

RECORD OF PROCEEDINGS

Minutes of

Franklin Township Trustees

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held January 13, 20 16

The Franklin Township Board of Trustees met on January 13, 2016 at 6:07 p.m. Trustee Ronald Ruppert, Trustee Brian Morris, Trustee Beth Callahan, Fiscal Officer Scot Fromeyer, Administrator Traci Stivers, Road Superintendent Rob Rose and Cemetery Superintendent Steve Bishop were all in attendance.

Additionally, the following staff members were present: Kevin Jennings, Brian Hurley, Nic Lamb, and Roger Miller as well as many members of the community.

Mr. Ruppert made a motion to approve the minutes from the December 29th, 2015 meeting with the condition that a line be added indicating that he had suggested a pay increase because he had read that the cost of living was increasing.

Mrs. Callahan seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mrs. Callahan - Yes
Mr. Morris - Abstain Motion carried.

GUEST:

Mike Back, President of HYRA, was in attendance. He talked briefly about the improvements that had been done since he was last here. He stated that HYRA had spent between \$8,000 and \$10,000 on dirt being added to the fields, plus the work that was done that was reported when he was last here. Mrs. Callahan asked about Sparks In The Parks, Mr. Back said it was successful and that they are planning for an event in 2016, although the date hasn't been determined yet. Mr. Back said he would like to see the lease altered to include soccer fields. HYRA will install and pay for the installation and upkeep of the fields but they'd like to have control over them just as they do the ball fields. The Trustees had no objections to that. Mrs. Callahan asked about the condition of the restrooms. Mr. Back said those have been updated and that they have all new toilets inside. Mr. Back said that they are hoping to add air conditioning to the concession stand this summer, which should cost about \$5,000. Opening day will be the Saturday after Mother's Day.

Tim DeHart, 3680 Anthony Lane, was present. He is the owner of AAA Wastewater. Mr. DeHart explained that AAA services port-o-johns, cleans grease traps, etc. AAA Wastewater has provided the township with port-o-johns for the park for many years at a very affordable rate. It has recently come to his attention that there may be an issue that our newly elected trustee also works for AAA Wastewater. Mr. DeHart said that he saw the email from Mrs. Stivers to our legal counsel and that Mr. Morris had incorrectly been labeled as the Vice President of Sales. He said that Mr. Morris is a manager and makes no money from the township's business with AAA Wastewater. Additionally, Mr. DeHart provided the board with a print out of Ohio Revised Code 921.42 which he translates to mean that there is not a conflict of interest. Mr. DeHart requests that the ORC provided be included in the township's meeting minutes. He also requests that we provide our legal counsel with this ORC and he would like a response from our legal counsel in writing. Mr. Ruppert said that he doesn't see this whole situation as being a major problem. Mr. Ruppert explained that this issue had come up before Mr. Morris had even been sworn in, as a precaution Mrs. Stivers contacted our legal counsel who said that it was a conflict of interest and that Mr. Morris could either terminate his interest in AAA Wastewater or resign his position at Franklin Township, but ultimately that was up to Mr. Morris. After learning that Mr. Morris received no benefit from the township's business with AAA Wastewater our legal counsel advised that the township was not at any fault and that Mr. Morris should, for his own protection, seek the opinion of the Ohio Ethics Commission. Mr. Ruppert said that we have always been happy with AAA and that we are not looking to terminate our relationship with AAA. Mr. Ruppert said this situation is really Mr. Morris's and not the township's issue. Mr. Morris can call our legal counsel if he would like. Mr. Ruppert said that Mr. Morris could abstain from any business involving AAA in the meantime. Mr. Ruppert will contact our legal counsel, give him the ORC that Mr. DeHart provided and discuss the issue. Mrs. Callahan said that Mrs. Stivers had incorrectly told legal counsel that Mr. Morris was the Vice President of Sales and that's why she thinks our legal counsel has an issue with the situation. Mrs. Stivers said she did tell our legal counsel that Mr. Morris was Vice President of Sales because that's the information she had been given. When she learned that was not true she emailed our legal counsel to let him know that, Mrs. Stivers also copied all of the trustees on that email so that they would

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know that she corrected the error. That's when our legal counsel said that Mr. Morris should contact the Ohio Ethics Commission. Mrs. Stivers also copied all of the Trustees on that response from our legal counsel.

