



Ohio Administrative Code

Rule 128-4-13 Procedure for the removal of "commemorative works" at capitol square.

Effective: May 28, 2021

(A) Definitions

(1) For the purpose of this rule, "commemorative works" shall have the meaning set forth in paragraph (A) of rule 128-4-08 of the Administrative Code.

(2) For the purpose of this rule, "capitol square" shall have the meaning set forth in division (L) of section 105.41 of the Revised Code.

(3) For the purpose of this rule, "removal costs" shall mean the costs for removal of a commemorative work, including removal, transportation, restoration of the site as agreed upon by the architect/engineering firm selected by the board and the board, and storage of the commemorative work for a period not to exceed five years, if applicable.

(B) Proposal stage

(1) A person, group, or organization may submit a proposal to the capitol square review and advisory board for the removal of a commemorative work currently located at capitol square.

(2) Proposals must contain the name of the applicant person, group, or organization; a brief narrative description explaining why capitol square is not an appropriate location for the commemorative work and why the removal of the commemorative work is in the best interest of the citizens of Ohio; and any other information pertinent to a discussion of the proposal.

(3) Proposals must be submitted at least one month prior to the regularly scheduled board meeting at which the applicant desires to raise the proposal.

(C) Decision stage



- (1) The board shall discuss a timely submitted proposal at its upcoming regularly scheduled meeting. Proposals that are not timely submitted shall be discussed at the following regularly scheduled meeting.
- (2) At the meeting in which the proposal is discussed, the board shall give the proposal preliminary approval, deny preliminary approval, or table the proposal for further consideration at the next regularly scheduled meeting. The board may request additional information and may request further review by CSRAB staff or outside professional experts. The board may also seek public input on a submission.
- (3) The board shall consider all of the following criteria when making its decision:
 - (a) Applicable federal, state, and local laws and regulations governing the removal of commemorative works;
 - (b) The historical and cultural value of the commemorative work, taking into account the commemorative work's past, present, and future significance; and
 - (c) The consistency of the commemorative work with the current setting of capitol square, and whether the commemorative work continues to fit the overall setting governing the use of capitol square.
- (4) If the board gives the proposal preliminary approval, the applicant may submit the proposal to the board for final approval after a period of five years. The final proposal must include the original proposal, proof of funding to cover removal costs, and any updated information that is relevant to the board's criteria for consideration set forth in paragraphs (C)(3)(a) to (C)(3)(c) of this rule.
- (5) If the board gives the proposal final approval, the removal process will begin. For a proposal to receive final approval, a quorum of the board as defined in rule 128-1-02 of the Administrative Code must be present, and a majority of the full board must cast affirmative votes in favor of the proposal.
- (6) If the board does not give approval to a proposal at either the preliminary or final review, the applicant may not resubmit the proposal until one year has passed. If the board does not give



approval to a proposal after two submissions (at either preliminary or final review), the proposal must begin the process again, should the applicant choose to continue to pursue the proposal.

(7) In the event of an emergency affecting the health, safety, or security of the public and/or state property, the board may take immediate action to temporarily or permanently remove a commemorative work from capitol square.

(D) Removal stage

(1) If the board gives the proposal preliminary approval, the applicant shall, as soon as practicable, consult with a qualified architect/engineering firm to determine an estimate of removal costs. The estimate procured by the applicant shall be submitted to the Executive Director of the CSRAB for review and approval as soon as practicable. The Executive Director of the CSRAB may verify the estimate's accuracy with an architect/engineering firm selected by the board.

(2) Removal costs shall be borne by the applicant person, group, or organization. Removal of a commemorative work will not occur if the applicant cannot secure funding for the removal of the commemorative work. The applicant must have secured funds to cover all removal costs by the time of final approval.

(3) If the board gives the proposal final approval, an architect/engineering firm selected by the board, in collaboration with CSRAB staff, shall investigate appropriate relocation options for the commemorative work. Such options may include, but shall not be limited to, return of the commemorative work to the work's donor, relocation to an off-site storage facility, relinquishment of the commemorative work to the Ohio history connection or another appropriate recipient, or disposal of the commemorative work. The chosen relocation option must be consistent with any and all existing laws governing the commemorative work. The architect/engineering firm selected by the board shall submit its recommendations to the board.

(4) At its next regularly scheduled meeting, the board shall vote on the most appropriate relocation option. In the event that additional time is necessary to investigate relocation options, the issue shall remain on the agenda for discussion at the following regularly scheduled meeting. Relocation options shall be presented to and decided by the board no later than six months following the



meeting at which the board gives the proposal final approval.

(5) The applicant shall submit removal plans and contract documents for its proposed contractor(s) to the CSRAB Executive Director, who will consult with the architect/engineering firm selected by the board, for review and approval.

(6) If the board gives a proposal final approval, but the removal itself is not completed within a five-year period following final approval, the approval shall be considered void and the proposal must begin the process again, should the applicant choose to continue to pursue the proposal.