

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 256

Representatives Butler, Zeltwanger

A BILL

To enact sections 4563.40, 4563.41, 4565.01, 1
4565.02, 4565.03, 4565.04, 4565.05, 4565.06, 2
4565.07, 4565.08, 4565.09, 4565.10, 4565.11, 3
4565.111, 4565.12, 4565.13, 4565.14, 4565.15, 4
4565.16, 4565.17, 4565.18, and 4565.19 of the 5
Revised Code to create the Major Air Hub 6
Council, to require the Council to construct two 7
commercial service airports, one in Fayette 8
County and one in Portage County, and to create 9
the Southern Ohio Airport Authority and the 10
Northern Ohio Airport Authority to operate the 11
airports. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4563.40, 4563.41, 4565.01, 13
4565.02, 4565.03, 4565.04, 4565.05, 4565.06, 4565.07, 4565.08, 14
4565.09, 4565.10, 4565.11, 4565.111, 4565.12, 4565.13, 4565.14, 15
4565.15, 4565.16, 4565.17, 4565.18, and 4565.19 of the Revised 16
Code be enacted to read as follows: 17

Sec. 4563.40. (A) There is hereby created the major air 18
hub council, consisting of seven members. The speaker of the 19

house of representatives shall appoint three of the members, the 20
president of the senate shall appoint three of the members, and 21
the governor shall appoint one of the members. 22

(B) The three members appointed by the speaker of the 23
house of representatives shall serve initial terms of four 24
years. The four members appointed by the president of the senate 25
and the governor shall serve initial terms of two years. 26
Thereafter, terms of office of all members are four years. 27
Vacancies on the council shall be filled in the same manner as 28
the original appointment. A member appointed to fill a vacancy 29
occurring prior to the expiration date of the term for which the 30
member's predecessor was appointed shall hold office for the 31
remainder of the unexpired term. A member may be reappointed to 32
the council. 33

(C) Members of the council shall receive no compensation, 34
but shall receive their actual and necessary expenses incurred 35
in the performance of their official duties in accordance with 36
the rules of the office of budget and management. 37

(D) The council shall hire an executive director who is 38
experienced in the construction and operation of major airports. 39
The council shall establish the duties of the executive 40
director, which shall include, at a minimum, assisting the 41
council in executing its duties under section 4563.41 of the 42
Revised Code. 43

(E) The council shall hold meetings monthly until an 44
executive director is hired. After the executive director is 45
hired, the council shall hold meetings at least once every six 46
months. 47

(F) If necessary, the council shall prepare and submit to 48

the office of budget and management a budget for each biennium 49
for purposes of section 107.03 of the Revised Code. The budget 50
submitted shall cover the costs incurred by the council in 51
executing its duties under this section and section 4563.41 of 52
the Revised Code. 53

(G) Upon completion of its duties under section 4563.41 of 54
the Revised Code, the council shall be dissolved. 55

Sec. 4563.41. (A) The major air hub council, as part of 56
phase I of planning and construction, shall take all actions 57
necessary to construct two commercial service airports, either 58
or both of which may be international airports. One airport 59
shall be constructed in the vicinity of the interchange of 60
interstate route number seventy-one and United States route 61
number thirty-five in Fayette county. The other airport shall be 62
constructed in the area immediately north of interstate route 63
number eighty in the vicinity of the municipal corporation of 64
Ravenna in Portage county. The council shall study all issues 65
relating to the airports, and then shall prepare a detailed plan 66
that addresses all aspects relating to the financing, 67
construction, and marketing of the airports. 68

(B) At any time during or after the preparation of the 69
plan under division (A) of this section, the council shall 70
distribute a request for proposals to airline companies 71
regarding terminal privileges and the leasing of gates at the 72
airports for airlines that wish to make one or both of the 73
airports a major airline hub. Upon reviewing the submissions, 74
the council shall select one or more companies with whom to 75
negotiate contracts for the acquisition of terminal privileges 76
and gate lease agreements. 77

(C) The council may contract to reimburse sunk costs by an 78

airline from a prior hub. 79

(D) (1) Upon executing contracts, the council shall do the 80
following to obtain funds necessary to pay for the construction 81
of the airports: 82

(a) Issue revenue bonds to be repaid from revenues 83
received from terminal privileges and gates leases and pledged 84
by the council for such repayment; 85

(b) Seek any available existing funds from the state and 86
federal government; 87

(c) Pursue any other available financial method to pay for 88
the construction of the airports. 89

(2) The council shall have all authority necessary to 90
issue the revenue bonds under division (D) (1) (a) of this 91
section, including authority to do the following: 92

(a) Collect the proceeds from the sale of the revenue 93
bonds; 94

(b) Collect the revenues pledged to pay off the amounts 95
owed under the revenue bonds; 96

(c) Apply the pledged and collected revenue to pay off the 97
amounts owed under the revenue bonds; 98

(d) Take any other action or hire any person or entity to 99
accomplish any of the above. 100

(3) No construction shall commence until the council has 101
contracted with one or more airline companies and sufficient 102
funding for the construction has been secured. 103

(4) The council may enter into any agreement with any 104
entity that is involved in the construction and operation of 105

major airports in the United States, including any private 106
sector entity. 107

(E) In addition to the two airports, the council shall 108
construct both of the following as part of phase I of the 109
planning and construction: 110

