As Passed by the House

134th General Assembly
Regular Session  Sub. H. B. No. 101
2021-2022

Representatives Stephens, Edwards


A BILL

To amend sections 307.01, 307.021, 2301.51, and
5120.10 and to enact sections 342.01, 342.02, 342.03, 342.04, 342.05, 342.06, 342.07, 342.08,
342.09, 342.10, 342.11, 342.12, 342.13, 342.14,
342.15, 342.16, and 5705.234 of the Revised Code

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

Section 1. That sections 307.01, 307.021, 2301.51, and
5120.10 be amended and sections 342.01, 342.02, 342.03, 342.04,
342.05, 342.06, 342.07, 342.08, 342.09, 342.10, 342.11, 342.12,
342.13, 342.14, 342.15, 342.16, and 5705.234 of the Revised Code
be enacted to read as follows:

Sec. 307.01. (A) A courthouse, jail, public comfort
station, offices for county officers, and a county home shall be
provided by the board of county commissioners when, in its
judgment, any of them are needed. Subject to Chapter 342. of the
Revised Code, a jail shall be provided by the board of county
commissioners when, in its judgment, it is needed. The buildings
and offices shall be of such style, dimensions, and expense as
the board determines. All new jails and renovations to existing
jails shall be designed, and all existing jails shall be
operated in such a manner as to comply substantially with the
minimum standards for jails in Ohio adopted by the department of
rehabilitation and correction. The board shall also provide
equipment, stationery, and postage, as it considers reasonably
necessary for the proper and convenient conduct of county
offices, and such facilities as will result in expeditious and
economical administration of such offices, except that, for the
purpose of obtaining federal or state reimbursement, the board
may impose on the public children services agency reasonable
charges, not exceeding the amount for which reimbursement will
be made and consistent with cost-allocation standards adopted by
the department of job and family services, for the provision of
office space, supplies, stationery, utilities, telephone use,
postage, and general support services.

The board of county commissioners shall provide all rooms,
fireproof and burglarproof vaults, safes, and other means of
security in the office of the county treasurer that are
necessary for the protection of public moneys and property in
the office.

(B) The court of common pleas shall annually submit a
written request for an appropriation to the board of county
commissioners that shall set forth estimated administrative
expenses of the court that the court considers reasonably
necessary for its operation. The board shall conduct a public hearing with respect to the written request submitted by the court and shall appropriate the amount of money each year that it determines, after conducting the public hearing and considering the written request of the court, is reasonably necessary to meet all administrative expenses of the court.

If the court considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, it shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the court of common pleas over all cases pending on its docket. The burden shall be on the court of common pleas to prove that the appropriation requested is reasonably necessary to meet all its administrative expenses.

If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, any judge of the court exercises the contempt power of the court of common pleas in order to obtain the amount of money in dispute, the judge shall not order the imprisonment of any member of the board of county commissioners notwithstanding sections 2705.02 to 2705.06 of the Revised Code.

(C) Division (B) of this section does not apply to appropriations for the probate court or the juvenile court that are subject to section 2101.11 or 2151.10 of the Revised Code.

(D) The board of county commissioners may provide offices for or lease offices to a county land reutilization corporation organized under Chapter 1724. of the Revised Code and, in
connection with such a lease, charge rentals that are at or below the market rentals for such offices, if the board determines that providing offices for or leasing offices to the corporation will promote economic development or the general welfare of the people of the county through a plan of providing affordable housing, land reutilization, and community development.

Sec. 307.021. (A) It is hereby declared to be a public purpose and function of the state, and a matter of urgent necessity, that the state acquire, construct, or renovate capital facilities for use as county, multicounty, municipal-county, and multicounty-municipal jail facilities or workhouses, as single-county or district community-based correctional facilities authorized under section 2301.51 of the Revised Code, as minimum security misdemeanant jails under sections 341.34 and 753.21 of the Revised Code, and as single-county or joint-county juvenile facilities authorized under section 2151.65 of the Revised Code in order to comply with constitutional standards and laws for the incarceration of alleged and convicted offenders against state and local laws, and for use as county family court centers. For these purposes, counties and municipal corporations are designated as state agencies to perform duties of the state in relation to such facilities, workhouses, jails, and centers, and such facilities, workhouses, jails, and centers are designated as state capital facilities. The treasurer of state is authorized to issue revenue obligations under Chapter 154. of the Revised Code to pay all or part of the cost of such state capital facilities as are designated by law.

The office of the sheriff, due to its responsibilities concerning alleged and convicted offenders against state laws, is designated as the state agency having jurisdiction over such
jail, workhouse, community-based correctional, or county minimum security misdemeanant jail capital facilities in any one county or over any district community-based correctional facilities. The corrections commission, due to its responsibilities in relation to such offenders, is designated as the state agency having jurisdiction over any such multicounty, municipal-county, or multicounty-municipal jail, workhouse, or correctional capital facilities. The office of the chief of police or marshal of a municipal corporation, due to its responsibilities concerning certain alleged and convicted criminal offenders, is designated as the state agency having jurisdiction over any such municipal corporation minimum security misdemeanant jail capital facilities in the municipal corporation. The juvenile court, as defined in section 2151.011 of the Revised Code, is designated as the branch of state government having jurisdiction over any such family court center or single-county or joint-county juvenile capital facilities. It is hereby determined and declared that such capital facilities are for the purpose of housing such state agencies, their functions, equipment, and personnel.

(B) The capital facilities provided for in this section may be included in capital facilities in which one or more governmental entities are participating or in which other facilities of the county or counties, or any municipal corporations, are included pursuant to division (B) of section 154.24 of the Revised Code or in an agreement between any county or counties and any municipal corporation or municipal corporations for participating in the joint construction, acquisition, or improvement of public works, public buildings, or improvements benefiting the parties in the same manner as set forth in section 153.61 of the Revised Code.
(C) A county or counties or a municipal corporation or municipal corporations may contribute to the cost of capital facilities authorized under this section.

(D) A county or counties, and any municipal corporations, shall lease capital facilities described in this section that are constructed, reconstructed, or otherwise improved, which facilities are financed by the treasurer of state pursuant to Chapter 154. of the Revised Code, for the use of the county or counties and any municipal corporations, and may enter into other agreements ancillary to the construction, reconstruction, improvement, financing, leasing, or operation of such capital facilities, including, but not limited to, any agreements required by the applicable bond proceedings authorized by Chapter 154. of the Revised Code.

Such lease may obligate the county or counties and any municipal corporation, as using state agencies under Chapter 154. of the Revised Code, to occupy and operate such capital facilities for such period of time as may be specified by law and to pay such rent as the treasurer of state determines to be appropriate. Notwithstanding any other section of the Revised Code, any county or counties or municipal corporation may enter into such a lease, and any such lease is legally sufficient to obligate the political subdivision for the term stated in the lease. Any such lease constitutes an agreement described in division (D) of section 154.06 of the Revised Code.

