



Community Council Newsletter

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Hello Everyone,

Winter is here. I hope your family and friends have some time to sit around the hot stove or fireplace for some lively discussion at several *Farm Bureau Community Council* meetings.

Connecting with the County Farm Bureau- Updating Council Records

We ask each new and established Community Council update their records with the County Farm Bureau. Please find attached several items to help with this process:

- ✓ *Council Roster:* Please fill out and return one copy of this roster to your county Farm Bureau office and keep one copy for your records. Your elected Discussion Leader will be your primary communication link with the county Farm Bureau. *We communicate with all community councils electronically - Be sure to include your Discussion Leader's e-mail address for all future correspondence.*
- ✓ *Activity Sheets:* Planning an activity? Please fill out an Activity Sheet to let the county Farm Bureau know what you are planning. As part of the process, let them know how they can assist your group, too.
- ✓ *Meeting Summary Sheets:* Let us know what's going on with your council. Provide your county Farm Bureau with a Meeting Summary Sheet for each of your get-togethers. Meeting Summaries should include policy suggestions and program ideas. *This information needs to be forwarded directly to your county Farm Bureau office.* The County Board may pass the information to appropriate county leadership and committees to address, as well as forward the information to the state office if needed.

Your Discussion Packet – A Quick Look

The enclosed packet has four new discussion guides that should give your group a few options for their meetings scheduled in January - March. Topics for discussion include:

Community Stakeholders: Ohio Farm Bureau is considered a progressive leader in state policy thanks to our members and partnerships with other organizations. To maintain and continue developing our leadership position it is important to constantly identify community stakeholders, to both broaden the perspective and membership of Ohio Farm Bureau.

How would you define a *community stakeholder*? What government agencies, business groups, citizen's groups and other special interests should county Farm Bureaus work with on issues of

mutual concern? What issues in your community need to be addressed using diverse group efforts? How would the county organization spark a collaborative process if needed?

Additional information/materials on this subject:

- OFBF Website – *Giving Where it Counts*: Last year Farm Bureau members worked together to address community challenges such as hunger, water quality and the environment, youth and adult education, wellness, sustaining local foods and more. <https://ofbf.org/2016/01/05/giving-where-it-counts/>

Philanthropy – Working at the Local Level: Philanthropy is defined as an act of goodwill to promote humanitarian purposes. Today's foundations are more than just traditional charities; they're organizations that allow stakeholders to leverage a variety of resources to make life better. They engage everyone – not just the wealthiest residents.

The Ohio Farm Bureau Foundation is another asset helping Farm Bureau members employ close to a century of collective experience that helps farmers and their neighbors work together to get things done. What grantsmanship, scholarship, community service and charitable programs would you like to see developed? How can your county Farm Bureau utilize these philanthropic assets to enhance programs that help the local community?

Additional information/materials on this subject:

- OFBF Website - *Strong Foundation: Farm Bureau Foundation Relaunches with New Campaign*: Initiatives like the Buckeye Lake project are the root of the Ohio Farm Bureau Foundation's new fundraising campaign – Strong Foundation. The organization has a rich history awarding scholarships to students pursuing agriculture studies and awarding grants on the local level for agricultural initiatives. <https://ofbf.org/2016/01/14/strong-foundation-farm-bureau-foundation-relaunches-with-new-campaign/>
- OFBF Website – General information on Ohio Farm Bureau Foundation programs. <https://ofbf.org/foundation/>

Farm Safety: Many say a farming operation is a business. Should farmers have safety plans for their farms, the same as commercial and/or light industrial businesses in the community? What points for consideration and information resources do you feel should go into creating an individual farm's safety plan?

