

# **Am. Sub. HB 413**

## **Omnibus Township Bill**

### **Update Open Meeting Laws (R.C. §121.22) to reflect changes to Disposition of Township Property law in 2003 (R.C. §505.10)**

- Includes a reference to R.C. §505.10, which is the section of law that speaks to how a township may dispose of unneeded, obsolete or unfit township property, in the section of Ohio law regarding use of executive session.
- Change will allow a township to go into executive session to discuss the terms and conditions of disposing of township property in accordance with the procedures laid out in R.C. §505.10.

#### *Examples of use:*

- If twp. property is less than \$2,500, board may sell by private sale, without advertisement or public notification (R.C. §505.10(A)(2)(a)).
- If twp. has title to real property, the board may sell or transfer the property, upon unanimous vote, to any person upon whatever terms are agreed to between the board and that person (R.C. §505.10(A)(6)).
- The board of trustees would still have to come out of executive session and take action to officially sell or transfer any property.

### **Terms for Small Government Commission (R.C. §164.02)**

- Included in Ohio Public Works law is the establishment of the Small Government Commission to help ensure that small communities - townships and villages - are receiving Public Works funds.
- Current law limits Small Government Commission members to three (3), two year terms.
- The bill would remove the term limits for Small Government Commission members.

#### *Why the request?*

- The Commission is having difficulty finding qualified people to serve and would like to be able to keep members beyond the statutory limits

### **Lower the Threshold for Adopting Limited Home Rule (R.C. §504.01)**

- Current law = township must have at least 3,500 people in the unincorporated territory to adopt limited home rule.
- HB 413 = reduces threshold to 2,500 people in the unincorporated territory.

#### *Why the request?*

- Unique challenges of urban townships and their need for additional tools to continue to provide their communities with high quality, cost efficient services.
- Urban townships, regardless of population, encounter many of the same issues and problems as municipalities but lack the statutory authority to adequately respond.

### **Expand Public Infrastructure Improvements to Urban Townships (R.C. §§504.24 & 5709.10)**

- Includes language permitting a limited home rule township that has 15,000 people in the unincorporated territory to construct, maintain and operate an off-street parking facility.
- Board may acquire facility or land for such purpose by purchase, gift, devise, exchange, lease, sublease or eminent domain.

#### *Why the request?*

- Sycamore Township in Hamilton County has requested this change due to a large medical facility and retail establishment in their township.

### **Community Events in Township Parks (R.C. §§505.261, 511.23 & 755.13)**

- Specifically authorizes a township to use general revenue or park levy funds for community events held in a township park or at a township recreational facility.
- This simply codifies what townships are doing across the state.

#### *Why the request?*

- Orange Township in Delaware County held and paid expense for a “Movie Night” in their park until last year when the prosecutor ruled they *Revised Code* did not allow such expenditures from the township general or park fund.

**Inclusion of the Word “Recycling” in Collection, Transfer, and Disposal of Solid Wastes law (R.C. §§505.27, 505.29 & 505.31)**

- Current law provides townships the ability, severally or jointly, to provide, maintain and operate facilities for the collection, transfer and disposal of solid wastes (effective November 9, 1994).
- In many townships across the state that have such contracts, waste services include recycling.

*Why the request?*

- A township in Portage County was looking to negotiate a similar contract that would include recycling for their residents for the first time.
- The county prosecutor advised the township that they may not have recycling included as part of the fee the residents would pay given that R.C. §§505.27, 505.29, 505.31 do not include the word recycling, unlike county solid waste laws which include the word recycling.

**Updating Township Fire Protection law (R.C. §§505.37, 505.39, 505.40)**

- Includes language permitting a township fire department to purchase equipment for underwater search and rescue operations (R.C. §505.37).

*Why the request?*

- Delaware County Prosecutor’s office suggests clarification because, in their opinion, the mission switches to recovery once an object is submerged in water.

**Group Life Insurance for All Township Employees (R.C. §505.602)**

- Includes language that permits a township to offer group life insurance to all employees, as opposed to just full-time employees.

*Why the request?*

- Sharon Township in Franklin County, like most townships, hires part-time employees and would like to provide life insurance as a benefit to retain those employees.

**Removal of Unsafe Structures (R.C. §505.86)**

- Alters the time frame for notification and request for a hearing in a case involving the removal of an unsafe, insecure or structurally defective building or structure.

*Why the request?*

- In the biennium budget (HB 64) there was language that formalized a hearing process should a township wish to remove an unsafe, insecure or structurally defective building or structure.
- Unfortunately, the time frames for notification, requesting a hearing and decision on the matter are flawed and need to be adjusted.

**Clarify Township Cemetery Laws (R.C. §§517.03, 517.07, 517.073, 517.08, 517.11)**

- Includes the word “mausoleum” in the township cemetery statutes.

*Why the request?*

- In HB 64, language was added to allow townships to maintain and improve entombments, including columbariums and other interment rights.
- Shawnee Township in Allen County seeks clarification that an entombment included a mausoleum, which the township has in a cemetery that it is responsible for maintaining.

**Delete Obsolete Section of the Revised Code (R.C. §5571.11)**

- Deletes section which permits a township to maintain a watering place for procuring water for persons and animals on the public highways in townships.

*Origin of the request*

- Union County engineer recommended the deletion, stating that it is not needed or used anymore.

**Cost of Permit for Use of Right-of-Way (R.C. §5571.16)**

- Alters current law to permit a township to charge “up to” \$50 for a permit to excavate in a township right-of-way.

- In 2003, the General Assembly granted townships permission to charge a fee to persons that wish to excavate in the right-of-way along a township road. The law requires such permits to be accompanied by a \$50 fee.

*Why the request?*

- Sharon Township in Franklin County wishes to charge their residents less than \$50 for a permit but was told by legal counsel that they may not do so.

**Use of Levy Funds for Safety Services (R.C. §5705.19)**

- Includes the different types of equipment that would be needed for water rescue and recovery missions of safety services per changes to township fire statutes (R.C. §505.37).
- Includes language permitting safety service levy revenue to be used for attorney expenses relating to the nature of the levy (R.C. §5705.19).

*Why the request?*

- Attorney General Opinion issued in the summer of 2014 (OAG 2014-028) states that a board of township trustees may not expend revenues generated from taxes levied for fire and police services for legal expenses incurred to address collective bargaining issues as they relate to those services.
- Prior to the opinion, it was common practice in townships across the state to use levy funds to support ALL operations of the departments.

**Use of TIF Revenue for Continued Maintenance (R.C. §5709.40)**

- Language that expands the use of TIF revenue to permit a political subdivision to use TIF revenue for the continued maintenance of infrastructure (roads, highways, water & sewer lines) after the initial improvement.

*Why the request?*

- Union Township in Clermont County requested the change.
- In proponent testimony in the House, Union Township Administrator Ken Geis stated, “It only seems reasonable that if a TIF project is used to create infrastructure, that the project resources should also be used to maintain the facilities created.”