

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 614**

**Representatives Patterson, Perales**

**Cosponsors: Representatives Becker, Boggs, O'Brien, M., Thompson, Smith, K.,  
Sweeney**

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**A BILL**

To amend sections 4582.03 and 4582.27 and to enact 1  
sections 308.051 and 4582.60 of the Revised Code 2  
to allow airport and port authorities to conduct 3  
meetings by video conference and teleconference. 4

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

**Section 1.** That sections 4582.03 and 4582.27 be amended 5  
and sections 308.051 and 4582.60 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 308.051.** (A) The requirement in division (C) of 8  
section 121.22 of the Revised Code that a member of a public 9  
body be present in person at a meeting open to the public in 10  
order to be part of a quorum or to vote does not apply to the 11  
board of trustees of a regional airport authority if the board 12  
holds the meeting by interactive video conference or by 13  
teleconference in the following manner: 14

(1) The board establishes a primary meeting location that 15  
is open and accessible to the public; 16

(2) Meeting-related materials that are available before 17

the meeting are sent via electronic mail, facsimile, hand- 18  
delivery, or United States postal service to each board member; 19

(3) In the case of an interactive video conference, the 20  
board causes a clear video and audio connection to be 21  
established that enables all meeting participants at the primary 22  
meeting location to see and hear each board member; 23

(4) In the case of a teleconference, the board causes a 24  
clear audio connection to be established that enables all 25  
meeting participants at the primary meeting location to hear 26  
each board member; 27

(5) All board members have the capability to receive 28  
meeting-related materials that are distributed during a board 29  
meeting; 30

(6) A roll call voice vote is recorded for each vote 31  
taken; and 32

(7) The minutes of the board meeting identify which board 33  
members remotely attended the meeting by interactive video 34  
conference or teleconference. 35

If the board proceeds under this division, use of an 36  
interactive video conference is preferred, but nothing in this 37  
section prohibits the board from conducting its meetings by 38  
teleconference or by a combination of interactive video 39  
conference and teleconference at the same meeting. 40

(B) A regional airport authority board of trustees shall 41  
adopt rules necessary to implement this section. At a minimum, 42  
the rules shall do all of the following: 43

(1) Authorize board members to remotely attend a board 44  
meeting by interactive video conference or teleconference, or by 45

a combination thereof, in lieu of attending the meeting in person; 46  
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(2) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 48  
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(3) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 52  
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(4) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 55  
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(5) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; and 57  
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(6) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 62  
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**Sec. 4582.03.** (A) A port authority created in accordance 64  
with section 4582.02 of the Revised Code shall be governed by a 65  
board of directors. Members of a board of directors of a port 66  
authority created by the exclusive action of a municipal 67  
corporation shall consist of the number of members it considers 68  
necessary and shall be appointed by the mayor with the advice 69  
and consent of the council. Members of a board of directors of a 70  
port authority created by the exclusive action of a township 71  
shall consist of such members as it considers necessary and 72  
shall be appointed by the township trustees of the township. 73  
Members of a board of directors of a port authority created by 74

the exclusive action of a county shall consist of such members 75  
as it considers necessary and shall be appointed by the county 76  
commissioners of the county. Members of a board of directors of 77  
a port authority created by a combination of political 78  
subdivisions shall be divided among the political subdivisions 79  
in such proportions as the political subdivisions may agree and 80  
shall be appointed by the participating political subdivisions 81  
in the same manner as this section provides for the appointment 82  
of members by a political subdivision creating its own port 83  
authority. When a port authority is created by a combination of 84  
political subdivisions, the number of directors comprising the 85  
board shall be determined by agreement between the political 86  
subdivisions, which number from time to time may be changed by 87  
amendment of the agreement. The appointing body may at any time 88  
remove a director appointed by it for misfeasance, nonfeasance, 89  
or malfeasance in office. 90

