

Local Government Provisions

- Provisions affect local courts, law enforcement, and government administration

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OVERVIEW

This section addresses various budget and policy issues applicable to local government entities. Typically, these provisions do not neatly fit with the law and funding changes affecting state agencies that are described in the other sections of this analysis. The items are organized by subject matter, with a brief summary of their fiscal impact on the applicable political subdivisions.

PUBLIC SAFETY AND COURTS

Child Custody and Military Service

(R.C. 3109.041)
Counties, Cities

This provision allows a parent who is subject to an order allocating parental rights and responsibilities or in relation to whom an action to allocate parental rights and responsibilities is pending to apply to the court for a hearing to expedite an allocation or modification proceeding if a parent subject to such an order or in relation to whom the case is pending is ordered to active military service in the uniformed services (U.S. armed forces, Army National Guard, or Air National Guard when engaged in active duty for training, or the commissioned corps of the U.S. Public Health Service) for a period of more than 30 days. It also requires the parent who is ordered to active military service to notify the other parent who is subject to the order, or in relation to whom the case is pending, of the order to active military service.

Additionally, the court is required to schedule a hearing upon receipt of the application and hold the hearing not later than 30 days after receipt of the application, but must give the case priority if exigent circumstances exist. The provision also limits the conditions under a prior decree allocating parental rights and responsibilities can be modified.

As a result, some local courts may temporarily forego filing fee revenues that might otherwise have been collected in one fiscal year only to collect it in a subsequent fiscal year. The effect of these potential temporary shifts in the collection of filing fee revenues in any given year is likely to be minimal.

Enforcement of Traffic Laws on Streets Located Immediately Adjacent to Political Subdivision Boundaries

(R.C. 2935.03 and 4513.35)

Counties, Municipalities, Villages, and Townships

The bill clarifies that law enforcement officers from one jurisdiction may enforce state traffic laws on all portions of a street or highway that is located in an adjoining jurisdiction when the portion of the street or highway is located immediately adjacent to the boundaries of two jurisdictions. It also provides that all fines collected from persons who are charged by law enforcement officers from the adjoining jurisdiction are to be paid to the adjoining jurisdiction. The fiscal implication of this provision is uncertain.

Public Nuisance in Subsidized Housing

(R.C. 3767.41)

Counties, Cities, Villages, and Townships

This provision establishes "public nuisance in subsidized housing" as a separate category of public nuisance that a judge may find and order to be abated. The provision requires a judge to apply federal quality standards in determining whether subsidized housing is a public nuisance, and requires any conveyance of subsidized housing that is a public nuisance to be made pursuant to federal guidelines. It also prohibits subsidized housing that is a public nuisance from being conveyed to abate the nuisance unless the purchaser agrees to enter into a federal contract and continue to operate the housing as subsidized housing. The fiscal effect of this provision would depend on the frequency with which judges use this type of public nuisance order.

ELECTIONS

Apportionment of Election Expenses

(R.C. 3501.17)

Counties, Cities, Villages, and Townships

This permanent law provision includes in the list of expenses to be divided between subdivisions conducting elections: the costs incurred for intermittent employees of the board of elections; placing and removing voting machines; printing precinct voter registration lists; supplies for printing voter verified paper audit trails; and contractors engaged to prepare, program, test, and operate voting machines. It also defines a "subdivision" that must be charged for the costs of conducting an election as any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive tax settlement moneys. This provision may result in possible increases in elections costs for certain subdivisions and decreases in county expenditures because it allows certain election expenses now paid by counties to be passed on to other subdivisions.

Elections Funding

(R.C. 3501.17)

Counties

This provision permits a Board of County Commissioners, at the request of the Board of Elections, to establish an elections revenue fund for the purpose of accumulating revenue withheld by or paid to the county for the conduct of elections. It further permits the Board of County Commissioners to transfer money into that fund from any other fund of the political subdivision from which such payments lawfully may be made. The provision has no apparent fiscal effect, but provides a new accounting mechanism to handle election revenues and expenditures.

VARIOUS LOCAL GOVERNMENT ADMINISTRATION PROVISIONS

Application of Landlord Registration Law

(R.C. 5323.021, 5323.01, and 5323.99)

Counties

The bill updates the landlord registration law to require the county auditor to provide an owner of a residential rental property located in a county that has a population of more than 200,000 with notice of the requirement to file certain specified information and the requirement to update that information. It also permits the county auditor to impose a \$150 special assessment on the residential rental property, which may be appealed to the county board of revision, and increases from 10 to 60 the number of days an owner of residential rental property has to update any changes in information about the property.

