

# Ohio Township Association Legislative Alert



September 1, 2017

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## Newly Introduced Legislation

**[SB 184 WIND SETBACKS](#)** (Skindell) To alter the minimum setback requirement for wind farms of five or more megawatts.

## Recent AG Opinion

### 2017-026 Reimbursement of Healthcare Premiums

#### *Syllabus:*

1. As a result of the exclusion of a "qualified small employer health reimbursement arrangement" from the definition of "group health plan" in 42 U.S.C.A. § 300gg-91(a)(1) (West Supp. 2017), the advice in 2015 Op. Att'y Gen. No. 2015-021 is modified to the extent that it treats cash payments or reimbursements that a board of township trustees provides to township officers and employees under R.C. 505.601 or R.C. 505.603 as "group health plans" that are subject to the annual dollar limit prohibition of 42 U.S.C.A. § 300gg-11(a) (West 2011), when those cash payments or reimbursements constitute "qualified small employer health reimbursement arrangements." The conclusions reached in 2015 Op. Att'y Gen. No. 2015-021 with respect to reimbursements a board of township trustees provides to township officers and employees under R.C. 505.60(D) are not altered. (2015 Op. Att'y Gen. No. 2015-021, syllabus, paragraphs 1 through 9, modified, in part, and followed, in part.)
2. Cash payments and reimbursements that a board of township trustees provides under R.C. 505.601 or R.C. 505.603 in circumstances that satisfy the requirements of 26 U.S.C.A. § 9831(d)(2) (West 2017) constitute "qualified small employer health reimbursement arrangements" and do not constitute "group health plans" that are subject to the annual dollar limit prohibition of 42 U.S.C.A. § 300gg-11(a) (West 2011).
3. If a resolution of a board of township trustees authorizing cash payments or reimbursements to a township officer under R.C. 505.601 or R.C. 505.603 was effective prior to the commencement of the township officer's term of office, and if the cash payments or reimbursements were discontinued to ensure compliance with the requirements of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), resumption of the cash payments or reimbursements during the township officer's term of office does not violate the prohibition against in-term changes in a public officer's compensation in Article II, § 20 of the Ohio Constitution. (2015 Op. Att'y Gen. No. 2015-021, syllabus, paragraph 10, explained.)
4. A resolution adopted by a board of township trustees declaring that cash payments or reimbursements provided to township officers and employees under R.C. 505.601 or R.C. 505.603 will be discontinued to ensure compliance with the requirements of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), supersedes a previous resolution



in which the board of township trustees authorized cash payments or reimbursements to township officers and employees under R.C. 505.601 or R.C. 505.603. Therefore, a board of township trustees shall adopt a resolution authorizing the resumption of cash payments and reimbursements before a township fiscal officer may make the cash payments or reimbursements.

5. If a board of township trustees discontinued cash payments or reimbursements to township officers and employees under R.C. 505.601 or R.C. 505.603 to ensure compliance with the requirements of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), without adopting a resolution memorializing its intention to discontinue the cash payments or reimbursements, the board should adopt a new resolution memorializing the board's decision to resume cash payments or reimbursements that meet the requirements of 26 U.S.C.A. §9831(d) (West 2017).

6. Article II, § 20 of the Ohio Constitution prohibits a board of township trustees from providing cash payments or reimbursements to township officers under R.C. 505.60(D), R.C. 505.601, or R.C. 505.603 during those officers' terms of office if the board of township trustees was prohibited by federal law from offering those benefits to township officers at the commencement of their terms of office.

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## Does Your Township Have An Agritourism Operation?

Last year, the Ohio General Assembly passed legislation pertaining to agritourism operations in Ohio (SB 75, 131st GA). Among other things, the new law defines agritourism, states a county or township may regulate certain factors pertaining to agritourism and addressed immunity of said operations in certain circumstances. The bill went into effect in August 2016. The OTA is looking for feedback from townships that have zoning and have an agritourism operation in their township. Do you have any issues? If you do, please contact the State Association at 614.863.0045.

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## Legislative Committees Next Week (9/5-9/8)

### Wednesday, September 6

**Senate Ways & Means** (Ch. Eklund, 644-7718), S. Hearing Rm., 9 a.m.

**[HB 69 TIF DISTRICTS](#)** (Cupp) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

*1st Hearing-Sponsor*

**Senate Finance** (Ch. Oelslager, 466-0626), Finance Hearing Rm., 10 a.m.

**[HB 54 REVENUE OBLIGATIONS](#)** (Blessing, Gavarone) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

*1st Hearing-Sponsor*

**[SB 112 INFRASTRUCTURE FUND](#)** (Schiavoni) To establish the green infrastructure fund and to make an appropriation.

*1st Hearing-Sponsor*

**[SJR 4 WATER SEWER BONDS](#)** (Schiavoni) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

*1st Hearing-Sponsor*

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## OPERS & Altering the Cost of Living Adjustment (COLA)

The Ohio Public Employees Retirement System (OPERS) is considering changes to the cost-of-living adjustment (COLA) provided to retirees and they want to hear from you!