(E) If rental payments required from the county or counties or municipal corporation by a lease established pursuant to this section are not paid in accordance with such lease, the funds which otherwise would be apportioned to the lessees from the county undivided local government fund,
pursuant to sections 5747.51 to 5747.53 of the Revised Code, shall be reduced by the amount of rent owed. The county treasurer immediately shall pay the amount of such reductions to the treasurer of state.

(F) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by Chapter 154. of the Revised Code. Such rentals constitute available receipts as defined in section 154.24 of the Revised Code and may be pledged for the payment of bond service charges as provided in that section.

(G) Any provision of section 123.01 of the Revised Code that applies to buildings and facilities also applies to the buildings and facilities described in this section, unless it is inconsistent with this section.

(H) This section applies to the acquisition, construction, and renovation of jail facilities constructed pursuant to Chapter 342. of the Revised Code.

Sec. 342.01. As used in this chapter:

"Basic project cost" means an amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the jail facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing jail facilities that are abandoned under the project, the cost of insuring the project until it is completed,
any contingency reserve amount prescribed by the commission under division (P) of section 342.06 of the Revised Code, and the professional planning, administration, and design fees that a county may have to pay to undertake a jail facilities project.

"Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, site electrical service, site generator system, and site telephone and data system.

"Jail facility" means a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, a minimum security jail under sections 341.34 and 753.21 of the Revised Code, or a single-county or joint-county juvenile facility authorized under section 2151.65 of the Revised Code, or another residential facility used for the confinement of alleged or convicted offenders that is operated by a county or a combination of a county or counties and other political subdivisions of this state.

"Multicounty jail facility" means a jail facility intended to serve two or more counties, and that may be located wholly in one county or partly in one or more counties that have made an agreement under section 342.12 of the Revised Code.

"Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes that a board of county commissioners is obligated to pay, and the amount held in a sinking fund and other indebtedness retirement funds for their redemption.

"Project" means a project to construct or acquire jail facilities, or to reconstruct or make additions to existing jail
facilities.

"Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, and lawn and planting on the project site.

Sec. 342.02. (A) The department of taxation shall rank each county based on its financial need with a percentile ranking using the following funding formula:

(1) The department shall determine the total value of all property in the county listed and assessed for taxation on the tax list as reported by the department in the current fiscal year, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list;

(2) The department also shall rank each county based on the estimate of the gross amount of taxable retail sales sourced to the county as reported by the department for the preceding fiscal year, computed by dividing the total amount of tax revenue received by the county during that period from taxes levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 of the Revised Code by the aggregate tax rate currently levied by the county under sections 5739.021 and 5739.026 of the Revised Code, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list, except that any county that does not currently levy taxes under section 5739.021 or 5739.026 of the Revised Code shall be ranked at number eighty-eight on the list;

(3) The department shall then, for each county, add the numbered rank calculated under division (A)(1) of this section
to the numbered rank calculated under division (A)(2) of this
section, and shall order the counties according the sum of the
two ranks, the county with the lowest sum being number one on
the list. The percentile ranking shall be determined by taking
the county's ranking on this final list, dividing it by eighty-
eight, and multiplying it by one hundred.

(4) If the sum calculated under division (A)(3) of this
section is the same for two or more counties, the county with
the lowest population shall receive the lowest final ranking.
The final ranking for the counties should be numbers one through
eighty-eight.

Every other year, on even-numbered years, the department
shall conduct the financial ranking described in this division
and report the ranking to the department of rehabilitation and
correction and the Ohio facilities construction commission.

(B)(1) Upon receiving the financial ranking under division
(A) of this section, the commission shall select a number of
counties among the lowest ranking counties, the number of
counties selected depending upon the commission's projections of
the moneys available and moneys necessary to undertake projects
under this chapter for that year, and invite the selected
counties to apply for assistance under this chapter. Two or more
counties may jointly apply for assistance under this chapter as
long as at least one of the counties was invited to apply. The
application shall be made on a form and in a manner prescribed
by the commission. Upon the application of a county so invited,
the commission may shortlist applicants before proceeding, and
shall proceed with a needs assessment under division (B)(2) of
this section.

(2) Upon the application and shortlisting of invited
counties to receive assistance under this chapter, the commission shall conduct a needs assessment, or cause a needs assessment to be conducted, to determine the jail facility needs of the applicant county. The needs assessment, subject to division (B)(3) of this section, shall include an on-site assessment of applicable jail facilities identified as having jail facility needs. The on-site assessment shall assess the county's need to construct or acquire new jail facilities and may include an assessment of the county's need for facility additions or for the reconstruction of existing facilities in lieu of constructing or acquiring replacement facilities.

(3) Before conducting an on-site assessment of a county, at the request of the board of county commissioners, the commission shall examine any jail facilities needs assessment that the county has conducted and any master plan developed for meeting the facility needs of the county. If the commission determines that the county's needs assessment or master plan is sufficient for its purposes, and that any additional needs assessment is not necessary, the commission may waive the on-site assessment under division (B)(2) of this section.

(4) Upon conducting the on-site assessment, the commission shall make a determination of all of the following:

(a) The need of the county for additional jail facilities, or for renovations or improvements to existing jail facilities, based on whether and to what extent existing facilities comply with the standards adopted under division (C) of this section;

(b) The number of jail facilities to be included in a project;

(c) The estimated annual, monthly, or daily cost of
operating the facility once it is operational, as reported and
certified by the county auditor;

(d) The estimated basic project cost of constructing,
acquiring, reconstructing, or making additions to each facility;

(e) The amount of the basic project cost that the county
can supply through the means described in division (A)(2) of
section 342.04 of the Revised Code;

(f) The amount of the cost to be supplied by the state
under section 342.04 of the Revised Code;

(g) The amount of the state's portion to be encumbered in
accordance with section 342.04 of the Revised Code in the
current and subsequent fiscal years from funds appropriated for
purposes of this chapter.

(5) If the project involves a multicounty jail facility,
the commission may determine a multicounty jail facility ranking
cost for each county involved.

(C) The commission, in conjunction with the department of
rehabilitation and correction, shall develop a set of standards
by which the commission may evaluate the condition of existing
jail facilities to determine need under this chapter. These
standards shall include the standards developed under section
5120.10 of the Revised Code, and other standards that the
commission and the department consider appropriate. In
developing or changing these standards, the commission and the
department shall solicit input from sheriffs and boards of
county commissioners or from organizations representing sheriffs
or boards of county commissioners in this state.