A majority of the directors shall have been qualified 91  
electors of, or shall have had their businesses or places of 92  
employment in, one or more political subdivisions within the 93  
area of the jurisdiction of the port authority, for a period of 94  
at least three years next preceding their appointment. 95

The directors of any port authority first appointed shall 96  
serve staggered terms. Thereafter each successor shall serve for 97  
a term of four years, except that any person appointed to fill a 98  
vacancy shall be appointed to only the unexpired term and any 99  
director is eligible for reappointment. 100

The board of directors by rule may provide for the removal 101  
of a director who fails to attend three consecutive regular 102  
meetings of the board. If a director is so removed, a successor 103  
shall be appointed for the remaining term of the removed 104

director in the same manner provided for the original 105  
appointment. 106

The directors shall elect one of their membership as 107  
chairperson and another as vice-chairperson and shall designate 108  
their terms of office, and shall appoint a secretary who need 109  
not be a director. A majority of the members of the board of 110  
directors shall constitute a quorum for purposes of holding a 111  
meeting of the board. The affirmative vote of a majority of a 112  
~~quorum~~ quorum shall be necessary for any action taken by the 113  
port authority unless the board of directors determines by rule 114  
to require a greater number of affirmative votes for particular 115  
actions to be taken by the port authority. No vacancy in the 116  
membership of the board shall impair the rights of a quorum to 117  
exercise all the rights and perform all the duties of the port 118  
authority. The board of directors may hold a meeting by 119  
interactive video conference or teleconference as provided in 120  
section 4582.60 of the Revised Code. 121

Each member of the board of directors of a port authority 122  
shall be entitled to receive from the port authority such sum of 123  
money as the board of directors may determine as compensation 124  
for services as director and reimbursement for reasonable 125  
expenses in the performance of official duties. 126

(B) Except for civil actions that arise out of the 127  
operation of a motor vehicle and civil actions in which the port 128  
authority is the plaintiff, no director, officer, or employee of 129  
a port authority shall be liable in any civil action that arises 130  
under the law of this state for damage or injury caused in the 131  
performance of official duties, unless the director's, 132  
officer's, or employee's actions were manifestly outside the 133  
scope of the director's, officer's, or employee's employment or 134

official responsibilities, or unless the director, officer, or 135  
employee acted with malicious purpose, in bad faith, or in a 136  
wanton or reckless manner. 137

This section does not eliminate, limit, or reduce any 138  
immunity from civil liability that is conferred upon a director, 139  
officer, or employee by any other provision of the Revised Code 140  
or by case law. 141

(C) (1) A port authority, except as provided in division 142  
(B) of this section, shall indemnify a director, officer, or 143  
employee from liability incurred in the performance of official 144  
duties by paying any judgment in, or amount negotiated in 145  
settlement of, any civil action arising under federal law, the 146  
law of another state, or the law of a foreign jurisdiction. The 147  
reasonableness of the amount of any consent judgment or 148  
settlement is subject to the review and approval of the board of 149  
directors of the port authority. The maximum aggregate amount of 150  
indemnification paid directly from funds to or on behalf of any 151  
director, officer, or employee pursuant to this division shall 152  
be one million dollars per occurrence, regardless of the number 153  
of persons who suffer damage, injury, or death as a result of 154  
the occurrence. 155

(2) A port authority shall not indemnify a director, 156  
officer, or employee under any of the following circumstances: 157

(a) To the extent the director, officer, or employee is 158  
covered by a policy of insurance for civil liability purchased 159  
by the port authority; 160