Additional information/materials on this subject:

- OFBF Website – *Members Provide Input on Two Federal Safety Programs*: <https://ofbf.org/2015/10/30/members-provide-input-on-2-federal-safety-programs/>
- OFBF Website – *Grain Bin Safety Starts with Proper Grain Management*: <https://ofbf.org/2015/02/23/nationwide-news-grain-bin-safety-starts-with-proper-grain-management/>
- OFBF Website – *Grain Bin Safety Week in 2015*: <https://ofbf.org/2015/02/23/grain-bin-safety-week-feb-22-28-2/>

- OFBF Website – Along with a wide variety of tools and hardware, Grainger offers equipment that can enhance safety on the farm. Discover more about the company and get their catalogue at: <https://ofbf.org/savings/grainger/>

Eminent Domain – What is Negotiable: Eminent domain, or the power to take private property for public use, is used for all types of governmental projects, including the building of roads, the location of buildings and infrastructure, and the establishment of recreational or green space. With the proliferation of energy and utility service projects across the state, farmers and rural residents are discovering the eminent domain provisions might govern the right of access for some utility projects, but other issues that may arise as a part of the eminent domain are still highly negotiable. Along with protection of natural resources and repair/remediation standards, what other points for concern should farmers and rural residents consider when negotiating an appropriation of property, either through sale, long-term lease or easement agreement?

Additional information/materials on this subject:

- OFBF Website – *Five Tips on Eminent Domain Situations:* “Appropriation,” “eminent domain,” “condemnation” and “takings” are all terms that commonly refer to the government’s ability to take property for public use. However, there are limitations on this power from both the U.S. and Ohio Constitutions, as well as safeguards in the Ohio Revised Code, that protect landowners. Here are five important things to remember if you or your land becomes involved in an eminent domain situation: <https://ofbf.org/2013/06/26/five-tips-on-eminent-domain-situations/>
- OFBF Website – *Be Careful with Pipeline Easement Negotiations:* Ohio’s natural gas and oil boom is resulting in a flurry of pipeline construction all over the state as well as complaints about high-pressure tactics from leasing agents. Landowners are advised to contact an attorney if approached about a pipeline easement, particularly if the agent is threatening the use of eminent domain. Unfortunately eminent domain is sometimes being brought up when it shouldn’t be, and Dale Arnold, OFBF’s director of energy, utility and local government policy. He has some helpful information about pipeline easements and what to do if leasing agents are being too aggressive: <https://ofbf.org/2015/09/30/be-careful-with-pipeline-easement-negotiations/>
- OFBF Website – *Eminent Domain? Not so Fast:* <https://ofbf.org/2015/07/07/eminent-domain-not-so-fast/>

Remember, you are not limited to these materials - Feel free to discuss additional topics and issues generated from the local newspaper, other publications and/or key events happening in your neighborhood. Additional information on possible discussion topics and resources can be found on the Ohio Farm Bureau Federation website at <https://ofbf.org/2015/11/23/what-are-community-councils/>

Keep in Touch with Farm Bureau

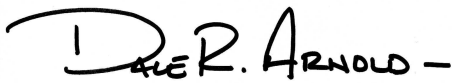
Need some additional help? Contact your county Farm Bureau office for assistance. Please let Amy Hurst know if you need more forms or have questions via e-mail at ahurst@ofbf.org or by phone at 614.246.8262.

Remember to send your council meeting forms and correspondence directly to your county Farm Bureau.

Many of Farm Bureau's action plans started with conversation around a kitchen table, living room or front porch; lively discussion continues to develop using web applications, too. Your participation as a community council member makes sure that our organization continues to focus on critical issues, create better policy and helps people work together to get things done.

We look forward to visiting with you in the future.

Sincerely,

A handwritten signature in black ink that reads "Dale R. Arnold" followed by a horizontal line.

Dale Arnold
Director, Energy, Utility & Local Government Policy
Ohio Farm Bureau Federation

Farm Bureau Community Council Roster

Year _____

Please complete this form as soon as your officers are elected. Print firmly or type information below (no carbon paper is necessary).

County _____ Council Name _____

Regular Meeting Date _____ Date Council was organized _____ Current Date _____

Please check the appropriate box to indicate who should receive your council packet. If no name is checked, the packet will automatically be sent to your Discussion Leader

Name _____ Address, City, Zip+4 _____ E-mail _____

☐ Chairperson (organizes the meeting times and locations)

☐ Discussion Leader (has an email address and is willing to be the point of contact for their council)

☐ Secretary (fills out roster, summary and activity sheets and forwards them to the county Farm Bureau office)

Name of Council Family	Address, City, Zip+4	Area Code/Phone No.	Email	FB Membership #
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Not currently receiving Buckeye Farm News (BFN)? All active members (farmer status) receive the BFN automatically. Associate members (non-farmer) can also receive it by calling 614.249.8229 or by emailing www.info@ofbf.org. Non-members can receive the BFN by joining Ohio Farm Bureau. Join by contacting your county Farm Bureau office or by visiting www.GrowWithFB.org.

