebtedness 1031  
provided by law, payable solely from excise taxes levied 1032  
pursuant to division (B) or (C) of section 351.021 of the 1033  
Revised Code and revenues as provided in section 351.141 of the 1034  
Revised Code. 1035

(U) Do all acts necessary or proper to carry out the 1036  
powers expressly granted in this chapter. 1037

**Sec. 353.03.** A lake facilities authority may do all of the 1038  
following: 1039

(A) Acquire by purchase, lease, gift, or otherwise, on 1040  
such terms and in such manner as it considers proper, real and 1041  
personal property necessary for an authorized purpose or any 1042  
estate, interest, or right therein, within or without the 1043  
impacted lake district; 1044

(B) Improve, remediate, maintain, sell, lease, or 1045  
otherwise dispose of real and personal property on such terms 1046  
and in such manner as it considers proper; 1047

(C) Request that the department of natural resources, the 1048  
environmental protection agency, or the department of 1049  
agriculture adopt, modify, and enforce reasonable rules and 1050  
regulations governing impacted watersheds; 1051

(D) Employ such managers, administrative officers, agents, 1052  
engineers, architects, attorneys, contractors, subcontractors, 1053  
and employees as may be appropriate in the exercise of the 1054  
rights, powers, and duties conferred on it, prescribe the duties 1055  
and compensation for such persons, require bonds to be given by 1056  
any such persons and by officers of the authority for the 1057  
faithful performance of their duties, and fix the amount and 1058  
surety therefor, and pay the surety; 1059

(E) Sue and be sued in its corporate name; 1060

(F) (1) Make and enter into all contracts and agreements 1061  
and execute all instruments relating to the provisions of this 1062  
chapter; 1063

(2) Except as provided otherwise under divisions (F) (2) 1064  
and (3) of this section, when the cost of a contract for the 1065  
construction of any building, structure, or other improvement 1066  
undertaken by a lake facilities authority involves an 1067  
expenditure exceeding fiftythousand dollars, and the lake 1068  
facilities authority is the contracting authority, the lake 1069  
facilities authority shall make a written contract after notice 1070  
calling for bids for the award of the contract has been given by 1071  
publication twice, with at least seven days between 1072  
publications, in a newspaper of general circulation in the 1073  
impacted lake district. Each such contract shall be awarded to 1074  
the lowest responsive and responsible bidder in accordance with 1075  
section 9.312 of the Revised Code. The board of directors by 1076  
rule may provide criteria for the negotiation and award without 1077

competitive bidding of any contract as to which the lake 1078  
facilities authority is the contracting authority for the 1079  
construction of any building or structure or other improvement 1080  
under any of the following circumstances: 1081

(a) There exists a real and present emergency that 1082  
threatens damage to property or injury to persons of the lake 1083  
facilities authority or other persons, provided that a statement 1084  
specifying the nature of the emergency that is the basis for the 1085  
negotiation and award of a contract without competitive bidding 1086  
shall be signed at the time of the contract's execution by the 1087  
officer of the lake facilities authority that executes the 1088  
contract and shall be attached to the contract. 1089

(b) A commonly recognized industry or other standard or 1090  
specification does not exist and cannot objectively be 1091  
articulated for the improvement. 1092

(c) The contract is for any energy conservation measure as 1093  
defined in section 307.041 of the Revised Code. 1094

(d) With respect to material to be incorporated into the 1095  
improvement, only a single source or supplier exists for the 1096  
material. 1097

(e) A single bid is received by the lake facilities 1098  
authority after complying with the above provisions. 1099

(3) In addition to the exceptions to competitive bidding 1100  
requirements under division (F)(2) of this section, a lake 1101  
facilities authority may contract for the acquisition or 1102  
construction of any property for an authorized purpose and for 1103  
the leasing, subleasing, sale, or other disposition of the 1104  
property in a manner determined by the lake facilities authority 1105  
in its sole discretion, without necessity for competitive 1106

bidding or performance bonds. 1107

~~(4) With respect to any public improvement undertaken by, 1108~~  
~~or under contract for, the lake facilities authority, the 1109~~  
~~authority may elect to apply sections 4115.03 to 4115.21 of the 1110~~  
~~Revised Code. 1111~~

(G) Accept aid or contributions from any source of money, 1112  
property, labor, or other things of value, to be held, used, and 1113  
applied only for the purposes for which the grants and 1114  
contributions are made; 1115

(H) Apply for and accept grants, loans, or commitments of 1116  
guarantee or insurance, including any guarantees of lake 1117  
facilities authority bonds and notes, from the United States, 1118  
the state, or other public body or other sources, and provide 1119  
any consideration which may be required in order to obtain such 1120  
grants, loans, or contracts of guarantee or insurance; 1121

(I) Procure insurance against loss to the lake facilities 1122  
authority by reason of damage to its properties resulting from 1123  
fire, theft, accident, or other casualties, or by reason of its 1124  
liability for any damages to persons or property occurring in 1125  
the construction or operation of facilities or areas under its 1126  
jurisdiction or the conduct of its activities; 1127

(J) Maintain such funds or reserves as it considers 1128  
necessary for the efficient performance of its duties; 1129

(K) Enforce any covenants, of which the lake facilities 1130  
authority is the beneficiary, running with the land. 1131

(L) Issue securities for the remediation of an impacted 1132  
watershed and directly related permanent improvements in 1133  
compliance with Chapter 133. of the Revised Code, except that 1134  
such bonds or notes may be issued only pursuant to a vote of the 1135

electors residing within the impacted lake district. The net 1136  
indebtedness incurred by a lake facilities authority pursuant to 1137  
this division may not exceed one-tenth of one per cent of the 1138  
total value of all property within the territory comprising the 1139  
impacted lake district as listed and assessed for taxation. 1140

(M) Issue lake facilities authority revenue bonds beyond 1141  
the limit of bonded indebtedness provided by law, payable solely 1142  
from revenues as provided in section 353.09 of the Revised Code 1143  
for the purpose of providing funds to pay costs of any facility 1144  
or facilities or parts thereof; 1145

(N) Advise and provide input to political subdivisions 1146  
within the impacted lake district with respect to zoning and 1147  
land use planning within the impacted lake district; 1148

(O) Enter into agreements for the management, ownership, 1149  
possession, or control of lands or property to be used for 1150  
wetland mitigation banking; 1151

(P) Adopt and modify rules and regulations to carry out 1152  
the authority granted to the lake facilities authority under 1153  
this section. 1154

**Sec. 1506.44.** (A) A board of county commissioners may use 1155  
a loan obtained under division (C) of this section to provide 1156  
financial assistance to any person who owns real property in a 1157  
coastal erosion area and who has received a permit under section 1158  
1506.40 of the Revised Code to construct an erosion control 1159  
structure in that coastal erosion area. The board shall enter 1160  
into an agreement with the person that complies with all of the 1161  
following requirements: 1162

(1) The agreement shall identify the person's real 1163  
property for which the erosion control structure is being 1164



constructed and shall include a legal description of that 1165  
property and a reference to the volume and page of the deed 1166  
record in which the title of that person to that property is 1167  
recorded. 1168

