

## A New Green Opportunity: Abandoned Service Station Grants

Ohio's Abandoned Service Station Fund program was approved as part of the 2016-2017 budget to create "sites that provide opportunities for economic impact through redevelopment." The \$20 million program provides grants for both assessment and cleanup of abandoned gas stations. More specifically, the Ohio Development Services Agency (ODSA) is offering grants of up to \$100,000 for "property assessment" under Ohio's Voluntary Action Program or corrective action program, and up to \$500,000 for actual remedial work.

Political subdivisions are eligible to apply for sites they own that are designated by the Bureau of Underground Storage Tank Regulation (BUSTR) as "Class C" petroleum release sites. Developers and other organizations that have not contributed to the contamination can also apply, but must first enter into an agreement for redevelopment with a political subdivision. BUSTR issues "Class C" designations for petroleum releases at service station sites when the responsible party is no longer viable (such as a deceased individual or bankrupt corporation) or is financially unable to address the release.

Ohio EPA's most recent statements indicate that applications will be available in January 2016.

## Recent Decisions of Interest

**Open Meetings Act.** A land conservancy's separate meetings with each township trustee to discuss a conservation easement were not "meetings" at which the trustees "deliberated" public business subject to the Open Meetings Law (Section 121.22 of the Ohio Revised Code). *Radtke v. Chester Twp.*, 2015-Ohio-4016 (Ohio App. 11th Dist.).

**Election Law.** Whether a petition proposing a charter amendment has a sufficient number of signatures of electors for inclusion on the ballot is calculated on the basis of total votes cast in the previous election under Sections 9 and 14 of Article XVIII of the Ohio Constitution, rather than total number of registered voters as provided for in city's charter. *State ex rel. Wilen v. Kent*, 2015-Ohio-3763 (Supreme Court of Ohio).

**Election Law.** The board of elections must certify a proposed charter amendment relating to oil and gas to appear on the ballot because the board of elections exceeded its authority in rejecting the proposed charter amendment solely because it considered it to be unconstitutional. *State ex rel. Youngstown v. Mahoning Cty. Bd. of Elections*, 2015-Ohio-3761 (Supreme Court of Ohio).

**Election Law.** The Secretary of State acted within his authority under Section 307.95(C) of the Ohio Revised Code in invalidating petitions to adopt charters in several counties where the proposed charters failed to create an "alternative form of government" as required under Section 302.02 of the Ohio Revised Code and Section 3 of Article X of the Ohio Constitution. *State ex rel. Walker v. Husted*, 2015-Ohio-3749 (Supreme Court of Ohio).

**Election Law.** The city must transmit to the board of elections a referendum petition to invalidate an ordinance authorizing demolition of a dam where the challenged ordinance was the first measure required to demolish the dam and, accordingly, triggered the opportunity to pursue a referendum under Section 731.30 of the Ohio Revised Code. The city had previously passed eight measures concerning the demolition of the dam and construction of a reservoir, but none actually authorized the dam's demolition. *State ex rel. Szymanowski v. Grahl*, 2015-Ohio-3699 (Supreme Court of Ohio).

**Stormwater Management.** A sewer district has the authority to establish a regional stormwater management system and to charge fees for that program because the definition of waste water in Section 6119.011(K) of the Ohio Revised Code includes storm water and Section 6119.09 of the Ohio Revised Code provides the ability to charge a fee for the use or services of any "water resource project." *Northeast Ohio Regional Sewer Dist. v. Bath Twp.*, 2015-Ohio-3705 (Supreme Court of Ohio).

**Public Use.** A county's ownership and operation of a hotel and conference center are ancillary to the facilities expressly listed in Section 307.02 of the Ohio Revised Code and, accordingly, are permitted by statute. *State ex rel. Countryside Investors, L.L.C. v. Carroll Cty. Bd. of Comms.*, 2015-Ohio-4344 (Ohio App. 7th Dist.).

**Accounting and Financial Reporting for Pensions.** The Governmental Accounting Standards Board (GASB) released GASB Statement No. 68, "Accounting and Financial Reporting for Pensions," which addresses accounting for defined benefit and defined contribution pension plans, along with an implementation guide to assist in implementation of GASB 68. The requirements of GASB 68 apply to all Ohio state and local governments subject to a Generally Accepted Accounting Principles (GAAP) reporting requirement. GASB 68 is effective for financial statements for periods beginning after June 15, 2014. Auditor of State Bulletin 2015-006.