White – Forward to your County Farm Bureau Office

Yellow – Council Copy



ACTIVITY SHEET

Use this form to communicate your council's completed activities/projects.

Please do not include regular meetings as an activity/project.

County: _____ Council Name: _____

Secretary: _____ Activity Date: _____ Attendance Number: _____

WHAT ISSUE(S) DID YOUR COUNCIL DISCUSS? EXPLAIN YOUR PLAN TO BECOME INVOLVED.

WHAT FARM BUREAU GOAL(S) DOES THIS ISSUE ADDRESS?

WHO ELSE (INDIVIDUALS, BUSINESSES, ORGANIZATIONS, ETC.) IN YOUR COMMUNITY SHARE THIS PROBLEM OR CONCERN? HOW WILL YOU WORK WITH THEM ON THE ISSUE?

COUNCIL'S GOALS FOR THIS ACTIVITY:

WHAT ACTIVITY DID YOU COORDINATE AND/OR PARTICIPATE IN REGARDING THIS ISSUE? EXPLAIN WHAT YOU DID AND HOW IT IMPROVED/BENEFITTED THE COMMUNITY.

WHO DID YOU WORK WITH IN YOUR COUNTY FARM BUREAU ON THIS ISSUE? WHAT OTHER RESOURCES DID YOU USE? DID YOU COLLABORATE WITH ANY OTHER ORGANIZATION(S)?

HOW DO YOU FEEL ABOUT THE ACTIVITY/PROJECT? HOW DID THE COMMUNITY BENEFIT FROM YOUR WORK?

ATTACH PHOTO(S) WITH ACTIVITY SHEET OR EMAIL TO COUNTY OFFICE FOR POSSIBLE SUBMISSION TO OFBF PUBLICATIONS. WRITE NARRATIVE FOR PHOTOS BELOW.



MEETING SUMMARY SHEET

Use this form as a minute or summary sheet for your council meetings.

County: _____ Council Name: _____

Secretary: _____ Date: _____ Attendance Number: _____

TOPIC(S) DISCUSSED

MEETING NOTES

REVIEW FROM PREVIOUS MEETING

LOCAL ISSUES FOR COUNTY BOARD

QUESTIONS AND/OR ISSUES FOR STATE OFFICE

PROGRESS MADE DURING THIS MEETING REGARDING ISSUE / ACTIVITY

GOALS FOR NEXT MEETING & DATE / LOCATION

REMINDER OF UPCOMING FARM BUREAU EVENTS



POWER Communication
Policy Outreach with Effective Results

POLICY AND ISSUE DISCUSSION SHEET

Working with Community Stakeholders

Defining the Issue

How would you define a *community stakeholder*? What government agencies, business groups, citizen's groups and other special interests should county Farm Bureaus work with on issues of mutual concern? What issues in your community need to be addressed using diverse group efforts? How would the county organization spark a collaborative process if needed?

Ohio Farm Bureau is considered a progressive leader in state policy thanks to our members and partnerships with other organizations. To maintain and continue developing our leadership position it is important to constantly identify community stakeholders, to both broaden the perspective and membership of Ohio Farm Bureau. The following policies and vision statement will help you better understand the discussion questions posed below.

AFBF Policy

Regulatory Review and Reform - Federal agencies should work with the regulated community to correct problems through improved education and compliance assistance, rather than fines, penalties and prosecution.

Sustainable Agriculture - Agriculture provides society numerous benefits including, but not limited to food security, a safe and healthy food supply, environmental benefits and community stability. It is important to remember that agriculture needs the flexibility to alter cropping patterns and practices to meet the demands of operating in an open marketplace where our competition comes from farmers worldwide. When considering sustainable agriculture, there is only one constant and that is agriculture is only sustainable when it is profitable.