(D) The commission shall then choose from among the
applicant counties which counties will receive state funding
under this chapter. The commission shall choose based on the
results of the financial ranking conducted under division (A) of
this section, the results of the needs assessment conducted
under division (B) of this section, and the requirements
described in sections 342.03 and 342.04 of the Revised Code. If
a chosen project is subsequently denied approval by the
controlling board under section 342.05 of the Revised Code, or
canceled for some other reason, the commission may choose
another applicant county under this division that applied for
assistance but was not selected under this division. If no
counties meet that description, the commission may invite
additional counties to apply for assistance under this section.

Sec. 342.03. The Ohio facilities construction commission,
following the completion of a needs assessment conducted under
section 342.02 of the Revised Code, shall make a determination
in favor of constructing, acquiring, reconstructing, or making
additions to a jail facility only upon evidence that the
proposed project conforms to the construction and renovation
standards described in divisions (D) and (E) of section 5120.10
of the Revised Code, and that it keeps with the needs of the
county as determined by the needs assessment conducted under
section 342.02 of the Revised Code. Exceptions shall be
authorized only in those areas where topography, sparsity of
population, and other factors make larger jail facilities
impracticable.

If the board of county commissioners or the commission
determines that an existing jail facility should be renovated
instead of acquiring a comparable jail facility by new
construction, the commission may approve the expenditure of
project funds for the renovation of that jail facility up to but
not exceeding one hundred per cent of the estimated cost of
acquiring a comparable jail facility by new construction, if the commission determines that the renovated jail facility will be operationally efficient, will be adequate for the future needs of the county, and will comply with the standards described in section 342.02 of the Revised Code.

**Sec. 342.04.** (A)(1) A project proposed under sections 342.02 and 342.03 of the Revised Code may be approved only upon submission of evidence to the Ohio facilities construction commission by the board of county commissioners or, in the case of a multicounty jail facility, by a multicounty jail facility commission, that the county or counties involved in the project will generate adequate revenue to fund the county portion of the basic project cost and the operations and maintenance of the proposed jail facility or facilities.

(2) A county may generate the revenue described in division (A)(1) of this section by any of the following means, provided the revenue may be lawfully used for that purpose:

(a) Unencumbered funds of the county;

(b) Issuance of bonds previously authorized by the electors of the county;

(c) Local donated contributions as authorized under section 342.07 of the Revised Code;

(d) A bond issue or tax levy under section 5705.234 of the Revised Code;

(e) The proceeds of any other tax levy that may be lawfully used for that purpose, including a tax levied under division (LL) of section 5705.19 of the Revised Code or section 5705.233 of the Revised Code.
(3) The commission shall not accept a proposal by a county or a multicounty jail facility commission to rent any portion of the jail facility or facilities to other political subdivisions as evidence that the county or multicounty jail facility commission will generate adequate revenue as described in division (A)(1) of this section.

(4) Evidence submitted under division (A)(1) of this section shall not be considered sufficient until it has been certified as true and accurate by the county auditor of each participating county.

(B) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by each county shall be one per cent of the basic project costs times the percentile in which the county ranks according to the department of taxation's ranking under section 342.02 of the Revised Code, for the fiscal year preceding the fiscal year in which the controlling board approved the county's or counties' project under section 342.05 of the Revised Code.

The amount of the county's or counties' share determined under this section shall be calculated only as of the date the controlling board approved the project.

(C) At no time shall a county's, or all of the counties', portion of the basic project cost be greater than seventy-five per cent of the total basic project cost.

(D) If the controlling board approves a project for a county that previously received assistance under this chapter within twenty years of the date the previous project was approved by the controlling board, that county's portion of the basic project cost for the new project shall be the lesser of
the following:

(1) The portion calculated under division (B) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project or, if the project is a multicounty jail facility, the county's required percentage of the basic project costs pursuant to an agreement under section 342.12 of the Revised Code;

(b) The percentage of the basic project cost paid by the county for the previous project.

Sec. 342.05. (A) If the Ohio facilities construction commission makes a determination under sections 342.01 to 342.04 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a jail facility, the project shall be conditionally approved. The conditional approval shall be submitted to the controlling board for approval. The controlling board shall approve or reject the commission's determination, the amount of the state's portion of the basic project cost, and the amount of the state's portion to be encumbered in the current fiscal year. If approved by the controlling board, the commission shall certify the conditional approval to the board of county commissioners, or to the multicounty jail facilities commission in the case of a multicounty jail facilities project undertaken pursuant to section 342.12 of the Revised Code, and shall encumber from the total funds appropriated for the purpose of this chapter the amount approved under this section to be encumbered in the current fiscal year.
The basic project cost for a project approved under this section shall not exceed the cost that otherwise would have to be incurred if the jail facilities to be constructed, acquired, or reconstructed, or the additions to be made to jail facilities, under the project meet, but do not exceed, the specifications for plans and materials for jail facilities adopted by the commission.

(B) No project proposed by a county that previously received assistance under this chapter and that levied a tax under section 5705.234 of the Revised Code for the purpose of qualifying for that previous assistance shall be approved by the controlling board in the twenty years following the controlling board's approval of the previous project unless the board of county commissioners demonstrates to the satisfaction of the commission that the county has experienced, since approval of its prior project, an exceptional increase in need beyond the county's design capacity under that prior project as determined by the commission.

If the commission finds that a county's existing jail facilities are adequate to meet all of the county's needs, the commission may determine that no additional state assistance be awarded to a county under this section.

(C) Not later than one hundred twenty days after receiving notice of an approval, the board of county commissioners, or the multicounty jail facilities commission as applicable, shall accept or deny the commission's conditional approval. Additionally, if one or more counties must issue bonds or levy a tax under section 5705.234 of the Revised Code to provide adequate revenue for its portion of the basic project costs or for the maintenance and operation of the jail facility or
facilities, the electors of the county or counties shall approve the bond issue or levy not later than thirteen months after the date the county received the commission's conditional approval. If the commission's conditional approval lapses under this division, the amount reserved and encumbered for the project shall be released. If the amount reserved and encumbered for the county's or counties' project is released, the county or counties shall be given first priority for project funding as the funds become available.

Sec. 342.06. If the requisite favorable vote on an election described in section 5705.234 of the Revised Code is obtained or the county's share of the basic project cost is otherwise met in accordance with section 342.04 of the Revised Code, the Ohio facilities construction commission shall enter into a written agreement with the board of county commissioners, or with the multicounty jail facilities commission in the case of a multicounty jail facilities project undertaken pursuant to section 342.12 of the Revised Code, for the construction of the project. The agreement shall include at least the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the county's portion of the basic project cost, dedicated by the board of county commissioners to payment of the county's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the facility is located has not commenced the collection of taxes for the year in which the controlling board approved the project, the board of county commissioners shall authorize the issuance of a first installment of bond anticipation notes in an amount specified by
the agreement. If a first installment of bond anticipation notes is issued, the board of county commissioners shall, as soon as practicable after the county treasurer of each county in which the facilities are located has commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, authorize the issuance of a second and final installment of bond anticipation notes or a first and final issue of bonds.