(1) Transportation centers near new or existing interstate 111
highway exits in or near the municipal corporations of Akron, 112
Canton, Cincinnati, Cleveland, Columbus, Dayton, and Youngstown. 113
Whenever possible, the centers shall be constructed near exits 114
on interstate highways that are loop or spur highways. The 115
centers shall provide, at a minimum, motor vehicle parking 116
facilities for motor vehicle operators at no cost or a cost not 117
exceeding two dollars per day. The centers also shall provide 118
options for passengers to check into flights, check luggage, 119
pass through security, and enter the terminal directly. 120

(2) A high-speed rail passenger transportation system, 121
which may be a light rail system, that connects the 122
transportation centers to the two airports described in division 123
(A) of this section to transport airline passengers to and from 124
the airports and the centers. The transportation centers near 125
the municipal corporations of Columbus, Dayton, and Cincinnati 126
shall connect to the airport in Fayette county. The 127
transportation centers near the municipal corporations of Akron, 128
Canton, Cleveland, and Youngstown shall connect to the airport 129
in Portage county. 130

(F) In addition to the rail system established under 131
division (E) of this section, when economically feasible, and as 132
phase II and III of the planning and construction, the council 133
shall construct both of the following in the following order: 134

(1) A high-speed rail passenger transportation system, 135
which may be a light rail system, that connects each 136
transportation center to prominent metropolitan areas, as 137
determined by the council; 138

(2) A high-speed rail passenger transportation system, 139
which may be a light rail system, that connects all the 140
transportation centers. 141

(G) In order to fulfill its duties under this section, the 142
council may do both of the following: 143

(1) Conduct public hearings in such locations within this 144
state as it determines to be appropriate; 145

(2) Hire such consultants or experts and other persons as 146
the council determines necessary. 147

(H) The council may request assistance in any form from 148
any other department, division, agency, or office of this state 149
in order to fulfill its duties under this section, and upon 150
receipt of such request the other department, division, agency, 151
or office shall provide such assistance. 152

(I) Upon completion of construction of the airport in 153
Portage county, the council shall transfer the airport to the 154
northern Ohio airport authority created in section 4565.02 of 155
the Revised Code, and the authority shall operate and maintain 156
the airport. 157

Upon completion of construction of the airport in Fayette 158
county, the council shall transfer the airport to the southern 159
Ohio airport authority created in section 4565.02 of the Revised 160
Code, and the authority shall operate and maintain the airport. 161

Sec. 4565.01. As used in this chapter: 162

(A) "Airport" means the airport constructed by the major 163
air hub council in Portage county and the airport constructed by 164
the council in Fayette county, as applicable. 165

(B) "Airport authority" means an airport authority created 166
under section 4565.02 of the Revised Code. 167

(C) "Airport facility" means any facility used, available 168
for use, or designed for use to aid in the safe taking off and 169
landing of aircraft at an airport, for the safety, storage, and 170
maintenance of aircraft, for the comfort and accommodation of 171
the users of air transportation of persons or property, or for 172
the safe and efficient operation and maintenance of an airport. 173

Sec. 4565.02. (A) There is hereby created the northern 174
Ohio airport authority. The membership of the northern Ohio 175
airport authority shall consist of the municipal corporations of 176
Akron, Canton, Cleveland, and Youngstown. 177

(B) There is hereby created the southern Ohio airport 178
authority. The membership of the southern Ohio airport authority 179
shall consist of the municipal corporations of Cincinnati, 180
Columbus, and Dayton. 181

(C) Each airport authority is a body corporate and politic 182
which may sue and be sued and plead and be impleaded, and has 183
the powers and jurisdiction enumerated in this chapter. The 184
exercise by an airport authority of the powers conferred by this 185
chapter are deemed to be essential governmental functions of 186
this state, but no such airport authority is immune from 187
liability by reason thereof. 188

Sec. 4565.03. A municipal corporation that is a member of 189
an airport authority may appropriate and expend public funds to 190
finance or subsidize the operation and authorized purposes of 191

the airport authority. 192

Sec. 4565.04. (A) A board of directors shall govern each 193
airport authority. Members of the board of directors of the 194
northern Ohio airport authority shall consist of fifteen persons 195
appointed by the member municipal corporations. Each of the four 196
municipal corporations shall have representation on the board in 197
the same proportion that the municipal corporation's population 198
represents to the combined populations of the four municipal 199
corporations. 200

Members of the board of directors of the southern Ohio 201
airport authority shall consist of eleven persons appointed by 202
the member municipal corporations. Each of the three municipal 203
corporations shall have representation on the board in the same 204
proportion that the municipal corporation's population 205
represents to the combined populations of the three municipal 206
corporations. 207

For purposes of this division, the population of a 208
municipal corporation is the population reported by the most 209
recent federal decennial census. 210

A municipal corporation at any time may remove a member of 211
the board of directors it appoints for misfeasance, nonfeasance, 212
or malfeasance in office. 213

(B) The initial appointees to an airport authority board 214
of directors shall serve staggered terms as determined by those 215
directors. Thereafter, each successor shall serve for a term of 216
four years, except that any person appointed to fill a vacancy 217
shall be appointed only to the unexpired term. Any director is 218
eligible for reappointment. 219

(C) The board by rule may provide for the removal of a 220

director who fails to attend three consecutive regular meetings 221
of the board. If a director is so removed, the municipal 222
corporation that appointed the removed member shall appoint a 223
successor for the remaining term of the removed director in the 224
same manner provided for the original appointment. 225