If you are an OPERS retiree, you should receive a survey that includes a self-addressed, stamped envelope. While the survey asks for replies by Sept. 15, OPERS will accept and tabulate every survey received. If you don't receive a survey by Sept. 5, contact OPERS and a new survey will be sent to you.

On the [OPERS website](#) is a list of frequently asked questions (FAQs) from OPERS retirees about the COLA. You can find the FAQs by clicking [here](#).

If you have any questions, please contact OPERS at 1-800-222-PERS (7377) between 8 a.m. and 4:30 p.m., Monday through Friday.



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## Registration is Now Open for the Ohio Electronic Records Commission's (OhioERC) 2017 Fall Workshop

### *"To Scan or Not to Scan: That is the Question!"*

This FREE workshop will investigate the pros and cons of scanning various types of records, as well as demonstrate a new feasibility tool developed by the OhioERC for evaluating records for digitization. Following the presentation, there will be 4 session rotations that will allow attendees to take a fun, hands-on, small group, deeper dive into uncovering the hidden costs and variables before, during, and after digitizing, as well as utilizing the feasibility tool and touring the Delaware County Records Center and Archives reformatting operations.

Again, this workshop is free to attend, plus a travel stipend for mileage is being sponsored by our partner organizations.

**Date:** Friday, October 6, 2017

**Time:** 9:00-11:30 a.m. OR 1:00-3:30 p.m.

**Location:** Delaware, Ohio

*\*Seating is limited to 50 per session, so register early.*

For more details, the agenda, physical location, and travel stipend information, please visit <http://ohioerc.org/>. To register, please click [here](#).

**Questions can be directed to:**

[OhioERC@ohiohistory.org](mailto:OhioERC@ohiohistory.org)

Nathan Owens, MLIS Records Manager

Office of Ohio Attorney General Mike DeWine

Phone: 614-728-5462

[nathan.owens@ohioattorneygeneral.gov](mailto:nathan.owens@ohioattorneygeneral.gov)

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## Register Now for the 2017 Ohio Environmental Leadership Program

### *"Developing Leadership in Ohio's Urban Environmental Landscape"*

The Ohio Environmental Leaders Institute provides environmental, natural resource and sustainability professionals (and professionals-in-training) with the skills needed to better address complex environmental issues in our state.

This annual, cohort-based program seeks participants from the private, public, non-profit sectors. Sessions are designed to increase your knowledge and skills in communication, negotiation, civic engagement, collaborative problem-solving and leadership.

This year's program will focus on urban environmental issues, including (but not limited to) local foods, safe drinking water, environmental justice and climate adaptation. Participants will learn through a diverse offering of activities, including case studies, small-group and panel discussions, role-plays, and presentations from subject-matter experts and environmental leaders from around Ohio.

**Session Dates:** October 10, November 9 and December 5.

*\*Optional dinner and discussion events are held the evening before each session.*

**Registration deadline:** September 22, 2017

**Registration fee:** \$300.00 (includes materials and meals) Single session: \$125.00

**For more information:** Please click [here](#) or contact Mary Slyby at 614.688.3421.

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## Let's Talk About Local Research - ORIL's Idea Discussion Site is NOW AVAILABLE!

Are you interested in local-focused transportation research? Do you have an idea for a project, but aren't sure if you want to submit it to the Ohio's Research Initiative for Locals (ORIL) Board for consideration? Would you like to have other transportation professionals weigh-in on your idea? Are you not a representative of a local public agency, but want to provide input on topics that could potentially become research projects?



Join the conversation! ORIL is pleased to announce the new [ORIL Idea Discussion Site](#). This site is meant to encourage conversations about transportation issues that are important to Ohio's local public agencies. It's a forum to solicit input from colleagues, experts, and practitioners on ideas, challenges or best practices for the local transportation system. Anyone can participate in the [ORIL Idea Discussion Site](#) and it is updated with new information every two weeks.

So, what are you waiting for? Go to the [ORIL Idea Discussion Site](#) to learn more and become part of the conversation!

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### Ohio Township Association

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