

2015-2016

**STATEMENT OF
LEGISLATIVE POLICY**

ABOUT THE OHIO MUNICIPAL LEAGUE

The Ohio Municipal League represents the collective interests of Ohio's cities and villages before the Ohio General Assembly. The League represents not only Ohio mayors but also the entire spectrum of local municipal officials including law directors, city managers, finance officers, safety directors, service directors, council members, and city and village clerks. Incorporated as a non-profit corporation in 1952, the League continues to serve the needs of municipal government in a variety of capacities.

The development of the Ohio Municipal League's "Statement of Legislative Policy" represents a consensus of thought among Ohio's municipal officials. These ideas go beyond party, beyond size of community and beyond the regional and economic differences that exist within the diverse urban landscape of Ohio. In a state in which two-thirds of Ohio's population and three-quarters of Ohio's job market exist within municipalities, the thoughts of the League's membership represent an integral part of Ohio's future success. In essence, these ideas embody the hopes and the concerns of municipal officials who seek to enhance the quality of life of all Ohio citizens.

General Theme and Purpose of Statement

The foundation of this Statement of Legislative Policy is found in the Ohio State Constitution.

Essentially, it is rooted in the primary belief that municipalities must remain and continue to be workable, livable and prosperous. This foundation consists of:

1. Ohio's cities and villages, through the Constitution of 1912, are bestowed with the power of Home Rule by the people of Ohio. The power of Home Rule must be held supreme. Any attempts to infringe upon Home Rule should be fought vigorously, while attempts to more clearly reflect the power of Home Rule should be supported with like intensity. Recent attempts by the General Assembly to infringe on Home Rule have been ruled unconstitutional by the courts.
2. Progress for municipal government can be made and the public trust fulfilled when a genuine partnership with the state and federal government exists. That partnership, especially in the areas of finance, housing, safety, environment, economic development, homeland security and transportation is critical for the successful operation and fiscal well-being of all of Ohio's municipalities.

Tax and Finance Policy

Tax

State legislation affecting taxation must preserve Home Rule and the financial integrity of Ohio's cities and villages, and must allow potential for future increases in revenues for municipal purposes. Any proposed change to municipal or state tax policy must take into full consideration the impact that such changes will have on all municipal resources. Any such changes should not adversely impact the future of municipal resources, but instead hold them harmless.

Any attempts to standardize municipal taxation must be sensitive to the fact that municipalities have distinct demographics, and any proposed changes need to keep all municipalities whole.

Unfunded Mandates

State-mandated standards, regulations and programs should not be imposed upon municipal governments unless state financing is provided. This financing should be in addition to existing shared revenues.

State Shared Partnership

The state, in its own interest since 1936, has seen that by supporting local government services through a sharing of state revenue with local government, many local needs are met and many local problems are solved at the local level. The Local Government Fund (LGF) is critical to the survival of many local services. In some cases these funds are essential to the very survival of some local governments. The state must renew its commitment to local government services. Local revenue needs and problems will not go away by shortchanging the LGF. Those problems and needs will simply reappear as state needs and problems. As state revenues continue to improve, it is imperative to rebuild the LGF.

Prevailing Wage Law

Ohio's Prevailing Wage Law is outdated and does not allow municipalities the flexibility to build their local economy and infrastructure in a cost-effective manner. Therefore, prevailing wage for municipally funded projects should be a local option.

Homeland Security and Emergency Management Policy

In these times of heightened concern about security throughout our nation and state, it is important to recognize that the capacity to respond to security threats in Ohio is almost entirely at the local level. State, regional and national assistance will be provided once local agencies exhaust their allocated emergency resources in a disaster. Given the urban nature of past security threats, much of the burden for first response to such threats is with Ohio's municipal governments. Given that, most financial assistance related to homeland security should be directed to Ohio's municipal governments.

The League supports the recommendations of the Homeland Security Funding Task Force. Though improvements have been made in the distribution of federal money for local Homeland Security services, additional changes are needed to ease the bottlenecks among the federal, state and local governments for the spending of essential Homeland Security assistance. We support changes in the federal rules for using Homeland Security money for overtime pay for first responders to react to local terrorist threats, without the need for the raising of the national alert level.

Transportation Policy

Adequate transportation funding for municipal projects must be given a priority by the state. Ohio's policy should represent a joint agreement between the state and local governments to effectuate a mutually efficient and effective system of transportation. The state should explore more and better future funding sources.