(D) The directors shall elect one of their membership as 226
chairperson and another as vice-chairperson and designate their 227
terms of office, and shall appoint a secretary, who need not be 228
a director. A majority of the members of the board shall 229
constitute a quorum for the purpose of holding a meeting of the 230
board. The affirmative vote of a majority of a quorum is 231
necessary for any action taken by the airport authority unless 232
the board determines by rule to require a greater number of 233
affirmative votes for particular actions to be taken by the 234
airport authority. No vacancy in the membership of the board 235
shall impair the rights of a quorum to exercise all the rights 236
and perform all the duties of the airport authority. The board 237
of directors may hold a meeting by interactive video 238
teleconference as provided in section 4565.19 of the Revised 239
Code. 240

(E) Each member of the board is entitled to receive from 241
the airport authority such sum of money as the board may 242
determine as compensation for services as director, and 243
reimbursement for reasonable expenses in the performance of 244
official duties. 245

Sec. 4565.05. In addition to any immunity from civil 246
liability that is conferred upon a director by any other 247
provision of the Revised Code or by decisions of Ohio or federal 248
courts, no member of the board of directors of an airport 249
authority is personally liable for any monetary damages that 250

arise from actions taken in the performance of the director's 251
official duties, except for acts or omissions that are not in 252
good faith or that involve intentional misconduct or a knowing 253
violation of law, or any transaction from which the director 254
derived an improper personal benefit. 255

Sec. 4565.06. (A) An airport authority shall employ and 256
fix the qualifications, duties, and compensation of any 257
employees and enter into contracts for any professional services 258
it may require to conduct its business. An airport authority may 259
appoint an advisory board, which shall serve without 260
compensation. An airport authority may suspend or dismiss any 261
employee, and at any time may terminate any contract for 262
professional services. 263

(B) An airport authority may provide for the 264
administration and enforcement of the laws of the state by 265
seeking the assistance of appropriate law enforcement officers 266
to enforce its rules and maintain order. 267

Sec. 4565.07. (A) An airport authority may procure and pay 268
all or any part of the cost of group hospitalization, surgical, 269
major medical, sickness and accident insurance, or group life 270
insurance, or a combination of any of the foregoing types of 271
insurance or coverage for employees and their families, issued 272
by an insurance company duly authorized to do business in this 273
state. 274

(B) An airport authority also may procure and pay all or 275
any part of the cost of a plan of group hospitalization, 276
surgical, major medical, or sickness and accident insurance with 277
a health insuring corporation holding a certificate of authority 278
under Chapter 1751. of the Revised Code, provided that each 279
employee is authorized to do both of the following: 280

(1) Exercise an option between a plan offered by an insurance company as provided under division (A) of this section and a plan offered by a health insuring corporation under division (B) of this section, on the condition that the employee shall pay any amount by which the cost of the plan offered under division (B) of this section exceeds the cost of the plan offered under division (A) of this section; 281
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(2) Change from one of the two plans to the other at a time each year as the airport authority determines appropriate. 288
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(C) An airport authority may procure or contract for any type of insurance authorized by division (A) or (B) of this section on its own or jointly as part of a group with one or more other governmental units or agencies to provide that insurance for the employees of the members of the group and their families. An airport authority also may establish and maintain an individual or joint self-insurance program for hospitalization, surgical, major medical, or sickness and accident insurance. 290
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Sec. 4565.08. (A) An airport authority may do all of the following: 299
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 301
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(2) Adopt an official seal; 303

(3) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose, and operate any property in connection with its airport; 304
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(4) Make available the use or services of any airport facility to one or more persons, one or more governmental agencies, or any combination thereof; 310
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(5) Maintain such funds as it considers necessary; 313

(6) Promote, advertise, and publicize the airport and its facilities and provide information to airline companies, air freight shippers, and other commercial interests; 314
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(7) Adopt rules, not in conflict with general law, it finds necessary or incidental to the performance of its duties and the execution of its powers under this chapter. The airport authority shall make any such rule available for public inspection at the office of the airport authority during regular business hours. 317
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(8) Do any of the following, in regard to any interests in any real or personal property, or any combination thereof, including, without limitation, machinery, equipment, offices, and other structures and facilities related to, useful for, or in furtherance of any authorized purpose, for such consideration and in such manner, as the board in its sole discretion may determine: 323
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(a) Loan money to any person or governmental entity for the acquisition, construction, furnishing, and equipping of the property; 330
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(b) Acquire, construct, maintain, repair, furnish, and equip the property; 333
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(c) Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental entity. 335
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An airport authority may accept and hold as consideration 339
for the conveyance of property or any interest therein such 340
property or interests therein as its board of directors in its 341
discretion may determine, notwithstanding any restrictions that 342
apply to the investment of funds by the airport authority. 343

(9) Sell, lease, or convey other interests in real and 344
personal property, and grant easements or rights-of-way over 345
airport property. The board of directors shall specify the 346
consideration and any terms for the sale, lease, or conveyance 347
of other interests in real and personal property. Any 348
determination made by the board under this division is 349
conclusive. The sale, lease, or conveyance may be made without 350
advertising and the receipt of bids. 351