(2) In accordance with rules adopted by the Ohio water 1169  
development authority under division (V) of section 6121.04 of 1170  
the Revised Code for the purposes of division (C) of this 1171  
section and pursuant to an agreement between the board and the 1172  
authority under that division, the board shall agree to cause 1173  
payments to be made by the authority to the contractor hired by 1174  
the person to construct an erosion control structure in amounts 1175  
not to exceed the total amount specified in the agreement 1176  
between the board and the person. 1177

(3) The person shall agree to pay to the board, or to the 1178  
authority as the assignee pursuant to division (C) of this 1179  
section, the total amount of the payments plus administrative or 1180  
other costs of the board or the authority at times, in 1181  
installments, and bearing interest as specified in the 1182  
agreement. 1183

The agreement may contain additional provisions that the 1184  
board determines necessary to safeguard the interests of the 1185  
county or to comply with an agreement entered into under 1186  
division (C) of this section. 1187

(B) Upon entering into an agreement under division (A) of 1188  
this section, the board shall do all of the following: 1189

(1) Cause the agreement to be recorded in the county deed 1190  
records in the office of the county recorder of the county in 1191  
which the real property is situated. Failure to record the 1192  
agreement does not affect the validity of the agreement or the 1193

collection of any amounts due under the agreement. 1194

(2) Establish by resolution an erosion control repayment 1195  
fund into which shall be deposited all amounts collected under 1196  
division (B) (3) of this section. Moneys in that fund shall be 1197  
used by the board for the repayment of the loan and for 1198  
administrative or other costs of the board or the authority as 1199  
specified in an agreement entered into under division (C) of 1200  
this section. If the amount of money in the fund is inadequate 1201  
to repay the loan when due, the board of county commissioners, 1202  
by resolution, may advance money from any other fund in order to 1203  
repay the loan if that use of the money from the other fund is 1204  
not in conflict with law. If the board so advances money in 1205  
order to repay the loan, the board subsequently shall reimburse 1206  
each fund from which the board advances money with moneys from 1207  
the erosion control repayment fund. 1208

(3) Bill and collect all amounts when due under the 1209  
agreement entered into under division (A) of this section. The 1210  
board shall certify amounts not paid when due to the county 1211  
auditor, who shall enter the amounts on the real property tax 1212  
list and duplicate against the property identified under 1213  
division (A) (1) of this section. The amounts not paid when due 1214  
shall be a lien on that property from the date on which the 1215  
amounts are placed on the tax list and duplicate and shall be 1216  
collected in the same manner as other taxes. 1217

(C) A board may apply to the authority for a loan for the 1218  
purpose of entering into agreements under division (A) of this 1219  
section. The loan shall be for an amount and on the terms 1220  
established in an agreement between the board and the authority. 1221  
The board may assign any agreements entered into under division 1222  
(A) of this section to the authority in order to provide for the 1223

repayment of the loan and may pledge any lawfully available 1224  
revenues to the repayment of the loan, provided that no moneys 1225  
raised by taxation shall be obligated or pledged by the board 1226  
for the repayment of the loan. Any agreement with the authority 1227  
pursuant to this division is not subject to Chapter 133. of the 1228  
Revised Code or any requirements or limitations established in 1229  
that chapter. 1230

(D) The authority, as assignee of any agreement pursuant 1231  
to division (C) of this section, may enforce and compel the 1232  
board and the county auditor by mandamus pursuant to Chapter 1233  
2731. of the Revised Code to comply with division (B) of this 1234  
section in a timely manner. 1235

(E) The construction of an erosion control structure by a 1236  
contractor hired by an individual homeowner, group of individual 1237  
homeowners, or homeowners association that enters into an 1238  
agreement with a board under division (A) of this section ~~is not~~ 1239  
~~a public improvement, as defined in section 4115.03 of the~~ 1240  
~~Revised Code, and is~~ not subject to competitive bidding or 1241  
public bond laws. 1242

**Sec. 1710.02.** (A) (1) A special improvement district may be 1243  
created within the boundaries of any one municipal corporation, 1244  
any one township, or any combination of municipal corporations 1245  
and townships within a single county, or counties that adjoin 1246  
one another, for the purpose of developing and implementing 1247  
plans for public improvements and public services that benefit 1248  
the district. A district may be created by petition of the 1249  
owners of real property within the proposed district, or by an 1250  
existing qualified nonprofit corporation. 1251

(2) If the district is created by an existing qualified 1252  
nonprofit corporation, the purposes for which the district is 1253

created may be supplemental to the other purposes for which the 1254  
corporation is organized. The corporation is considered a 1255  
special improvement district only when it acts with respect to a 1256  
purpose for which the district is created, and not when it acts 1257  
with respect to any other purpose for which it is organized. 1258

(3) All territory in a special improvement district shall 1259  
be contiguous; except that the territory in a special 1260  
improvement district may be noncontiguous if at least one 1261  
special energy improvement project or shoreline improvement 1262  
project is designated for each parcel of real property included 1263  
within the special improvement district. Additional territory 1264  
may be added to a special improvement district created under 1265  
this chapter for the purpose of developing and implementing 1266  
plans for special energy improvement projects or shoreline 1267  
improvement projects if at least one special energy improvement 1268  
project or shoreline improvement project, respectively, is 1269  
designated for each parcel of real property included within such 1270  
additional territory and the addition of territory is authorized 1271  
by the initial plan proposed under division (F) of this section 1272  
or a plan adopted by the board of directors of the special 1273  
improvement district under section 1710.06 of the Revised Code. 1274

(4) The district shall be governed by the board of 1275  
trustees of a nonprofit corporation. This board shall be known 1276  
as the board of directors of the special improvement district. 1277

(5) No special improvement district shall include any 1278  
church property, or property of the federal or state government 1279  
or a county, township, municipal corporation, or park district, 1280  
unless the church or the county, township, municipal 1281  
corporation, or park district specifically requests in writing 1282  
that the property be included within the district, or unless the 1283

church is a member of the existing qualified nonprofit 1284  
corporation creating the district at the time the district is 1285  
created. 1286

(6) A shoreline improvement project may extend into the 1287  
territory of Lake Erie as described in sections 1506.10 and 1288  
1506.11 of the Revised Code. However, the state shall remain 1289  
exempt from any special assessment that may be levied against 1290  
that territory under section 1710.06 and Chapter 727. of the 1291  
Revised Code. 1292

(7) More than one district may be created within a 1293  
participating political subdivision, but no real property may be 1294  
included within more than one district unless the owner of the 1295  
property files a written consent with the clerk of the 1296  
legislative authority, the township fiscal officer, or the 1297  
village clerk, as appropriate. 1298

(8) The area of each district shall be contiguous; except 1299  
that the area of a special improvement district may be 1300  
noncontiguous if all parcels of real property included within 1301  
such area contain at least one special energy improvement or 1302  
shoreline improvement thereon. 1303

(B) Subject to division (A) (2) of this section, all of the 1304  
following apply: 1305

(1) A district created under this chapter is not a 1306  
political subdivision, except for purposes of section 4905.34 of 1307  
the Revised Code. 1308

(2) A district created under this chapter shall be 1309  
considered a public agency under section 102.01 ~~and a public~~ 1310  
~~authority under section 4115.03~~ of the Revised Code. 1311

