

Ohio Township Association Legislative Alert



March 9, 2018

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Legislative Activity This Week

Tuesday, March 6

House Finance

HB 378 BROADBAND GRANTS (Smith, Cera) To create the Ohio Broadband Development Grant Program and to make an appropriation.

The committee accepted an amendment that encourages the director of the Ohio Department of Transportation to work with telecommunications providers to lay fiber optic cable in conjunction with state highway projects. Marcus Shelton, a trustee in Warren County's Harlan Township, provided written support for the measure.

Senate Public Utilities

HB 478 WIRELESS SERVICES (Smith, LaTourette) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.

Reps. LaTourette and Smith detailed the bill in sponsor testimony. She said the measure sets the stage for the deployment of small cell wireless technology across Ohio - a move that prepares the state for the growth of 5G data speeds. The bill before the committee, she said, is a result of those discussions that involved in the industry and a coalition of more than 90 municipalities. Additionally, changes were made in the House committee process to address other concerns. Have you had issues with 5G/telecom companies placing poles or equipment in your right-of-way? If so, please contact the OTA.

Senate Finance

SB 225 BROADBAND GRANTS (Schiavoni, Eklund) To create the Ohio Broadband Development Grant Program and to make an appropriation.

Sponsors Sen. Eklund and Sen. Schiavoni said the legislation is based on a grant program in Minnesota that has invested \$85 million in broadband, expanding access to nearly 34,000 households. Currently, there are 300,000 rural Ohio households that don't have access to high-speed Internet.

Wednesday, March 7

House Aging & Long Term Care

HB 486 EMS WORKERS (Antonio) To specify that emergency medical services workers are public safety officers under the Ohio Public Employees Retirement System.

Rep. Antonio described the challenges faced by first responders, pointing out that the fatality rate for EMS workers is almost double that of other emergency occupations. She urged the committee to include EMS workers in the definition of public safety officers under the Ohio Public Employees Retirement System.

Senate Government Oversight & Reform

HB 312 POLITICAL SUBDIVISION SPENDING (Schuring, Greenspan) Regarding use of credit cards and debit cards by political subdivisions.

The committee adopted an amendment that supporters say will address a deficiency in the state's public records law. The Ohio News Media Association provided written testimony in support of the amendment, which aims to correct recent Ohio Supreme Court rulings in which the court said it would not consider requests for damages in open records cases when the initial records request was made electronically rather than by hand or certified mail. Other changes in the amendment will enable the auditor's office to continue publishing online statistics on local governments' financial data and grant the office the authority to appoint additional deputy inspectors to the Public Integrity Assurance Team. Only three deputy inspectors are allowed under current law; and no longer require fraud complaints to be recorded in the fraud log if pertaining to ongoing investigations. Recording would still be required 30 days after the investigation closes.

[SB 239 REGIONAL GOVERNMENT COUNCILS](#) (Dolan) To modify the law concerning regional councils of governments.

Sen. Uecker amended the bill to adjust language regarding sovereign immunity for council employees. The amendment clarifies that the names of governments and representatives involved with councils of government are public records. The Ohio Municipal League provided written proponent testimony.

Rep. Anielski - HB 500 Omnibus Township Bill

Friday, March 9

Transportation Funding Coalition

HB 500 Omnibus Township Legislation Needed - Written letters of Support

[HB 500 TOWNSHIP LAWS](#) (Carfagna) To make various changes to township law.

The **[House State & Local Government Committee](#)** will be meeting on Tuesday, March 13 at 2:00 p.m. House Bill 500 has been placed on the agenda for proponent testimony. The Ohio Township Association will be testifying in support of the legislation, as well as several township officials and legal counsel from around the state.

We are asking you to write a letter in support of HB 500 as a whole, or in reference to any provision in which your township is particularly interested. Letter should be mailed or emailed to the **[House State & Local Government Committee](#)** (click committee name for listing of members) and copy your House member and the State Association.

What's included in HB 500:

Zoning Issues (R.C. §303.21, 519.04, 519.07, 519.12, 519.13, 519.15, 519.21)

1. Permit zoning resolutions to apply to platted subdivisions regardless of when they were platted or under which section of the Code they were approved. (R.C. §§303.21, 519.21)
2. Eliminates the mandatory requirement that a township submit proposed zoning resolutions or amendments to the county or regional planning commission for approval, disapproval or suggestions. R.C. §§519.07, 519.12)
3. Permits a township to charge a fee for any person appealing to the board of zoning appeals. (R.C. §519.15)
4. Permit a board of township trustees to temporarily suspend a member of the zoning commission or board of zoning appeals. (R.C. §§519.04, 519.13)

New Community Authority (R.C. §349.03)

Eliminates the acreage requirement that is placed on a new community authority if to be located in a township.