(10) Exercise the right of eminent domain to appropriate 352
any land, rights, rights-of-way, franchises, easements, or other 353
property necessary or proper for any authorized purpose pursuant 354
to the procedure provided in Chapter 163. of the Revised Code, 355
provided funds equal to the appraised value of the property to 356
be acquired as a result of such proceedings are available for 357
that purpose. However, nothing contained in this chapter 358
authorizes an airport authority to take or disturb property or 359
facilities belonging to any agency or political subdivision of 360
this state, public utility, cable operator, or common carrier if 361
the property or facilities are necessary and convenient in the 362
operation of the agency or political subdivision, public 363
utility, cable operator, or common carrier, unless provision is 364
made for either of the following: 365

(a) Upon the election of the agency or political 366
subdivision, public utility, cable operator, or common carrier, 367
the payment of compensation, if any, at the sole cost of the 368

airport authority; 369

(b) The restoration, relocation, or duplication of such 370
property or facility, provided that: 371

(i) If any restoration or duplication proposed to be made 372
under division (A) (10) of this section involves a relocation of 373
the property or facilities, the new location and facilities are 374
of at least comparable utilitarian value and effectiveness and 375
do not impair the ability of the public utility, cable operator, 376
or common carrier to compete in its original area of operation. 377

(ii) If any restoration or duplication made under division 378
(A) (10) of this section involves a relocation of the property or 379
facilities, the airport authority shall acquire no interest or 380
right in or to the appropriated property or facilities, except 381
as provided in division (A) (8) of this section, until the 382
relocated property or facilities are available for use and until 383
marketable title thereto has been transferred to the public 384
utility, cable operator, or common carrier. 385

As used in division (A) (10) of this section, "cable 386
operator" has the same meaning as in the "Cable Communications 387
Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 388
U.S.C. 522, as amended by the "Telecommunications Act of 1996," 389
Pub. L. No. 104-104, 110 Stat. 56. 390

(11) (a) Make and enter into all contracts and agreements 391
and execute all instruments necessary or incidental to the 392
performance of its duties and the execution of its powers under 393
this chapter; 394

(b) (i) Except as provided in division (A) (11) (c) of this 395
section or except when an airport authority elects to construct 396
a building, structure, or other improvement pursuant to a 397

contract made with a construction manager at risk under sections 398
9.33 to 9.335 of the Revised Code or with a design-build firm 399
under sections 153.65 to 153.73 of the Revised Code, when the 400
cost of a contract for the construction of any building, 401
structure, or other improvement undertaken by an airport 402
authority involves an expenditure exceeding the higher of one 403
hundred thousand dollars or the amount as adjusted under 404
division (A)(11)(b)(ii) of this section, and the airport 405
authority is the contracting entity, the airport authority shall 406
make a written contract. The airport authority shall make such a 407
contract only after notice calling for bids for the award of the 408
contract has been given by publication once per week for two 409
consecutive weeks, with at least seven days between 410
publications, in a newspaper of general circulation in the area 411
of the airport authority or as provided in section 7.16 of the 412
Revised Code. The airport authority shall let such a contract to 413
the lowest responsive and responsible bidder in accordance with 414
section 9.312 of the Revised Code. The airport authority shall 415
include with the contract the plans and specifications for the 416
work to be done, prepared for and approved by the airport 417
authority, signed by an authorized officer of the airport 418
authority and by the contractor, and executed in triplicate. 419

The airport authority shall award each bid in accordance 420
with sections 153.54, 153.57, and 153.571 of the Revised Code. 421
The airport authority may reject any and all bids. 422

(ii) On January 1, 2018, and the first day of January of 423
every even-numbered year thereafter, the director of commerce 424
shall adjust the threshold level for contracts subject to the 425
bidding requirements contained in division (A)(11)(b)(i) of this 426
section. The director shall adjust this amount according to the 427
average increase for each of the two years immediately preceding 428

the adjustment as set forth in the producer price index for 429
material and supply inputs for new nonresidential construction 430
as determined by the bureau of labor statistics of the United 431
States department of labor or, if that index no longer is 432
published, a generally available comparable index. If there is 433
no resulting increase, the threshold shall remain the same until 434
the next scheduled adjustment on the first day of January of the 435
next even-numbered year. 436

(c) The board of directors of an airport authority by rule 437
may provide criteria for the negotiation and award without 438
competitive bidding of any contract as to which the airport 439
authority is the contracting entity for the construction of any 440
building or structure or other improvement under any of the 441
following circumstances: 442

(i) There exists a real and present emergency that 443
threatens damage or injury to persons or property of the airport 444
authority or other persons, provided that a statement specifying 445
the nature of the emergency that is the basis for the 446
negotiation and award of a contract without competitive bidding 447
is signed by the officer of the airport authority that executes 448
that contract at the time of the contract's execution and shall 449
be attached to the contract. 450

(ii) A commonly recognized industry or other standard or 451
specification does not exist and cannot objectively be 452
articulated for the improvement. 453

(iii) The contract is for any energy conservation measure 454
as defined in section 307.041 of the Revised Code. 455

(iv) With respect to material to be incorporated into the 456
improvement, only a single source or supplier exists for the 457

material. 458

(v) A single bid is received by the airport authority 459
after complying with division (A) (11) (b) of this section. 460