Mark Boy, 7855 Sheri Lane, attended. He would like the Trustees to review all of the fire contracts that the township has right now. Mr. Boy said that firefighter Richard Brown had told him that we had not passed a fire levy since 1987 and as a result, those people who have built homes since then were not paying any tax towards the fire levy. Mr. Ruppert said that is incorrect. That those people were paying taxes, it's just that those who were here when the levy passed are still paying at the home value from that year. Mrs. Callahan asked Mr. Ruppert if he was sure, because Firefighter Richard Brown told them that those people do not pay. Mrs. Stivers spoke up and said that Mr. Ruppert was correct. That those taxpayers living in the same home they were in when the levy passed were certainly getting a deal, but that everyone pays. Mrs. Callahan said that she had heard different things. Mr. Morris asked if a renewal levy was passed if it would be brought up to current value. Mr. Ruppert said that's exactly what happens. Mr. Boy thanked Mr. Ruppert for the clarification. Mr. Boy said that he doesn't want any better deal than what anyone else gets and that's why he thinks we should review all of the fire contracts. Mr. Ruppert said that we only have one contract, with the City of Franklin. Mrs. Stivers said we actually have two contracts, one with Franklin and one with Middletown. Mrs. Callahan said we actually have three contracts, one with Franklin, one with Middletown and one with Hunter. Mr. Ruppert said that he often forgets about the Middletown contract and thinks primarily of the Franklin Contract. Mr. Boy said he understood but we still have other contracts. Chief Bishop spoke up and said that there is no contract with Hunter, that we are one fire department. Mr. Ruppert agreed. Mrs. Callahan asked if we had dissolved the contract with Hunter. Mr. Boy said there was a contract with Hunter on record. Mrs. Callahan agreed and suggested that we dissolve that contract. Mr. Ruppert said that he had never seen a contract with Hunter. Mrs. Stivers said she thought Mrs. Callahan was thinking of the Hunter Volunteer Fire Corporation contract. Mrs. Callahan nodded in affirmation. Mrs. Stivers explained that there is an expired agreement that the township once had with Hunter Volunteer Fire Company for the use of equipment. Mr. Ruppert agreed and said that that contract was long expired. Mrs. Callahan said that Mrs. Stivers had given her copies of that contract. Mrs. Stivers said that yes, she had given Mrs. Callahan copies of it because Mrs. Callahan had asked for it, but it says in the contract that it expires one year from being signed and that it was last signed in the early 1990's. Mr. Boy said that he would like the township to review the contract with Franklin because it costs the township a lot of money, preventing us from going forward as well as being unfair to all of the taxpayers. Mr. Ruppert said that it is important to review it and make sure that it's appropriate and cost effective. Mr. Ruppert does not care for the suggestion that we terminate the contract because based upon what our fire chief has told us it will unnecessarily expose our residents to a higher risk. Mr. Ruppert said that the Franklin fire contract has been reviewed three or four times since he has been on the board. Chief Bishop said that this issue has been discussed quite a bit. Chief Bishop said that there is a lot more involved than anyone realizes. We cannot just dissolve our contract with Franklin, we would have to build a station near Pennyroyal and recruit volunteers from that area. We would need trucks for that station as well as other equipment. It's not as simple as people think. Mr. Ruppert said this comes up often and is misunderstood by the public. Mr. Morris said that other municipalities have established committees to look into things like this. He asked if that was something we should do. Mr. Ruppert said that we have had committees several times. Chief Bishop said that we've had five or six committees. Mr. Morris asked how long ago the last one was. Mrs. Stivers said that it was in the summer of 2014. Mr. Boy asked when the fire study was done, Mrs. Stivers answered that it was done in the Spring of 2014. Mr. Ruppert said there was also a committee two years before that, he believed Mrs. Callahan was on that committee, Mrs. Callahan didn't recall that. Mrs. Callahan said she knew we had one with the Village of Carlisle a few years ago. Mrs. Callahan suggested that we involve citizens because we have to raise money somehow and somehow. Mr. Ruppert said that he agreed we needed to find funding, but our bigger issue is manpower. Mr. Ruppert said he could never remember a time when the Chief or Assistant Chief asked for equipment and the board said no. Manpower is