Farm Service Agency Committees - The efficient delivery of farm programs and retention of county committee structures with all counties represented, even if the number of county FSA, NRCS and Rural Economic and Community Development offices is reduced. Whenever counties are combined, equal board member representation and reasonable travel distance should be ensured.

Rural Development – We support USDA administering community development, business, and economic development programs for rural communities.

Climate Change – We support the inclusion of the agricultural community as a full partner in the development of any policy or legislation.

OFBF Vision Statement

Ohio Farm Bureau's vision is to forge a partnership between farmers and consumers that meets consumer needs, addresses public expectations and ensures agricultural prosperity in a global marketplace.

OFBF Policy

Ohio Farm Bureau (Leadership Position) - The Ohio Farm Bureau Federation is an independent, voluntary organization of Ohio farmers and community stakeholders who are members of member Farm Bureaus. Basic democratic principles are used throughout to govern the organization. Farm Bureau fosters responsible citizenship and is proud to be respected as an opinion leader throughout rural and urban Ohio.

The farm family is the backbone of the organization and the organization is strong because of the active support and involvement of its membership. The membership involves all races, ages, sexes, commodities, religious beliefs, and political interests.

We will continue to assist member Farm Bureaus in expanding their total programs as they seek solutions to local problems important to farmers and rural Ohio. We encourage counties to maximize their effort in getting more farmers and community stakeholders to join the organization. We encourage counties to conduct outreach and education for associate members so that they can better understand Farm Bureau and agriculture. We encourage Farm Bureau members to be more knowledgeable of issues, be more involved in their county and state organization and be advocates for agriculture.

Leadership Development - Ohio Farm Bureau is committed to the long-term personal and professional leadership development of its members, youth and young agricultural professionals. By creating, facilitating and encouraging leadership programs, such as Young Ag Professionals and AgriPOWER, within Ohio Farm Bureau and cooperating with allied organizations, we will develop strong leaders for our organization, community and agricultural industry.

We should explore and expand youth leadership development opportunities that reflect the Ohio Farm Bureau mission with like-minded groups outside the organization.

We support creation and expansion of Community Councils to enhance communication, collaboration and leadership development opportunities between members and their respective county Farm Bureau.

Discussion Questions

1. How would you define a *community stakeholder*? What groups and organizations in your local community have the experience and credibility to tackle local issues? What are the county Farm Bureau's attributes as a community stakeholder?
2. What social, economic and/or environmental issues in your community need to be addressed using diverse group effort? Which are short term issues? What problems or challenges do you see needing attention on a long term or continual basis?

3. Given Farm Bureau's vision, policy and experience, what local issues do you see where the organization needs to provide key leadership? What issues do you see where the organization needs to be an active, supporting participant?
4. As community stakeholders, how would your community council like to work with county Farm Bureau leadership to address local issues?



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POLICY AND ISSUE DISCUSSION SHEET

Philanthropy – Working at the Local Level

Defining the Issue

Philanthropy is defined as an act of goodwill to promote humanitarian purposes. Today's foundations are more than just traditional charities; they're organizations that allow stakeholders to leverage a variety of resources to make life better. They engage everyone – not just the wealthiest residents.

The Ohio Farm Bureau Foundation, Inc. is a 501(c) (3) non-profit, public charitable organization. The Foundation focuses on helping consumers, communities and civic leaders address a variety of agricultural education, environmental, economic and quality of life issues.

Some efforts have statewide impact. Farm Bureau leaders worked through the Foundation to gather resources to create the Ohio Agribusiness Development Center as well as the Nationwide – Ohio Farm Bureau 4-H Center, both located at The Ohio State University.

Other programs spark local benefits. Over the past decade the Foundation has awarded close to 100 *Agriculture Action and Awareness Grants* to support a variety of education, and economic development initiatives. Ag in the classroom efforts, soil and water conservation programs and farmers market development projects in a variety of rural, suburban and urban neighborhoods throughout Ohio have received support.

The Foundation supports a “family” of scholarships including the *Darwin Bryan Scholarship Program*, the *Women's Leadership in Agriculture Scholarship Program*, the *Foundation Scholar Program* and the new *Cindy Hollingshead Scholarship Program*. These resources are helping students pursue careers in science, education and community service.