(d) (i) If a contract is to be negotiated and awarded 461
without competitive bidding for the reason prescribed in 462
division (A) (11) (c) (ii) of this section, the airport authority 463
shall publish a notice calling for technical proposals once per 464
week for two consecutive weeks, with at least seven days between 465
publications, in a newspaper of general circulation in the area 466
of the airport authority or as provided in section 7.16 of the 467
Revised Code. After receipt of the technical proposals, the 468
airport authority may negotiate with and award a contract for 469
the improvement to the proposer making the proposal considered 470
to be the most advantageous to the airport authority. 471

(ii) If a contract is to be negotiated and awarded without 472
competitive bidding for the reason prescribed in division (A) 473
(11) (c) (iv) of this section, any construction activities related 474
to the incorporation of the material into the improvement also 475
may be provided without competitive bidding by the source or 476
supplier of that material. 477

(e) (i) An airport authority shall make any purchase, 478
exchange, sale, lease, lease with an option to purchase, 479
conveyance of other interests in, or other contract with a 480
person or governmental entity that pertains to the acquisition, 481
construction, maintenance, repair, furnishing, equipping, or 482
operation of any real or personal property, or any combination 483
thereof, related to, useful for, or in furtherance of an 484
activity contemplated by Section 13 of Article VIII, Ohio 485
Constitution, in such manner and subject to such terms and 486
conditions as may be determined by the board of directors in its 487

discretion. 488

(ii) Division (A)(11)(e)(i) of this section applies to all 489
contracts that are subject to that division, notwithstanding any 490
other provision of law that might otherwise apply, including, 491
without limitation, any requirement of notice, any requirement 492
of competitive bidding or selection, or any requirement for the 493
provision of security. 494

(iii) Divisions (A)(11)(e)(i) and (ii) of this section do 495
not apply to any contract secured exclusively by or to be paid 496
exclusively from the general revenues of the airport authority. 497
For the purposes of this section, any revenues derived by the 498
airport authority under a lease or other agreement that, by its 499
terms, contemplates the use of amounts payable under the 500
agreement either to pay the costs of the improvement that is the 501
subject of the contract or to secure obligations of the airport 502
authority issued to finance costs of such improvement, are 503
excluded from general revenues. 504

(12) Employ managers, superintendents, and other employees 505
and retain or contract with consulting engineers, financial 506
consultants, accounting experts, architects, attorneys, and any 507
other consultants and independent contractors as are necessary 508
in its judgment to carry out this chapter, and fix the 509
compensation thereof. An airport authority shall pay all 510
expenses thereof from any available funds of the airport 511
authority or from funds appropriated for that purpose by a 512
municipal corporation that is a member of the airport authority. 513

(13) Receive and accept from any state or federal agency 514
grants and loans for or in aid of the construction of any 515
airport facility or for research and development with respect to 516
airport facilities, and receive and accept aid or contributions 517

from any source of money, property, labor, or other things of 518
value, to be held, used, and applied only for the purposes for 519
which the grants and contributions are made; 520

(14) Purchase fire and extended coverage and liability 521
insurance for any airport facility and for the offices of the 522
airport authority, and insurance protecting the airport 523
authority and its officers and employees against liability for 524
damage to property or injury to or death of persons arising from 525
its operations; 526

(15) Charge, alter, and collect rentals and other charges 527
for the use or services of any airport facility; 528

(16) Provide coverage for its employees under Chapters 529
145., 4123., and 4141. of the Revised Code; 530

(17) Establish and administer one or more payment card 531
programs for purposes of paying expenses related to airport 532
authority business. Any obligation incurred as a result of the 533
use of such a payment card shall be paid from airport authority 534
funds. 535

(18) Do all acts necessary or proper to carry out the 536
powers expressly granted to the airport authority in this 537
chapter. 538

(B) (1) No person shall violate any rule adopted by an 539
airport authority under division (A) (7) of this section. 540

(2) Whoever violates division (B) (1) of this section is 541
guilty of a minor misdemeanor. 542

Sec. 4565.09. Nothing in this chapter shall be construed 543
to do any of the following: 544

(A) Impair the powers of any county, municipal 545

corporation, or other political subdivision to develop or 546
improve airport authority facilities except as restricted by 547
section 4565.12 of the Revised Code; 548

(B) Enlarge, alter, diminish, or affect in any way, any 549
lease or conveyance made, or action taken, prior to the creation 550
of an airport authority under this chapter; 551

(C) Impair or interfere with the exercise of any permit 552
for the removal of sand or gravel, or other similar permits 553
issued by this state or the United States; 554

(D) Impair or contravene applicable federal regulations. 555

Sec. 4565.10. The legislative authority of any municipal 556
corporation, county, township, school district, taxing district, 557
or other political subdivision may convey or lease to or from, 558
lease with an option to purchase, or exchange with, an airport 559
authority, and an airport authority may convey or lease to or 560
from, lease with an option to purchase, or exchange with, a 561
municipal corporation, county, township, school district, taxing 562
district, or other political subdivision, without competitive 563
bidding and on mutually agreeable terms, any personal property 564
or real property, or any interest therein, that is not needed 565
for the purposes of the grantor, or lessor, to be used by the 566
recipient or lessee for its purposes. 567

Sec. 4565.11. The board of directors of an airport 568
authority created under this chapter annually shall prepare a 569
budget for the airport authority. 570

All rents and charges an airport authority receives shall 571
be used for the general expenses of the airport authority and to 572
pay interest, amortization, and retirement charges on money 573
borrowed. If, at the end of any calendar year, a surplus of such 574

funds remains after providing for the above uses, the board of 575
directors may pay such surplus into the general funds of the 576
municipal corporations that are members of the airport authority 577
in the same proportion as their membership on the board of 578
directors. 579

