



July 26, 2017

SUPREME COURT RULES HOME RULE VIOLATIONS SB 342 RED LIGHT CAMERA BILL

Today, the Ohio Supreme Court ruled in a 5-2 decision that portions of SB 342, the Red Light Camera bill from the 130th General Assembly, requiring police to be present for the enforcement of red light camera violations, violates Article XVIII of the Ohio constitution and the municipal Home Rule provisions.

The majority ruling struck three provisions in the statute passed in December 2014. In its decision, the court found that the legislative language limiting municipalities' authorities did not meet the test for "general laws" of the state. The challenge was initiated by the city of Dayton.

As part of SB 342, the language challenged mandated police officers to be present at the location of red light cameras before citations could be issued, it restricted citations based on a driver's speed, and would have required cities and villages to pay for studies and awareness campaigns before installing monitoring systems.

OML INCOME TAX CONFERENCE DIVES INTO STATE PLANS FOR CENTRALIZED COLLECTION; OTHER MUNI TAX ISSUES

On July 12-14th, the league hosted our annual OML Municipal Income Tax Conference which was held in downtown Columbus at the Renaissance Hotel. Municipal officials from across the state attended the three-day seminar which focused heavily on changes included in HB 49, the two-year state operating budget bill, that further alters the way the municipal income tax is administered, including the state's ability to administer a portion of the municipal net profit tax through the Ohio Business Gateway portal and the elimination of the Throwback rule.

In addition to the review of the language included in the budget and other topics related to the administration of the municipal income tax, conference attendees also heard from a panel of legislators who are key policymakers on tax related issues at the Ohio Statehouse and from officials from the Department of Taxation and Ohio Business Gateway.

We are grateful for the time Senator John Eklund, chairman of the Senate Ways and Means Committee, Representative Tim Schaffer, chairman of the House Ways and Means committee and Rep. Mike Henne spent with our attendees before and after their presentations and for sharing their views as they relate to local and state tax issues and what municipal officials might expect in future changes to ORC 718, the municipal tax section of the state code.

We also want to thank all the vendors who exhibited at the conference again this year. Finally, no conference could be a success without the expertise of those recruited to be session presenters. The 2017 tax conference provided refresher information on current tax practices and procedures and dove into some difficult to interpret changes to the administration of the municipal income tax via the new centralized collection scheme. We greatly

appreciate the hours our presenters spent preparing the information and for helping our officials better understand how the state intends to institute the new centralized collection system.

ATTORNEY GENERAL DEWINE ANNOUNCES OPIOID GRANT PROGRAM REQUEST FOR PROPOSALS: LAW ENFORCEMENT DIVERSION PROGRAMS

Ohio Attorney General Mike DeWine's Office (AGO) is currently accepting proposals to replicate or expand successful law enforcement diversion programs that address the opioid epidemic that are similar to the Drug Abuse Response Team in Lucas County and the Quick Response Teams in Hamilton and Summit Counties.

The total allocation for this grant program is \$3 million, over two years (FY 2018 and FY 2019). The AGO anticipates approving an average award of \$150,000 over two years. There is no minimum award request amount.

[Request for Proposals: Law Enforcement Diversion Programs Application](#)

[Law Enforcement Diversion Programs Budget Worksheet](#)

All proposals in response to this RFP are due no later than 5 p.m. EST on Friday, August 18, 2017. To submit an application or for technical assistance with any requirements of this solicitation, contact HeroinUnit@OhioAttorneyGeneral.gov.

Applications will be accepted by e-mail at HeroinUnit@OhioAttorneyGeneral.gov.

STATE FIRE MARSHALL NEWS

ABANDONED GAS STATION CLEANUP GRANT PROGRAM

By: Patricia Bulzan

Old, abandoned gas station sites can not only be an eyesore for a community, but a costly project to clean up and/or remove the underground petroleum tanks.

To help communities with these problem properties, the Ohio Legislature and Governor John R. Kasich created a \$20 million fund that aids communities in cleaning up and repurposing sites of abandoned gas stations.