The Foundation's *Animals for Life Fund* provides resources focusing on animal welfare, livestock care, and related conservation, food and nutrition issues. The *Ohio Center on Agricultural Law* provides research on legal issues impacting farms, agribusinesses and communities.

Leadership development is a priority for many communities. The Foundation offers *Community Grantsmanship* workshops helping neighborhood groups identify talent, assess issues and create funding proposals to attract public funding and private foundation investment.

The Foundation is another asset helping Farm Bureau members employ close to a century of collective experience that helps farmers and their neighbors work together to get things done. What grantsmanship, scholarship, community service and charitable programs would you like to

see developed? How can your county Farm Bureau utilize these philanthropic assets to enhance programs that help the local community?

AFBF Policy

School & Government Food Purchasing Programs - We support The donation of agricultural commodities to schools participating in the national school food program and oppose any efforts to change to cash or letters of credit in lieu of U.S.-produced commodities.

Taxation – We support a tax deduction for agriculture products donated to charity.

OFBF Policy

Ohio Farm Bureau Leadership Position - The Ohio Farm Bureau Federation is an independent, voluntary organization of Ohio farmers and community stakeholders who are members of member Farm Bureaus. Basic democratic principles are used throughout to govern the organization. Farm Bureau fosters responsible citizenship and is proud to be respected as an opinion leader throughout rural and urban Ohio.

We support funding and programs conducted by the Ohio Farm Bureau Foundation.

Tobacco – We support State of Ohio Administration and General Assembly reinstating the funding for the Southern Ohio Agricultural and Community Development Foundation (SOACDF), and working with the SOACDF Board of Trustees in their investment of funds in agricultural development, educational assistance and economic development.

Land Use Planning – We support proceeds from agricultural easement donations being used for research, funding, and implementation of voluntary programs to keep land in agricultural use.

Discussion Questions

1. How extensive is your community council's collective knowledge of foundations and charitable giving? What do you feel comfortable talking about, and in what areas would you like further information?
2. What attributes and practices do you feel make a charitable organization or foundation successful in your community?
3. Although the county Farm Bureau is not organized as a foundation, some of the projects that the county organization and its members support promote goodwill and community quality of life. How would you like to see the county Farm Bureau and the Ohio Farm Bureau Foundation work together to help these programs grow?
4. Which of the following resources, provided through a foundation, should be explored to help the local organization grow in the future:
 - Charitable giving strategies for members – Helping members creating personal bequests and endowments.
 - Community Grantsmanship – Special training for county volunteer leaders to apply for grants from local, state and national organizations and government programs.

- Creating, managing and growing resources for scholarship and community service programs.
 - Donation acceptance policies for the county Farm Bureau.
5. How would your community council like to work with county Farm Bureau leadership to explore how the organization can employ Ohio Farm Bureau Foundation assets and services to get things done?



Farm Safety

Defining the Issue

Many say a farming operation is a business. Should farmers have safety plans for their farms, the same as commercial and/or light industrial businesses in the community? What points for consideration and information resources do you feel should go into creating an individual farm's safety plan?

AFBF Policy

Farm Safety – We Support:

- Farm safety training at the local level that includes both classroom and hands-on experiences for parents and youth to enhance their understanding of safe and age-appropriate tasks on the farm or ranch;
- The concept that safety begins with each individual employer and that employees have a responsibility to observe safe working rules and conditions;
- Clarification of statistical categories used by federal governmental agencies in determining rate of incidents, hazardous exposures and fatalities in production agricultural occupations;
- Efforts to reduce farm incidents, injuries and fatalities on the farm with an emphasis on education and voluntary programs;
- Funding of the AgrAbility Project;
- The Farm Bureau Safety and Health Network and others in their efforts to promote agricultural safety programs; and
- Farmers and ranchers to install and maintain safety equipment.