Sec. 4565.111. On dissolution of the major air hub 580
council, an airport authority shall exercise the powers of the 581
council regarding revenue bonds under divisions (D) (1) and (2) 582
of section 4563.41 of the Revised Code applicable to that 583
airport authority. 584

Sec. 4565.12. An airport authority may charge, alter, and 585
collect rentals or other charges for the use or services of any 586
airport authority facility and contract in the manner provided 587
by this section with one or more persons, one or more 588
governmental agencies, or any combination thereof, desiring the 589
use or services of the facility, and fix the terms, conditions, 590
rentals, or other charges for the use or services. If the 591
services are furnished in the jurisdiction of the airport 592
authority by a public utility or a common carrier, charges by 593
the airport authority for the services shall not be less than 594
the charges established for the same services furnished by a 595
public utility or common carrier in the airport authority 596
jurisdiction. The rentals or other charges are not subject to 597
supervision or regulation by any other authority, commission, 598
board, bureau, or agency of the state, and the contract may 599
provide for acquisition by the person or governmental agency of 600
all or any part of the airport authority facility for such 601
consideration payable over the period of the contract or 602
otherwise as the airport authority in its sole discretion 603
determines to be appropriate, but subject to the provisions of 604
any trust agreement securing bonds payment for which the airport 605

authority is liable. Any governmental agency that has power to 606
construct, operate, and maintain airport authority facilities 607
may enter into a contract or lease with an airport authority 608
whereby the use or services of an airport authority facility 609
will be made available to the governmental agency, and may pay 610
for the use or services rentals or other charges as may be 611
agreed to by the airport authority and the governmental agency. 612

Any governmental agency or combination of governmental 613
agencies may cooperate with the airport authority in the 614
acquisition or construction of airport authority facilities, and 615
shall enter into such agreements with the airport authority as 616
may be appropriate, with a view to effective cooperative action 617
and safeguarding of the respective interests of the parties 618
thereto. The agreements shall provide for contributions by the 619
parties thereto in a proportion as may be agreed upon and other 620
terms as may be mutually satisfactory to the parties, including, 621
without limitation, the authorization of the construction of the 622
facility by one of the parties acting as agent for all of the 623
parties and the ownership and control of the facility by the 624
airport authority to the extent necessary or appropriate. 625

Any governmental agency may provide the funds for the 626
payment of any contribution required under such agreements by 627
the levy of taxes or assessments if otherwise authorized by the 628
laws governing the governmental agency in the construction of 629
the type of airport authority facility provided for in the 630
agreements, and may pay the proceeds from the collection of the 631
taxes or assessments. Additionally, the governmental agency may 632
issue bonds or notes, if authorized by those laws, in 633
anticipation of the collection of the taxes or assessments, and 634
may pay the proceeds of the bonds or notes to the airport 635
authority pursuant to such agreements. A governmental agency may 636

provide the funds for the payment of a contribution by the 637
appropriation of money or, if otherwise authorized by law, by 638
the issuance of bonds or notes and may pay the appropriated 639
money or the proceeds of the bonds or notes to the airport 640
authority pursuant to such agreements. The agreement by the 641
governmental agency to provide a contribution, whether from 642
appropriated money or from the proceeds of taxes or assessments, 643
or bonds or notes, or any combination thereof, is not subject to 644
Chapter 133. of the Revised Code or any rules or limitations 645
contained therein. The governmental agency shall pay the 646
proceeds from the collection of taxes or assessments, and any 647
interest earned thereon, into a special fund separate and apart 648
from and not a part of any other fund immediately upon the 649
collection thereof by the governmental agency for the purpose of 650
providing the contribution at the times required under such 651
agreements. 652

When a governmental agency makes a contribution over a 653
period of time from the proceeds of the collection of special 654
assessments, the interest accrued and to accrue before the first 655
installment of the assessments is collected, which is payable by 656
the governmental agency on the contribution under the terms and 657
provisions of the agreements, shall be treated as part of the 658
cost of the improvement for which the assessments are levied, 659
and that portion of the assessments that is collected in 660
installments shall bear interest at the same rate as the 661
governmental agency is obligated to pay on the contribution 662
under the terms and provisions of the agreements and for the 663
same period of time as the contribution is to be made under the 664
agreements. If the assessment or any installment thereof is not 665
paid when due, it shall bear interest until the payment thereof 666
at the same rate as the contribution, and the county auditor 667

annually shall place on the tax list and duplicate the interest 668
applicable to the assessment and the penalty thereon as 669
otherwise authorized by law. 670

Sec. 4565.13. (A) An airport authority may enter into any 671
contracts or other arrangements with the United States 672
government, or any department thereof, with persons, railroads, 673
or other corporations, with public corporations, with public 674
utilities, with the state government of this state, and with 675
counties, municipal corporations, townships, or other 676
governmental agencies created by or under the authority of the 677
laws of this state, including sewerage, drainage, conservation, 678
conservancy, or other improvement districts in this state as may 679
be necessary or convenient for the exercise of the powers 680
granted by this chapter, including the making of surveys, 681
investigations, or reports thereon. Any contracts or 682
arrangements made under this division shall not be in violation 683
of Section 13 of Article VIII, Ohio Constitution. An airport 684
authority may purchase, lease, or acquire land immediately 685
adjacent to its airport, or interests in such land, for the 686
accomplishment of authorized purposes of the airport authority, 687
or for the improvement of its airport, and may execute contracts 688
or spend money for those purposes. The authority granted in this 689
section to enter into contracts or other arrangements with the 690
United States government or any department thereof, includes the 691
power to enter into any contracts, arrangements, or agreements 692
that may be necessary to hold and save harmless the United 693
States from damages due to the construction and maintenance by 694
the United States of work the United States undertakes. 695

