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133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 218

A BILL

To enact sections 168.01, 168.02, 168.03, 168.04, 1
168.05, 168.06, 168.07, 168.08, 168.09, 168.10, 2
168.11, 168.12, 168.13, 168.14, and 168.15 of 3
the Revised Code to authorize certain public 4
entities to enter into public-private 5
initiatives with a private party through a 6
public-private agreement regarding public 7
facilities. 8

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

Section 1. That sections 168.01, 168.02, 168.03, 168.04, 9
168.05, 168.06, 168.07, 168.08, 168.09, 168.10, 168.11, 168.12, 10
168.13, 168.14, and 168.15 of the Revised Code be enacted to 11
read as follows: 12

Sec. 168.01. "Affected jurisdiction" means any unit of 13
government within the state in which all or part of a facility 14
is located or any other public entity directly affected by the 15
facility. 16

"Contracting authority" means the director or chief 17



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executive officer in the case of a state agency, the board of 18
trustees in the case of a state institution of higher education, 19
the board of county commissioners in the case of a county, the 20
board of township trustees in the case of a township, the 21
legislative authority in the case of a municipal corporation, 22
the board of library trustees in the case of a library or 23
library district, the board of directors in the case of a port 24
authority, the board of education in the case of a school 25
district, the governing authority in the case of a community 26
school, the governing body in the case of a STEM school, and the 27
board of trustees in the case of a college-preparatory boarding 28
school. 29

"Facility" means any existing or new public building, 30
public improvement, or public infrastructure, or part of such 31
building, improvement, or public infrastructure, that is used or 32
will be used by a public body or the public at large, or is used 33
in support of a public purpose or for the delivery of services 34
to the public. 35

"Force majeure" means an uncontrollable force or natural 36
disaster not within the power of the operator or the public 37
body. 38

"Maintenance" includes routine maintenance, major 39
maintenance, and any other categories of maintenance that may be 40
designated by the public body. 41

"Material default" means any failure of an operator to 42
perform any duties under a public-private agreement that 43
jeopardizes delivery of adequate service to the public and 44
remains unsatisfied after a reasonable period of time and after 45
the operator has received written notice from the public body of 46
the failure. 47

"Operate" means any action to maintain, repair, improve, equip, or modify a facility. 48
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"Operator" means a private entity that has entered into a public-private agreement under sections 168.01 to 168.15 of the Revised Code. 50
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"Political subdivision" means a county, township, municipal corporation, library or library district created under Chapter 3375. of the Revised Code, or port authority created under Chapter 4582. of the Revised Code. 53
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"Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity. 57
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"Public body" means a state agency, state institution of higher education, political subdivision, or public school. 61
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"Public-private agreement" means the agreement between a private entity and the public body that relates to the design, build, financing, operation, or maintenance of a facility subject to sections 168.01 to 168.15 of the Revised Code. 63
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"Public-private initiative" means an arrangement between the public body and a private entity, the terms of which are stated in a public-private agreement, that provides for both of the following: 67
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(A) Sharing of resources and the means of providing a project or service for a facility; 71
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(B) Cooperation in researching, developing, and implementing projects or services for a facility. 73
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"Public school" means a school district created under 75

Chapter 3311., community school created under Chapter 3314., 76
STEM school created under Chapter 3326., or college-preparatory 77
boarding school created under Chapter 3328. of the Revised Code. 78

"State agency" has the meaning defined in section 1.60 of 79
the Revised Code but does not include the department of 80
transportation. 81

"State institution of higher education" has the meaning 82
defined in section 3345.011 of the Revised Code. 83

"Utility" means a privately, publicly, or cooperatively 84
owned line, facility, or system for producing, transmitting, or 85
distributing communications, cable television, power, 86
electricity, light, heat, gas, oil, crude products, water, 87
steam, waste, storm water not connected with highway drainage, 88
alternative or renewable energy sources such as wind or solar, 89
or any other similar commodity, including a fire or police 90
signal system or street lighting system that directly or 91
indirectly serves the public. 92

Sec. 168.02. A facility subject to a public-private 93
agreement under sections 168.01 to 168.15 of the Revised Code 94
shall be owned by the public body unless the public body, in its 95
discretion, elects to provide for ownership of the facility by 96
the private party through a lease agreement that is part of the 97
public-private agreement. Notwithstanding any provision of the 98
Revised Code, the lease agreement shall provide for the lease of 99
all or a portion of the facility to, or ownership by, the 100
private party for a term of up to forty years. In consideration 101
therefor, the agreement shall provide for complete reversion of 102
the facility, in good or better condition, to the public body at 103
the expiration of the lease. 104