This program has been effective in helping communities, like Columbus. Three orphan underground storage tanks (UST) were removed from a former gas station in 1993. In 2009, two more UST's were removed by the station owner and contamination was identified. Vapors were found to be traveling into a nearby home. Corrective action work was the responsibility of the station owner.

The owner proved that he was financially unable to continue after the closure assessment. The site, with no viable responsible party, was classified as a "C." A limited liability company purchased the property. Since they are not responsible for the release, the company partnered with the city to receive grant money and remediate the property. Remediation is still in progress.

The program is targeted at helping communities, developers and eligible property owners repurpose "Class C release" sites. This refers to a property where the responsible party is no longer alive or financially able to conduct the work.

There are more than 400 Class C properties in Ohio, which shows a tremendous opportunity for revitalization of many properties. This program is a joint effort between the Division of State Fire Marshal's Bureau of Underground Storage Tank Regulation (BUSTR), the Ohio EPA and the Ohio Development Services Agency.

Up to \$100,000 can be awarded for property assessment costs, and up to \$500,000 can be awarded for clean-up and remediation activities. All properties awarded money must conduct activities in accordance with Ohio EPA VAP rules and/or under BUSTR's corrective action rules.

For specific questions regarding the grant program contact April Stevens, Development Services Agency, at **(614) 466-4007**.

OHIO EPA UPDATE:

SB 2: STATE OFFERS LOAN PROGRAM TO ASSIST COMMUNITIES WITH NEW ASSET MANAGEMENT REQUIREMENTS

Senate Bill 2 which was sponsored by Sen. Cliff Hite and passed by the Ohio legislature June 22, 2016, requires all public water systems to have an asset management program in place by October 1, 2018. OEPA is developing rules to reflect the statutory change of Senate Bill 2 along with the existing capability rules to address the managerial, technical, and financial capability of water systems.

The purpose of requiring an asset management program is to cut down on the number of disruptions in service that are due to lack of maintenance and planning.

An asset management program will need to be available for inspection and a system may be asked for a demonstration in more detail if they are looking to receive a loan, are going through enforcement, or are otherwise struggling with capability issues. For an asset management program to be effective it needs to be a dynamic program that is implemented and adequately funded.

To help water systems implement these requirements, Ohio EPA is offering Asset Management Planning loans. Information on loan nominations can be found at: <http://epa.ohio.gov/ddagw/financialassistance.aspx> and by contacting Susan Schell (susan.schell@epa.ohio.gov) at 614-644-2752.

For questions or more information on asset management program requirements, please contact Susan Schell or Emily Pohlmeyer (Emily.pohlmeyer@epa.ohio.gov) at 614-644-2752. Stay tuned for periodic updates and training opportunities as they become available.

OHIO EPA UPDATE cont. :

SENATE BILL 2:

NEW RULES REQUIRING ASSET MANAGEMENT

Asset management has many different definitions; in the end it boils down to getting the most out of your assets at the lowest cost to the system. In other words, a water system should be servicing assets frequently enough that the assets are not falling apart but are doing what they are meant to, without spending more time or money than is necessary to achieve those results.

OEPA is moving forward with the development of rules that would require an asset management program for all public water systems. These rules would reflect the statutory change of Senate Bill 2 which was signed on July 7, 2017 by the governor, along with the existing capability rules to address the managerial, technical, and financial capability of water systems. These rules will require all public water systems to have a written asset management program available for on-site inspection, however some water systems may be asked for a demonstration of their asset management program in more detail. A system may be asked for a demonstration in more detail if they are looking to receive a loan, are going through enforcement, or are otherwise struggling with capability issues.

To demonstrate managerial capability, the rules would call for the following information. Together these items can give a water system information they need to manage their system.

- A non-technical description of the water system, including major components, source, number of connections, etc.
- Ownership accountability and an operating plan containing a table of organization.
- Documentation of operator attended training.
- A written operation and maintenance plan.
- A written demonstration of procedures for addressing complaints, violations, etc.
- An inventory of contacts and purchasing procedures.