Community Event Fee (R.C. §503.58)

Permits a township to charge a community event fee to amounts paid for admission to certain events held within the township.

Election of a Board Chairperson (R.C. §§505.01, 505.482, 513.07, 513.071, 3375.121, 3709.03)

Requires a board of township trustees to elect a chairperson at the first meeting of each calendar year to serve for a period of one year. (R.C. §505.01)

Inventory of Township (R.C. §505.04)

Eliminates requirement that a township's inventory list shall be filed with the county engineer; rather the list is to be filed with the township fiscal officer.

Removal Proceedings of Fire Personnel (R.C. §505.38)

Eliminates the ability of the board of township trustees to appoint a private citizen to investigate the conduct and prepare a report for a charge against fire personnel and instead requires the township trustees to appoint legal counsel to investigate.

Obligations Incurred Threshold (R.C. §507.11)

Increases the threshold that a township employee or official could incur from \$2,500 up to \$10,000 as authorized by the township board of trustees.

Appropriation for a Monument (R.C. §517.30)

Increases the amount a township may appropriate for the purpose of erecting a monument to commemorate the members of the armed forces from \$5,000 to \$50,000.

Vacation of a Lot Not Within a Municipal Corporation (R.C. §§711.25, 711.26, 711.27)

Would repeal these sections of the Code.

Insurance for Oil & Gas Wells Owned by Township (R.C. §1509.07)

Permits a township that has an oil or gas well to receive a certificate of coverage from a joint self-insurance pool for coverage required by the Ohio Revised Code.

Filing of Question or Issue for Ballot (R.C. §3501.021)

Permits a political subdivision, including a township, to file either electronically or in paper form the certification to a board of elections for placement of a question or issue on the ballot.

Approval of a Township Road Name Change (R.C. §5541.04)

Requires the county commissioners to act within 60 days on a request for a change in name of a county or township road. If the county does not act within 60 days on a township road name change, the name shall be changed.

Vacation of a Township Road (R.C. §5553.04)

Prohibits the board of county commissioners from vacating a township road without the township's permission.

Levy for Permanent Improvements and General Infrastructure in Townships (R.C. §§5705.19, 5705.121)

Creates a new levy opportunity for townships for the any combination of the following purposes: acquisition, construction, improvement, or maintenance of buildings, equipment, and supplies for police, firefighting or emergency medical services; the construction, reconstruction resurfacing or repair of streets, roads, and bridges; or for general infrastructure projects.

Tax Increment Financing (R.C. §§5709.73, 5709.75)

1. Excludes safety service levies from a township incentive district TIF.
2. Permits townships that have TIFs that were enacted prior to July 21, 1994 to use revenue from TIFs for the continued maintenance of said projects.

BWC Firefighter Grant Program Expanded

The Bureau of Workers' Compensation (BWC) announced Tuesday that it will more than double its funding for a firefighter grant program designed to protect against carcinogens and other toxins. The **[Firefighter Exposure to Environmental Elements Grant Program](#)** was originally intended to be funded at \$2 million this fiscal year. However, BWC has received 444 grant applications totaling \$4.7 million. Nearly 200 grants have been awarded totaling \$2 million and another 245 grant applications are pending.

The grant program will continue for a second year beginning July 1, 2018 with a funding level of \$2 million.

To review the [complete policy for the program click here](#).

Legislative Committee Schedule For Next Week

Tuesday, March 13

House Ways & Means (Ch. Schaffer), Rm. 121, 10:00 a.m.

HB 488 PROPERTY TAX NOTICES (Hood, Becker) To modify the information in property tax levy notices and ballot language.

2nd Hearing - Proponent testimony

House State & Local Government (Ch. Anielski), Rm. 116, 2:00 p.m.

HB 500 TOWNSHIP LAWS (Carfagna) To make various changes to township law.

2nd Hearing-All testimony

Senate Finance (Ch. Oelslager), Finance Hearing Rm., 2:30 p.m.

HB 529 CAPITAL APPROPRIATIONS (Ryan) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.

1st Hearing-All testimony-Possible Vote-Pending referral

Thursday, March 15

Senate Public Utilities (Ch. Beagle), Finance Hearing Rm., 9 a.m.

HB 478 WIRELESS SERVICES (Smith, LaTourette) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.

2nd Hearing-Proponent testimony

Federal Update

NATaT Activity

As part of the NATaT Board meeting, Board members met with representatives of the FCC and Congressional Committee staff concerning 5G deployment and rural broadband initiatives.