Land Use Policy

Land Use Planning, Management and Control

State laws should permit maximum discretion and flexibility to municipalities in land-use control and should provide municipalities with primary authority in incorporated areas. Municipal government must also have a significant role in development issues in areas adjacent to the municipal corporation. Redevelopment and revitalization of Ohio's urban core cities and first tier suburbs must be a major priority for the state.

Municipal Growth and Development Policy

Annexation

Any attempts to infringe upon the ability of municipalities to grow and create jobs through orderly annexation must be fought vigorously, while attempts to make current annexation laws less restrictive and/or less cumbersome must be supported.

Economic Growth

In addition to annexation, a number of other tools (e.g., JEDDs, CEDAs, TIFs) have been developed that can help forge new partnerships for economic growth at the local level. Those tools should be modified as needed to make them more useful and attractive to municipalities and their neighbors.

Environmental Policy

Environmental legislation and regulation must define and consider the risks, costs and benefits of pollution abatement or environmental risk reduction in order to achieve the best utilization of local tax dollar expenditures and the greatest pollution abatement or risk reduction. This balancing of factors must also be reflected in future OEPA policies related to development and financially sensitive green initiatives.

Personnel Policy

Labor Relations

Efforts should be made to ensure that the collective bargaining law and its administrative rules are enforced and refined to protect the interests of the municipality as an employer and the taxpayer who must pay the bill. Efforts to change the collective bargaining law should not come in the form of mandates and need to honor home rule.

Civil Service

Greater flexibility should be permitted to allow a broader range of evaluations and greater flexibility in hiring personnel from outside of the municipal department.

Employee Benefits

The State Retirement Systems and the Bureau of Workers' Compensation system should continue to implement cost containment measures, work toward streamlining their operations to better represent all interests, and strive towards eliminating abuses. Surpluses resulting from these measures and other factors, such as those which have been realized in the past by the Bureau of Workers' Compensation, should continue to be equitably redistributed to the entities contributing to those surpluses through dividends.

Housing Policy

The State of Ohio should be the chief advocate of open, affordable and fair housing and promote housing plans developed by municipalities.

Municipal Government Reform Policy

The General Assembly should continue to modernize the procedures required of statutory plan municipal governments.

Liquor Control Policy

State law should provide clear guidelines for granting or renewing liquor permits which accommodate, to the maximum extent possible, the recommendations of local governments and recognize local community characteristics.

Intergovernmental Relations Policy

Recognizing the need for a strong partnership between state and local governments, it is crucial that consistent channels of communication are established among state, county and municipal governments and townships. It is also incumbent that state decisions, both administrative and legislative, are made through effective prior consultation with municipalities. Intergovernmental cooperation is encouraged and should be proactive rather than reactive in areas of land use, transportation, and economic development.

A SUMMARY OF SPECIFIC POLICY ISSUES

While the first part of the League's Policy Statement lists many of the principles which, if used in policy formulation, are helpful and, sometimes, critical to Ohio's cities and villages continued fulfillment of their mission to efficiently provide services to their citizens, there are also many specific decisions which can be made to facilitate that important work.

While those specific issues change constantly, this summary attempts to outline some of the very important issues that could be addressed today which would help keep our cities and villages livable and growing. While no list of this type can be exhaustive, the items mentioned in this summary are certainly items of great interest to a broad spectrum of municipal officials throughout Ohio.

We believe the state should:

Tax and Finance Policy

Tax

- (1.) Support the local collection of the Municipal Income Tax. Any proposal to do otherwise should be vigorously opposed or kept a local option.
- (2.) Understand that the state has made repeated specific efforts to change the municipal income tax in recent years. The League has worked hard to assist those efforts, without damaging the municipal tax base. By the state's intent, those efforts were to be revenue neutral. They were not. Ohio's municipalities should not be subjected to any more of the state's alleged "revenue neutral" municipal tax reform.
- (3.) Ensure that the League and its members are included in all policy level discussions regarding municipal taxes or state tax policy changes that would affect municipal resources.
- (4.) Help protect a municipality's ability to expand, control and maintain its tax base and operations locally.
- (5.) Help identify and provide new opportunities for constructing, financing and maintaining local infrastructure.