The combined value of the first and second installment of bond anticipation notes or the value of the first and final issue of bonds shall be equal to the county's portion of the basic project cost. The proceeds of any of these bonds shall be used first to retire any bond anticipation notes. Otherwise, the proceeds of any of these bonds and of any bond anticipation notes, except the premium and accrued interest thereon, shall be deposited in the county's project construction fund. In determining the amount of net bonded indebtedness for the purpose of fixing the amount of an issue of either bonds or bond anticipation notes, gross indebtedness shall be reduced by moneys in the bond retirement fund only to the extent of the moneys therein on the first day of the year preceding the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any board of county commissioners as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the
Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of the funds of the board of county commissioners available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the county's project construction fund;

(C) Dedication of any local donated contribution as provided for under section 342.07 of the Revised Code;

(D) Ownership of or interest in the project during the period of construction, which shall be divided between the Ohio facilities construction commission and the board of county commissioners in proportion to their respective contributions to the county's project construction fund;

(E) Maintenance of the state's interest in the project until any obligations issued for the project under this chapter are no longer outstanding;

(F) The insurance of the project by the county from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division (D) of this section, in amounts and against risks as the Ohio facilities construction commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost;

(G) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code;
(H) Authorization of the board of county commissioners to advertise for and receive construction bids for the project, for and on behalf of the Ohio facilities construction commission, and to award contracts in the name of the state subject to approval by the commission;

(I) Provisions for the disbursement of moneys from the county's project account upon issuance by the Ohio facilities construction commission or the commission's designated representative of vouchers for work done to be certified to the commission by the county auditor;

(J) Disposal of any balance left in the county's project construction fund upon completion of the project;

(K) Provision for deposit of an executed copy of the agreement in the office of the commission;

(L) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the board of county commissioners are not paid into the county's project construction fund and if bids for the construction of the project have not been taken within this period after the execution of the agreement as may be fixed by the Ohio facilities construction commission;

(M) A requirement that the county maintain the project in accordance with a facilities maintenance plan approved by the commission;

(N) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the county to pay for its share of the project cost be spent on the construction and acquisition of the project.
simultaneously in proportion to the state's and the county's respective shares of that basic project cost as determined under section 342.04 of the Revised Code. However, if the board certifies to the commission that expenditure by the county is necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the county to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the board may commit to spend, or may spend, a greater portion of the funds it provides during any specific period than otherwise would be required under this division.

(O) A provision stipulating that the Ohio facilities construction commission may prohibit the board from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

(P) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project.

Sec. 342.07. (A) As used in this section, "local donated contribution" means any of the following:

(1) Any moneys irrevocably donated or granted to a board of county commissioners by a source other than the state that
the board has the authority to apply to the county's project under this chapter and that the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a county that the board has encumbered for payment of the county's share of its project under this chapter that has been approved by the Ohio facilities construction commission;

(3) Any cash a county has on hand that the board has encumbered for payment of the county's share of its project under this chapter that has been approved, including any year-end operating fund balances that can be spent for jail facilities;

(4) Any moneys spent by a source other than the county or the state for construction or renovation of specific jail facilities that have been approved by the commission as part of the basic project cost of the county's project. The board, the commission, and the entity providing the local donated contribution under division (A)(4) of this section shall enter into an agreement identifying the jail facilities to be acquired by the expenditures made by that entity. The agreement shall include stipulations that require an audit by the commission of these expenditures made on behalf of the county and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the actual amount that the commission will credit, at the request of the board, toward the county's portion of the basic project cost, or any project cost overruns. The actual amount of the credit shall not exceed the lesser of the amount specified in the agreement or the actual cost of the construction or renovation.
(B) A board of county commissioners may apply a local donated contribution to the county's share of the basic project cost or use the contribution for maintenance and operation of the jail facility or facilities that are constructed, acquired, reconstructed, or expanded by the project.

(C) If the county is required to issue bonds or levy tax under section 5705.234 of the Revised Code as a condition of receiving assistance under this chapter, the board of county commissioners may, with the approval of the Ohio facilities construction commission, reduce the principal amount of bonds issued or the rate of the tax levied under that section by an amount commensurate with the local donated contributions applied to the same purposes. The commission shall not approve a board of county commissioners' proposal to reduce the amount of bonds issued or the rate of a tax levied under section 5705.234 of the Revised Code unless the board demonstrates to the satisfaction of the commission that the revenue generated under the proposal, when supplemented by the local donated contributions, is sufficient to pay the county's share of the basic project cost and provide for operation and maintenance of the jail facility or facilities.

(D) Except as provided in division (E) of this section, no state moneys shall be released for a project to which this section applies until both of the following have occurred:

(1) Any local donated contribution authorized under this section is first deposited into the county's project construction fund.

(2) The board and the commission have included a stipulation in their agreement entered into under section 342.06 of the Revised Code under which the board will deposit into a
fund approved by the commission according to a schedule that
does not extend beyond the anticipated completion date of the
project the total amount of any local donated contribution
dedicated by the board for that purpose.

(E) If any local donated contribution described in
division (A)(4) of this section has been approved under this
section, the state moneys may be released even if the entity
providing the local donated contribution has not spent the
moneys so dedicated as long as the agreement required under that
division has been executed.

Sec. 342.08. (A) Promptly after the board of county
commissioners, or the multicounty jail facilities commission,
and the Ohio facilities construction commission have entered
into the written agreement, the board or boards of county
commissioners shall issue its bonds or notes in anticipation of
the agreement pursuant to the provision of the agreement
required by division (A) of section 342.06 of the Revised Code,
or required by section 342.12 of the Revised Code in the case of
an agreement between boards of county commissioners for a
multicounty jail facilities project, and deposit the proceeds of
the agreement in the county's project construction fund pursuant
to the provision of the agreement required by division (B) of
section 342.06 of the Revised Code. The board of county
commissioners or the multicounty jail facilities commission, if
applicable, with the approval of the Ohio facilities
construction commission, also shall employ a qualified
professional person to prepare preliminary plans, working
drawings, specifications, estimates of cost, and such data as
the board of county commissioners, or the multicounty jail
facilities commission if applicable, and the Ohio facilities
construction commission consider necessary for the project. When
the preliminary plans and preliminary estimates of cost have been prepared, and approved by the board or boards of county commissioners, if applicable, the plans shall be submitted to the Ohio facilities construction commission and the department of rehabilitation and correction for approval, modification, or rejection. The Ohio facilities construction commission shall consult with the department to ensure that the plans and materials proposed for use in the project comply with specifications for plans and materials that shall be established by the commission in accordance with division (C) of section 342.02 of the Revised Code. When these preliminary plans and preliminary estimates of cost and any modifications thereof have been approved by the commission and the board or boards of county commissioners, if applicable, the board or boards shall cause the qualified professional person to prepare the working drawings, specifications, and estimates of cost.