Congressional Activity

The House and Senate were in session this week. The House considered 15 bills under suspension of the rules, including the Repack Airwaves Yielding Better Access for Users of Modern Services (RAY BAUM'S) Act of 2018 (H.R. 4986), which would reauthorize the Federal Communications Commission for FYs 2019 and 2020 at \$333.1 million annually and includes key provisions from the Senate-approved MOBILE NOW Act (S. 19) to boost the development of next generation 5G wireless broadband by identifying more spectrum-both licensed and unlicensed-for private sector use. The House voted on the Comprehensive Regulatory Review Act (H.R. 4607), which would require agency reviews to identify outdated financial regulations to be conducted every seven years, instead of every 10 years; and the Satisfying Energy Needs and Saving the Environment (SENSE) Act (H.R. 1119), which would subject coal refuse power plants to less stringent emission standards for complying with certain EPA air pollution rules.

The Senate voted on the Economic Growth, Regulatory Relief, and Consumer Protection Act (S. 2155), which would give small and medium-sized banks relief from regulations issued after the 2008 financial crisis while avoiding controversial issues, such as weakening the Consumer Financial Protection Bureau.

House and Senate negotiators are still trying to complete an agreement on a must-pass \$1.2 trillion spending measure to fund the federal government for the remainder of FY 2018. Stopgap spending runs through Friday, March 23, giving lawmakers less than three weeks to pass a bill. Negotiators are trying to resolve disputes over issues including reauthorizing the National Flood Insurance Program (NFIP), self-driving vehicles, extending the Deferred Action for Childhood Arrivals (DACA) program, and authorizing new border security upgrades as they fill in the blanks of the budget deal that raised the caps on defense and domestic outlays. Their goal is to finalize the bill by today, March 9, and file the bill by March 12 in time for the full House to debate it two days later and pass it by March 16 in order to give the Senate all of the week of March 19 to debate and pass the bill.

President Trump Signs Improving Rural Call Quality and Reliability Act Into Law

On February 26, President Trump signed the Improving Rural Call Quality and Reliability Act of 2017 (Public Law 115-129) into law, which directs the Federal Communications Commission

(FCC) to require providers that transmit voice calls to register with the agency and establish quality standards for transmitting voice calls. These reforms will "help ensure small businesses, families, and emergency responders in rural America can once again rely upon their telephone calls being completed." The Senate passed the bill on August 3, 2017 by unanimous consent and the House passed it on February 9 by voice vote.

NATaT Fly-in

The 2018 National Association of Towns & Townships (NATaT) Legislative Fly-in is scheduled for Wednesday, May 9 & Thursday, May 10. Registration will begin in early afternoon of May 9, a forum will be held that afternoon, and then a reception for attendees will be held in the early evening. A dinner for all Ohio attendees will take place Wednesday evening. Legislative meetings will be scheduled on Thursday morning and early afternoon. *(Actual schedule of events yet to be finalized.)* The conference hotel is the Grand Hyatt in Washington, DC and room rate is \$355 a night. Registration fee for the event is \$179. For more information and the [registration form, please click here](#).

Ethics Commission Quarterly Newsletter Now Available



Please [click here](#) for the latest edition of the Voice of Ethics. Should you have any questions of concerns or need assistance from the Ethics Commission, please contact:

Ohio Ethics Commission
William Green Building
30 W. Spring St.
Columbus, Ohio 43215
614.466.7090
www.ethics.ohio.gov



OPERS Service Credit Purchase Reminder

Senate Bill 343, which was enacted January 7, 2013, increased the cost of service credit purchases. However, the legislation provided members who began making payments, or made a payment on a previously established purchase within a six month window (January 7, 2013 and July 7, 2013), to pay off their purchase at the lower rate. If they miss the July 7, 2018 deadline, they will have **ONE** opportunity to purchase that credit at a much higher, re-calculated full actuarial rate with a lump sum payment. These members were notified at the time of the five-year window, but you know how time flies by. As the deadline approaches, we wanted to remind those members about their options. For more details, please [click here for a notice by OPERS](#).

Members can use our online tools to assist and/or OPERS staff stands ready to assist at 1.800.222.7277.

USDA Grants Available for Farmers Markets

The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is accepting applications for the Farmers Market Promotion Program and the Local Food Promotion Program. Applications are due May 7, 2018.

The purpose of the [Farmers Market Promotion Program](#) (FMPP) is to increase domestic consumption of, and access to, locally and regionally produced agricultural products, and to

develop new market opportunities for farm and ranch operations serving local markets by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development, improvement, and expansion of, domestic farmers markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities.

The [Local Food Promotion Program](#) (LFPP) offers grant funds with a 25% match to support the development and expansion of local and regional food business enterprises to increase domestic consumption of, and access to, locally and regionally produced agricultural products, and to develop new market opportunities for farm and ranch operations serving local markets.