State Shared Partnership

(6.) Protect and earmark revenues from state taxes for the Local Government Fund (LGF) at a sufficient percentage rate. After years of cuts and freezes, the state should continue to renew its commitment to local government. As state revenues continue to improve it is imperative to restore the most recent cuts to the LGF

Prevailing Wage Law

If prevailing wage is not made a local option, the state should:

(7.) Allow for an increase in the cost of public improvement projects from thresholds now set in law to \$1,000,000, or to the threshold set for the school facility commission projects.

(8.) Require that the prevailing wage be set at the beginning of the project or contract and not be subject to change for the duration of the project or contract.

Homeland Security and Emergency Management

(9.) The state, with the approval of the department of homeland security, should allow grant funds to be used to directly offset the costs incurred by state, county and municipal governments for securing those critical infrastructure and major events identified as high-risk by the DHS. Activities to be supported should include: target hardening activities, technological security enhancements, and incremental personnel costs associated with protection activities, including overtime payments for all municipal services, preparedness, prevention, response and mitigation activities for natural and manmade disasters thereby enhancing our community's resiliency.

(10.) The state should allow and encourage that future DHS grant money be used by local governments to detect and prevent future acts of terrorism, preparedness, prevention, response and mitigation activities for natural and manmade disaster responses.

(11.) State, county and municipal governments should be allowed to exercise emergency authority and modify purchasing procedures to allow for quick execution of homeland security expenditures.

(12.) The state should identify and assist local governments in the bulk purchasing of necessary homeland security-related equipment and other homeland Security-related purchases. The state should also investigate the possibility of multi-state bulk purchasing ideas related to needed homeland security equipment.

(13.) The state should work in partnership with federal, county and municipal governments to develop state homeland security strategies to guide the use of funds provided by DHS.

(14.) The State should allow DHS grant money to be used for training including joint training at the State, County and Municipal levels.

Transportation Policy

(15.a) Require ODOT to pay 100% of costs for the maintenance of state highways inside of municipal boundaries. Such payments should include the cost of bridges, culverts, curbs, handicap ramps, storm drains and other appurtenance associated with the proper maintenance of such state routes.

(15.b) State transportation policies should place more emphasis on maintaining and restoring highway infrastructure already in place rather than encourage new build.

(16.) Provide financial assistance for the acquisition, maintenance and operation of mass transit systems in an equitable manner.

(17.) Broaden the scope of eligible cost items on state-assisted highway projects, including urban paving projects, to include design and engineering costs, as well as those costs necessary to enhance urban living, such as curbs and sidewalks, handicap ramps, utility relocations, and landscaping. The state should be encouraged to also allow for innovative approaches to street construction that save dollars and increase the dollars for such projects.

(18.) Allow that both the state and municipalities benefit equally from increased federal financing for federally aided highway projects.

(19.) Require direct distribution of motor vehicle license fee and gasoline tax revenue to municipalities rather than through the county.

(20.) Increase all efforts to make Ohio less a donor state on federal fuel taxes and to equalize the federal fuel tax on ethanol with gasoline.

Land Use Policy

Land Use Planning, Management and Control

(21.) Require that all facilities both public and private, as well as all licensure powers by federal, state and county agencies, conform to municipal land use decisions and zoning requirements.

(22.) Continue to provide and promote financial incentives to municipalities for redeveloping the viability of older urban and rural communities.

(23.) The state basic building code and the state residential building code should serve as the minimum standard for building in Ohio. Municipalities must be allowed to exercise their Home Rule authority to choose more stringent standards in their communities for the health and safety of their citizens.

(24.) In regard to municipal right-of-way management, the state must protect a municipality's power to appropriately manage the local rights-of-way within its jurisdiction. To protect public safety, municipalities pay significant sums to maintain, repair, and resurface the roads and streets for which they have a responsibility. Municipalities also have significant interests in promoting efficient economic development and maintaining the aesthetic appeal of their neighborhoods through right-of-way management. Therefore, municipalities expend significant time, effort, and cost to manage the use of their roads and streets. At the discretion of each community, the burden of those costs should be shared through locally developed fees paid by those private entities which use and profit from the use of the public's right-of-way. The state, either through legislation or oversight by state agencies, should not interfere with that locally-imposed cost sharing or in the discretion exercised by each municipality to safely and comprehensively regulate and manage their public's right-of-ways.

(25.) Be aware that new technologies will demand space in the right-of-way over the next several years and trust that municipalities will deal fairly and rationally with these new technologies as they have with traditional utilities. Municipalities must be allowed to manage their right-of-ways, no matter what the utility, without interference from the state.