Public Safety – We Support:

- Continued efforts for uniform state vehicle codes, traffic guides and the furtherance of safety practices on highways and farms;
- The proper and lawful use of the slow moving vehicle (SMV) signs and equipment lighting;
- The strict enforcement of drinking and driving and habitual offender laws;
- The use of additional automobile safety devices;
- Collaboration among vehicle and child safety seat manufacturers to develop universal child safety seats that are compatible with all vehicles;
- Regular inspection of all railroad crossings and signals, especially multi-track crossings and the addition of lighting and rumble strips; and

- The use of fire racks and guards on fire trucks as an appropriate and effective method of rangeland firefighting

Occupational Safety and Health Administration – Policy Issues for consideration include:

1. We support an exemption for farms with 10 or fewer employees from Occupational Safety and Health Act (OSHA) regulations.
2. Employers who violate the law should be given a warning for the first violation and be given due process of law as allowed under the Constitution instead of instant fines.
3. We call upon OSHA to repeal its farm labor housing regulations, since such housing is not a workplace. The Department of Labor (DOL) should not have two different regulators regulating the same housing.
4. OSHA should not issue any regulation unless there is an actual threat to the health and safety of employees.
5. We support the use of voluntary programs to reduce injuries in the workplace.
6. We will continue to work with federal agencies and with various safety groups in the development of reasonable safety regulations affecting farmers.
7. We will provide leadership in the development of reasonable and responsible safety regulations at the national level.
8. We believe that OSHA's standard for grain elevators is unworkable for existing small country elevators and we favor a more workable standard or exemption for such elevators.
9. We call upon the secretary of labor to revise the Hazardous Materials Communication Standard to eliminate duplicate and overlapping regulations with the Environmental Protection Agency's (EPA) farm worker pesticide protection regulations.
10. We urge EPA and OSHA to employ persons with agricultural expertise.
11. We oppose giving OSHA jurisdiction over criminal penalties for any OSHA or other labor regulation violation; and the imposition of ergonomic standards on the agricultural industry, including farm processing and packing operations.

OFBF Policy

Working with Nationwide Insurance – We recognize the significance of Farm Bureau members' rates for automobile and truck insurance, we encourage member Farm Bureaus to conduct at least one program per year on vehicular safety.

Safety – We support:

- Continuing an OFBF safety program to keep our members safety conscious.
- The establishment of an educational program that targets security and storage issues associated with farm fertilizers and chemicals.
- Convenient certification and re-certification training that includes agricultural awareness that is made available for emergency medical technicians, fire fighters, humane agents, first responders, emergency managers, military, and other public safety volunteers. We support more realistic training requirements for anyone serving in the foregoing roles in a volunteer capacity.
- The voluntary posting of easily recognized emblems where chemicals are stored to ensure the safety of our firefighters, since many chemicals, when burned, may emit toxic fumes.

- Utilities placing warning sheaths on guy wires in crop fields.
- Installing ear protection symbols on any equipment that will emit sounds greater than 85 decibels, which is the level of sound that is considered dangerous.
- Displaying reflective house numbering signs in an effort to reduce the response time for emergency vehicles.
- All farmers using ROPS (Roll Over Protection Structures) and seat belts when operating farm tractors.
- Farm and farm equipment safety courses.
- Local emergency personnel training in farm machinery access, grain bin rescue and entrapment extraction.
- Education and use of the NOAA (National Oceanographic Atmospheric Administration) radio network by working with local and state public safety officials.
- Farmers to have a farm safety plan.

Slow Moving Vehicles – We Support:

- The use of safety lights and official SMV emblems as required in the Ohio Revised Code and approved by American Society of Agricultural Engineers (ASAE) on farm machinery, including all horse drawn vehicles used on public roadways.
- Proper use of the Speed Indicator Symbol (SIS) for farm equipment designed to travel faster than 25 miles per hour.
- Replacing all old-style farm machinery caution signs with the newer signs that include the SMV sign.

All Terrain Vehicles – We Support proof of a safety training course be required of an ATV operator.

Discussion Questions

1. How do you see your farming operation? Should it be considered a small business, mercantile enterprise or larger commercial facility?
2. If you had to create a safety plan or manual for your farm how would you organize it? What specific safety related issues do all farms need to address? What sections or chapters would be incorporated into your manual's table of contents?
3. Should farmers have access to special services that help them create safety plans for their farm? Would special, confidential safety audits and advisory services be useful? Should farmers receive special insurance discounts for having safety tools and systems in place on the farm?
4. Who are the safety service providers (volunteer fire departments, EMS, law enforcement, 911 call center, etc.) in your community? Do special fundraising and/or community outreach programs need to be done to help them enhance their programs?
5. What topic ideas do you have for a local safety program sponsored by your county Farm Bureau? How could your community council be involved in this process?