(b) When the director, officer, or employee acts 161  
manifestly outside the scope of the director's, officer's, or 162  
employee's employment or official responsibilities, with 163

malicious purpose, in bad faith, or in a wanton or reckless manner;	164 165
(c) For any portion of a judgment that represents punitive or exemplary damages;	166 167
(d) For any portion of a consent judgment or settlement that is unreasonable.	168 169
(3) The port authority may purchase a policy or policies of insurance on behalf of directors, officers, and employees of the port authority from an insurer or insurers licensed to do business in this state providing coverage for damages in connection with any civil action, demand, or claim against the director, officer, or employee by reason of an act or omission by the director, officer, or employee occurring in the performance of official duties and not coming within the terms of division (C) (2) (b) of this section.	170 171 172 173 174 175 176 177 178
(4) This section does not affect any of the following:	179
(a) Any defense that would otherwise be available in an action alleging personal liability of a director, officer, or employee;	180 181 182
(b) The operation of section 9.83 of the Revised Code.	183
<b>Sec. 4582.27.</b> A port authority created in accordance with section 4582.22 of the Revised Code shall be governed by a board of directors. Members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it considers necessary and shall be appointed by the mayor with the advice and consent of the council. Members of a board of directors of a port authority created by the exclusive action of a township shall consist of such members as it considers necessary and	184 185 186 187 188 189 190 191 192

shall be appointed by the township trustees of the township. 193

Members of a board of directors of a port authority created by 194

the exclusive action of a county shall consist of such members 195

as it considers necessary and shall be appointed by the board of 196

county commissioners of the county. Members of a board of 197

directors of a port authority created by a combination of 198

political subdivisions shall be divided among the political 199

subdivisions in such proportions as the political subdivisions 200

may agree and shall be appointed by the participating political 201

subdivisions in the same manner as this section provides for the 202

appointment of members by a political subdivision creating its 203

own port authority. If a participating political subdivision is 204

not authorized by section 4582.22 of the Revised Code to create 205

its own port authority, the political subdivision's elected 206

legislative body, if the political subdivision has an elected 207

legislative body, or the political subdivision's elected 208

official or officials who appoint the legislative body of the 209

political subdivision shall appoint the members of a board of 210

directors of a port authority that are to be appointed by that 211

political subdivision. If the electors of a participating 212

political subdivision do not elect either the legislative body 213

of the political subdivision or the official or officials who 214

appoint the legislative body of the political subdivision, the 215

participating political subdivision may not appoint any member 216

of a board of directors of a port authority. When a port 217

authority is created by a combination of political subdivisions, 218

the number of directors comprising the board shall be determined 219

by agreement between the political subdivisions, which number 220

may be changed from time to time by amendment of the agreement. 221

The appointing body may at any time remove a director appointed 222

by it for misfeasance, nonfeasance, or malfeasance in office. 223



A majority of the directors shall have been qualified 224  
electors of, or shall have had their businesses or places of 225  
employment in, one or more political subdivisions within the 226  
area of the jurisdiction of the port authority, for a period of 227  
at least three years next preceding their appointment. 228

The directors of any port authority first appointed shall 229  
serve staggered terms. Thereafter each successor shall serve for 230  
a term of four years, except that any person appointed to fill a 231  
vacancy shall be appointed to only the unexpired term and any 232  
director is eligible for reappointment. 233

The board of directors by rule may provide for the removal 234  
of a director who fails to attend three consecutive regular 235  
meetings of the board. If a director is so removed, a successor 236  
shall be appointed for the remaining term of the removed 237  
director in the same manner provided for the original 238  
appointment. 239

The directors shall elect one of their membership as 240  
chairperson and another as vice-chairperson, and shall designate 241  
their terms of office, and shall appoint a secretary who need 242  
not be a director. A majority of the members of the board of 243  
directors shall constitute a quorum for purposes of holding a 244  
meeting of the board. The affirmative vote of a majority of a 245  
quorum shall be necessary for any action taken by the port 246  
authority unless the board of directors determines by rule to 247  
require a greater number of affirmative votes for particular 248  
actions to be taken by the port authority. No vacancy in the 249  
membership of the board shall impair the rights of a quorum to 250  
exercise all the rights and perform all the duties of the port 251  
authority. The board of directors may hold a meeting by 252  
interactive video conference or teleconference as provided in 253

section 4582.60 of the Revised Code. 254

Each member of the board of directors of a port authority 255  
shall be entitled to receive from the port authority such sum of 256  
money as the board of directors may determine as compensation 257  
for services as director and reimbursement for reasonable 258  
expenses in the performance of official duties. 259