(3) Districts created under this chapter are not subject 1312

to sections 121.81 to 121.82 of the Revised Code. Districts 1313  
created under this chapter are subject to sections 121.22 and 1314  
121.23 of the Revised Code. 1315

(4) All records of the district are public records under 1316  
section 149.43 of the Revised Code, except that records of 1317  
organizations contracting with a district are not public records 1318  
under section 149.43 or section 149.431 of the Revised Code 1319  
solely by reason of any contract with a district. 1320

(C) (1) Subject to division (C) (2) of this section, both of 1321  
the following apply: 1322

(a) Membership on the board of directors of the district 1323  
shall not be considered as holding a public office. However, 1324  
each member of the board of directors of a district, each 1325  
member's designee or proxy, and each officer or employee of a 1326  
district is a public official or employee under section 102.01 1327  
and a public official under section 2921.42 of the Revised Code. 1328  
District officers and district members and directors and their 1329  
designees or proxies are not required to file a statement with 1330  
the Ohio ethics commission under section 102.02 of the Revised 1331  
Code. 1332

(b) Directors and their designees shall be entitled to the 1333  
immunities provided by Chapter 1702. and to the same immunity as 1334  
an employee under division (A) (6) of section 2744.03 of the 1335  
Revised Code, except that directors and their designees shall 1336  
not be entitled to the indemnification provided in section 1337  
2744.07 of the Revised Code unless the director or designee is 1338  
an employee or official of a participating political subdivision 1339  
of the district and is acting within the scope of the director's 1340  
or designee's employment or official responsibilities. 1341

(2) District officers and district members and directors 1342  
of a district created by an existing qualified nonprofit 1343  
corporation, and their designees or proxies, are public 1344  
officials or employees under section 102.01 and public officials 1345  
under section 2921.42 of the Revised Code by virtue of their 1346  
positions with the corporation only when they act with respect 1347  
to a purpose for which the district is created, and not when 1348  
they act with respect to any other purpose for which the 1349  
corporation is organized. 1350

(D) Except as otherwise provided in this section, the 1351  
nonprofit corporation that governs a district shall be organized 1352  
in the manner described in Chapter 1702. of the Revised Code. 1353  
Except in the case of a district created by an existing 1354  
qualified nonprofit corporation, the corporation's articles of 1355  
incorporation are required to be approved, as provided in 1356  
division (E) of this section, by resolution of the legislative 1357  
authority of each participating political subdivision of the 1358  
district. A copy of that resolution shall be filed along with 1359  
the articles of incorporation in the secretary of state's 1360  
office. 1361

In addition to meeting the requirements for articles of 1362  
incorporation set forth in Chapter 1702. of the Revised Code, 1363  
the articles of incorporation for the nonprofit corporation 1364  
governing a district formed under this chapter shall provide all 1365  
the following: 1366

(1) The name for the district, which shall include the 1367  
name of each participating political subdivision of the 1368  
district; 1369

(2) A description of the territory within the district, 1370  
which may be all or part of each participating political 1371

subdivision. The description shall be specific enough to enable 1372  
real property owners to determine if their property is located 1373  
within the district. 1374

(3) A description of the procedure by which the articles 1375  
of incorporation may be amended. The procedure shall include 1376  
receiving approval of the amendment, by resolution, from the 1377  
legislative authority of each participating political 1378  
subdivision and filing the approved amendment and resolution 1379  
with the secretary of state. 1380

(4) The reasons for creating the district, plus an 1381  
explanation of how the district will be conducive to the public 1382  
health, safety, peace, convenience, and welfare of the district. 1383

(E) The articles of incorporation for a nonprofit 1384  
corporation governing a district created under this chapter and 1385  
amendments to them shall be submitted to the municipal 1386  
executive, if any, and the legislative authority of each 1387  
municipal corporation or township in which the proposed district 1388  
is to be located. Except in the case of a district created by an 1389  
existing qualified nonprofit corporation, the articles or 1390  
amendments shall be accompanied by a petition signed either by 1391  
the owners of at least sixty per cent of the front footage of 1392  
all real property located in the proposed district that abuts 1393  
upon any street, alley, public road, place, boulevard, parkway, 1394  
park entrance, easement, or other existing public improvement 1395  
within the proposed district, excluding church property or 1396  
property owned by the state, county, township, municipal, park 1397  
district, or federal government, unless a church, county, 1398  
township, municipal corporation, or park district has 1399  
specifically requested in writing that the property be included 1400  
in the district, or by the owners of at least seventy-five per 1401



cent of the area of all real property located within the 1402  
proposed district, excluding church property or property owned 1403  
by the state, county, township, municipal, park district, or 1404  
federal government, unless a church, county, township, municipal 1405  
corporation, or park district has specifically requested in 1406  
writing that the property be included in the district. Pursuant 1407  
to Section 2o of Article VIII, Ohio Constitution, the petition 1408  
required under this division may be for the purpose of 1409  
developing and implementing plans for special energy improvement 1410  
projects or shoreline improvement projects, and, in such case, 1411  
is determined to be in furtherance of the purposes set forth in 1412  
Section 2o of Article VIII, Ohio Constitution. Except as 1413  
provided in division (H) of this section, if a special 1414  
improvement district is being created under this chapter for the 1415  
purpose of developing and implementing plans for special energy 1416  
improvement projects or shoreline improvement projects, the 1417  
petition required under this division shall be signed by one 1418  
hundred per cent of the owners of the area of all real property 1419  
located within the proposed special improvement district, at 1420  
least one special energy improvement project or shoreline 1421  
improvement project shall be designated for each parcel of real 1422  
property within the special improvement district, and the 1423  
special improvement district may include any number of parcels 1424  
of real property as determined by the legislative authority of 1425  
each participating political subdivision in which the proposed 1426  
special improvement district is to be located. For purposes of 1427  
determining compliance with these requirements, the area of the 1428  
district, or the front footage and ownership of property, shall 1429  
be as shown in the most current records available at the county 1430  
recorder's office and the county engineer's office sixty days 1431  
prior to the date on which the petition is filed. 1432

Each municipal corporation or township with which the 1433  
petition is filed has sixty days to approve or disapprove, by 1434  
resolution, the petition, including the articles of 1435  
incorporation. In the case of a district created by an existing 1436  
qualified nonprofit corporation, each municipal corporation or 1437  
township has sixty days to approve or disapprove the creation of 1438  
the district after the corporation submits the articles of 1439  
incorporation or amendments thereto. This chapter does not 1440  
prohibit or restrict the rights of municipal corporations under 1441  
Article XVIII of the Ohio Constitution or the right of the 1442  
municipal legislative authority to impose reasonable conditions 1443  
in a resolution of approval. The acquisition, installation, 1444  
equipping, and improvement of a special energy improvement 1445  
project under this chapter shall not supersede any local zoning, 1446  
environmental, or similar law or regulation. In addition, all 1447  
activities associated with a shoreline improvement project that 1448  
is implemented under this chapter shall comply with all 1449  
applicable local zoning requirements, all local, state, and 1450  
federal environmental laws and regulations, and all applicable 1451  
requirements established in Chapter 1506. of the Revised Code 1452  
and rules adopted under it. 1453