Sec. 168.03. (A) A public body may solicit, receive, 105
consider, evaluate, and accept a proposal for a public-private 106
initiative. 107

(B) In soliciting and selecting a private entity with 108
which to enter into a public-private initiative, the public body 109
shall use one or both of the following: 110

(1) Sealed bidding; 111

(2) Selection of proposals, with or without negotiations, 112
based on qualifications, best value, or both. 113

(C) (1) The public body shall consider the following 114
factors in evaluating and selecting a bid or proposal to enter 115
into a public-private initiative: 116

(a) The ability of the facility to serve a public purpose; 117

(b) The proposed aggregate cost of and financial plan for 118
the facility, including costs for labor, fringe benefits, 119
equipment and materials, and costs of administering, monitoring, 120
and inspecting the facility; 121

(c) The general reputation, qualifications, industry 122
experience, and financial capacity of the private entity; 123

(d) The proposed design, operation, and feasibility of the 124
facility; 125

(e) Comments from local citizens and affected 126
jurisdictions; 127

(f) Benefits to the public and the affected facility; 128

(g) The safety record of the private entity; 129

(h) The inclusion of a teaming agreement in the bid or 130
proposal that identifies the primary designer of record or 131

design firm representing not less than thirty per cent of the 132
estimated design fee, the primary construction contractor 133
representing not less than thirty per cent of the estimated 134
construction dollar value amount, and the primary financier 135
representing not less than fifty per cent of the total project 136
cost; 137

(i) Any other criteria that the public body considers 138
appropriate. 139

(2) The public body may consider the following factors in 140
evaluating and selecting a bid or proposal to enter into a 141
public-private initiative: 142

(a) The bidder's estimates of capital expenditures and 143
operating expenses for the proposed facility; 144

(b) The schedule for completion of the proposed facility; 145

(c) Whether user fees, lease payments, or other charges 146
will be collected for use of the proposed facility over the term 147
of the public-private agreement; 148

(d) The proposed length of time before ownership of the 149
facility reverts to the public body. 150

(D) The public body shall select a private entity for a 151
public-private initiative on a competitive basis. 152

(E) Any materials or data submitted to, made available to, 153
or received by the contracting authority, to the extent that the 154
materials or data consist of trade secrets, as defined in 155
section 1333.61 of the Revised Code, are confidential and are 156
not public records for the purposes of section 149.43 of the 157
Revised Code. Financial information received by the contracting 158
authority that is related to a proposal is confidential and not 159

a public record for purposes of section 149.43 of the Revised 160
Code until such time as a proposal is selected. Before 161
submission of a solicited proposal, a private entity may request 162
a review by the public body of information that the private 163
entity has identified as confidential, to determine whether such 164
information would be subject to disclosure under section 149.43 165
of the Revised Code. 166

(F) (1) The public body may reimburse a private entity for 167
a portion of the actual costs the entity incurred in submitting 168
a proposal for a public-private initiative that was solicited by 169
the public body under this section. When considering the 170
reimbursement of such costs, the contracting authority shall 171
describe in the request for proposals for a specific public- 172
private initiative the specific terms and conditions for 173
reimbursing a private entity. The contracting authority may 174
include in the terms and conditions a requirement that the 175
private entity execute an agreement to transfer to the public 176
body the rights to the use of the work product contained in the 177
proposal in exchange for receiving the reimbursement. 178

(2) The contracting authority shall make all decisions 179
related to the reimbursement of a specific private entity and 180
related to the maximum amount of the reimbursement. However, the 181
public body shall not reimburse a private entity if that entity 182
enters into the public-private agreement that is the subject of 183
the solicited proposal, except as set forth in the request for 184
proposals or in the public-private agreement. The reimbursement 185
of costs under division (F) of this section is exempt from any 186
competitive bidding required by law. 187

(3) If the public body, pursuant to division (F) (1) of 188
this section, includes a reimbursement provision in a request 189

for proposals and the public body subsequently terminates the 190
solicitation before the solicitation expiration date, the public 191
body shall prorate the amount of the reimbursement that is to be 192
paid to each private entity participating in the solicitation on 193
the date the public body terminates the solicitation. The public 194
body shall calculate the proration percentage by determining the 195
number of days from the date the solicitation first was offered 196
until the date the public body terminated the solicitation and 197
dividing that number by the number of days of the original 198
solicitation period. 199