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expensive and hard to come by, that's why the levy was so big. It also didn't help that we didn't have Carlisle's participation. Mrs. Callahan said that Trustees before them had put money into a STAR Ohio account to buy fire equipment, and we're now down to \$203,000. after buying a fire truck in 2010. Mrs. Callahan said that one of the firefighters told her they needed major assistance with one of the pieces of equipment. She asked where do we go in the future to know that we're going to have money to fix things in the future. Mr. Ruppert said that she is assuming we're spending ourselves into a deficit every year, which we are not. Mr. Ruppert also said that we have a fire chief and an assistant fire chief who are the professionals, if they need equipment they should tell us that and that we cannot listen to "a firefighter" who thinks we may need something. Chief Bishop said that at this time all equipment is in good shape. Mr. Morris asked if it was typically a township resident who would start such a committee or would it come from the township? Mr. Ruppert said a private citizen can start their own committee and address the board. Mr. Morris said that we need to develop a plan for forward thinking. Mr. Ruppert said that was a citizen's right. Mr. Morris said that since Mr. Boy had brought this up several times he was obviously passionate about it. He suggested Mr. Boy contact Chief Bishop and see if this was something they could work together on.

Tim Humphries, 489 Central Ave., attended. He said it was nice to see a crowd in the audience. He said if he comes to a meeting he likes to be able to hear, that there was a lot of background noise and the microphones weren't loud. He said that he was sitting next to a speaker and couldn't hear. Mrs. Stivers said that the microphones are on. Mr. Humphries said that the board was filled with elected officials being paid to make decisions and that the crowd has a right to hear those decisions. Mr. Ruppert said that he had never been told that the audience couldn't hear. Mrs. Stivers asked Mr. Fromeyer to move his microphone to be better heard.

Mrs. Callahan brought up metropolitan planning organizations. Mrs. Stivers said that she had received a response from both MVRPC and OKI and that the responses were in the board packets. Mrs. Callahan said that both of these organizations received money from federal - Mrs. Callahan was interrupted when Mr. Humphries said he still couldn't hear her. Mrs. Callahan checked to make certain her microphone was on. Mrs. Stivers got up to adjust the volume of Mrs. Callahan's microphone. Mrs. Stivers said that it was at the maximum volume. Mr. Fromeyer suggested Mrs. Callahan lean over the table. Mrs. Callahan said that MVRPC and OKI are two different organizations that have been created to decide where federal money goes. As a municipality we join one or the other. Currently we are considered OKI. A lot of cities in our area have joined MVRPC. Right now we don't belong to either. It's important for us to decide which one we want to belong to because we can get great money. Mrs. Callahan continued on to say that we were recently approved for a grant money that would have purchased a senior transportation vehicle but we didn't take it because we weren't part of MVRPC and it wouldn't have been fair. So as a board we have to determine what part of our county will be growing so we can determine who is best to go with. The nice thing about being OKI and the City of Franklin being in MVRPC is that if they are having trouble receiving grant funds, we can apply through our MPO to get funding, since Carlisle and Franklin are both in the township. On the other hand it could work best for us to join MVRPC with the cities that way each project we apply for is benefiting more people. Mr. Ruppert said that we've been with OKI for a long time, but none of the trustees really know why that group was originally chosen. When he looked at the list of members with MVRPC it included a lot of members he wasn't expecting. He said the ability to work together with all of these other members seemed like it was a really big opportunity. The other thing Mr. Ruppert didn't know was that these large park groups like Five Rivers were part of MVRPC. He said it might prove beneficial to join MVRPC because we'll know more about our water quality from these groups. Mrs. Callahan said she was hopeful that this year we'll be able to do a five year forecast. She said we could switch back and forth from year to year also, between groups. Mr. Morris asked if we could be a member of one but still attend the meetings of the other? Mrs. Callahan said yes, a paying member can vote and grant money comes easier. But you can also be a non paying member and still be in the meetings at the other. Mrs. Callahan suggested that the Trustees go to each of the MVRPC and OKI meetings. Mr. Ruppert also said that he noticed on the map provided by OKI that some of Warren County is not eligible for grant funds. Mr. Ruppert asked Mrs. Stivers to find out