(F) Persons proposing creation and operation of the 1454  
district may propose an initial plan for public services or 1455  
public improvements that benefit all or any part of the 1456  
district. Any initial plan shall be submitted as part of the 1457  
petition proposing creation of the district or, in the case of a 1458  
district created by an existing qualified nonprofit corporation, 1459  
shall be submitted with the articles of incorporation or 1460  
amendments thereto. 1461

An initial plan may include provisions for the following: 1462

(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	1463 1464
(2) Hiring employees and professional services;	1465
(3) Contracting for insurance;	1466
(4) Purchasing or leasing office space and office equipment;	1467 1468
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	1469 1470 1471
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A) (1) to (7) of that section;	1472 1473 1474 1475 1476 1477
(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, provision for the addition of territory to the special improvement district.	1478 1479 1480 1481 1482
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project or shoreline improvement project, the levy of a special assessment	1483 1484 1485 1486 1487 1488 1489 1490 1491

shall be for no more than thirty years from the date of approval 1492  
of the initial plan. In the event that additional territory is 1493  
added to a special improvement district, the special assessment 1494  
to be levied with respect to such additional territory shall 1495  
commence not earlier than the date such territory is added and 1496  
shall be for no more than thirty years from such date. For 1497  
purposes of levying an assessment for this initial plan, the 1498  
services or improvements included in the initial plan shall be 1499  
deemed a special benefit to property owners within the district. 1500

(G) Each nonprofit corporation governing a district under 1501  
this chapter may do the following: 1502

(1) Exercise all powers of nonprofit corporations granted 1503  
under Chapter 1702. of the Revised Code that do not conflict 1504  
with this chapter; 1505

(2) Develop, adopt, revise, implement, and repeal plans 1506  
for public improvements and public services for all or any part 1507  
of the district; 1508

(3) Contract with any person, political subdivision as 1509  
defined in section 2744.01 of the Revised Code, or state agency 1510  
as defined in section 1.60 of the Revised Code to develop and 1511  
implement plans for public improvements or public services 1512  
within the district; 1513

(4) Contract and pay for insurance for the district and 1514  
for directors, officers, agents, contractors, employees, or 1515  
members of the district for any consequences of the 1516  
implementation of any plan adopted by the district or any 1517  
actions of the district. 1518

The board of directors of a special improvement district 1519  
may, acting as agent and on behalf of a participating political 1520

subdivision, sell, transfer, lease, or convey any special energy 1521  
improvement project owned by the participating political 1522  
subdivision upon a determination by the legislative authority 1523  
thereof that the project is not required to be owned exclusively 1524  
by the participating political subdivision for its purposes, for 1525  
uses determined by the legislative authority thereof as those 1526  
that will promote the welfare of the people of such 1527  
participating political subdivision; improve the quality of life 1528  
and the general and economic well-being of the people of the 1529  
participating political subdivision; better ensure the public 1530  
health, safety, and welfare; protect water and other natural 1531  
resources; provide for the conservation and preservation of 1532  
natural and open areas and farmlands, including by making urban 1533  
areas more desirable or suitable for development and 1534  
revitalization; control, prevent, minimize, clean up, or mediate 1535  
certain contamination of or pollution from lands in the state 1536  
and water contamination or pollution; or provide for safe and 1537  
natural areas and resources. The legislative authority of each 1538  
participating political subdivision shall specify the 1539  
consideration for such sale, transfer, lease, or conveyance and 1540  
any other terms thereof. Any determinations made by a 1541  
legislative authority of a participating political subdivision 1542  
under this division shall be conclusive. 1543

Any sale, transfer, lease, or conveyance of a special 1544  
energy improvement project by a participating political 1545  
subdivision or the board of directors of the special improvement 1546  
district may be made without advertising, receipt of bids, or 1547  
other competitive bidding procedures applicable to the 1548  
participating political subdivision or the special improvement 1549  
district under Chapter 153. or 735. or section 1710.11 of the 1550  
Revised Code or other representative provisions of the Revised 1551

Code. 1552

(H) The owner of real property that is part of a planned 1553  
community or a condominium development is deemed to have signed 1554  
the petitions required under division (E) of this section and 1555  
division (B) of section 1710.06 of the Revised Code with respect 1556  
to a special improvement district that is being created for the 1557  
purpose of developing and implementing plans for shoreline 1558  
improvement projects if the district and the projects have been 1559  
approved through an alternative process prescribed by the 1560  
bylaws, declarations, covenants, and restrictions governing the 1561  
planned community or condominium development. Such an 1562  
alternative process may consist of a vote of the owners 1563  
association or unit owners association, the approval of a 1564  
specified percentage of property owners, or any other procedure 1565  
authorized by the bylaws, declarations, covenants, and 1566  
restrictions governing the planned community or condominium 1567  
development. 1568

As used in this division, "condominium development" and 1569  
"unit owners association" have the same meanings as in section 1570  
5311.01 of the Revised Code, and "planned community," "owners 1571  
association," "bylaws," and "declaration" have the same meanings 1572  
as in section 5312.01 of the Revised Code. 1573

**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of 1574  
the Revised Code: 1575

~~(A)~~ (A) (1) "Public authority" means any officer, board, or 1576  
commission of the state, ~~or any political subdivision of the~~ 1577  
~~state,~~ authorized to enter into a contract for the construction 1578  
of a public improvement or to construct the same by the direct 1579  
employment of labor, or any institution supported in whole or in 1580  
part by public funds and said sections apply to expenditures of 1581

such institutions made in whole or in part from public funds. 1582

(2) "Public authority" does not mean any of the following: 1583

(a) A political subdivision, unless the political 1584  
subdivision elects under section 4115.04 of the Revised Code to 1585  
be subject to the requirements of sections 4115.03 to 4115.21 of 1586  
the Revised Code; 1587

(b) A special district, unless the special district elects 1588  
under section 4115.04 of the Revised Code to be subject to the 1589  
requirements of sections 4115.03 to 4115.21 of the Revised Code; 1590

(c) A state institution of higher education, unless the 1591  
state institution elects under section 4115.04 of the Revised 1592  
Code to be subject to the requirements of sections 4115.03 to 1593  
4115.21 of the Revised Code. 1594

(B) "Construction" means any of the following: 1595

(1) Except as provided in division (B) (3) of this section, 1596  
any new construction of a public improvement, the total overall 1597  
project cost of which is fairly estimated to be more than ~~the~~ 1598  
~~following amounts~~ five million dollars adjusted biennially by 1599  
the director of commerce pursuant to section 4115.034 of the 1600  
Revised Code and performed by other than full-time employees who 1601  
have completed their probationary periods in the classified 1602  
service of a public authority. 1603

~~(a) One hundred twenty-five thousand dollars, beginning on~~ 1604  
~~September 29, 2011, and continuing for one year thereafter;~~ 1605

~~(b) Two hundred thousand dollars, beginning when the time~~ 1606  
~~period described in division (B) (1) (a) of this section expires~~ 1607  
~~and continuing for one year thereafter;~~ 1608

~~(c) Two hundred fifty thousand dollars, beginning when the~~ 1609

~~time period described in division (B) (1) (b) of this section~~ 1610  
~~expires.~~ 1611

