

1 ORDINANCE NO. 2018-452

Late Filing

2
3 SPONSORS Ms. Shapiro, Ms. Prentice, Mr. Soyars

4
5 DATE November 19, 2018

COMMITTEE Public Works

6
7 **An Ordinance enacting Chapter 163A of the Codified Ordinances of the County of**
8 **Summit, entitled “Pipeline Emergency Response Fund,” to provide additional funds for**
9 **planning, training and equipment necessary to respond to a natural gas pipeline-related**
10 **emergency, or similar emergency, in the County, for the Council and the Executive, and**
11 **declaring an emergency.**

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13 WHEREAS, despite the protests of many levels of local government and residents in
14 Summit County, Spectra Energy Partners, LP and DTE Energy Co. have successfully installed
15 the Nexus Pipeline across the southern portion of Summit County, through the Cities of Green
16 and New Franklin, in order to transmit natural gas through Ohio, Michigan and Ontario, Canada;
17 and

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19 WHEREAS, the construction of the Nexus Pipeline was completed in 2018, and the
20 pipeline began transmitting natural gas in October 2018; and

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22 WHEREAS, the presence of the Nexus Pipeline in the southern portion of Summit
23 County presents a need for additional planning, training and equipment for the County’s Special
24 Operations Response Teams and local first responder units operated by political subdivisions in
25 the County in the event of a pipeline-related emergency; and

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27 WHEREAS, pursuant to Title 57 of the Ohio Revised Code, the Nexus Pipeline
28 constitutes a public utility pipeline used for the transportation of natural gas, and is therefore
29 subject to ad valorem real property taxes; and

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31 WHEREAS, commencing in calendar year 2019, the County Fiscal Officer will begin
32 levying ad valorem real property taxes against the Nexus Pipeline, and collecting the same in
33 calendar year 2020, with a portion of that new tax revenue being paid to the County; and

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35 WHEREAS, this Council and the County Executive desire to utilize the County’s new
36 income from the Nexus Pipeline ad valorem real property tax to fund planning, training and
37 equipment for the County’s Special Operations Response Teams and local first responder units
38 operated by political subdivisions in the County in the event of a pipeline-related emergency; and

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40 WHEREAS, this Council and the County Executive further desire to create the Pipeline
41 Emergency Response Fund to fund said planning, training and equipment through the enactment
42 of Chapter 163A of the Codified Ordinances of the County of Summit, entitled “Pipeline
43 Emergency Response Fund;” and

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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County of Summit to enact Chapter 163A of the
47 Codified Ordinances.

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49 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,
50 State of Ohio, that:

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4 SECTION 1

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6 Chapter 163A of the Codified Ordinances of the County of Summit, entitled "Pipeline
7 Emergency Response Fund," is hereby enacted as follows:

8
9 **Chapter 163A**
10 **Pipeline Emergency Response Fund**

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12 **163A.01 Purpose.**

13 **163A.02 Creation of Pipeline Emergency Response Fund.**

14 **163A.03 Transfer of funds to Pipeline Emergency Response Fund.**

15 **163A.04 Use of funds.**

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18 **163A.01 Purpose.**

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20 Commencing in calendar year 2019, and pursuant to Title 57 of the Ohio Revised Code,
21 the County Fiscal Officer will begin levying ad valorem real property taxes on the Nexus
22 Pipeline, a public utility pipeline used for the transportation of natural gas, which is now
23 operating in the City of Green and City of New Franklin, and which began operating during
24 calendar year 2018. Said ad valorem real property taxes will then be collected by the County
25 Fiscal Officer initially in calendar year 2020. Following collection, a portion of the ad valorem
26 real property tax levied against the Nexus Pipeline will be paid by the County Fiscal Officer to
27 the County's General Fund, as determined by appropriate millage rates and applicable Ohio law.
28 It is the desire of the Council of the County of Summit to utilize the portion of the ad valorem
29 real property tax levied and collected against the Nexus Pipeline to support the planning, training
30 and equipment needs of the Summit County Special Operations Response Teams, created
31 pursuant to Chapter 163 of these Codified Ordinances, and local first responders that would
32 respond to a natural gas pipeline-related emergency, or similar emergency, in Summit County.

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34 **163A.02 Creation of Pipeline Emergency Response Fund.**

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36 The County Fiscal Officer is hereby authorized and directed to establish a Pipeline
37 Emergency Response Fund, which shall be administered by the Executive's Division of Public
38 Safety – Emergency Management Agency under the direction of the Executive's Director of Law
39 and Risk Management, pursuant to all laws, rules and regulations established for funds
40 established in the County's Codified Ordinances and/or by general law.

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42 **163A.03 Transfer of funds to Pipeline Emergency Response Fund.**

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44 Commencing for fiscal year 2021, and continuing in each fiscal year thereafter, County
45 Council shall appropriate into the Pipeline Emergency Response Fund from the County's
46 General Fund an amount equal to the ad valorem real property taxes levied against the public
47 utility pipeline used for the transportation of natural gas, and known as the Nexus Pipeline, and
48 actually collected by the County Fiscal Officer in the previous calendar year.

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4 SECTION 1 (Cont.)

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6 **163A.04 Use of funds.**

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8 Funds deposited into the Pipeline Emergency Response Fund pursuant to this Section shall be
9 utilized to fund any planning, training and equipment necessary to respond to a natural gas
10 pipeline-related emergency, or similar emergency, including, but not limited to, technical rescue,
11 hazardous materials response, water rescue and incident management response. Funds shall be
12 utilized by the County's Special Operations Response Teams Executive Board, created pursuant
13 to Chapter 163 of these Codified Ordinances, to fund its planning, training and equipment needs,
14 and may be made available by the Special Operations Response Teams Executive Board through
15 grants to first responder units operated by political subdivisions within the County for their
16 planning, training and equipment needs, as determined necessary by the Special Operations
17 Response Teams Executive Board. All funds expended from the Pipeline Emergency Response
18 Fund shall be expended in accordance with all applicable provisions of these Codified
19 Ordinances.

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21 SECTION 2

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23 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
24 welfare of the residents of the County of Summit, and for the further reason that it will
25 immediately enhance the safety of Summit County residents by using the new tax revenue for the
26 planning, training and equipment necessary to respond to emergencies within Summit County.

27
28 SECTION 3

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30 Provided this Ordinance receives the affirmative vote of eight members, it shall take
31 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
32 effect and be in force at the earliest time provided by law.

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34 SECTION 4

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36 It is found and determined that all formal actions of this Council concerning and relating
37 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
38 deliberations of this Council and of any of its committees that resulted in such formal action,
39 were in meetings open to the public, in compliance with all legal requirements, including Section
40 121.22 of the Ohio Revised Code.

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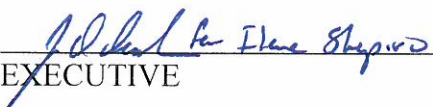
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4 INTRODUCED October 29, 2018

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7 ADOPTED November 19, 2018

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11 _____
12 CLERK OF COUNCIL


13 _____
14 PRESIDENT OF COUNCIL

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16
17 APPROVED November 20, 2018

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19 _____
20 EXECUTIVE

21 ENACTED EFFECTIVE November 20, 2018

Voice Vote - YES 9-0: Dickinson, Feeman, Hamilton, Koehler,
Prentice, Rodgers, Schmidt, Soyars, Wilhite
ABSENT: Donofrio, Walters