



COUNTY ADVISORY BULLETIN

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Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

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House Bill 675 of the 124th General Assembly Offers State Funding for New Voting Equipment, Lifts Population-Based Caps on Funding for County Historical Societies, Creates New Bonding Authority for Bridge Improvements Using Long Life Expectancy Material, Allows Counties to Participate in Joint Municipal Improvement Projects, Authorizes County Payment to a School District for Revenue Lost by the District Due to Land Taken for County Water Facilities, Changes Procedure for Complaints Filed with a County Board of Revision, Exempts Attorneys from State Collective Bargaining Law

Effective Date: March 14th, 2003.

Revised Code Sections Affected: Section 11.13 (temporary law) state funding for voting machines / 133.20 & 307.675 – use of long life expectancy materials for bridges / 307.23 - funding levels for county historical societies / 715.02 - county participation in joint municipal improvement projects / 4117.01 – exempting attorneys from state collective bargaining law / 5715.20 – complaints with county board of revisions / 6103.02 & 6103.25 – county payments to school districts affected by transactions involving county-owned water facilities.

Lead Sponsor: Calvert (R-Medina).

House Co-Sponsors: Hoops (R-Napoleon), DeWine (R-Fairborn), Gilb (R-Findlay), Faber (R-Celina), Schmidt (R-Loveland), Hughes (R-Columbus), Clancy (R-Cincinnati), Raga (R-Mason), Webster (R-Hamilton), Peterson (R-Delaware), Husted (R-Kettering), Hartnett (D-Mansfield), Kearns (R-Springfield).

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Senate Co-Sponsors: Amstutz (R-Wooster), Spada (R- Parma Heights), Carnes (R-St. Clairsville), Coughlin (R-Cuyahoga Falls).

House Bill 675 of the 124th General Assembly -- also known as the capital bill, the capital budget, the capital projects bill and/or the capital appropriations bill -- was signed by Governor Taft on December 13th, 2002. The bill's major purpose is to provide funding for state, regional, and locally-sponsored construction and renovation projects for the two-year period from July 1st, 2002 to June 30th, 2004.

As it moved through the legislative process in the final weeks of the two-year session, the bill acquired a large number of unrelated provisions, including several related to boards of county commissioners and the operation of county government. The purpose of this county advisory bulletin is to inform you of these changes:

1. Funding for New Voting Machines - Temporary Law Section 11.13.
2. County Historical Society Funding – ORC Section 307.23.
3. Use of Long Life Expectancy by Counties for Bridge Improvement Projects - ORC sections 133.20 and 307.675.
4. Changes Regarding County Participation in Joint Municipal Improvement Projects – ORC sections 715.02.
5. County Payments to School Districts Affected by the Purchase or Appropriation of Land Related to County Water Facilities – ORC sections 6103.02 and 6103.25.
6. Changes in the Complaint Process for the County Board of Revision – ORC section 5715.20.
7. Exemption of Attorneys from State Collective Bargaining Law – ORC 4417.01(C) (19).

The details of these provisions are discussed below in the numerical order listed above. If you have questions on any of the provisions of House Bill 675, please contact Doug Putnam of CCAO at 614-221-5627 or dputnam@ccao.org

1. Funding for New Voting Machines – Section 11.13 - Temporary Law.

Section 11.13 of House Bill 675 appropriates \$5.8 million to the office of the Secretary of State to purchase or upgrade voting equipment. The money provided in this account -- designated CAP – 002 -- must match federal funds provided by the Help America Vote Act of 2002.

2. County Historical Society Funding – ORC section 307.23.

House Bill 675 removes the population-based caps that formerly existed with regard to

funding provided by a board of county commissioners from a county general fund to a county historical society. Those caps were based on the following schedule:

- A. Population of less than 25,000 - \$20,000 per year.
- B. Population of 25,000 to 100,000 - \$32,000 per year.
- C. Population of 100,001 to 300,000 - \$60,000 per year.
- D. Population of more than 300,000 - \$100,000 per year.

Effective March 14th, 2003, a board of county commissioners is authorized to appropriate any amount of money from the county general fund to a county historical society, regardless of the county's population size.

As under former law, these funds may be used by a county historical society for the promotion of historical work within the borders of a county, for the collection, preservation and publication of historical material, to disseminate historical information of the county, and in general to defray the expenses of carrying on historical work in the county.

A board of county commissioners may not appropriate these funds unless a county historical society is incorporated as non-profit under the laws of Ohio. Any application for funds must be made in the form of a certified copy of a resolution adopted by the historical society.

House Bill 675 also adds specific new authority for a county historical society to use any funds it may receive from the county general fund for 1) the preservation and restoration of historical and archaeological sites located in the county, as well as for 2) the restoration or reconstruction of historic buildings in the county. The funds may not be used for the construction of any other buildings.

House Bill 675 also creates new authority for a board of county commissioners to appropriate funds to *local societies*, as distinguished from a county historical society, for the preservation and restoration of historic and archaeological sites located in the county. To receive funds, a local society, like a county historical society, must be incorporated as non-profit under the laws of Ohio. Like a county historical society, a local society also must make application in the form of a certified copy of a resolution adopted by the local society.

3. Use of Long Life Expectancy Material by Counties for Bridge Improvement Projects - ORC Sections 133.20 (B) (1) (c) and 307.675.

House Bill 675 provides additional bonding authority for a county to finance the improvement of any bridge for which the county is responsible, if the county uses "long life expectancy material" (LLEM) for the bridge deck. The bill defines "long life expectancy material" as "any material, including a composite, that, when used for a bridge deck in lieu of steel, concrete, or reinforced concrete, will result in an expected useful life of the bridge

deck before replacement of at least 30 years.”

