

Local Emergencies and the TEL.

The Tax Expenditure Limits (TEL) amendment's understanding of local emergencies makes FEMA look efficient. The TEL allows local governments to exempt from their spending limit (CPI plus rate of population growth or 3.5% per year, whichever is greater), expenditures for local emergencies caused by things such as enemies of the United States, fire, flood, drought, storm, civil disorder, earthquake, tornado, or epidemic disease. Age does not appear to qualify as an emergency, so when the old village hall roof caves in or a water main breaks, if you can't find a terrorist group in your village, you'll want to hope that it rained that day, so you can blame your disaster on the "flood."

You'll want to do that because the TEL declares that all emergencies in Ohio are now state emergencies. Under TEL, for an emergency in any Ohio community to be an emergency, the Governor must formally declare it as such. If you have a local emergency, you will have to explain to the Governor why your local tornado was so bad. Should the TEL pass, the League will be sure to pass along to you the appropriate forms to apply to the Governor for an emergency.

Now, while you might think filling out those forms would be your first priority in the middle of an earthquake or flood, you might be wrong. The first thing you might want to do is call a council meeting. Under the TEL, you not only need the Governor's declaration of an emergency, but you also need a three-fifths vote of council (or school board, county commission, township trustees, etc.) to approve spending money on the emergency.

That's right. For regular spending, you need a majority vote of a local council, but if people's lives and property are in danger, you need a three-fifths vote of council and the Governor's permission.

Assuming you can find three-fifths of council who can get to a meeting to pass an ordinance in the middle of a large disaster, those council members had better come knowing the unknowable. The ordinance or resolution demanded by the TEL must: authorize spending for relief directly related to the emergency, specifically identify, by appropriation item, the amount and purpose of each expenditure and the specific source of revenue for each expenditure. The ordinance must also limit these expenditures to the amount and specific purpose identified by the ordinance and provide for the spending of any federal, state or other money earmarked for your particular disaster prior to spending just regular old local government money.

For anyone ever involved in a large disaster, the amounts and specifics mentioned above are exactly what a local community does not know when hit by a tragedy. Usually, the above-mentioned bean counting doesn't occur until long after such an event. Usually, filling out forms for the Governor and holding a meeting to inventory costs up front takes a back seat to saving lives.

Also, any community that would like to send personnel, supplies and equipment to help a community hit by a disaster would no longer just do it, as is the case now. That community assisting another would have to call the Governor, get his permission to be included in the disaster, hold the same kind of council meeting and pass, by a three-fifths vote, the same kind of resolution or ordinance as mentioned above for its help to be considered an "emergency" expenditure.

Finally, the TEL says that a local emergency is not a revenue or budget shortfall. This, evidently, is to put on the record that all local officials, in the eyes of TEL supporters, spend their time in public service as little children trying to find ways to overspend their allowance.

In plain language, this part of the TEL means that once you're out of money, you can't declare an emergency just to spend money you don't have. In what may come as a surprise to TEL supporters, that's exactly what thousands of local officials across the state do when, each year, they pass balanced budgets. We really don't need a Constitutional amendment to tell us that.

The TEL (State Issue 1) is its own disaster.