(B) Whenever project plans submitted to the commission for approval under division (A) of this section propose to locate a facility on a state route or United States highway or within one mile of a state route or United States highway, the commission shall send a copy of the plans to the director of transportation. The director shall review the plans to determine the feasibility of the proposed ingress and egress to the facility, the traffic circulation pattern on roadways around the facility, and any improvements that would be necessary to conform the roadways to provisions of the manual adopted by the department of transportation under section 4511.09 of the Revised Code or state or federal law. The director shall provide a written summary of the director's findings to the commission in a timely manner. The commission shall consider the findings in deciding whether to approve the plans.
Sec. 342.09. When the working drawings, specifications, and estimates of cost have been approved by the board of county commissioners, or the multicounty jail facilities commission if applicable, and the Ohio facilities construction commission pursuant to section 342.08 of the Revised Code, or section 342.12 of the Revised Code if applicable, the board of county commissioners or the multicounty jail facilities commission shall advertise for construction bids in accordance with section 307.86 of the Revised Code. These notices shall state that plans and specifications for the project are on file in the office of the Ohio facilities construction commission, at the office of the department of rehabilitation and correction, and other places as may be designated in the notice, and the time and place when and where bids will be received.

The form of proposal to be submitted by bidders shall be supplied by the Ohio facilities construction commission. Bidders may be permitted to bid on all or any of the branches of work and materials to be furnished and supplied.

When the construction bids for all branches of work and materials have been tabulated, the commission shall prepare a revised estimate of the basic project cost based upon the lowest responsive and responsible bids received. If the revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code, no contracts may be entered into pursuant to this section unless this revised estimate is approved by the commission and by the controlling board. When this revised estimate has been prepared, and after approvals are given, if necessary, and if the board or boards of county commissioners have caused to be transferred to the project construction fund the proceeds from the sale of the first or first and final installment of its
bonds or bond anticipation notes pursuant to the provision of
the written agreement required by section 342.07 of the Revised
Code, and section 342.12 of the Revised Code if applicable, and
when the director of budget and management has certified that
there is a balance in the appropriation, not otherwise obligated
to pay precedent obligations, pursuant to which the state's
share of this revised estimate is required to be paid, the
contract for all branches of work and materials to be furnished
and supplied, or for any branch thereof as determined by the
board of county commissioners or the multicounty jail facilities
commission if applicable, shall be awarded by the board of
county commissioners or the multicounty jail facilities
commission to the lowest responsible and responsive bidder
subject to the approval of the Ohio facilities construction
commission. The award shall be made not later than sixty days
after the date on which the bids are opened, and the successful
bidder shall enter into a contract not later than ten days after
the successful bidder is notified of the award of the contract.

Subject to the approval of the Ohio facilities
construction commission, the board of county commissioners or
multicounty jail facilities commission may reject all bids and
readvertise. Any contract made under this section shall be made
in the name of the state and executed on its behalf by the
president of the board of county commissioners and the county
auditor of each participating county.

The provisions of sections 9.312 and 307.86 of the Revised
Code, which are applicable to construction contracts, shall
apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials
supplier, laborer, mechanic, or persons furnishing material or
machinery for the project under sections 1311.26 to 1311.32 of
the Revised Code, shall apply to contracts entered into under
this section and the itemized statement required by section
1311.26 of the Revised Code shall be filed with the board of
county commissioners or the multicounty jail facilities
commission if applicable.

Notwithstanding the requirements of this section, a
county, with the approval of the commission, may utilize any
otherwise lawful alternative construction delivery method for
the construction of the project.

Sec. 342.10. For any project undertaken with financial
assistance from the state under this chapter, the amount of
state appropriations to be encumbered for the project in each
fiscal year shall be determined by the Ohio facilities
construction commission based on the project's estimated
construction schedule for that year. In each fiscal year
subsequent to the first year in which state appropriations are
encumbered for the project, the commission shall grant the
project priority for state funds over projects for which initial
state funding is sought.

Sec. 342.11. (A) The Ohio facilities construction
commission shall request that the controlling board transfer to
the county's project construction fund the necessary amounts
from amounts appropriated by the general assembly and set aside
for this purpose, from time to time as may be necessary to pay
obligations chargeable to the fund when due. All investment
earnings of a county's project construction fund shall be
credited to the fund.

(B)(1) The county auditor shall disburse funds from the
county's project construction fund, including investment
earnings credited to the fund, only upon the approval of the
commission or the commission's designated representative. The
commission or the commission's designated representative shall
issue vouchers against the fund, in amounts and at times as
required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division
(B)(1) of this section, the board of county commissioners may,
by a duly adopted resolution, choose to use all or part of the
investment earnings of the county's project construction fund
that are attributable to the county's contribution to the fund
to pay the cost of jail facilities or portions or components of
jail facilities that are not included in the county's basic
project cost but that are related to the county's project. If
the board of county commissioners adopts a resolution in favor
of using those investment earnings as authorized under division
(B)(2) of this section, the county auditor shall disburse the
amount as designated and directed by the board. However, if the
board chooses to use any part of the investment earnings for
jail facilities or portions or components of jail facilities
that are not included in the basic project cost, as authorized
under division (B)(2) of this section, and, subsequently, the
cost of the project exceeds the amount in the project
construction fund, the board shall restore to the project
construction fund the full amount of the investment earnings
used under division (B)(2) of this section before any additional
state moneys shall be released for the project.

(C) After a certificate of completion has been issued for
a project under section 342.15 of the Revised Code, all of the
following apply:

(1) At the discretion of the board of county
commissioners, any investment earnings remaining in the project construction fund that are attributable to the county's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to a special fund of the county treasury to be used solely for maintaining the jail facilities included in the project; or

(c) Transferred to the county's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to this chapter.

(3) Any other surplus remaining in the county's project construction fund shall be transferred to the commission and the board of county commissioners in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditures pursuant to this chapter.