(4) Except as otherwise provided in writing by the public 200
body, if, pursuant to division (F)(1) of this section, the 201
public body includes a reimbursement provision in a request for 202
proposals and subsequently enters into negotiations based on the 203
selection of a desired proposal and the public body elects to 204
terminate those negotiations for the convenience of the public 205
body and through no fault of the proposer, the proposer is 206
entitled to the full reimbursement amount. 207

Sec. 168.04. (A) The public body may receive, consider, 208
evaluate, and accept or reject an unsolicited proposal for a 209
public-private initiative if the proposal meets all of the 210
following: 211

(1) Is independently originated and developed by the 212
proposer; 213

(2) Benefits the public; 214

(3) Is prepared without public body supervision; 215

(4) Includes sufficient detail and information for the 216
public body to evaluate the proposal in an objective and timely 217
manner, including the conceptual design or plan for the proposed 218

facility, project costs, and a schedule for starting and 219
completing the facility; 220

(5) Is made by a private entity that is not prohibited 221
from making an unsolicited proposal under section 3517.13 of the 222
Revised Code. 223

(B) Within ninety days after receiving an unsolicited 224
proposal, the public body may undertake a preliminary evaluation 225
of the unsolicited proposal to determine if the proposal 226
complies with the requirements of division (A) of this section. 227

(C) Any materials or data submitted to, made available to, 228
or received by the contracting authority under this section, to 229
the extent that the materials or data consist of trade secrets, 230
as defined in section 1333.61 of the Revised Code, are 231
confidential and are not public records for the purposes of 232
section 149.43 of the Revised Code. Financial information 233
received by the contracting authority that is related to a 234
proposal is confidential and not a public record for purposes of 235
section 149.43 of the Revised Code until the public body accepts 236
or rejects the proposal. Before submission of an unsolicited 237
proposal or a competing proposal, a private entity may request a 238
review by the public body of information that the private entity 239
has identified as confidential to determine whether such 240
information would be subject to disclosure under section 149.43 241
of the Revised Code. 242

(D) If the unsolicited proposal does not comply with 243
division (A) of this section, the public body shall return the 244
proposal without further action. 245

(E) If the unsolicited proposal complies with division (A) 246
of this section, the public body may continue to evaluate the 247

<u>proposal in accordance with this section.</u>	248
<u>(F) (1) If the unsolicited proposal complies with division</u>	249
<u>(A) of this section, the public body shall advertise the</u>	250
<u>unsolicited proposal for the purpose of receiving competitive</u>	251
<u>proposals for the proposed facility.</u>	252
<u>(2) The advertisement shall outline the general nature and</u>	253
<u>scope of the unsolicited proposal, including the location of the</u>	254
<u>facility and the work to be performed on or in connection with</u>	255
<u>the facility and shall specify an address to which a competing</u>	256
<u>proposal may be submitted.</u>	257
<u>(3) The advertisement shall specify a reasonable time</u>	258
<u>period by which competitors must submit a competing proposal to</u>	259
<u>the public body.</u>	260
<u>(G) The public body shall charge a reasonable fee to cover</u>	261
<u>its costs to process, review, and evaluate an unsolicited</u>	262
<u>proposal and any competing proposals.</u>	263
<u>(H) Upon receipt of any competing proposals, the public</u>	264
<u>body shall do all of the following:</u>	265
<u>(1) Determine if any competing proposal is comparable in</u>	266
<u>nature and scope to the original unsolicited proposal;</u>	267
<u>(2) Evaluate the original unsolicited proposal and any</u>	268
<u>comparable competing proposal;</u>	269
<u>(3) Conduct any good faith discussions and, if necessary,</u>	270
<u>any negotiations concerning each qualified proposal.</u>	271
<u>(I) The public body shall evaluate an unsolicited proposal</u>	272
<u>and any comparable competing proposal using the following</u>	273
<u>factors:</u>	274