(B) An airport authority may enter into an agreement with 696
one or more contracting political subdivisions, whereby the 697
airport authority or contracting political subdivision 698

undertakes, and is authorized by the airport authority or 699
contracting political subdivision, to exercise any power, 700
perform any function, or render any service on behalf of the 701
airport authority or the contracting political subdivision, 702
which the airport authority or the contracting political 703
subdivision is authorized to exercise, perform, or render. 704

Upon the execution of such an agreement, and within the 705
limitations prescribed by the agreement, the airport authority 706
and contracting political subdivision shall possess and may 707
exercise the same powers and may perform the same functions and 708
render the same services, as are possessed and are authorized to 709
be exercised, or to be performed or rendered by the airport 710
authority or contracting political subdivision that is a party 711
to the agreement. Under such an agreement, the airport authority 712
or contracting subdivision shall undertake to exercise, perform, 713
or render all necessary and incidental powers, functions, or 714
services for purposes of the agreement. The exercise of those 715
powers, performance of those functions, and rendering of those 716
services by the airport authority or any contracting subdivision 717
are governed by any procedures applicable to the airport 718
authority or contracting political subdivision. 719

Sec. 4565.14. (A) An airport authority is exempt from, and 720
is not required to pay, any taxes on property, both real and 721
personal, or any combination thereof, belonging to the airport 722
authority that is used exclusively for any authorized purpose. 723

(B) The exemption established under division (A) of this 724
section does not apply to any property occupied and used during 725
a tax year by a person who is a lessee of the property as of the 726
tax lien date for that tax year under a written lease with a 727
remaining term longer than one year. Division (B) of this 728

section does not apply to real or personal property, or any 729
combination thereof, leased to a lessee if the property would be 730
exempt from taxes under Chapter 5709. of the Revised Code and if 731
the property belonged to that lessee. Nothing in this section 732
eliminates the airport authority's or the lessee's obligation to 733
comply with other provisions of the Revised Code to obtain an 734
exemption for such property. 735

Sec. 4565.15. An airport authority shall hold all money, 736
funds, properties, and assets acquired by the airport authority 737
under this chapter, whether as revenues or otherwise, in trust 738
for the purposes of carrying out its powers and duties under 739
this chapter. The airport authority shall ensure that all money, 740
funds, properties, and assets are not part of other public 741
funds. Except as otherwise provided in a trust agreement 742
securing payments for revenue bonds payment for which the 743
airport authority is liable, or except when invested pursuant to 744
section 4565.17 of the Revised Code, the airport authority shall 745
keep all money and funds in depositories selected by the airport 746
authority in the manner provided in Chapter 135. of the Revised 747
Code and secured as provided in that chapter. Any trust 748
agreement securing revenue bonds shall provide that any officer 749
to whom, or any bank or trust company to which, such moneys are 750
paid shall act as trustee of such moneys and hold and apply them 751
for the purposes hereof, subject to such conditions as Chapter 752
135. of the Revised Code and the trust agreement provide. 753

Sec. 4565.16. Moneys in the funds of an airport authority 754
in excess of current needs, except as otherwise provided in any 755
trust agreement securing payments for revenue bonds for which 756
the airport authority is liable, may be invested as permitted by 757
sections 135.01 to 135.21 of the Revised Code or invested in 758
linked deposit programs established by resolution of the board 759

of directors in accordance with section 135.80 of the Revised 760
Code. Income from all investments of moneys in any fund shall be 761
credited to funds as the airport authority determines, subject 762
to the provisions of any such trust agreement, and the 763
investments may be sold at any time the airport authority 764
determines. 765

Sec. 4565.17. When an airport authority finds it necessary 766
to change the location of any portion of any public road, state 767
highway, railroad, or public utility facility in connection with 768
the construction of an airport authority facility, it shall 769
cause it to be reconstructed at such location as the division of 770
government having jurisdiction over such road, highway, 771
railroad, or public utility facility finds most favorable. Such 772
construction shall be of substantially the same type and in as 773
good condition as the original road, highway, railroad, or 774
public utility facility. The airport authority shall pay the 775
cost of such reconstruction, relocation, or removal and any 776
damage incurred in changing the location of any such road, 777
highway, railroad, or public utility facility as a part of the 778
cost of the airport authority facility. 779

When the airport authority finds it necessary that any 780
public highway or portion of a public highway be vacated by 781
reason of the acquisition or construction of an airport 782
authority facility, the airport authority may request the 783
director of transportation, in writing, to vacate such highway 784
or portion in accordance with section 5511.07 of the Revised 785
Code if the highway or portion to be vacated is on the state 786
highway system. If the highway or portion to be vacated is under 787
the jurisdiction of the county commissioners, the airport 788
authority shall request the director, in writing, to petition 789
the board of county commissioners, in the manner provided in 790

section 5553.041 of the Revised Code, to vacate such highway or 791
portion. The airport authority shall pay to the director or to 792
the county, as a part of the cost of such airport authority 793
facility, any amounts required to be deposited with any court in 794
connection with proceedings for the determination of 795
compensation and damages and all amounts of compensation and 796
damages finally determined to be payable as a result of such 797
vacation. 798