Sec. 342.12. (A) Two or more boards of county commissioners under this chapter may, by agreement, build a multicounty jail facility. The terms of this agreement may be added to an agreement under section 342.06 of the Revised Code, or may be made a supplemental agreement. The boards of county commissioners of each county may, at their discretion, form a multicounty jail facilities commission to carry out the tasks of this section. The commission, if formed, shall administer the agreement.
(B) The contracting counties may agree to apportion their share of the cost according to their need as ranked by the department of taxation under section 342.02 of the Revised Code. Each county shall fund its portion of the cost as otherwise provided in this chapter. If the electors of one of the counties fail to approve the tax levy or the issuance of bonds necessary to fund the county's portion of the cost under section 5705.234 of the Revised Code within ninety days of the most recent election in which the electors of a contracting county have approved the tax levy or issuance of bonds, the other contracting counties are not obliged to pay any portion of the cost of the county in which the levy or issuance was not approved.

(C) An agreement under division (A) of this section shall do all of the following:

(1) Prescribe the structure, management, and responsibilities of the multicounty jail facilities commission;

(2) Provide for a process to establish the annual budget for the commission that includes a requirement that the annual budget be approved by all of the boards of county commissioners of the member counties;

(3) Apportion the annual operating costs of the commission to each member county;

(4) Designate the expenditure of funds from the county jail facilities construction fund of each member county;

(5) Provide for the timing of necessary elections in each county, in accordance with division (B) of this section, for the purpose of levies adopted under and bonds issued under section 5705.234 of the Revised Code;
(6) Provide that each contracting board of county commissioners fulfill its obligations under this chapter once an agreement is reached;

(7) Allocate interest in real property purchased with moneys in each county's project construction fund;

(8) Address amendments to the contract.

(D) An agreement to build a multicounty jail facility under this section is subject to the approval of the Ohio facilities construction commission.

Sec. 342.13. There is created the jail facility building fund in the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, and any grants, gifts, or contributions received by the Ohio facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of this chapter as prescribed by the general assembly and may be used to pay the costs of administering the program under this chapter.

Sec. 342.14. The Ohio facilities construction commission shall have an interest in real property purchased with moneys in the county's project construction fund.

Once obligations issued to finance a project under this chapter are no longer outstanding, any interest held by the commission shall be transferred to the county.

Sec. 342.15. (A) When all of the following have occurred,
a project undertaken under this chapter shall be considered complete and the Ohio facilities construction commission shall issue a certificate of completion to the board of county commissioners, or to a multicounty jail facilities commission if applicable:

(1) All facilities to be constructed under the project, as specified in the project agreement entered into under section 342.06 of the Revised Code, have been completed in compliance with the standards described in division (C) of section 342.02 of the Revised Code, and the board has received a permanent certificate of occupancy for each of those facilities.

(2) The commission has completed a final accounting of the county's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.

(3) Any litigation concerning the project has been finally resolved with no chance of appeal.

(4) All construction management services typically provided by the commission to counties have been delivered and the commission has canceled any remaining encumbrance of funds for those services.

(B) The commission may issue a certificate of completion to a board of county commissioners, or to a multicounty jail facilities commission if applicable, before all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the
commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board or multicounty jail facilities commission shall oversee its completion, which may include procedures for reporting progress to the Ohio facilities construction commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners or multicounty jail facilities commission that does not voluntarily participate in the process of closing out the county's project, if the construction manager for the project verifies that all facilities to be constructed under the project, as specified in the project agreement entered into under section 342.06 of the Revised Code, have been completed and the commission determines that those facilities have been occupied for at least one year. In that case, all funds due to the commission under division (C) of section 342.11 of the Revised Code shall be returned to the commission not later than thirty days after receipt of the certificate of completion. If the funds due to the commission have not been returned within sixty days after receipt of the certificate of completion, the auditor of state shall issue a finding for recovery against the county and shall request legal action under section 117.42 of the Revised Code.

(D) Upon issuance of a certificate of completion under
this section, the Ohio facilities construction commission's ownership of and interest in the project, as specified in division (D) of section 342.06 of the Revised Code, shall cease. This cessation shall not alter or otherwise affect the state's or the commission's interest in the project or any limitations on the use of the project as specified in the project agreement pursuant to divisions (E) and (J) of that section or as specified in section 342.14 of the Revised Code.

**Sec. 342.16.** (A) The corrective action program is established to provide funding for the correction of work, in connection with a project funded under this chapter, that is found after occupancy of the facility to be defective or to have been omitted.

(B) The Ohio facilities construction commission may provide funding under this section only if at least one contracting county notifies the executive director of the commission of the defective or omitted work within five years after occupancy of the facility for which the county seeks the funding.

(C) The commission shall establish procedures and deadlines for counties to follow in applying for assistance under this section. The procedures shall include definitions of "defective" and "omitted," and shall require that remediation efforts focus first on engaging the respective contractors that designed and constructed the areas that have design or construction-related issues. The commission shall consider applications on a case-by-case basis, taking into account the amount of money appropriated and available for purposes of this section.

(D) The commission may provide funding assistance
necessary to take corrective measures after evaluating the defective or omitted work.

(1) If the work to be corrected or remediated is part of a project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 342.11 of the Revised Code, the commission may enter into a new agreement to address the corrective action.

(2) Whether or not the project is completed, the county or counties shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 342.04 of the Revised Code.

(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the county's or counties' portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion.

Sec. 2301.51. (A)(1) Any county that has a population of two hundred thousand or more is eligible to formulate a community-based correctional proposal pursuant to this section and Chapter 342. of the Revised Code, that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Any county that has a population of two hundred thousand or more is eligible to formulate more than one community-based
correctional proposal pursuant to this section upon approval of the director of rehabilitation and correction. In determining whether to grant approval to formulate more than one proposal, the director shall consider the rate at which the county commits felony offenders to the state correctional system. If a county formulates more than one proposal, each proposal shall be for a separate community-based correctional facility and program.

(2) Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more are eligible to formulate a district community-based correctional proposal pursuant to this section that, upon implementation, would provide a district community-based correctional facility and program for the use of those counties' courts of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more are eligible to formulate more than one district community-based correctional proposal upon approval of the director of rehabilitation and correction. In determining whether to grant approval for more than one proposal, the director shall consider the rate at which the counties commit felony offenders to the state correctional system. If two or more adjoining or neighboring counties formulate more than one proposal, each proposal shall be for a separate district community-based correctional facility and program.

(3)(a) The formulation of a proposal for a community-based correctional facility or a district community-based correctional facility shall begin by the establishment of a judicial advisory board by judgment entry. The judicial advisory board shall consist of not less than three judges. Each general division judge of the court of common pleas in the county or counties
wishing to formulate a proposal or to continue operation of an
existing facility is eligible to become a member of the judicial
advisory board but is not required to do so. In addition, a
judicial advisory board may invite a non-general division judge of a court of common pleas from within the county or counties proposing the creation of a community-based
correctional facility or district community-based correctional
correctional facility or a general division judge of a court of common pleas from outside the county or counties proposing the creation of a community-based correctional facility or district community-based correctional facility who regularly sends offenders to its facility to become a member of that judicial advisory board.