<u>(1) Novel methods, approaches, or concepts demonstrated by the proposal;</u>	275 276
<u>(2) Scientific, technical, or socioeconomic merits of the proposal;</u>	277 278
<u>(3) Potential contribution of the proposal to the public body's mission;</u>	279 280
<u>(4) Capabilities, related experience, facilities, or techniques of the private entity or unique combinations of these qualities that are integral factors for achieving the proposal objectives;</u>	281 282 283 284
<u>(5) Qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel, who are critical to achieving the proposal objectives;</u>	285 286 287
<u>(6) How the proposal benefits the public;</u>	288
<u>(7) Whether the proposal would supplant public employees performing similar functions;</u>	289 290
<u>(8) The aggregate cost of the project, including costs for labor, fringe benefits, equipment and materials, and cost on administering, monitoring, and inspecting the facility;</u>	291 292 293
<u>(9) Any other factors appropriate to a particular proposal.</u>	294 295
<u>(J) After evaluating the unsolicited proposal and any competing proposals, the public body may do any of the following:</u>	296 297 298
<u>(1) Accept the unsolicited proposal and reject any competing proposals;</u>	299 300
<u>(2) Reject the unsolicited proposal and accept a</u>	301

comparable competing proposal if the public body determines that 302
the comparable competing proposal is the most advantageous to 303
the jurisdictions served by the public body; 304

(3) Reject the unsolicited proposal and any competing 305
proposals. 306

Sec. 168.05. (A) After selecting a solicited or 307
unsolicited proposal for a public-private initiative, the public 308
body shall enter into a public-private agreement for a facility 309
with the selected private entity. An affected jurisdiction may 310
be a party to a public-private agreement entered into by the 311
public body and a selected private entity. 312

(B) (1) A public-private agreement under this section shall 313
provide for all of the following: 314

(a) Planning, acquisition, financing, development, design, 315
construction, reconstruction, replacement, improvement, 316
maintenance, management, repair, leasing, or operation of a 317
facility. A public-private agreement that provides for the 318
construction or reconstruction of a facility also shall provide 319
for maintenance after the construction or reconstruction; 320

(b) Term of the public-private agreement; 321

(c) Type of property interest, if any, the private entity 322
will have in the facility; 323

(d) A specific plan to ensure proper maintenance of the 324
facility throughout the term of the agreement and a return of 325
the facility to the public body, if applicable, in good 326
condition and repair; 327

(e) Compliance with applicable federal, state, and local 328
laws; 329

<u>(f) Grounds for termination of the public-private</u>	330
<u>agreement by the public body or operator;</u>	331
<u>(g) Disposition of the facility upon completion of the</u>	332
<u>agreement;</u>	333
<u>(h) Inspection by the public body of construction of or</u>	334
<u>improvements to the facility;</u>	335
<u>(i) Filing by the operator, on a periodic basis, of</u>	336
<u>appropriate financial statements in a form acceptable to the</u>	337
<u>public body;</u>	338
<u>(j) Filing by the operator, on a periodic basis, of</u>	339
<u>reports as determined by the public body in a form acceptable to</u>	340
<u>the public body;</u>	341
<u>(k) Procedures for amendment of the agreement;</u>	342
<u>(l) If the agreement contains a construction services</u>	343
<u>component, a contract performance bond executed by a surety</u>	344
<u>authorized by the department of insurance to write surety bonds</u>	345
<u>in an amount specified by the contracting authority, conditioned</u>	346
<u>upon the private entity or contractor performing the</u>	347
<u>construction services portion of the work in accordance with the</u>	348
<u>agreed upon terms, within the time prescribed;</u>	349
<u>(m) If the agreement contains a construction services</u>	350
<u>component, a payment bond executed by a surety authorized by the</u>	351
<u>department of insurance to write surety bonds in an amount</u>	352
<u>specified by the contracting authority, conditioned upon the</u>	353
<u>payment for all labor, work performed, and materials furnished</u>	354
<u>in connection with the construction services portion of the</u>	355
<u>work.</u>	356
<u>(2) As used in divisions (B) (1) (1) and (m) of this</u>	357