(2) Except as provided in division (B) (4) of this section, 1612  
any reconstruction, enlargement, alteration, repair, remodeling, 1613  
renovation, or painting of a public improvement, the total 1614  
overall project cost of which is fairly estimated to be more 1615  
than ~~the following amounts~~ two hundred fifty thousand dollars 1616  
adjusted biennially by the director pursuant to section 4115.034 1617  
of the Revised Code and performed by other than full-time 1618  
employees who have completed their probationary period in the 1619  
classified civil service of a public authority; 1620

~~(a) Thirty-eight thousand dollars, beginning on September~~ 1621  
~~29, 2011, and continuing for one year thereafter;~~ 1622

~~(b) Sixty thousand dollars, beginning when the time period~~ 1623  
~~described in division (B) (2) (a) of this section expires and~~ 1624  
~~continuing for one year thereafter;~~ 1625

~~(c) Seventy-five thousand dollars, beginning when the time~~ 1626  
~~period described in division (B) (2) (b) of this section expires.~~ 1627

(3) Any new construction of a public improvement that 1628  
involves roads, streets, alleys, sewers, ditches, and other 1629  
works connected to road or bridge construction, the total 1630  
overall project cost of which is fairly estimated to be more 1631  
than seventy-eight thousand two hundred fifty-eight dollars 1632  
adjusted biennially by the director ~~of commerce~~ pursuant to 1633  
section 4115.034 of the Revised Code and performed by other than 1634  
full-time employees who have completed their probationary 1635  
periods in the classified service of a public authority; 1636

(4) Any reconstruction, enlargement, alteration, repair, 1637  
remodeling, renovation, or painting of a public improvement that 1638



involves roads, streets, alleys, sewers, ditches, and other 1639  
works connected to road or bridge construction, the total 1640  
overall project cost of which is fairly estimated to be more 1641  
than twenty-three thousand four hundred forty-seven dollars 1642  
adjusted biennially by the director ~~of commerce~~ pursuant to 1643  
section 4115.034 of the Revised Code and performed by other than 1644  
full-time employees who have completed their probationary 1645  
periods in the classified service of a public authority. 1646

(C) "Public improvement" includes all buildings, roads, 1647  
streets, alleys, sewers, ditches, sewage disposal plants, water 1648  
works, and all other structures or works constructed by a public 1649  
authority ~~of the state or any political subdivision thereof or~~ 1650  
by any person who, pursuant to a contract with a public 1651  
authority, constructs any structure for a public authority ~~of~~ 1652  
~~the state or a political subdivision thereof.~~ When a public 1653  
authority rents or leases a newly constructed structure within 1654  
six months after completion of such construction, all work 1655  
performed on such structure to suit it for occupancy by a public 1656  
authority is a "public improvement." ~~"Public improvement" does~~ 1657  
~~not include an improvement authorized by section 940.06 of the~~ 1658  
~~Revised Code that is constructed pursuant to a contract with a~~ 1659  
~~soil and water conservation district, as defined in section~~ 1660  
~~940.01 of the Revised Code, or performed as a result of a~~ 1661  
~~petition filed pursuant to Chapter 6131., 6133., or 6135. of the~~ 1662  
~~Revised Code, wherein no less than seventy-five per cent of the~~ 1663  
~~project is located on private land and no less than seventy-five~~ 1664  
~~per cent of the cost of the improvement is paid for by private~~ 1665  
~~property owners pursuant to Chapter 940., 6131., 6133., or 6135.~~ 1666  
~~of the Revised Code.~~ 1667

(D) "Locality" means the county wherein the physical work 1668  
upon any public improvement is being performed. 1669

(E) "Prevailing wages" means the sum of the following: 1670

(1) The basic hourly rate of pay; 1671

(2) The rate of contribution irrevocably made by a 1672  
contractor or subcontractor to a trustee or to a third person 1673  
pursuant to a fund, plan, or program; 1674

(3) The rate of costs to the contractor or subcontractor 1675  
which may be reasonably anticipated in providing the following 1676  
fringe benefits to laborers and mechanics pursuant to an 1677  
enforceable commitment to carry out a financially responsible 1678  
plan or program which was communicated in writing to the 1679  
laborers and mechanics affected: 1680

(a) Medical or hospital care or insurance to provide such; 1681

(b) Pensions on retirement or death or insurance to 1682  
provide such; 1683

(c) Compensation for injuries or illnesses resulting from 1684  
occupational activities if it is in addition to that coverage 1685  
required by Chapters 4121. and 4123. of the Revised Code; 1686

(d) Supplemental unemployment benefits that are in 1687  
addition to those required by Chapter 4141. of the Revised Code; 1688

(e) Life insurance; 1689

(f) Disability and sickness insurance; 1690

(g) Accident insurance; 1691

(h) Vacation and holiday pay; 1692

(i) Defraying of costs for apprenticeship or other similar 1693  
training programs which are beneficial only to the laborers and 1694  
mechanics affected; 1695

(j) Other bona fide fringe benefits.	1696
None of the benefits enumerated in division (E) (3) of this	1697
section may be considered in the determination of prevailing	1698
wages if federal, state, or local law requires contractors or	1699
subcontractors to provide any of such benefits.	1700
(F) "Interested party," with respect to a particular	1701
contract for construction of a public improvement, means:	1702
(1) Any person who submits a bid for the purpose of	1703
securing the award of the contract;	1704
(2) Any person acting as a subcontractor of a person	1705
described in division (F) (1) of this section;	1706
(3) Any bona fide organization of labor which has as	1707
members or is authorized to represent employees of a person	1708
described in division (F) (1) or (2) of this section and which	1709
exists, in whole or in part, for the purpose of negotiating with	1710
employers concerning the wages, hours, or terms and conditions	1711
of employment of employees;	1712
(4) Any association having as members any of the persons	1713
described in division (F) (1) or (2) of this section.	1714
(G) Except as used in division (A) of this section,	1715
"officer" means an individual who has an ownership interest or	1716
holds an office of trust, command, or authority in a	1717
corporation, business trust, partnership, or association.	1718
(H) <u>"Political subdivision" has the same meaning as in</u>	1719
<u>section 9.23 of the Revised Code.</u>	1720
(I) <u>"State institution of higher education" has the same</u>	1721
<u>meaning as in section 3345.011 of the Revised Code.</u>	1722

**Sec. 4115.034.** ~~On~~ For projects described in divisions (B) 1723  
(3) and (4) of section 4115.03 of the Revised Code, on January 1724  
1, 1996, and the first day of January of every even-numbered 1725  
year thereafter, and for projects described in divisions (B) (1) 1726  
and (2) of section 4115.03 of the Revised Code, on the first day 1727  
of January of the first even-numbered year occurring after the 1728  
effective date of this amendment, and the first day of January 1729  
of every even-numbered year thereafter, the director of commerce 1730  
shall adjust the threshold levels for which public improvement 1731  
projects are subject to sections 4115.03 to 4115.16 of the 1732  
Revised Code as set forth in ~~divisions (B) (3) and (4)~~ division 1733  
(B) of section 4115.03 of the Revised Code. The director shall 1734  
adjust those amounts according to the average increase or 1735  
decrease for each of the two years immediately preceding the 1736  
adjustment as set forth in the construction cost index published 1737  
by the engineering news-record or, should that index cease to be 1738  
published, a similar recognized industry index chosen by the 1739  
director, provided that no increase or decrease for any year 1740  
shall exceed three per cent of the threshold level in existence 1741  
at the time of the adjustment. 1742