(b) A judge shall not receive any additional compensation for service on a judicial advisory board, but a judge may be reimbursed for reasonable and necessary expenses incurred as a result of service on the board. Service of a judge on a judicial advisory board pursuant to this section is a judicial function.

(c) There shall be a facility governing board for each community-based correctional facility and program or district community-based correctional facility and program, whose members shall be appointed in accordance with division (E) of this section.

The judicial advisory board shall meet at least once a year to provide advice to the facility governing board regarding the public safety needs of the community, admission criteria for any community-based correctional facility and program or district community-based correctional facility and program, and the general requirements of the community-based correctional facility and program. The judicial advisory board may meet as
often as considered necessary by its members, may communicate

directly with the division of parole and community services of
the department of rehabilitation and correction, and may provide
advice to the facility governing board specifically regarding
the agreement entered into between the facility governing board
and the division of parole and community services pursuant to
section 5120.112 of the Revised Code.

(4) A facility governing board shall formulate the
proposal for a community-based correctional facility and program
or district community-based correctional facility and program
and shall govern the facility.

(5) Chapter 2744. of the Revised Code applies to the
county or counties served by a community-based correctional
facility and program or district community-based correctional
facility and program established and operated under sections
2301.51 to 2301.58 of the Revised Code, to the community-based
correctional facility and program or district community-based
correctional facility and program so established and operated,
and to the facility governing board of the community-based
correctional facility and program or district community-based
correctional facility and program so established and operated.

(6) The members of the judicial advisory board and of the
facility governing board of a community-based correctional
facility and program or district community-based correctional
facility and program established and operated under sections
2301.51 to 2301.58 of the Revised Code shall be considered to be
public officials or employees for purposes of Chapter 102. of
the Revised Code and public officials or public servants for
purposes of sections 2921.42 and 2921.43 of the Revised Code.

(7) Each member of a facility governing board of a
(8) A community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code shall attend orientation training developed by the judicial advisory board of the community-based correctional facility and program or district community-based correctional facility and program, as well as annual ethics training developed by the judicial advisory board in consultation with the Ohio ethics commission or provided by the Ohio ethics commission.

(B)(1) Each proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program that is formulated pursuant to division (A) of this section shall be submitted by the facility governing board to the division of parole and community services for its approval under section 5120.10 of the Revised Code.
(2) No person shall be sentenced to or placed in a community-based correctional facility and program or to a district community-based correctional facility and program by a court pursuant to section 2929.16 or 2929.17 of the Revised Code or by the parole board pursuant to section 2967.28 of the Revised Code, or otherwise committed or admitted to a facility and program of that type until after the proposal for the establishment of the facility and program has been approved by the division of parole and community services under section 5120.10 of the Revised Code. A person shall be sentenced to a facility and program of that type only pursuant to a sanction imposed by a court pursuant to section 2929.16 or 2929.17 of the Revised Code as the sentence or as any part of the sentence of the person or otherwise shall be committed or referred to a facility and program of that type only when authorized by law.

(C) Upon the approval by the division of parole and community services of a proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program submitted to it under division (B) of this section, the facility governing board that submitted the proposal may establish and operate the facility and program addressed by the proposal in accordance with the approved proposal and division (B)(2) of this section. The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program.
facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility and program in an amount less than the total amount of the submitted request for funding.

(D)(1) If a court of common pleas that is being served by a community-based correctional facility and program established pursuant to division (C) of this section determines that it no longer wants to be served by the facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve the facility and program by notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the court is served by more than one community-based correctional facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve some or all of the facilities and programs and, if it does not dissolve all of the facilities and programs, the facility governing board shall continue the operation of the remaining facilities and programs.

(2) If all of the courts of common pleas being served by any district community-based correctional facility and program established pursuant to division (C) of this section determine that they no longer want to be served by the facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve the facility and program.
by notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the courts are served by more than one district community-based correctional facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve some or all of the facilities and programs, and, if it does not dissolve all of the facilities and programs, it shall continue the operation of the remaining facilities and programs.

(3) If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs established pursuant to division (C) of this section determines that it no longer wants to be served by the facilities and programs, the court may terminate its involvement with each of the facilities and programs by entering upon the journal of the court the fact of the determination to terminate its involvement with the facilities and programs and by the court notifying, in writing, the division of parole and community services of the determination to terminate its involvement with the facilities and programs.

If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs terminates its involvement with each of the facilities and programs in accordance with this division, the other courts of common pleas being served by the facilities and programs may continue to be served by each of the facilities and programs. A court may use a facility and program by remaining as a member county of the district community-based correctional facility and program or by making a written service agreement with the facility governing board without remaining as

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a member county.

(E) A facility governing board of a community-based correctional facility and program shall consist of at least six members, each member serving a three-year term. A facility governing board of a district community-based correctional facility and program shall consist of at least six members, each member serving a three-year term, except that not more than one-half of the members shall be from any one county.

The judicial advisory board shall appoint two-thirds of the members, and the board or boards of county commissioners of the member counties shall appoint the remaining one-third, or portion thereof, of the members. Of the initial appointments, one-third of the members shall be appointed for a one-year term, one-third of the members shall be appointed for a two-year term, and the remaining one-third or portion thereof of the members shall be appointed for a three-year term. Thereafter, terms of persons appointed to the facility governing board shall be for a three-year term, with each term ending on the same day of the same month of the year as did the term it succeeds.

(F) Any member of a facility governing board may be reappointed to serve additional terms. Vacancies on the board shall be filled in the same manner as provided for original appointments. Any member of the board who is appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term. Members of the board shall not receive compensation for their services but may be reimbursed for reasonable and necessary expenses incurred as a result of service on the board.

(G) Nothing in this section, sections 2301.52 to 2301.58,
or section 5120.10, 5120.111, or 5120.122 of the Revised Code modifies or affects or shall be interpreted as modifying or affecting sections 5149.30 to 5149.37 of the Revised Code.

Sec. 5120.10. (A)(1) The director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply.

(2) The rules promulgated in accordance with division (A)(1) of this section shall serve as criteria for the investigative and supervisory powers and duties vested by division (D) of this section in the division of parole and community services of the department of rehabilitation and correction or in another division of the department to which those powers and duties are assigned.

(B) The director may initiate an action in the court of common pleas of the county in which a facility that is subject to the rules promulgated under division (A)(1) of this section is situated to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for jails.