## Contacts

### Cincinnati

**Margaret W. Comey**

T +1 513 361 1208

E [margaret.comey@squirepb.com](mailto:margaret.comey@squirepb.com)

**Todd L. Cooper**

T +1 513 361 1239

E [todd.cooper@squirepb.com](mailto:todd.cooper@squirepb.com)

### Cleveland

**Jeffrey A. Bomberger**

T +1 216 479 8761

E [jeffrey.bomberger@squirepb.com](mailto:jeffrey.bomberger@squirepb.com)

**D. Bruce Gabriel**

T +1 216 479 8746

E [bruce.gabriel@squirepb.com](mailto:bruce.gabriel@squirepb.com)

**Richard D. Manoloff**

T +1 216 479 8331

E [richard.manoloff@squirepb.com](mailto:richard.manoloff@squirepb.com)

**Victoria Grunthner Bowser**

T +1 216 479 8642

E [victoria.bowser@squirepb.com](mailto:victoria.bowser@squirepb.com)

**L. Todd Gibson**

T +1 216 479 8449

E [todd.gibson@squirepb.com](mailto:todd.gibson@squirepb.com)

**Austin McGuan**

T +1 216 479 8441

E [austin.mcguan@squirepb.com](mailto:austin.mcguan@squirepb.com)

**Alexander G. Burlingame**

T +1 216 479 8768

E [alexander.burlingame@squirepb.com](mailto:alexander.burlingame@squirepb.com)

**David S. Goodman**

T +1 216 479 8649

E [david.s.goodman@squirepb.com](mailto:david.s.goodman@squirepb.com)

**Katherine G. Petrey**

T +1 216 479 8094

E [katherine.petrey@squirepb.com](mailto:katherine.petrey@squirepb.com)

**Ryan K. Callender**

T +1 216 479 8395

E [ryan.callender@squirepb.com](mailto:ryan.callender@squirepb.com)

**Pamela I. Hanover**

T +1 216 479 8763

E [pamela.hanover@squirepb.com](mailto:pamela.hanover@squirepb.com)

**Catherine Zirolì Romanchek**

T +1 216 479 8393

E [catie.romanck@squirepb.com](mailto:catie.romanck@squirepb.com)

**Margaret S. Callesen**

T +1 216 479 8411

E [margaret.callesen@squirepb.com](mailto:margaret.callesen@squirepb.com)

**J. Wesley Kerns**

T +1 216 479 8027

E [wes.kerns@squirepb.com](mailto:wes.kerns@squirepb.com)

**Michael L. Sharb**

T +1 216 479 8389

E [mike.sharb@squirepb.com](mailto:mike.sharb@squirepb.com)

**Timothy J. Cosgrove**

T +1 216 479 8562

E [timothy.cosgrove@squirepb.com](mailto:timothy.cosgrove@squirepb.com)

**Robert D. Labes**

T +1 216 479 8601

E [robert.labes@squirepb.com](mailto:robert.labes@squirepb.com)

**R. Thomas Stanton**

T +1 216 479 8728

E [r.thomas.stanton@squirepb.com](mailto:r.thomas.stanton@squirepb.com)

**Michael A. Cullers**

T +1 216 479 8477

E [michael.cullers@squirepb.com](mailto:michael.cullers@squirepb.com)

**John S. Larson**

T +1 216 479 8624

E [john.larson@squirepb.com](mailto:john.larson@squirepb.com)

**Catherine C. Tompkins**

T +1 216 479 8470

E [catherine.tompkins@squirepb.com](mailto:catherine.tompkins@squirepb.com)

**Robert J. Eidnier**

T +1 216 479 8676

E [robert.eidnier@squirepb.com](mailto:robert.eidnier@squirepb.com)

### Columbus

**Allison M. Binkley**

T +1 614 365 2799

E [allison.binkley@squirepb.com](mailto:allison.binkley@squirepb.com)

**Katie E. Johnson**

T +1 614 365 2767

E [katie.johnson@squirepb.com](mailto:katie.johnson@squirepb.com)

**Matthew L. Sagone**

T +1 614 365 2701

E [matthew.sagone@squirepb.com](mailto:matthew.sagone@squirepb.com)

**Gregory R. Daniels**

T +1 614 365 2789

E [greg.daniels@squirepb.com](mailto:greg.daniels@squirepb.com)

**Nathanael J. Jonhenry**

T +1 614 365 2857

E [nathanael.jonhenry@squirepb.com](mailto:nathanael.jonhenry@squirepb.com)

**Alex Shumate**

T +1 614 365 2739

E [alex.shumate@squirepb.com](mailto:alex.shumate@squirepb.com)

**Christopher J. Franzmann**

T +1 614 365 2737

E [chris.franzmann@squirepb.com](mailto:chris.franzmann@squirepb.com)

**David A. Perry**

T +1 614 365 2796

E [david.perry@squirepb.com](mailto:david.perry@squirepb.com)

**Gregory W. Stype**

T +1 614 365 2742

E [greg.stype@squirepb.com](mailto:greg.stype@squirepb.com)

**David C. Hodapp**

T +1 614 365 2713

E [david.hodapp@squirepb.com](mailto:david.hodapp@squirepb.com)

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