**Sec. 4115.04.** (A) (1) Every public authority authorized to 1743  
contract for or construct with its own forces a public 1744  
improvement, before advertising for bids or undertaking such 1745  
construction with its own forces, shall have the director of 1746  
commerce determine the prevailing rates of wages of mechanics 1747  
and laborers in accordance with section 4115.05 of the Revised 1748  
Code for the class of work called for by the public improvement, 1749  
in the locality where the work is to be performed. Except as 1750  
provided in division (A) (2) of this section, that schedule of 1751  
wages shall be attached to and made part of the specifications 1752  
for the work, and shall be printed on the bidding blanks where 1753

the work is done by contract. A copy of the bidding blank shall 1754  
be filed with the director before the contract is awarded. A 1755  
minimum rate of wages for common laborers, on work coming under 1756  
the jurisdiction of the department of transportation, shall be 1757  
fixed in each county of the state by the department of 1758  
transportation, in accordance with section 4115.05 of the 1759  
Revised Code. 1760

(2) In the case of contracts that are administered by the 1761  
department of natural resources, the director of natural 1762  
resources or the director's designee shall include language in 1763  
the contracts requiring wage rate determinations and updates to 1764  
be obtained directly from the department of commerce through 1765  
electronic or other means as appropriate. Contracts that include 1766  
this requirement are exempt from the requirements established in 1767  
division (A)(1) of this section that involve attaching the 1768  
schedule of wages to the specifications for the work, making the 1769  
schedule part of those specifications, and printing the schedule 1770  
on the bidding blanks where the work is done by contract. 1771

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1772  
apply to: 1773

(1) Public improvements in any case where the federal 1774  
government or any of its agencies furnishes by loan or grant all 1775  
or any part of the funds used in constructing such improvements, 1776  
provided that the federal government or any of its agencies 1777  
prescribes predetermined minimum wages to be paid to mechanics 1778  
and laborers employed in the construction of such improvements; 1779

(2) A participant in a work activity, developmental 1780  
activity, or an alternative work activity under sections 5107.40 1781  
to 5107.69 of the Revised Code when a public authority directly 1782  
uses the labor of the participant to construct a public 1783

improvement if the participant is not engaged in paid employment 1784  
or subsidized employment pursuant to the activity; 1785

(3) ~~Public~~ Except as provided in division (C) of this 1786  
section, public improvements undertaken by, or under contract 1787  
~~for, the board of education of any school district or the~~ 1788  
~~governing board of any educational service center;~~ 1789

~~(4) Public improvements undertaken by, or under contract~~ 1790  
~~for, a county hospital operated pursuant to Chapter 339. of the~~ 1791  
~~Revised Code or a municipal hospital operated pursuant to~~ 1792  
~~Chapter 749. of the Revised Code if none of the funds used in~~ 1793  
~~constructing the improvements are the proceeds of bonds or other~~ 1794  
~~obligations that are secured by the full faith and credit of the~~ 1795  
~~state, a county, a township, or a municipal corporation and none~~ 1796  
~~of the funds used in constructing the improvements, including~~ 1797  
~~funds used to repay any amounts borrowed to construct the~~ 1798  
~~improvements, are funds that have been appropriated for that~~ 1799  
~~purpose by the state, a board of county commissioners, a~~ 1800  
~~township, or a municipal corporation from funds generated by the~~ 1801  
~~levy of a tax, provided that a county hospital or municipal~~ 1802  
~~hospital may elect to apply sections 4115.03 to 4115.16 of the~~ 1803  
~~Revised Code to a public improvement undertaken by, or under~~ 1804  
~~contract for, the hospital~~ a political subdivision, special 1805  
district, or state institution of higher education; 1806

~~(5)~~ (4) Any project described in divisions (D) (1) (a) to 1807  
(D) (1) (e) of section 176.05 of the Revised Code; 1808

~~(6) Public improvements undertaken by, or under contract~~ 1809  
~~for, a port authority as defined in section 4582.01 or 4582.21~~ 1810  
~~of the Revised Code;~~ 1811

~~(7)~~ (5) Any portion of a public improvement undertaken and 1812

completed solely with labor donated by the individuals 1813  
performing the labor, by a labor organization and its members, 1814  
or by a contractor or subcontractor that donates all labor and 1815  
materials for that portion of the public improvement project. 1816

(C) Subject to division (D) of this section, nothing in 1817  
sections 4115.03 to 4115.21 of the Revised Code or any other 1818  
provision of the Revised Code prohibits a political subdivision, 1819  
special district, or state institution of higher education from 1820  
electing to apply sections 4115.03 to 4115.21 of the Revised 1821  
Code to any public improvement undertaken by, or under contract 1822  
for, the political subdivision, special district, or state 1823  
institution of higher education. 1824

(D) Under no circumstances shall a public authority, 1825  
political subdivision, special district, or state institution of 1826  
higher education apply the prevailing wage requirements of this 1827  
chapter to ~~a~~ any of the following: 1828

(1) A public improvement that is ~~exempt under division (B)~~ 1829  
~~(3) of this section~~ undertaken by, or under contract for, a 1830  
board of education of any school district or the governing board 1831  
of any educational service center; 1832

(2) An improvement authorized by section 940.06 of the 1833  
Revised Code that is constructed pursuant to a contract with a 1834  
soil and water conservation district, as defined in section 1835  
940.01 of the Revised Code, or performed as a result of a 1836  
petition filed pursuant to Chapter 6131., 6133., or 6135. of the 1837  
Revised Code, wherein not less than seventy-five per cent of the 1838  
project is located on private land and not less than seventy- 1839  
five per cent of the cost of the improvement is paid for by 1840  
private property owners pursuant to Chapter 940., 6131., 6133., 1841  
or 6135. of the Revised Code; 1842

(3) The construction of an erosion control structure under 1843  
section 1506.44 of the Revised Code. 1844

**Sec. 4115.06.** In all cases where any public authority 1845  
fixes a prevailing rate of wages under section 4115.04 of the 1846  
Revised Code, and the work is done by contract, the contract 1847  
executed between the public authority and the successful bidder 1848  
shall contain a provision requiring the successful bidder and 1849  
all ~~his~~ subcontractors to pay a rate of wages which shall not be 1850  
less than the rate of wages so fixed. The successful bidder and 1851  
all ~~his~~ subcontractors shall comply strictly with the wage 1852  
provisions of the contract. 1853

Where a public authority constructs a public improvement 1854  
with its own forces, such public authority shall pay a rate of 1855  
wages which shall not be less than the rate of wages fixed as 1856  
provided in section 4115.04 of the Revised Code, except in those 1857  
instances provided for in ~~sections 723.52,~~ section 5517.02, 1858  
~~5575.01, and 5543.19~~ of the Revised Code. 1859

**Sec. 5540.03.** (A) A transportation improvement district 1860  
may: 1861

(1) Adopt bylaws for the regulation of its affairs and the 1862  
conduct of its business; 1863