Additionally, the bill eliminates the requirement that information filed with the county auditor regarding residential rental property include the year in which the rental units were built and provides that the information filed with the county auditor may be maintained on the tax list or the real property record, rather than on both the tax duplicate and real property record.

These changes could result in potential increases in filing costs for counties with populations greater than 200,000 persons. There is also a potential decrease in costs for allowing the record to be maintained on either the tax duplicate or real property record instead of both. There might be additional costs for required notifications to residential property owners, and possible gains in fine revenues from any rental property owner that violates the provision.

Bidding Threshold for Joint Fire and Ambulance Districts

(R.C. 505.376)

Counties, Cities, Villages, and Townships

This provision raises the threshold above which competitive bidding procedures apply to an expenditure of a joint fire and ambulance district (other than employee salaries) from \$25,000 to \$50,000. There could be a potential decrease in administrative costs associated with the contracting process, as there would likely be fewer contracts subject to competitive bidding; however, the overall fiscal effect on contract costs is uncertain.

Competitive Bidding for Township Fire Departments

(R.C. 505.37)

Townships

This provision establishes a competitive bidding requirement and procedure for expenditures by township trustees for fire fighting purposes in excess of \$50,000. Currently, no bidding requirement exists for regular township fire departments. The provision may increase administrative costs to townships. However, if through the competitive bidding process, the costs of certain projects are lower than what was previously paid, any new administrative contracting costs could be offset.

Contracts Between Political Subdivisions

(R.C. 2744.02)

Counties, Cities, Villages, and Townships

This provision provides that the defenses and immunities of political subdivisions under current law apply to governmental and proprietary functions performed by a political subdivision and its employees, whether performed on behalf of that political subdivision or another political subdivision. This potentially reduces liability costs to political subdivisions that have contracted to complete work for other political subdivisions.

Maintenance and Beautification of Township Cemeteries

(R.C. 517.08)

Townships

This provision permits townships to use the proceeds from selling cemetery lots to maintain and beautify cemetery grounds. While there is no direct fiscal effect, this provision simply gives townships the authority to use this revenue for the above stated purpose, rather than relying on general funds.

Membership of Board of Trustees of a Regional Arts and Cultural District

(R.C. 3381.04)

Municipalities

This provision increases, from three to five, the number of members of a board of trustees of any regional arts and cultural district created under the alternative procedure by the exclusive action of a county with a population of 500,000 or more. There is no fiscal impact associated with this provision.

Proxy Attendance and Voting by Members of Regional Councils of Government

(R.C. 3381.04)

Municipalities

The provision authorizes the by-laws of a regional council of governments whose members include at least eight counties to allow proxy attendance and voting. There is no fiscal impact associated with this provision.

Secretary of Defense Approval for Annexations and Mergers

(R.C. 709.01) Municipalities

The provision requires the approval of the Secretary of Defense of the United States before territory lying within the boundaries of any United States military base may be annexed to or merged with a municipal corporation under any annexation or merger procedure. There is no fiscal impact associated with this provision.

Single County Ditch Law

(R.C. 6131.23.01) Municipalities

The provision increases the maximum repayment period from 10 to 30 semiannual installments that a board of county commissioners may allow landowners for payment of an assessment under the Single County Ditch Law, and increases the maximum repayment period from 16 to 30 semiannual installments for bonds that are sold for an improvement under that law.

Township Authority to Lend Money

(R.C. 505.705 and 6119.06) Townships

This provision clarifies that a board of township trustees may agree to grant or lend money from the township general revenue fund to another political subdivision that has authority to provide water or sanitary sewerage within the township. The provision may result in future revenues to townships for any interest gained from lending money to other political subdivisions for the described purposes, dependent upon the terms of the loan.

Township Zoning Modifications

(R.C. 519.12) Townships

This provision changes the vote required for the board of township trustees to deny or modify the recommendations of the township zoning commission from unanimous to two-thirds. This provision has no fiscal effect.

LOCAL GOVERNMENT TAXATION

In addition to the items mentioned above, the budget act contains provisions affecting local government fund distributions. The budget also lays out new terms under which counties with populations of over 400,000 and whose largest city accounts for more than one-third of that population may buy, lease, improve, or operate convention centers, and also alters the existing statutory criteria which such projects can be financed. The provision would apply to five of Ohio's largest counties. Finally, the budget includes statutory language that sets out new notification requirements that apply to the Muskingum Watershed Conservancy District when it decides to impose a new maintenance assessment. For further details about these items, please consult the section entitled "Tax Provisions."