



Ohio Revised Code

Section 307.679 Sports parks; cooperative agreements; bonds.

Effective: September 29, 2015

Legislation: House Bill 64 - 131st General Assembly

(A) As used in this section:

(1) "Sports park" means any facility designed and constructed as a venue for public entertainment and recreation by the presentation of sporting and athletic events, or other events and exhibitions, including a facility designed to provide a site for one or more athletic or sports teams or activities, spectator facilities, parking facilities, walkways, and auxiliary facilities; real and personal property; property rights; easements; leasehold estates; and other interests appropriate for, or used in connection with, the operation of those facilities. "Sports park" includes sports complexes consisting of multiple athletic fields for youth and secondary school students and related spectator, parking, and auxiliary facilities.

(2) "Sports park bonds" means bonds, notes, or any other debt issued by a county or a port authority for a project, including any bonds issued to refinance or otherwise refund such debt.

(3) "Debt service charges" means the principal of and interest and any premium due on sports park bonds whether due at maturity or upon mandatory redemption, together with any required deposits to reserves for the payment of principal of and interest on such sports park bonds, and includes any payments required by a port authority to satisfy any of its obligations arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in this section.

(4) "Eligible corporation" means a nonprofit corporation that is organized under the laws of this state the authorized purposes of which encompasses the ability to construct, lease, and operate a sports park, including a nonprofit corporation established under Chapter 1702. or a community improvement corporation established under Chapter 1724. of the Revised Code.

(5) "Operator" means the person that leases or subleases a sports park from a county, port authority, or eligible corporation and that operates and manages the sports park.



(6) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(7) "Project" means acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing, or otherwise improving a sports park.

(8) "One purpose," "permanent improvement," and "person," have the same meanings as in section 133.01 of the Revised Code.

(B) The board of county commissioners of a county having a population greater than seventy-five thousand but less than seventy-eight thousand according to the 2010 federal decennial census may enter into a cooperative agreement with a port authority, eligible corporation, operator, or any other person under which:

(1) The board agrees to do any or all of the following:

(a) Levy a tax or increase the rate of a tax under section 5739.09 of the Revised Code, as authorized by that section;

(b) Acquire, convey, or lease real or other property for a project;

(c) Issue sports park bonds for a project;

(d) Pledge and contribute all or a portion of the revenue from a tax levied under section 5739.09 of the Revised Code, together with any investment and earnings on that revenue, to pay debt service charges;

(e) Pledge and contribute nontax revenues, together with any investment and earnings on such revenues, to pay the debt service charges, and, as the board considers appropriate, use all or any portion of a tax levied under section 5739.09 of the Revised Code to maintain, pay, or otherwise satisfy county obligations and expenses that such nontax revenues would otherwise pay;

(f) Acquire, construct, reconstruct, renovate, rehabilitate, expand, add to, equip, furnish, or otherwise



improve a sports park;

(g) Authorize the port authority, eligible corporation, operator, or other person to administer on behalf of the county any contracts for a project.

(2) The port authority agrees to do any or all of the following:

(a) Acquire, convey, or lease real or other property for a project;

(b) Issue sports park bonds for a project;

(c) Acquire, construct, reconstruct, renovate, rehabilitate, expand, add to, equip, furnish, or otherwise improve a sports park;

(d) Authorize the eligible corporation, operator, or other person to administer on behalf of the port authority any contracts for a project.

(3) The eligible corporation agrees to do any or all of the following:

(a) Acquire, convey, or lease real or other property for a project;

(b) Acquire, construct, reconstruct, renovate, rehabilitate, expand, add to, equip, furnish, or otherwise improve a sports park;

(c) Authorize the operator or another person to administer on behalf of the corporation any contracts for a project.

(4) The operator agrees to do any or all of the following:

(a) Acquire, convey, or lease real or other property for a project;

(b) Administer on behalf of the county, port authority, or corporation, any contracts for a project;



(c) Lease a sports park from the county, port authority, or corporation on terms to be agreed upon between the operator and the lessor, including a lease-purchase agreement under which the operator agrees to acquire for one dollar the sports park at the later of the end of the lease or upon retirement of the sports park bonds;

(d) Operate and maintain the sports park.

(C) The pledges and contributions provided for in a cooperative agreement entered into under this section shall be for the period prescribed in the cooperative agreement, but shall not exceed the period necessary to retire any sports park bonds and to satisfy any sports park bond issuing authority's obligations arising from a guaranty agreement, reimbursement agreement, or other credit enhancement agreement relating to sports park bonds or to the revenues pledged to such bonds.

The cooperative agreement shall provide for its termination, including termination of the pledges and contributions described in division (B) of this section if the sports park bonds have not been issued, sold, and delivered within two years after the effective date of the cooperative agreement. The cooperative agreement shall provide that any sports park bonds shall be secured by a trust agreement between the issuing authority and a corporate trustee that is a trust company or bank having the powers of a trust company. If the bonds are issued by the port authority, the county may be a party to such trust agreement for the purpose of securing the pledge by the county of its contribution to the corporation pursuant to division (B)(1) of this section.

A pledge of money by a county under this section shall not be net indebtedness of the county for purposes of section 133.07 of the Revised Code. Transactions described in divisions (B)(1)(b), (2)(a), (3)(a), and (4)(a) and (c) of this section are not subject to the requirements and limitations of sections 307.02, 307.09, 307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A project is a permanent improvement for one purpose for the purposes of Chapter 133. of the Revised Code.