(2) Adopt an official seal; 1864

(3) Sue and be sued in its own name, plead and be 1865  
impleaded, provided any actions against the district shall be 1866  
brought in the court of common pleas of the county in which the 1867  
principal office of the district is located, or in the court of 1868  
common pleas of the county in which the cause of action arose, 1869  
and all summonses, exceptions, and notices of every kind shall 1870  
be served on the district by leaving a copy thereof at its 1871



principal office with the secretary-treasurer; 1872

(4) Purchase, fund, finance, construct, maintain, repair, 1873  
sell, exchange, police, operate, or lease projects; 1874

(5) Issue either or both of the following for the purpose 1875  
of providing funds to pay the costs of any project or part 1876  
thereof: 1877

(a) Transportation improvement district revenue bonds; 1878

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 1879  
Constitution. 1880

(6) Maintain such funds as it considers necessary; 1881

(7) Direct its agents or employees, when properly 1882  
identified in writing and after at least five days' written 1883  
notice, to enter upon lands within its jurisdiction to make 1884  
surveys and examinations preliminary to the location and 1885  
construction of projects for the district, without liability of 1886  
the district or its agents or employees except for actual damage 1887  
done; 1888

(8) Make and enter into all contracts and agreements 1889  
necessary or incidental to the performance of its functions and 1890  
the execution of its powers under this chapter; 1891

(9) Employ or retain or contract for the services of 1892  
consulting engineers, superintendents, managers, and such other 1893  
engineers, construction and accounting experts, auditors, 1894  
financial advisers, trustees, marketing, remarketing, and 1895  
administrative agents, attorneys, and other employees, 1896  
independent contractors, or agents as are necessary in its 1897  
judgment and fix their compensation, provided all such expenses 1898  
shall be payable solely from the proceeds of bonds or from 1899

revenues; 1900

(10) Receive and accept from the federal or any state or 1901  
local government, including, but not limited to, any agency, 1902  
entity, or instrumentality of any of the foregoing, loans and 1903  
grants for or in aid of the construction, maintenance, or repair 1904  
of any project, and receive and accept aid or contributions from 1905  
any source or person of money, property, labor, or other things 1906  
of value, to be held, used, and applied only for the purposes 1907  
for which such loans, grants, and contributions are made. 1908  
Nothing in division (A) (10) of this section shall be construed 1909  
as imposing any liability on this state for any loan received by 1910  
a transportation improvement district from a third party unless 1911  
this state has entered into an agreement to accept such 1912  
liability. 1913

(11) Acquire, hold, and dispose of property in the 1914  
exercise of its powers and the performance of its duties under 1915  
this chapter; 1916

(12) Establish and collect tolls or user charges for its 1917  
projects; 1918

(13) Subject to section 5540.18 of the Revised Code, enter 1919  
into an agreement with a contiguous board of county 1920  
commissioners other than the board of county commissioners that 1921  
created the transportation improvement district, for the 1922  
district to exercise all or any portion of its powers with 1923  
respect to a project that is located wholly or partially within 1924  
the county that is party to the agreement; 1925

(14) Cooperate with any governmental agencies in the 1926  
planning, design, acquisition, construction, maintenance, 1927  
funding, and financing of projects, including qualifying 1928

projects. In doing so, the district may enter into agreements 1929  
with other governmental agencies to plan, design, acquire, 1930  
construct, maintain, fund, and finance the projects or 1931  
qualifying projects and to use pledged or assigned sales and use 1932  
tax revenue to pay the debt service on qualifying bonds. 1933

(15) Enter into an agreement with the board of county 1934  
commissioners that created the transportation improvement 1935  
district and with the boards of county commissioners of any 1936  
contiguous group of counties to exercise all powers of the 1937  
district with respect to a project that is both of the 1938  
following: 1939

(a) Located partially or wholly within any county that is 1940  
a party to the agreement; 1941

(b) Partially funded with federal money. 1942

(16) Do all acts necessary and proper to carry out the 1943  
powers expressly granted in this chapter. 1944

~~(B)(1)~~ (B) Chapters 123., 124., 125., and 153., and 1945  
sections 9.331 to 9.335 and 307.86 of the Revised Code do not 1946  
apply to contracts or projects of a transportation improvement 1947  
district. 1948

~~(2) A transportation improvement district is subject to~~ 1949  
~~sections 4115.03 to 4115.21 and 4115.99 of the Revised Code,~~ 1950  
~~unless the amount of state or local government funds, including,~~ 1951  
~~but not limited to, those provided by any agency, entity, or~~ 1952  
~~instrumentality of the state or a local government as described~~ 1953  
~~in division (A)(10) of this section received for the contract or~~ 1954  
~~project, is, in the aggregate, less than the amounts described~~ 1955  
~~in or calculated under section 4115.03 of the Revised Code.~~ 1956

(C) A transportation improvement district may contract 1957

with the prosecuting attorney of a county, as provided in 1958  
section 309.09 of the Revised Code, to obtain legal services 1959  
from the prosecuting attorney. 1960

**Sec. 6117.012.** (A) A board of county commissioners may 1961  
adopt rules requiring owners of property within the district 1962  
whose property is served by a connection to sewers maintained 1963  
and operated by the board or to sewers that are connected to 1964  
interceptor sewers maintained and operated by the board to do 1965  
any of the following: 1966

(1) Disconnect storm water inflows to sanitary sewers 1967  
maintained and operated by the board and not operated as a 1968  
combined sewer, or to connections with those sewers; 1969

(2) Disconnect non-storm water inflows to storm water 1970  
sewers maintained and operated by the board and not operated as 1971  
a combined sewer, or to connections with those storm water 1972  
sewers; 1973

(3) Reconnect or relocate any such disconnected inflows in 1974  
compliance with board rules and applicable building codes, 1975  
health codes, or other relevant codes; 1976

(4) Prevent sewer back-ups into properties that have 1977  
experienced one or more back-ups of sanitary or combined sewers 1978  
maintained and operated by the board; 1979

(5) Prevent storm water from entering a combined sewer and 1980  
causing an overflow or an inflow to a sanitary sewer, which 1981  
prevention may include projects or programs that separate the 1982  
storm water from a combined sewer or that utilize a prevention 1983  
or replacement facility to prevent or minimize storm water from 1984  
entering a combined sewer or a sanitary sewer. 1985

(B) Any inflow required to be disconnected or any sewer 1986

back-up required to be prevented under a rule adopted pursuant 1987  
to divisions (A)(1) to (4) of this section constitutes a 1988  
nuisance subject to injunctive relief and abatement pursuant to 1989  
Chapter 3767. of the Revised Code or as otherwise permitted by 1990  
law. 1991

(C) A board of county commissioners may use sewer district 1992  
funds; county general fund moneys; the proceeds of bonds issued 1993  
under Chapter 133. or 165. of the Revised Code; and, to the 1994  
extent permitted by their terms, loans, grants, or other moneys 1995  
from appropriate state or federal funds, for either of the 1996  
following: 1997

(1) The cost of disconnections, reconnections, 1998  
relocations, combined sewer overflow prevention, or sewer back- 1999  
up prevention required by rules adopted pursuant to division (A) 2000  
of this section, performed by the county or under contract with 2001  
the county; 2002