<u>section, "construction services" means design-build,</u>	358
<u>construction, reconstruction, replacement, improvement, or</u>	359
<u>repair services.</u>	360
<u>(C) A public-private agreement under this section may</u>	361
<u>provide for any of the following:</u>	362
<u>(1) Review and approval by the public body of the</u>	363
<u>operator's plans for the development and operation of the</u>	364
<u>facility;</u>	365
<u>(2) Maintenance by the operator of a policy of liability</u>	366
<u>insurance or self-insurance;</u>	367
<u>(3) Financing obligations of the operator and the public</u>	368
<u>body;</u>	369
<u>(4) Apportionment of expenses between the operator and the</u>	370
<u>public body;</u>	371
<u>(5) Rights and duties of the operator, the public body,</u>	372
<u>and other state and local governmental entities with respect to</u>	373
<u>use of the facility;</u>	374
<u>(6) Rights and remedies available in the event of default</u>	375
<u>or delay;</u>	376
<u>(7) Terms and conditions of indemnification of the</u>	377
<u>operator by the public body;</u>	378
<u>(8) Assignment, subcontracting, or other delegation of</u>	379
<u>responsibilities of the operator or the public body under the</u>	380
<u>agreement to third parties, including other private entities and</u>	381
<u>other public bodies;</u>	382
<u>(9) Sale or lease to the operator of private property</u>	383
<u>related to the facility.</u>	384

(D) (1) The contracting authority may include in any 385
public-private agreement under sections 168.01 to 168.15 of the 386
Revised Code a provision authorizing a binding dispute 387
resolution method for any controversy subsequently arising out 388
of the contract. The binding dispute resolution method may 389
proceed only upon agreement of all parties to the controversy. 390
If all parties do not agree to proceed to a binding dispute 391
resolution, a party having a claim against the public body shall 392
exhaust its administrative remedies specified in the public- 393
private agreement before filing any action against the public 394
body in the court of claims. 395

No appeal from the determination of a technical expert 396
lies to any court, except that the court of common pleas of 397
Franklin county may issue an order vacating such a determination 398
upon the application of any party to the binding dispute 399
resolution if any of the following applies: 400

(a) The determination was procured by corruption, fraud, 401
or undue means. 402

(b) There was evidence of partiality or corruption on the 403
part of the technical expert. 404

(c) The technical expert was guilty of misconduct in 405
refusing to postpone the hearing, upon sufficient cause shown, 406
or in refusing to hear evidence pertinent and material to the 407
controversy, or of any other misbehavior by which the rights of 408
any party have been prejudiced. 409

(2) As used in this division, "binding dispute resolution" 410
means a binding determination after review by a technical expert 411
of all relevant items, which may include documents, and by 412
interviewing appropriate personnel and visiting the project site 413

involved in the controversy. "Binding dispute resolution" does 414
not involve representation by legal counsel or advocacy by any 415
person on behalf of any party to the controversy. 416

(E) No public-private agreement entered into under this 417
section shall be construed to transfer to a private entity the 418
contracting authority's authority to appropriate property under 419
Chapter 163. of the Revised Code or otherwise provided under the 420
Revised Code. 421

(F) Money collected by the public body pursuant to an 422
agreement entered into under this section shall be deposited 423
into a fund created for this purpose or as otherwise determined 424
by the public body or as specified in the agreement. 425

(G) Any provision of law requiring competitive bidding 426
does not apply to public-private agreements under sections 427
168.01 to 168.15 of the Revised Code. 428

(H) Any agreement entered into under this section is 429
subject to sections 4115.03 to 4115.21 of the Revised Code. 430

Sec. 168.06. In the event of termination of the public- 431
private agreement, the authority and duties of the operator 432
cease, except for any duties and obligations that extend beyond 433
the termination as provided in the public-private agreement, and 434
the facility reverts to the public body and shall be dedicated 435
to the public body for public use. 436

Sec. 168.07. (A) Upon the occurrence and during the 437
continuation of material default by an operator, not related to 438
an event of force majeure, the public body may do the following: 439

(1) Elect to take over the facility, including the 440
succession of all right, title, and interest in the facility, 441
subject to any liens on revenues previously granted by the 442