Mandatory Electronic Filing to Begin for Ohio Unemployment Insurance Program

Two important changes are on the horizon for the Ohio Unemployment Insurance program. Please see below for details regarding the upcoming Mandatory Electronic Filing Requirement and the Temporary Taxable Wage Base Increase.

Quarterly Reports Must be Filed Online

Most employers and third-party administrators already file their quarterly state unemployment tax reports online. [Those that don't must begin doing so with the first quarter 2018 reports, which are due by April 30, 2018.](#)

The reports can be filed either through the Employer Resource Information Center (ERIC) at eric.ohio.gov or the Ohio Business Gateway at business.ohio.gov. ERIC allows employers and third-party administrators to manage all their business related to unemployment contributions online, including registering new businesses, filing quarterly reports and making tax payments. The Gateway allows Ohio employers to pay their unemployment contributions, as well as other state taxes, online.

Taxable Wage Base to Increase Temporarily in 2018 and 2019

In December 2016, legislation was passed to help ensure the future solvency of the Unemployment Insurance Trust Fund. This legislation increases the taxable wage base for the 2018 and 2019 calendar years from \$9,000 to \$9,500. This means effective first quarter 2018 employers will pay state unemployment taxes on the first \$9,500 in actual (not prorated) wages paid to each of their covered employees. Payments for the first quarter of 2018 will be due April 30.

If you have questions, please call the Contribution Section at 614.466.2319.

2018 Township Safety Sign Grants *(list updated)* *Is your township one of the lucky ones?*

The Township Safety Sign Grant Program is now accepting applications for 2018. Townships who are eligible to apply for the grant have been contacted in various ways, including a direct mailing of materials to notify them of eligibility to apply for the grant.

The [list of eligible townships is available by clicking here.](#)

If your township is listed, you may view the application on ODOT's website or by [clicking here](#). The application for 2018 is due Friday, June 8, 2018. Applicants will be notified in mid-July on their application's status.

Background about the program:

This grant program provides up to \$50,000 per township in safety sign materials (signs, posts and hardware) for townships which have been determined to:

- Have a greater than average crash rating across their entire township based on their township's crash history over the previous five years and
- Not previously received funding under this grant program
- The top 200 townships meeting the criteria are invited to apply for the FY 2018 funding cycle.

All sign grant applicants must attend a pre-grant meeting that ODOT will hold on March 28 or April 12 at ODOT central office.

If you have questions concerning the grant application process, the mandatory pre-grant meetings or the grant in general, please contact Victoria Beale, Township Safety Sign Grant Program Manager, at 614.466.3129 or victoria.beale@dot.ohio.gov.



LTAP Requesting Your Participation in Survey

The Center for Local Aid Support (CLAS) provides national leadership in the advancement of training, technical assistance, and innovation within Local, Tribal, and Federal Land Management Agency transportation networks. The Center collaborates with a diverse mix of partners in the delivery of those services.

The Federal Highway Administration (FHWA), Center for Local Aid Support, invites you to participate in a Local Agency Training and Technical Assistance Needs Assessment. Local agencies own seventy-six percent of the US road network. In this ownership role, many face challenges in maintaining and operating their network, including the need to find and retain a skilled workforce. For agencies with limited budgets, looming retirements, and the need to stay current and embrace new construction technologies, it may be difficult to maintain a skilled workforce.

The key to setting goals in the new strategic plan, will be your input on your workforce needs. The survey results will be a foundational document that informs the new strategic plan.

Your responses are voluntary and will be confidential. Responses will not be identified by individual. If you have questions at any time about the survey or the procedures, you may contact [Andy Byra](#) or by phone at 720.963.3522.

Thank you very much for your time and support. Please start the survey now by clicking on the link below.

[Local Agency Training & Technical Assistance Needs Assessment Survey](#)



Census Bureau to Provide Informational Sessions on LUCA

Below please find the list of final Local Update of Census Addresses (LUCA) Technical Trainings to be held in Ohio. The trainings are for the different methods by which a government unit can conduct their LUCA review so those interested should note the method that will be covered in each session.

Schedule & Locations

Wednesday, March 28
111 Liberty Street
Columbus, OH 43215
9:00 a.m.-12:00 p.m.
Digital/GUPS

Thursday, March 29
541 Ledbetter Road
Xenia, OH 45385
1:00-4:00 p.m.
Paper

Thursday, March 29
69 Greene Street
Xenia, OH 45385
9:00 a.m.-12:00 p.m.
Digital/GUPS

Friday, March 30
315 Madison Street
Port Clinton, OH 43452
9:00 a.m.-12:00 p.m.
Paper



For more information, [please click here](#) or contact [Rose Simmons](#), Partnership Specialist for the U.S. Census Bureau - Philadelphia Region at 215.717.1800.

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