(2) Payments to the property owner or a contractor hired 2003  
by the property owner pursuant to a competitive process 2004  
established by district rules, for the cost of disconnections, 2005  
reconnections, relocations, combined sewer overflow prevention, 2006  
or sewer back-up prevention required by rules adopted pursuant 2007  
to division (A) of this section after the board, pursuant to its 2008  
rules, has approved the work to be performed and after the 2009  
county has received from the property owner a statement 2010  
releasing the county from all liability in connection with the 2011  
disconnections, reconnections, relocations, combined sewer 2012  
overflow prevention, or sewer back-up prevention. 2013

(D) Except as provided in division (E) of this section, 2014  
the board of county commissioners shall require in its rules 2015  
regarding disconnections, reconnections, relocations of sewers, 2016

combined sewer overflow prevention, or sewer back-up prevention 2017  
the reimbursement of moneys expended pursuant to division (C) of 2018  
this section by either of the following methods: 2019

(1) A charge to the property owner in the amount of the 2020  
payment made pursuant to division (C) of this section for 2021  
immediate payment or payment in installments with interest as 2022  
determined by the board not to exceed ten per cent, which 2023  
payments may be billed as a separate item with the rents charged 2024  
to that owner for use of the sewers. The board may approve 2025  
installment payments for a period of not more than fifteen 2026  
years. If charges are to be paid in installments, the board 2027  
shall certify to the county auditor information sufficient to 2028  
identify each subject parcel of property, the total of the 2029  
charges to be paid in installments, and the total number of 2030  
installments to be paid. The auditor shall record the 2031  
information in the sewer improvement record until these charges 2032  
are paid in full. Charges not paid when due shall be certified 2033  
to the county auditor, who shall place the charges upon the real 2034  
property tax list and duplicate against that property. Those 2035  
charges shall be a lien on the property from the date they are 2036  
placed on the tax list and duplicate and shall be collected in 2037  
the same manner as other taxes. 2038

(2) A special assessment levied against the property, 2039  
payable in the number of years the board determines, not to 2040  
exceed fifteen years, with interest as determined by the board 2041  
not to exceed ten per cent. The board shall certify the 2042  
assessments to the county auditor, stating the amount and time 2043  
of payment. The auditor shall record the information in the 2044  
county sewer improvement record, showing separately the 2045  
assessments to be collected, and shall place the assessments 2046  
upon the real property tax list and duplicate for collection. 2047

The assessments shall be a lien on the property from the date 2048  
they are placed on the tax list and duplicate and shall be 2049  
collected in the same manner as other taxes. 2050

(E) The county may adopt a resolution specifying a maximum 2051  
amount of the cost of any disconnection, reconnection, 2052  
relocation, combined sewer overflow prevention, or sewer back-up 2053  
prevention required pursuant to division (A) of this section 2054  
that may be paid by the county for each affected parcel of 2055  
property without requiring reimbursement. That amount may be 2056  
allowed only if there is a building code, health code, or other 2057  
relevant code, or a federally imposed or state-imposed consent 2058  
decree that is filed or otherwise recorded in a court of 2059  
competent jurisdiction, applicable to the affected parcel that 2060  
prohibits in the future any inflows, combined sewer overflows, 2061  
or sewer back-ups not allowed under rules adopted pursuant to 2062  
division (A)(1), (4), or (5) of this section. The board, by 2063  
rule, shall establish criteria for determining how much of the 2064  
maximum amount for each qualifying parcel need not be 2065  
reimbursed. 2066

~~(F) Disconnections, reconnections, relocations, combined-~~ 2067  
~~sewer overflow prevention, or sewer back-up prevention required~~ 2068  
~~under this section and performed by a contractor under contract~~ 2069  
~~with the property owner shall not be considered a public~~ 2070  
~~improvement, and those performed by the county shall be~~ 2071  
~~considered a public improvement as defined in section 4115.03 of~~ 2072  
~~the Revised Code.~~ 2073

Disconnections, reconnections, relocations, combined sewer 2074  
overflow prevention, or sewer back-up prevention required under 2075  
this section performed by a contractor under contract with the 2076  
property owner shall not be subject to competitive bidding or 2077

public bond laws. 2078

(G) Property owners shall be responsible for maintaining 2079  
any improvements made or facilities constructed on private 2080  
property to reconnect or relocate disconnected inflows, for 2081  
combined sewer overflow prevention, or for sewer back-up 2082  
prevention pursuant to this section unless a public easement or 2083  
other agreement exists for the county to maintain that 2084  
improvement or facility. 2085

(H) A board of county commissioners may provide rate 2086  
reductions of and credits against charges for the use of sewers 2087  
to a property owner that implements a project or program that 2088  
prevents storm water from entering a combined sewer and causing 2089  
an overflow. Such a project or program may include the use of a 2090  
prevention or replacement facility to handle storm water that 2091  
has been separated from a combined sewer. The revised rates or 2092  
charges shall be collected and paid to the county treasurer in 2093  
accordance with section 6117.02 of the Revised Code. 2094

**Sec. 6121.061.** The Ohio water development authority shall 2095  
not issue any bonds or otherwise participate in any project 2096  
authorized by this chapter or Chapter 6123. of the Revised Code 2097  
unless the contract, resolution, or other written document 2098  
setting forth the board's participation specifies that all wages 2099  
paid to laborers and mechanics employed on the projects shall be 2100  
paid at the prevailing rates of wages of laborers and mechanics 2101  
for the class of work called for by the project, which wages 2102  
shall be determined in accordance with the requirements of 2103  
Chapter 4115. of the Revised Code for determination of 2104  
prevailing wage rates, provided that the requirements of this 2105  
section do not apply to loans made to boards of county 2106  
~~commissioners under division (V) of section 6121.04 of the~~ 2107



~~Revised Code~~ or where the federal government or any of its 2108  
agencies furnishes by loan or grant all or any part of the funds 2109  
used in connection with the project and prescribes predetermined 2110  
minimum wages to be paid to the laborers and mechanics, and 2111  
provided that if a non-public user beneficiary of the project 2112  
undertakes, as part of the project, construction to be performed 2113  
by its regular bargaining unit employees who are covered under a 2114  
collective bargaining agreement that was in existence prior to 2115  
the date of the commitment instrument setting forth the board's 2116  
participation, the rate of pay provided under the collective 2117  
bargaining agreement may be paid to those employees. 2118

**Section 2.** That existing sections 164.07, 307.022, 2119  
307.671, 307.673, 307.674, 307.696, 308.21, 351.06, 353.03, 2120  
1506.44, 1710.02, 4115.03, 4115.034, 4115.04, 4115.06, 5540.03, 2121  
6117.012, and 6121.061 of the Revised Code are hereby repealed. 2122

**Section 3.** The amendments made by this act to sections 2123  
164.07, 307.022, 307.671, 307.673, 307.674, 307.696, 308.21, 2124  
351.06, 353.03, 1506.44, 1710.02, 4115.03, 4115.04, 4115.06, 2125  
5540.03, 6117.012, and 6121.061 of the Revised Code apply to 2126  
contracts entered into, renewed, or extended on or after the 2127  
effective date of this section. 2128