Eminent Domain – What is Negotiable?

Defining the Issue

Eminent domain, or the power to take private property for public use, is used for all types of governmental projects, including the building of roads, the location of buildings and infrastructure, and the establishment of recreational or green space. With the proliferation of energy and utility service projects across the state, farmers and rural residents are discovering the eminent domain provisions might govern the right of access for some utility projects, but other issues that may arise as a part of the eminent domain are still highly negotiable. Along with protection of natural resources and repair/remediation standards, what other points for concern should farmers and rural residents consider when negotiating an appropriation of property, either through sale, long-term lease or easement agreement?

AFBF Policy

Eminent Domain - The taking of property or easements should be permitted only when there is a clear-cut public project and the completion of the project is guaranteed. Eminent domain shall not be used to condemn or transfer property from one private entity to another private entity for economic development or any other private use.

We support:

- Prompt, just and adequate compensation, including legal costs, expert witness fees, associated costs, relocation costs, appraisals including highest and best use, replacement costs and participation fees.
- Adequate time to allow for satisfactory relocation of former owners;
- Good faith negotiations by the condemning entity to acquire property before initiating condemnation;
- Requiring entities having the power of eminent domain for right of way, either by condemnation, threat of condemnation, or easement to maintain natural drainage and being held liable for damage to landowners;
- Freedom from liability for landowner or tenant for any accidental or inadvertent breakage or disruption of service on any lines, cables or pipelines;
- An environmental impact statement being prepared as a prerequisite for any eminent domain proceeding;
- Changes in legislation regarding eminent domain cases that would strengthen the rights of landowners and would allow them greater latitude to present evidence in court proceedings;

- All utility lines, cables and pipelines being properly installed according to appropriate specifications. Such installations should be adequately marked; and
- Maintaining state authority to exempt normal agricultural and farm tillage practices from one-call requirements under Federal Pipeline Safety Regulations.

We oppose:

- The use of eminent domain for recreational purposes, open space, private economic development or expansion of the land holdings of wildlife agencies;
- Legislation which grants the right of federal eminent domain to any additional entities;
- The ability of non-elected boards, agencies and commissions, public or private, to utilize the eminent domain process;
- Condemnation of property in fee title if a lesser interest will suffice;
- The use of eminent domain to acquire properties intended for future sale. Any lands taken for public purposes and not promptly used for that purpose (i.e., within a maximum period of five years) must be offered immediately to the prior owners or their heirs at a price no higher than the original purchase price;
- The practice of acquiring new rights of way through farmland when existing public corridors exist, such as railways, highways, power lines, pipelines, etc. Government-owned lands and wetlands should be utilized prior to the consideration of any privately owned land;
- Legislation that grants the right of federal eminent domain to any additional entity except in crossing property controlled by another carrier that already has federal eminent domain authority; and
- Any government entity taking private property by adverse possession without just compensation.

OFBF Policy

Eminent Domain – We oppose government entities taking prime farmland for public purposes, including but not limited to public water supplies, public utility pipelines, highways, metropolitan parks, linear parks, wildlife areas and trails. Where such facilities are needed for the public welfare, the government entity should:

- Purchase land areas from willing sellers when possible;
- Assume all legal responsibilities and tax obligations for the property acquired by eminent domain, for example CAUV recoupment;
- Compensate farmers and other landowners and leaseholders for property taken, and right of ways/easements, inconvenience suffered, and for damage that may occur to them and to nearby property owners;
- Determination of compensation should be made prior to project initiation, except for true cases of public exigency;
- Limit wellhead protection requirements for municipal water sources to real case scenarios - for example, light sandy soils;
- Pay for capital costs caused by wellhead protection ordinances;
- Replace water supplies at no cost to the landowner for as long as the landowner has a need for water; and

- Mitigate adverse effects to adjoining property owners for any facility that may be developed.