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more about the map. Mr. Morris said that OKI sells software that helps create a 5 year plan for undeveloped land, we could look into that. Mrs. Callahan said that Franklin Township has more undeveloped park land than any other place in the county. Mr. Ruppert asked how soon we wanted to make a decision. Mrs. Callahan suggested we set a goal to make a decision by March. Mr. Ruppert asked Mrs. Stivers to keep this on the agenda every week until a decision is made.

Mrs. Callahan said the next item on the agenda was the Woodhill Cemetery sales agreement. Mrs. Stivers said that this had previously been approved, that the payment schedule is what had been tabled. Mrs. Callahan said that it had not been approved. Mrs. Stivers read the minutes from the previous meeting aloud where it was stated that Mrs. Callahan made a motion to approve the contract. Mrs. Callahan said she made a motion to look it over. Mrs. Stivers said that she would change it if that's what the board wanted. The board agreed. Mrs. Callahan said that she'd like to put in the contract that it's at the discretion of the board whether a person can be buried before final payment. Mr. Ruppert said that he didn't have a problem with that, but that he felt it didn't need to be put on the contract. He thought that would just encourage people to ask. Mr. Ruppert said that he thought it best if the Trustees handled it on a case by case basis. Mr. Morris agreed that it should be handled case by case. Mr. Ruppert made a motion to accept the contract for burial plot sales.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mrs. Callahan said the next item on the agenda was new business. Mrs. Stivers said that the Trustees still didn't decide on a length for the burial plot sales agreement. Mrs. Stivers said that she would recommend not allowing a contract to extend past 12 months because she forces problems. Mr. Fromeyer said he'd like it to be within a budget year, Mr. Ruppert said that wouldn't work because it wouldn't be fair to all, if someone purchased a plot in February they would have longer than if someone purchased in November. Mr. Fromeyer said he meant a twelve month period. Mrs. Callahan was in agreement with a 12 month period and allowing proprietors to pay the plots off earlier if they would like. Mrs. Callahan suggested a 10% down payment. Mr. Ruppert amended his motion to accept the contract with the conditions that it would have twelve monthly installments and a down payment of 10% down at the beginning of the term. Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mrs. Stivers presented the board with the ODOT 2016 Mileage certification. She said this had not changed in several years because we had not gotten any new streets. The certification next year would be different, because three streets had been dedicated the first week in January but we won't see tax dollars from those until next year.

Mr. Ruppert made a motion to adopt the ODOT 2016 Road Mileage Certificate.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

The next item on the agenda was the newsletter. Mrs. Callahan had mentioned numerous times over the years that she'd like us to have a newsletter. Mrs. Stivers began typing a newsletter in the fall and was recently contacted by Mrs. Callahan regarding the newsletter. Mrs. Callahan felt that Mrs. Stivers should not have done this without board approval. Mr. Morris said that he thought it was a great initiative and he did think it should be approved by the board since it represents the township. Mrs. Callahan said it was written as more of an editorial instead of being just facts. Mrs. Stivers said that she had contacted Middletown, Franklin, Carlisle, Clearcreek and Madison Township and none of those entities get board approval for their newsletters. Mrs.

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Stivers asked if Mrs. Callahan would be more comfortable if Mrs. Stivers called it an Administrator's blog as opposed to a newsletter. Mrs. Callahan said no. Mr. Ruppert said that he didn't think it needed to be approved, because if Mrs. Stivers put something in it that she shouldn't, then it would be on Mrs. Stivers. Mr. Ruppert said he would go along with whatever the other two trustees decided. Mrs. Stivers said that she had been told by Jack Cameron with Clearcreek that it was best to avoid having several people having their hands in it, that that only slows down productivity. Mrs. Stivers asked if we could compromise and at least only have one person approving it.