(C) Upon the request of an administrator of a jail facility, the chief executive of a municipal corporation, or a
board of county commissioners, the director of rehabilitation and correction or the director's designee shall grant a variance from the minimum standards for jails in Ohio for a facility that is subject to one of those minimum standards when the director determines that strict compliance with the minimum standards would cause unusual, practical difficulties or financial hardship, that existing or alternative practices meet the intent of the minimum standards, and that granting a variance would not seriously affect the security of the facility, the supervision of the inmates, or the safe, healthful operation of the facility. If the director or the director's designee denies a variance, the applicant may appeal the denial pursuant to section 119.12 of the Revised Code.

(D) The following powers and duties shall be exercised by the division of parole and community services unless assigned to another division by the director:

(1) The investigation and supervision of county and municipal jails, workhouses, minimum security jails, and other correctional institutions and agencies;

(2) The review and approval of plans submitted to the department of rehabilitation and correction pursuant to division (E) of this section;

(3) The management and supervision of the adult parole authority created by section 5149.02 of the Revised Code;

(4) The review and approval of proposals for community-based correctional facilities and programs and district community-based correctional facilities and programs that are submitted pursuant to division (B) of section 2301.51 of the Revised Code;
(5) The distribution of funds made available to the division for purposes of assisting in the renovation, maintenance, and operation of community-based correctional facilities and programs and district community-based correctional facilities and programs in accordance with section 5120.112 of the Revised Code;

(6) The performance of the duty imposed upon the department of rehabilitation and correction in section 5149.31 of the Revised Code to establish and administer a program of subsidies to eligible municipal corporations, counties, and groups of contiguous counties for the development, implementation, and operation of community-based corrections programs;

(7) Licensing halfway houses and community residential centers for the care and treatment of adult offenders in accordance with section 2967.14 of the Revised Code;

(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders in accordance with section 2967.14 of the Revised Code;

(9) Working with the Ohio facilities construction commission in accordance with Chapter 342. of the Revised Code.

Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the
department of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no plan for a substantial addition or alteration to an existing jail, workhouse, or lockup, shall be adopted unless the officials responsible for adopting the plan have submitted the plan to the department of rehabilitation and correction for approval, and the department has approved the plan as provided in division (D)(2) of this section.

Sec. 5705.234. (A) As used in this section, "basic project cost," "jail facility," and "multicounty jail facility" have the same meanings as in section 342.01 of the Revised Code.

(B) The board of county commissioners of any county, after receiving conditional approval from the Ohio facilities construction commission under section 342.05 of the Revised Code of a project involving the construction, acquisition, reconstruction, or expansion of a jail facility, may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation are insufficient to fund the county's share of the basic project cost, or to maintain and operate the jail facility, and that it is necessary to do one or both of the following:

(1) Levy a tax in excess of the ten-mill limitation to fund maintenance and operating expenses of the jail facility;

(2) Issue general obligation bonds for the county's share of the basic project cost and levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

(C) A resolution adopted under division (B) of this section shall conform to the requirements of section 5705.19 of
the Revised Code, except that:

(1) A tax proposed under division (B)(1) of this section may be levied for any specified number of years, or for a continuing period of time, as specified in the resolution.

(2) A tax proposed under division (B)(2) of this section to pay debt charges on bonds and anticipatory securities may be levied for the maximum number of years over which the principal of the bonds proposed under that division may be paid.

(3) A resolution that proposes both the levy described in division (B)(1) of this section and the bond issue and levy described in division (B)(2) of this section shall enumerate the total rate of the proposed tax and the portion of that rate attributed to each levy.

(4) The resolution shall specify the percentage of the basic project cost to be supplied by the county and the percentage of such cost to be supplied by the state.

(5) If the jail facility is a multicounty jail facility, the resolution shall specify the name of each contracting county and the percentage of the basic project cost to be supplied by each such county.

(D) On adoption of a resolution that proposes a bond issue and tax levy under division (B)(2) of this section, the board of county commissioners shall certify a copy to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

Division (B) of section 5705.03 of the Revised Code
applies to the tax levy proposed under division (B)(1) of this section but does not apply to the tax levy proposed under division (B)(2) of this section.

(E) A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution and, if applicable, a copy of the auditor's estimate under division (D) of this section, to the board of elections.

The board of elections shall make the arrangements for submission of the question or questions proposed under this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be submitted to the electors as one ballot question, with a favorable vote indicating approval of all levies proposed by the board of county commissioners. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days before the election. The notice of election shall state all of the following:

(1) The time and place of the election;

(2) The percentage of the basic project cost to be supplied by the county and the percentage of such cost to be supplied by the state;
(3) If the jail facility is a multicounty jail facility, the name of each contracting county and the percentage of the basic project cost to be supplied by each such county;

(4) The proposed rate of each tax and the number of years it will be in effect or, if applicable, that it will be in effect for a continuing period of time;

(5) If applicable, the principal amount of the proposed bond issue and the maximum number of years over which the principal of the bonds may be paid.

(F) The ballot for an election under this section shall include the following language, as applicable:

"Shall _________ (name of county) be authorized to do the following:

(1) Levy an additional property tax to pay for maintenance and operating expenses of a jail facility at a rate not exceeding _______ mills for each one dollar of tax valuation, which amounts to _______ (rate expressed in cents or dollars and cents) for each one hundred dollars of tax valuation, for _______ (number of years of the levy, or a continuing period of time)?

(2) Issue bonds for the purpose of _________ in the principal amount of $______, to be repaid annually over a maximum period of _______ years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period _______ mills for each one dollar of tax valuation, which amounts to _______ (rate expressed in cents or dollars and cents) for each one hundred dollars of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those
bonds?"

(G) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor. If approved by a majority of the electors voting on the question, the board of county commissioners may proceed with issuance of the bonds and the levy and collection of the property tax for the debt service on the bonds and any anticipatory securities in the same manner and subject to the same limitations as for securities issued under section 133.18 of the Revised Code, and with the levy and collection of the property tax or taxes for maintenance and operating expenses of the jail facility and to fund the county's share of the basic project cost at the additional rate or any lesser rate in excess of the ten-mill limitation, as applicable. Any securities issued by the board of commissioners under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(H) After the approval of a tax described under division (B)(1) of this section and before the time the first collection and distribution from the levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

Anticipation notes issued under this section shall be issued as provided in section 133.24 of the Revised Code. Those notes shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(I) A tax levied under division (B)(1) of this section for
a specified number of years may be renewed or replaced in the
same manner as a tax for current operating expenses or permanent
improvements levied under section 5705.19 of the Revised Code. A
tax levied under this section for a continuing period of time
may be decreased in accordance with section 5705.261 of the
Revised Code.

Section 2. That existing sections 307.01, 307.021,
2301.51, and 5120.10 of the Revised Code are hereby repealed.