As Introduced

131st General Assembly
Regular Session
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H. B. No. 614

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

A  B I L L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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;

(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;

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

(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

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

Sec. 4582.03. (A) A port authority created in accordance with section 4582.02 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 shall be appointed by the township trustees of the township. Members of a board of directors of a port authority created by
the exclusive action of a county shall consist of such members as it considers necessary and shall be appointed by the county commissioners of the county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among the political subdivisions in such proportions as the political subdivisions may agree and shall be appointed by the participating political subdivisions in the same manner as this section provides for the appointment of members by a political subdivision creating its own port authority. When a port authority is created by a combination of political subdivisions, the number of directors comprising the board shall be determined by agreement between the political subdivisions, which number from time to time may be changed by amendment of the agreement. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

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

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

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

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

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

(B) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the port authority is the plaintiff, no director, officer, or employee of a port authority shall be liable in any civil action that arises under the law of this state for damage or injury caused in the performance of official duties, unless the director's, officer's, or employee's actions were manifestly outside the scope of the director's, officer's, or employee's employment or
official responsibilities, or unless the director, officer, or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

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

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

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

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

(b) When the director, officer, or employee acts manifestly outside the scope of the director's, officer's, or employee's employment or official responsibilities, with
malicious purpose, in bad faith, or in a wanton or reckless
manner;

(c) For any portion of a judgment that represents punitive
or exemplary damages;

(d) For any portion of a consent judgment or settlement
that is unreasonable.

(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.

(4) This section does not affect any of the following:

(a) Any defense that would otherwise be available in an
action alleging personal liability of a director, officer, or
employee;

(b) The operation of section 9.83 of the Revised Code.

Sec. 4582.27. 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
shall be appointed by the township trustees of the township. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it considers necessary and shall be appointed by the board of county commissioners of the county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among the political subdivisions in such proportions as the political subdivisions may agree and shall be appointed by the participating political subdivisions in the same manner as this section provides for the appointment of members by a political subdivision creating its own port authority. If a participating political subdivision is not authorized by section 4582.22 of the Revised Code to create its own port authority, the political subdivision's elected legislative body, if the political subdivision has an elected legislative body, or the political subdivision's elected official or officials who appoint the legislative body of the political subdivision shall appoint the members of a board of directors of a port authority that are to be appointed by that political subdivision. If the electors of a participating political subdivision do not elect either the legislative body of the political subdivision or the official or officials who appoint the legislative body of the political subdivision, the participating political subdivision may not appoint any member of a board of directors of a port authority. When a port authority is created by a combination of political subdivisions, the number of directors comprising the board shall be determined by agreement between the political subdivisions, which number may be changed from time to time by amendment of the agreement. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.
A majority of the directors shall have been qualified electors of, or shall have had their businesses or places of employment in, one or more political subdivisions within the area of the jurisdiction of the port authority, for a period of at least three years next preceding their appointment.

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

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

The directors shall elect one of their membership as chairperson and another as vice-chairperson, and shall designate their terms of office, and shall appoint a secretary who need not be a director. A majority of the members of the board of directors shall constitute a quorum for purposes of holding a meeting of the board. The affirmative vote of a majority of a quorum shall be necessary for any action taken by the port authority unless the board of directors determines by rule to require a greater number of affirmative votes for particular actions to be taken by the port authority. No vacancy in the membership of the board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the port authority. The board of directors may hold a meeting by interactive video conference or teleconference as provided in.
Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for services as director and reimbursement for reasonable expenses in the performance of official duties.

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

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

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

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

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

(5) All board members have the capability to receive meeting-related materials that are distributed during a board meeting;
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(6) A roll call voice vote is recorded for each vote taken; and

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

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

(B) A port authority board of directors shall adopt rules necessary to implement this section. At a minimum, the rules shall do all of the following:

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

(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;

(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;

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

(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

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

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

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