Municipal Growth and Development

Annexation

(26.) Provide that where unincorporated territory of less than five acres is surrounded by a municipality, annexation shall be complete upon petition by the council to the county commissioners.

(27.) Devise procedures for the annexation of unincorporated territory that is non-contiguous to a municipality where the territory to be annexed is owned by the municipality.

(28.) Amend state statutes providing for a merger of a township with a municipal corporation to prohibit use of the procedure where the merger would result in the creation of a non-contiguous municipal corporation. State statutes should be designed to encourage mergers and incorporations in urbanizing areas of Ohio.

(29.) Not pass any laws that attempt to bar annexation by any municipality when that municipality requires annexation for the extension of any services.

(30.) Private property owners petitioning for annexation using the “Type II” expedited procedure should be relieved from the requirement that their real estate be contiguous to the municipal corporation if public owned land creates a land barrier.

(31.) Subdivisions of the state of Ohio, public school districts, and agencies supported financially by such public entities should be required to show cause for moving facilities or staff outside municipal limits and to demonstrate appropriate cause for their site selection, which shall not include tax avoidance. Municipal governments should have a right to claim payment of lost earnings taxes that result from moves not so justified.

(32.) Private property owners should not be burdened by township property taxes for services not provided by or received from the township after an annexation where the municipal corporation does not withdraw from the township.

Economic Growth

(33.) Provide additional “tools” to cities and villages to create new jobs and promote job retention.

(34.) Allow for "quick take" eminent domain procedures for municipal efforts to enhance utility services.

(35.) Change the statewide joint economic development district statute to make this program more attractive and user-friendly to municipalities.

(36.) Encourage the formation of cooperative economic development agreements by:

a.) requiring ODOT to continue 100% maintenance of state highways in CEDA areas, when requested by the participating municipality and township.

b.) allow a CEDA planning process to be created in a CEDA to replace duplicative review by rural planning boards.

(37.) Through the Ohio department of taxation, provide a more timely and competent approval of tax increment financing (TIF’S) proposals.

Environmental Policy

(38.) Not allow Ohio EPA to substitute the agency’s judgment for that of local officials and federal policy priorities on issues contained in locally developed agreements for water and wastewater treatment.

(39.) Environmental projects should take into account the economic status and ability to pay of a community, in addition to population.

(40.) Provide adequate funding to insure compliance with imposed environmental mandates.

(41.) Base policies and regulations on credible scientific information that have been through a formal peer review process, where such procedures are appropriate and feasible and establish an independent scientific and engineering board to assess scientific rationales in current and proposed state environmental legislation.

(42.) Require that local input be included in the planning and development process for all proposed environmental legislation.

(43.) Increase public education as to the scientific information and basis of what causes environmental risks and what reduces them.

(44.) Utilize market-based incentives whenever practicable in the process of reducing environmental risks.

(45.) Provide adequate funding and meaningful regulation to insure that water sources and supplies are protected from both natural and manmade risks.

(46.) Consider the overall, cumulative economic development impact of proposed environmental legislation on the regulated local community.

(47.) Should provide a new source of funding for the clean-up of former municipal landfills. The state EPA should also strengthen its ability to respond in a timely fashion to problems related to all landfills.

(48.) The state administration and legislature should support the continuation of funding for brownfields remediation and redevelopment as originally envisioned in the clean Ohio program.

Personnel Policy

Labor Relations

(49.) Repeal the provisions relative to mandated binding interest arbitration.

(50.) Should require, in all state-mandated binding arbitrations that an arbiter's recommendations be limited to a municipality's ability to pay for such recommendations and take into consideration comparable wages in both the private and public sector in the city.

(51.) In state-mandated collective bargaining, limit the scope of negotiations to more closely mirror the range of issues available for bargaining in the private sector.

(52.) Any consideration of changing minimum staffing requirements for fire or other municipal services should be a local decision.

Employee Benefits

(53.) Provide the municipalities of Ohio with representation on the Police and Fire Pension Fund Board to enhance their voice as a primary payer of the contributions. This troubled pension fund must have more direct input on its operations and programs from the municipal employers, who pay more than half of the cost of the fund.

(54.) Require the Ohio Police and Fire Pension Fund to notify individual municipalities of all police and fire personnel who choose to elect the deferred retirement option program (DROP). This notification should occur as soon as OPFPF is notified of such election.

(55.) Should require the Statewide Pension Systems to offer additional options to members entering the system for contributions toward health care coverage upon retirement.

