

Ohio Commission on Local Government Reform & Collaboration

The Commission is charged with researching and writing a report that recommends reform and collaboration measures in order to improve local government operations and service delivery. The Commission continues to meet and hold public hearings around Ohio. The most recent meeting of the Commission took place in Sycamore Township in Hamilton County. The Commission took testimony from approximately 15 or so people. To keep up to date with Commission happenings and to retrieve copies of minutes, agendas, public input, and research, please visit www.ohioreformandcollaboration.org.

The Commission will hold the remaining 2009 meetings in Montgomery County on October 30 and in Cuyahoga County on December 4. Additional meetings will be scheduled in 2010 on the last Friday of each month.

ATTENTION TOWNSHIP OFFICIALS! If you are interested in testifying or planning to testify at a Reform Commission public hearing, please let the OTA know. The Commission has already heard from many township officials as to the need of townships in Ohio. What the Commission is not hearing, and WHAT THE COMMISSION WANTS TO HEAR, are specific recommendations for which they are seeking information, including:

- 1.) Recommendations that will encourage and incentivize local governments to collaborate.
- 2.) Identify local and state tax structure changes which would encourage collaboration or improve service effectiveness.
- 3.) Identify current/alternative service delivery models.

Should you wish to testify before the Commission, please come prepared to speak to one, two or all three of the areas for which the Commission is seeking information. PLEASE DO NOT SPEAK TO THE COLLABORATIVE EFFORTS THAT YOUR TOWNSHIP HAS PARTICIPATED IN UNLESS THEY RELATE TO ONE OF THE THREE SPECIFIC AREAS FOR WHICH THE COMMISSION IS SEEKING INFORMATION. Should you not have testimony that addresses any of these three areas, the OTA strongly discourages you from testifying. If you have any questions or concerns, please contact OTA Executive Director Mike Cochran.

2009-036 Attorney General Opinion (attached)

Description provided by Kevin McIver, Opinions Section, Attorney General's Office

This particular opinion addresses a seemingly simple question presented to the Attorney General by the Auditor of State, yet the resolution of that question required the Attorney General to explain some very complex and intricate statutory provisions enacted by the Ohio General Assembly and the United States Congress. This is because the issues inherent in the Auditor's question involve the intersection of state and federal statutory law. Auditor Taylor asked the Attorney General to advise her whether political subdivisions in Ohio, whose deposits of public moneys in public depositories (i.e., banks and other financial institutions approved by the State Board of Deposit to accept and hold deposits of public moneys) are protected or collateralized by pools of securities, are able to have perfected security interests in those pooled securities.

When a public depositor has a perfected security interest in collateral it receives favorable treatment under the law should the entity providing the collateral experience a financial failure. In the simplest terms, the perfection of the security interest gives the depositor a priority with respect to creditors or depositors of the financial institution that do not have perfected security interests in that same collateral.

The question thus posed by the Auditor of State is of great importance for all Ohio political subdivisions that deposit their public moneys in approved public depositories,

where those moneys are collateralized by pools of securities. The procedures for making those deposits and the requirements that must be satisfied by the public depositories for guaranteeing those deposits with groupings of securities (e.g., bonds) are spelled out in R.C. Chapter 135, the uniform depository law. If a political subdivision is able to acquire a perfected security interest in those pooled securities, it has a better chance of being made whole under state and federal law should the public depository experience a financial failure that leads to the liquidation and distribution of its assets by the Federal Deposit Insurance Corporation (FDIC).

Opinion No. 2009-036 provides detailed examinations and analyses of the Ohio and federal laws that control the perfection of security interests in pools of securities that serve as the collateral to back up the deposits of public moneys in banks and other financial institutions. The opinion then advises about the ways in which Ohio's political subdivisions may acquire perfected security interests in that pooled collateral.

This opinion should be of interest to all financial officers of Ohio's political subdivisions that have deposits of public moneys in state-approved public depositories. The opinion also will be of interest to the banking and financial services industries.

2010 Census

The Census Bureau mailed each political subdivision a form with respect to new construction figures in their respective jurisdiction. If your township has not already responded to this survey, please mail the survey back to the Census Bureau. Even if you have not had any new construction in the time period for which they are requesting information, please mail back the survey. This is important information the Census Bureau needs to make sure we have an accurate count for Ohio in 2010.

Zoning Sessions

The 2009 Fall Zoning Sessions are almost full. There are approximately 10 spaces left for each of the October sessions. Please see attached zoning form for more information.

Preemption Training sponsored by ODOT and Ohio Rail Development Commission

ODOT & the Ohio Rail Development Commission have been working to ensure that all rail-highway grade crossings equipped with flashing lights & gates, and located adjacent to a signalized intersection are properly interconnected in accordance with the provisions of both the Ohio MUTCD.

Attached is a flyer that announces this series of free training sessions that will be held across the State during the 1st week in November.

OTA 2010 Winter Conference

I am working on the workshops for the upcoming Winter Conference and I am seeking input from you, the township officials. If you have any suggestions for workshops at the 2010 Conference, please send them to me. We will be having more workshop sessions this year than in the past due to shortening the workshop times to one hour. This also means we will be able to repeat the more popular sessions.

Again, I welcome any and all suggestions for workshop topics!