Sec. 4582.60. (A) The requirement in division (C) of 260  
section 121.22 of the Revised Code that a member of a public 261  
body be present in person at a meeting open to the public in 262  
order to be part of a quorum or to vote does not apply to the 263  
board of directors of a port authority if the board holds the 264  
meeting by interactive video conference or by teleconference in 265  
the following manner: 266

(1) The board establishes a primary meeting location that 267  
is open and accessible to the public; 268

(2) Meeting-related materials that are available before 269  
the meeting are sent via electronic mail, facsimile, hand- 270  
delivery, or United States postal service to each board member; 271

(3) In the case of an interactive video conference, the 272  
board causes a clear video and audio connection to be 273  
established that enables all meeting participants at the primary 274  
meeting location to see and hear each board member; 275

(4) In the case of a teleconference, the board causes a 276  
clear audio connection to be established that enables all 277  
meeting participants at the primary meeting location to hear 278  
each board member; 279

(5) All board members have the capability to receive 280  
meeting-related materials that are distributed during a board 281  
meeting; 282

<u>(6) A roll call voice vote is recorded for each vote</u>	283
<u>taken; and</u>	284
<u>(7) The minutes of the board meeting identify which board</u>	285
<u>members remotely attended the meeting by interactive video</u>	286
<u>conference or teleconference.</u>	287
<u>If the board proceeds under this division, use of an</u>	288
<u>interactive video conference is preferred, but nothing in this</u>	289
<u>section prohibits the board from conducting its meetings by</u>	290
<u>teleconference or by a combination of interactive video</u>	291
<u>conference and teleconference at the same meeting.</u>	292
<u>(B) A port authority board of directors shall adopt rules</u>	293
<u>necessary to implement this section. At a minimum, the rules</u>	294
<u>shall do all of the following:</u>	295
<u>(1) Authorize board members to remotely attend a board</u>	296
<u>meeting by interactive video conference or teleconference, or by</u>	297
<u>a combination thereof, in lieu of attending the meeting in</u>	298
<u>person;</u>	299
<u>(2) Establish a minimum number of board members that must</u>	300
<u>be physically present in person at the primary meeting location</u>	301
<u>if the board conducts a meeting by interactive video conference</u>	302
<u>or teleconference;</u>	303
<u>(3) Require that not more than one board member remotely</u>	304
<u>attending a board meeting by teleconference is permitted to be</u>	305
<u>physically present at the same remote location;</u>	306
<u>(4) Establish geographic restrictions for participation in</u>	307
<u>meetings by interactive video conference and by teleconference;</u>	308
<u>(5) Establish a policy for distributing and circulating</u>	309
<u>meeting-related materials to board members, the public, and the</u>	310

media in advance of or during a meeting at which board members 311  
are permitted to attend by interactive video conference or 312  
teleconference; and 313

(6) Establish a method for verifying the identity of a 314  
board member who remotely attends a meeting by teleconference. 315

**Section 2.** That existing sections 4582.03 and 4582.27 of 316  
the Revised Code are hereby repealed. 317

**Section 3.** Section 4582.27 of the Revised Code is 318  
presented in this act as a composite of the section as amended 319  
by both H.B. 675 and Am. Sub. S.B. 106 of the 124th General 320  
Assembly. The General Assembly, applying the principle stated in 321  
division (B) of section 1.52 of the Revised Code that amendments 322  
are to be harmonized if reasonably capable of simultaneous 323  
operation, finds that the composite is the resulting version of 324  
the section in effect prior to the effective date of the section 325  
as presented in this act. 326