(56.) Freeze the existing requirement that Medicare coverage be provided to public employees covered by a statewide or municipal pension system.

(57.) Allow more municipalities the ability to self insure for Workers' Compensation.

(58.) Eliminate the statutory requirement that police and fire chiefs must be appointed from within their respective departments.

Housing Policy

(59.) Establish and fund housing courts similar to the housing division in the Ohio Revised Code section 1901.011. Such courts could handle code violations, landlord-tenant relations, recent receivership and other housing cases.

(60.) Authorize municipalities to placard, seal and to otherwise make vacant damaged or vacant substandard buildings secure from unauthorized entry and to recover the cost thereof from the property owners.

(61.) Encourage the improvement and renovation of existing housing, including incentives for investment such as tax abatement for limited periods.

(62.) Create in statute an expedited foreclosure process.

(63.) Pass legislation that will assist municipalities in obtaining control of abandoned property in a much more expeditious manner.

(64.) Allow municipalities to attach expedited nuisance charges for abandoned properties to other properties owned by the same individual(s), firms or corporations.

Municipal Government Reform Policy

(65.) Update the procedures of statutory plan cities and villages simplifying Ohio's Uniform Depository Law.

(66.) Standardize and streamline the procedures for the transfer of property between political subdivisions.

(67.) Allow statutory plan municipal corporations to combine their police and fire services to provide more efficient and cost effective protection to citizens.

(68.) The General Assembly has allowed counties to exempt municipalities from submitting an annual tax budget. Allowance should now be made for a direct municipal "opt out" of submission of an annual tax budget, when an agreement on the LGF is in place at the local level.

Liquor Control Policy

(69.) Streamline the procedure for re-determining the number of permits allowed for a municipality when a population change occurs.

(70.) Require that appeal hearings for the granting and renewal of a liquor permit be held in the municipality where the permit premise is to be located. State law and the Liquor Control Commission's actions should reflect a community's concerns about the quality of life in that community's neighborhoods. Such concerns as saturation of liquor permits in some neighborhoods and the need for new liquor licenses in others, consistent with the economic development of all neighborhoods should be paramount in the consideration of issuance and renewal of liquor permits. The location of liquor permits issued near sensitive community institutions, such as schools and churches, should be a substantial concern in law and action. Revenues derived by the state from the sale of alcoholic beverages should not be the sole guiding principle for the issuance and renewal of liquor permits

(71.) Require strict enforcement of penalties for vendors with multiple violations and increase the number of liquor agents.

Intergovernmental Relations Policy

(72.) Should require that state administrative agencies which adopt rules affecting local governments be required to give prior notice and engage in prior consultations with local officials.

(73.) Support federal laws which provide for adequate local comment, review and counsel on state plans prepared by state agencies as a prerequisite for federal funding.

(74.) Allow city law directors and city civil service commissions to charge school boards for services provided.

(75.) Take the same approach to local unfunded state mandates as state officials would like to have from the federal government.

(76.) As it develops its program to address the Heroin problem the State should not mandate local participation that would require local expenditures especially in the areas of law enforcement and incarceration.

(77.) Continue to recognize the need for a strong partnership between state and local governments on the rebuilding and maintenance of Ohio's local infrastructure, marked by continued state investments in local infrastructure projects and a primary reliance on the judgment of local officials in those projects.

(78.) Require that townships within the jurisdiction of a municipal court and the state highway patrol pay a share of the operating costs of that court to the same extent as municipal corporations.

(79.) Ohio mayors' courts are an efficient and essential tool for dispensing justice for lesser offenses. Through improvements, such as mandatory training courses and the permitting of qualified magistrates, mayors' courts are now institutions that are uniquely qualified for meting out justice on lesser offenses in a manner that is both cost efficient and most convenient for the citizens of Ohio. No changes to mayors' courts should be made without careful consideration of their efficiency, their convenience and recognition of their support for local safety services.

STAFF

Executive Director – Susan J. Cave

Director of Legislative Affairs – Edward L. Albright

Director of Communications – Kent M. Scarrett

Legislative Advocate – Joshua Brown

Magazine Editor/Conference Coordinator – Cynthia L. Grant

Accountant – Joyce A. Richardson

Membership & Office Administrator – Zoe R. Wade

Administrative Assistant – Christine M. Blake

Legal Counsel – John E. Gotherman

Field Representative – Stanley Umpleby