The condemning agency should first establish the need for the project by using cost/benefit analysis, and availability of capital funds for the project. Funds should be made available to the landowner for an appeal process before condemning the land. All necessary economic impact studies and environmental impact studies, etc. should be completed prior to initiating condemnation. Any damage occurring should be reimbursed to the landowner.

Ohio should broaden its definition of 'public notice' for ODOT construction projects to facilitate as much local input as practicable.

When the state publicly identifies a corridor for a projected state highway project, all the land in that corridor must be purchased within three years of identification of the corridor or, if not, all the restrictions on the property should expire. If a proposed project is delayed for a period of 18 months or more, the landowner should be compensated 10 percent of the fair market value of the land.

We believe municipalities should be limited in their use of condemnation proceedings to secure land and facilities outside of the municipal corporation.

We oppose the practice of eminent domain for private development purposes.

We believe government entities should compensate original landowners for loss of use of their land and for any profits realized on resale of land taken by eminent domain. Landowners of property taken by eminent domain should be compensated at prevailing market rates, including best alternate uses, established before the threat of eminent domain is publicly known.

If the original public use of a property taken by eminent domain is abandoned, the previous landowner and adjacent landowners should have a right of first refusal to purchase the property.

Metropolitan parks and/or park districts have the power of eminent domain. We oppose the use of eminent domain for recreational purposes. If eminent domain is to be used outside the "base county" of the metro park and/or park district, the county commissioners in that outside county must approve the eminent domain action.

We support legislation that allows conservation easements to supersede eminent domain.

Ohio's quick take statute should be amended to limit the government's right of quick take to emergency actions only.

We support clarification regarding the use of eminent domain by private pipeline companies.

Agricultural Districts – We support protection of land in accordance with the Farmland Preservation Act (agricultural districts). The statute helps landowners deal with water, sewer, and electric assessments, nuisance lawsuits and powers of eminent domain. The Agriculture District Law should be strengthened by:

- Lowering the acreage and percentage of land taken to trigger Ohio Department of Agriculture review of eminent domain.
- Requiring legal service on the eminent domain action by the Ohio Department of Agriculture.
- Providing greater protection against nuisance lawsuits.
- Allowing for deferred assessments for infrastructure improvements such as roads, sidewalks and private water companies, including transportation improvement districts.
- Providing additional protection against eminent domain.
- Creating a uniform agricultural district application process for all lands (whether the land is inside or outside of the city limits).
- Changing the Farmland Preservation Program rules to allow a farm that has acreage in two or more counties to submit one application in the county where the homestead is located, or where the majority of the acres are located.

Transportation Improvement Districts – We oppose Transportation Improvement Districts (TIDS) in their entirety. TIDS are quasi-governmental agencies with the power of eminent domain, taxation of property, and trespassing rights over one's own private property.

Wild, Scenic and Recreational Rivers and Creeks – We Urge the Department of Natural Resources to be very selective and to proceed very slowly in its program of designating additional wild, scenic and recreational rivers. Before any river is designated, the department should be in a position to enforce the trespassing laws on private property. The use of eminent domain for the purpose of gaining public access to such rivers and creeks should rarely be applied.

Discussion Questions

1. What special projects (new highway construction, public recreational areas, transmission lines, pipelines, a power plant, etc.) could be coming to your neighborhood in the next five years? How will your community council's individual members be impacted by the project; as a person living in the community or as a landowner where the project is to be created?
2. While it might be said that a new project could benefit many community members, it will dramatically impact a few others. When it comes to benefit and impact, where do you find the balance? What policies should be in place to ensure that the potential needs of many are not achieved by sacrificing the potential needs of a few?
3. Eminent Domain gives an entity developing a project for public use the right to access property. While access and placement of a facility might be determined, everything else for the landowner is negotiable. To what extent should landowners

have the right to negotiate compensation for repair/remediation of farm ground, change in land values, setbacks from homes and buildings? What other impacts should landowners have the right to negotiate compensation concerning a project accessing their property?

4. Should agricultural land be exempt or immune from eminent domain provisions? Should this exemption or immunity offer all encompassing “blanket” or limited provisions?
5. Public discussion needs to be part of any and all projects where eminent domain could be involved. How should your county Farm Bureau be involved? What experience and expertise could the local organization share in this process. How do your community council members want to be involved?