<u>private entity;</u>	443
<u>(2) Terminate the public-private agreement and exercise</u>	444
<u>any other available rights and remedies.</u>	445
<u>(B) In the event that the public body elects to take over</u>	446
<u>a facility, the public body shall collect and pay any revenues</u>	447
<u>that are subject to lien to satisfy any obligation and may do</u>	448
<u>the following:</u>	449
<u>(1) Develop and operate the facility and comply with any</u>	450
<u>service contracts;</u>	451
<u>(2) Solicit proposals for the maintenance and operation of</u>	452
<u>the facility under section 168.03 of the Revised Code.</u>	453
<u>Sec. 168.08. A public body having authority to issue</u>	454
<u>obligations may issue, in accordance with that authority,</u>	455
<u>obligations for the purpose of providing funds to carry out</u>	456
<u>sections 168.01 to 168.15 of the Revised Code with respect to</u>	457
<u>the development or financing of a facility.</u>	458
<u>Sec. 168.09. (A) For the purposes of carrying out sections</u>	459
<u>168.01 to 168.15 of the Revised Code, the public body may do all</u>	460
<u>of the following:</u>	461
<u>(1) Accept, subject to applicable terms and conditions,</u>	462
<u>available funds from the United States or any of its agencies,</u>	463
<u>whether the funds are made available by grant, loan, or other</u>	464
<u>financial assistance;</u>	465
<u>(2) Enter into agreements or other arrangements with the</u>	466
<u>United States or any of its agencies as may be necessary;</u>	467
<u>(3) For the purpose of completing a facility under an</u>	468
<u>agreement, accept from any source any grant, donation, gift, or</u>	469
<u>other form of conveyance of land, money, other real or personal</u>	470

property, or other item of value made to the public body. 471

(B) Any facility may be financed in whole or in part by 472
contribution of any funds or property made by any private entity 473
or affected jurisdiction that is party to a public-private 474
agreement under sections 168.01 to 168.15 of the Revised Code. 475

(C) The public body may use federal, state, local, and 476
private funds to finance a facility under sections 168.01 to 477
168.15 of the Revised Code and shall comply with any 478
requirements and restrictions governing the use of the funds, 479
including maintaining the funds separately when necessary. 480

Sec. 168.10. A facility and any tangible personal property 481
used exclusively with a facility that is owned by the public 482
body and leased, licensed, financed, or otherwise conveyed to an 483
operator, or that is acquired, constructed, or otherwise 484
provided by an operator on behalf of the public body, is exempt 485
from all ad valorem property taxes and special assessments 486
levied against property by the state or any political 487
subdivision of the state. Building and construction materials 488
that will be incorporated into a facility pursuant to a public- 489
private agreement are exempt from the taxes imposed under 490
Chapters 5739. and 5741. of the Revised Code. 491

As used in this section, "political subdivision" means a 492
county, township, municipal corporation, or any other body 493
corporate and politic that is responsible for government 494
activities in a geographic area smaller than that of the state. 495

Sec. 168.11. The public body may acquire property, rights- 496
of-way, or other rights in property for public use in connection 497
with projects that are part of a public-private initiative in 498
accordance with Chapter 163. of the Revised Code. If the public 499

body proposes to acquire property, rights-of-way, or other 500
rights in property for such public use at the request of a 501
private entity, the acquisition shall be by the public body, in 502
accordance with Chapter 163. of the Revised Code, and only if 503
the contracting authority first makes a finding that the 504
acquisition is for a public use and serves the public purposes 505
of sections 168.01 to 168.15 of the Revised Code; the 506
contracting authority also shall require the private party to 507
pay the costs of the acquisition. 508

Sec. 168.12. All law enforcement officers of the state and 509
of an affected local jurisdiction shall have the same powers and 510
jurisdiction within the limits of the facility as they have in 511
their respective areas of jurisdiction and access to the 512
facility at any time for the purpose of exercising such powers 513
and jurisdiction. 514

Sec. 168.13. An operator under sections 168.01 to 168.15 515
of the Revised Code and any utility whose facility is to be 516
crossed or relocated shall cooperate fully in planning and 517
arranging the manner of the crossing or relocation of the 518
utility facility. 519

Sec. 168.14. Nothing in sections 168.01 to 168.15 of the 520
Revised Code shall be construed or deemed to affect any waiver 521
of the sovereign immunity of the public body or any officer or 522
employee of the public body with respect to the participation in 523
or approval of all or any part of the facility or its operation. 524

A municipal corporation may adopt ordinances regarding 525
public-private initiatives that vary from sections 168.01 to 526
168.15 of the Revised Code. 527

Sec. 168.15. A state agency may adopt rules under Chapter 528

<u>119. of the Revised Code, a county or township may adopt</u>	529
<u>resolutions, a municipal corporation may adopt ordinances, a</u>	530
<u>state institution of higher education may adopt rules, and a</u>	531
<u>public school may adopt resolutions to carry out sections 168.01</u>	532
<u>to 168.15 of the Revised Code.</u>	533