Effective March 14th, 2003, the bill provides that a county may issue bonds for a bridge improvement project that uses long life expectancy material for the bridge deck with a specified longer maturity than is otherwise allowed by law. These bonds may be issued by a county only upon the recommendation by the county engineer. The engineer’s recommendation must be based on a determination that the projected savings from the use of LLEM in the bridge deck are sufficient to pay for any additional debt service costs of the bonds.

To make his or her determination, the county engineer must take the following steps: 1) calculate the expected useful life of the bridge deck if it is constructed or repaired using LLEM. The engineer must use credible data to make this calculation and must thoroughly review any data that is not generated by the engineer; 2) determine the additional debt service costs as compared to the debt service costs of constructing or repairing a bridge deck using steel, concrete, or reinforced steel; and 3) compare those additional debt service costs to the projected savings that would be realized for future operation, repairs and capital improvement costs during the expected useful life of the bridge or during the next 50 years, whichever period of time is shorter.

If a county engineer recommends that the projected savings are sufficient to pay any additional debt service costs, a board of county commissioners may then issue indebtedness of the county for the purpose of constructing or repairing the bridge deck using LLEM. These bonds carry a maximum maturity of 50 years, but they cannot exceed the expected useful life of the bridge deck as determined by the county engineer in the process described in the preceding paragraph. Under former law, bonds issued by a county for any bridge improvement had a maximum maturity of 20 years.

Upon an additional recommendation by the county engineer, any bonds issued for a bridge improvement project using LLEM may provide for the purchase, installation and maintenance of equipment to monitor the physical condition of the bridge.

House Bill 675 specifically states that this new bonding authority for counties is in addition to any other statutory authority of the board to issue indebtedness for a bridge improvement. Therefore, the bill does not diminish a county’s authority to issue bridge improvement bonds with a 20-year maturity.

4. Changes Regarding County Participation in Joint Municipal Improvement Projects - ORC section 715.02.

Under the law as it existed before the effective date of House Bill 675, two or more municipal corporations were authorized to enter into an agreement under ORC section 715.02 for 1) the joint construction or management, or joint construction *and* management,

of any public work, utility, or improvement benefiting each municipal corporation; or 2) the joint exercise of any power conferred upon a single municipal corporation that both entities wish to exercise jointly.

Any such agreement must provide for the method by which the work, utility or improvement will be jointly constructed or managed, the method by which any specified power will be jointly exercised, and the method for apportioning among the participating municipal corporations any expenses of the joint work, utility or improvement.

Effective March 14th, 2003, one or more municipal corporations continue to have the authority to enter into agreements as described above. However, House Bill 675 extends that authority to 1) one or more municipal corporations and one or more political subdivisions other than a municipal corporation, including a county or counties; or 2) two or more political subdivisions other than municipal corporations, including counties.

These counties and other political subdivisions affected by the passage of House Bill 675 may now enter into joint agreements under the same terms and conditions as municipal corporations.

5. County Payments to School Districts Affected by the Purchase or Appropriation of Land Related to County Water Facilities - ORC sections 6103.02 and 6103.25.

A board of county commissioners is granted the authority under state law to purchase or appropriate real estate, or a specified interest or right in real estate, if the board determines that such a purchase or appropriation is necessary for the acquisition, construction, maintenance or operation of water supply facilities under the County Water Supply Law.

Effective March 14th, 2003, if a board of county commissioners purchases or appropriates real estate, or a specified interest or right in real estate, for this purpose, it is authorized to make payments to any school district for all or a portion of the amount of real property or personal property taxes that would have been received by that school district if the purchase or appropriation by the board of commissioners had not occurred. These payments to any affected school district must be authorized by a resolution of the board of commissioners. ORC section 6103.25, as amended by House Bill 675, defines "school district" to include any affected city, local, exempted village, or joint vocational school district.

ORC section 6103.02, as amended by House Bill 675, authorizes a board of commissioners to consider any payments made to an affected school district when the board establishes rates and other charges for water that is supplies.

6. Changes in the Complaint Process for the County Board of Revision – ORC sections 5715.20 and 5717.01.

Before the effective date of House Bill 675, whenever a county board of revision (BOR) rendered a decision on a real property tax complaint, it had to certify its action by certified mail to the person in whose name the property is listed or sought to be listed. Certification by certified mail also was required to the complainant, if he or she was not the person in whose name the property is listed or sought to be listed. Certification also was required to the tax commissioner.

To appeal BOR decisions, persons had to file appeal within 30 days after the decision was mailed to them by certified mail

Effective March 14th, 2003, it is no longer necessary for any county BOR to notify the tax commissioner of its decisions. The only person now required to be notified of any decision is the person in whose name the property is listed or sought to be listed, or the complainant, if the complainant is not the person in whose name the property is listed or sought to be listed.

However, House Bill 675 provides that the tax commissioner may order county auditors to send BOR decisions to him or her, in the manner and for the length of time that the commissioner prescribes. This authority does not extend the commissioner’s deadline for filing an appeal. The commissioner must file an appeal within 30 days of the day a decision is mailed to a person in whose name the property is listed, or to a complainant.

7. Exemption of Attorneys from State Collective Bargaining Law – ORC 4117.01 (C) (19).

Ohio’s collective bargaining law exempts a number of types of employees from its collective bargaining law (ORC Chapter 4117), which imposes a mandatory duty to bargain on the state, counties, and other public employers.

Effective March 14th, 2003, public employees “who must be licensed attorneys in order to perform their duties as public employees” are exempt from the collective bargaining law.