Mr. Morris made a motion that the Board President would approve the newsletter.

Mr. Ruppert seconded the motion.

Roll Call: Mr. Morris - Yes
Mr. Ruppert - Yes
Mrs. Callahan - Yes Motion carried.

Mr. Ruppert made a motion to approve Resolution No. 01-01132016 approving the certificate of the total amount from all sources available for expenditures and bounces for 2016.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mr. Ruppert made a motion to approve Resolution No. 02-01132016 accepting the 2015 amended certificate of estimated resources.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Road Report:

Mr. Rose said that a complaint was received regarding a drainage problem at the park in Hunter. Mr. Rose said he can dig out some of the soil to lower the lip around the walking trail, however doing so is going to be a very muddy mess and can't be done until spring. The Trustees said they'd like to see that done.

The Warren County Engineer had contact the township and asked that the road crew plow and salt Tara Estates, even though the subdivision wasn't dedicated. The developer had gone bankrupt and would not do it himself. Mrs. Stivers said that she had talked with the engineer to see if there was any legal action that could be taken and Mr. Tunnison was confident that there was not.

Mr. Rose said that he had ordered 200 tons of salt so far. Mr. Ruppert asked what protocol was for plowing and salting. Mr. Rose said that if the weather turns bad that Warren County Dispatch will contact him.

Cemetery Report:

Mr. Bishop reported that they had conducted 92 funerals in 2015 and 6 funerals so far in 2016.

Fire Report:

Chief Bishop said that the fire department had been very busy, with 32 runs in the last 3 weeks.

Also, the roof at Station 19 is leaking, this roof was recently replaced so Mrs. Stivers is going to contact the contractor who did the replacement.

Administrative Report:

Mrs. Stivers is still working with Roger Sorey on the cemetery trusts. The cemetery advisory board met and had a low attendance, she would welcome any suggestions or volunteers.

Mrs. Stivers reminded the board that the Ohio Township Association Winter Conference was coming up January 27-29. Mrs. Stivers said that she knew that the Trustees were in favor of

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her attending but asked if they wanted to make a formal motion for her to attend and for the township to cover the expenses incurred. The trustees agreed that no motion was needed.

Fiscal Report:

Mr. Ruppert told Mr. Morris that the payment listing is where he will see AAA Wastewater listed. Mr. Ruppert made a motion to accept the payment listing as presented by the fiscal officer.

Mrs. Callahan seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mrs. Callahan - Yes
Mr. Morris - Abstain Motion carried.

Mr. Ruppert made a motion to adopt the 2016 Budget as presented by the fiscal officer.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mr. Ruppert made a motion to approve the release of the township's financial documents to the Treasurer of State to become enrolled in the OhioCheckBook.com.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris Yes
Mrs. Callahan - Yes Motion carried.

Mr. Ruppert made a motion to enter into executive session to discuss hiring, termination, promotion, demotion, compensation or disciplinary action of a public employee at 7:41 p.m.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mr. Ruppert made a motion to return to regular session at 8:06 p.m.

Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.

Mrs. Callahan informed those still present that no decisions would be made tonight and that Mrs. Stivers was asked to prepare new numbers for the trustees to review.

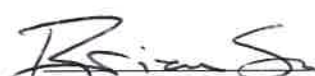
Mr. Ruppert made a motion to adjourn at 8:09 p.m.


Mr. Morris seconded the motion.

Roll Call: Mr. Ruppert - Yes
Mr. Morris - Yes
Mrs. Callahan - Yes Motion carried.


Beth Callahan, President


Ronald Ruppert, Vice President


Brian Morris, Trustee


Scot Fromeyer, Fiscal Officer

Include in Minutes.

921.42 Having an unlawful interest in a public contract.

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Effective Date: 06-23-1994; 2007 HB119 09-29-2007