Technical capability would be demonstrated with the following:

- A map including location and name of major assets, such as water source, treatment, storage and distribution.
- An inventory of assets with an evaluation of each asset.
- Operation and maintenance programs that include testing procedures and protocols.
- Criteria and a timeline for the rehabilitation and replacement of assets.
- Capital improvement plan, including a project description, cost, and funding sources.
- Approved capacity projections and emergency and contingency planning.
- Levels of service that are developed and tracked by the water system.
- Metrics will be pre-determined by the state, depending on type of system. These will be tracked and reported by the water system.

The third major component of the asset management program rules being developed is financial capability. The following will be required in an asset management program:

- Pro-forma statements (5 years previous and 5 years projected).
- Income statement.
- Balance sheet.
- Statement of cash flow.
- Amortization schedule for outstanding debt.
- Capitalization terms of debt.

- Current water rate ordinance and triennial water rate evaluation. This can be used by the water system to evaluate when and by how much rates should be raised.
- Documentation of all customers billed per metered water usage.
- Information demonstrating bond or credit rating. Documentation that they have a bond or credit rating to assess their likelihood to pay back debt.

For an asset management plan to be effective it needs to be a dynamic program that is implemented and adequately funded. Levels of service and metrics will be used to ensure that asset management programs are being implemented. There will be a review of the levels of service a system has in place, which will be unique to each water system. At each time of review, the water systems will need to show progress toward their levels of service. All water systems would also be required to track and maintain a defined set of metrics. Metrics would differ depending on the type of water system. The OEPA will be looking for the water system to continue to improve on its metrics each year.

The purpose of requiring an asset management program is to cut down on the number of disruptions in service that are due to lack of maintenance and planning. The asset management rules require an asset management program of all public water systems. The rules include specificity on what is required in an asset management program. The OEPA sees asset management as a way to improve the capability of the state's water systems and improve the quality of service they provide. Senate Bill 2 requires all public water systems to have an asset management program in place by October 1, 2018.

To help water systems implement these requirements, Ohio EPA is offering Asset Management Planning loans. Nominations for these loans will be accepted at any time. The loan terms will be 5 years at 0% interest, with up to \$10,000 of principal forgiveness. More information on loan nominations can be found at: <http://epa.ohio.gov/ddagw/financialassistance.aspx>. For questions or more information on asset management program requirements, please contact Susan Schell (susan.schell@epa.ohio.gov) or Emily Pohlmeier (Emily.pohlmeier@epa.ohio.gov) at 614-644-2752. Stay tuned for periodic updates and training opportunities as they become available.

GRANTS TRAINING IN COLUMBUS AUGUST 14-15, 2017

Columbus Division of Police Regional Training Center and Grant Writing USA will present a two-day grants workshop in Columbus, August 14-15, 2017. This training is for grant seekers across all disciplines. Attend this class and you'll learn how to find grants and write winning grant proposals.

[Click here for full event details.](#)

Beginning and experienced grant writers from city, county and state agencies as well as nonprofits, K-12, colleges and universities are encouraged to attend.

We are excited to offer Ohio Municipal League members and their staff a special tuition rate of \$425 which includes everything: two days of terrific instruction, workbook, and access to our Alumni Forum that's packed full of tools, helpful discussions and more than 200 sample grant proposals. Please use discount code "OHASSN" to receive this \$30 discount off full price at registration.

Multi-enrollment discounts and discounts for Grant Writing USA returning alumni are also available. Tuition payment is not required at the time of enrollment.

Complete event details including learning objectives, class location, graduate testimonials and online registration are [available here](#).

Contacts:

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LEGISLATIVE SCHEDULE FOR SECOND HALF OF 2017

Leadership from the Ohio House of Representatives and Ohio Senate recently released the session schedules for the second half of 2017. The schedules can be found [HERE](#).

As always, dates and times for sessions are subject to change.