The airport authority may adopt reasonable rules for the 799
installation, construction, maintenance, repair, renewal, 800
relocation, and removal of railroad or public utility facilities 801
in, on, over, or under any airport authority facility. Whenever 802
the airport authority determines that it is necessary that any 803
such facilities installed or constructed in, on, over, or under 804
property of the airport authority pursuant to such rules be 805
relocated, the public utility owning or operating such 806
facilities shall relocate or remove them in accordance with the 807
order of the airport authority. The airport authority shall pay 808
the cost and expenses of such relocation or removal, including 809
the cost of installing such facilities in a new location, the 810
cost of any lands, or any rights or interests in lands, and any 811
other rights, acquired to accomplish such relocation or removal 812
as a part of the cost of the airport authority facility. In case 813
of any such relocation or removal of such facilities, the 814
railroad or public utility owning or operating them, its 815
successors, or assigns may maintain and operate such facilities, 816
with the necessary appurtenances, in the new location in, on, 817
over, or under the property of the airport authority for as long 818
a period and upon the same terms as it had the right to maintain 819
and operate such facilities in their former location. 820

Sec. 4565.18. (A) All final actions of the airport 821

authority shall be journalized, and the journal and the records 822
of the airport authority shall be open to public inspection at 823
all reasonable times. Not later than the first day of April 824
every year, an airport authority shall submit a report to the 825
director of development detailing any major projects or 826
activities of the airport authority during the previous calendar 827
year. The report shall include all aspects of those projects and 828
activities, including the progress and status of the projects 829
and their costs, and any other information the director 830
determines should be included in the report. 831

(B) Financial and proprietary information, including trade 832
secrets, submitted by or on behalf of an employer to an airport 833
authority or to a nonprofit corporation engaged by contract to 834
provide services for an airport authority, in connection with 835
the relocation, location, expansion, improvement, or 836
preservation of the business of that employer, is not a public 837
record subject to section 149.43 of the Revised Code. Any other 838
information submitted by such an employer under those 839
circumstances is not a public record subject to that section 840
until that employer commits in writing to proceed with the 841
relocation, location, expansion, improvement, or preservation. 842

(C) Notwithstanding section 121.22 of the Revised Code, 843
the board of directors of an airport authority and the board of 844
trustees of a nonprofit corporation described in division (B) of 845
this section, and any committee or subcommittee of either, when 846
considering information that is not a public record under this 847
section, may close any meeting during the consideration of that 848
information pursuant to a vote of the majority of the members 849
present on a motion stating that such information is to be 850
considered. No other matters shall be considered during the 851
closed session. 852

Sec. 4565.19. (A) The requirement in division (C) of 853
section 121.22 of the Revised Code that a member of a public 854
body be present in person at a meeting open to the public in 855
order to be part of a quorum or to vote does not apply to the 856
board of directors of the airport authority if the board holds 857
the meeting by interactive video conference or by teleconference 858
in the following manner: 859

(1) The board establishes a primary meeting location that 860
is open and accessible to the public. 861

(2) Meeting-related materials that are available before 862
the meeting are sent via electronic mail, facsimile, hand- 863
delivery, or United States postal service to each board member. 864

(3) In the case of an interactive video conference, the 865
board causes a clear video and audio connection to be 866
established that enables all meeting participants at the primary 867
meeting location to see and hear each board member. 868

(4) In the case of a teleconference, the board causes a 869
clear audio connection to be established that enables all 870
meeting participants at the primary meeting location to hear 871
each board member. 872

(5) All board members have the capability to receive 873
meeting-related materials that are distributed during a board 874
meeting. 875

(6) A roll call voice vote is recorded for each vote 876
taken. 877

(7) The minutes of the board meeting identify which board 878
members remotely attended the meeting by interactive video 879
conference or teleconference. 880

If the board proceeds under this division, use of an 881
interactive video conference is preferred, but nothing in this 882
section prohibits the board from conducting its meetings by 883
teleconference or by a combination of interactive video 884
conference and teleconference at the same meeting. 885

(B) The airport authority board of directors shall adopt 886
rules necessary to implement this section. At a minimum, the 887
rules shall do all of the following: 888

(1) Authorize board members to remotely attend a board 889
meeting by interactive video conference or teleconference, or by 890
a combination thereof, in lieu of attending the meeting in 891
person; 892

(2) Establish a minimum number of board members that must 893
be physically present in person at the primary meeting location 894
if the board conducts a meeting by interactive video conference 895
or teleconference; 896

(3) Require that not more than one board member remotely 897
attending a board meeting by teleconference is permitted to be 898
physically present at the same remote location; 899

(4) Establish geographic restrictions for participation in 900
meetings by interactive video conference and by teleconference; 901

(5) Establish a policy for distributing and circulating 902
meeting-related materials to board members, the public, and the 903
media in advance of or during a meeting at which board members 904
are permitted to attend by interactive video conference or 905
teleconference; and 906

(6) Establish a method for verifying the identity of a 907
board member who remotely attends a meeting by teleconference. 908