

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 668**

**Representative Patton**

---

**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 state agencies, 4  
state institutions of higher education, 5  
counties, townships, municipal corporations, 6  
school districts, community schools, STEM 7  
schools, and college-preparatory boarding 8  
schools to enter into public-private initiatives 9  
with a private party through a public-private 10  
agreement regarding public facilities. 11

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

**Section 1.** That sections 168.01, 168.02, 168.03, 168.04, 12  
168.05, 168.06, 168.07, 168.08, 168.09, 168.10, 168.11, 168.12, 13  
168.13, 168.14, and 168.15 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 168.01.** "Affected jurisdiction" means any unit of 16  
government within the state in which all or part of a facility 17  
is located or any other public entity directly affected by the 18  
facility. 19

"Contracting authority" means the director or chief executive officer in the case of a state agency, the board of trustees in the case of a state institution of higher education, the legislative authority in the case of a political subdivision, the board of education in the case of a school district, the governing authority in the case of a community school, the governing body in the case of a STEM school, and the board of trustees in the case of a college-preparatory boarding school.

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

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

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

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

"Operate" means any action to maintain, repair, improve, equip, or modify a facility.

"Operator" means a private entity that has entered into a public-private agreement under sections 168.01 to 168.15 of the Revised Code. 49  
50  
51

"Political subdivision" means a county, township, or municipal corporation. 52  
53

"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. 54  
55  
56  
57

"Public body" means a state agency, state institution of higher education, political subdivision, or public school. 58  
59

"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. 60  
61  
62  
63

"Public-private initiative" means an arrangement between the public body and one or more private entities, the terms of which are stated in a public-private agreement, that provides for both of the following: 64  
65  
66  
67

(A) Sharing of resources and the means of providing a project or service for a facility; 68  
69

(B) Cooperation in researching, developing, and implementing projects or services for a facility. 70  
71

"Public school" means a school district created under Chapter 3311., community school created under Chapter 3314., STEM school created under Chapter 3326., or college-preparatory boarding school created under Chapter 3328. of the Revised Code. 72  
73  
74  
75

"State agency" has the meaning defined in section 1.60 of 76

the Revised Code but does not include the department of 77  
transportation. 78

"State institution of higher education" has the meaning 79  
defined in section 3345.011 of the Revised Code. 80

"Utility" means a privately, publicly, or cooperatively 81  
owned line, facility, or system for producing, transmitting, or 82  
distributing communications, cable television, power, 83  
electricity, light, heat, gas, oil, crude products, water, 84  
steam, waste, storm water not connected with highway drainage, 85  
alternative or renewable energy sources such as wind or solar, 86  
or any other similar commodity, including a fire or police 87  
signal system or street lighting system that directly or 88  
indirectly serves the public. 89

**Sec. 168.02.** A facility subject to a public-private 90  
agreement under sections 168.01 to 168.15 of the Revised Code 91  
shall be owned by the public body unless the public body, in its 92  
discretion, elects to provide for ownership of the facility by 93  
the private party through a lease agreement that is part of the 94  
public-private agreement. Notwithstanding any provision of the 95  
Revised Code, the lease agreement shall provide for the lease of 96  
all or a portion of the facility to, or ownership by, the 97  
private party for a term of up to forty years. In consideration 98  
therefor, the agreement shall provide for complete reversion of 99  
the facility, in good or better condition, to the public body at 100  
the expiration of the lease. 101

**Sec. 168.03.** (A) A public body may solicit, receive, 102  
consider, evaluate, and accept a proposal for a public-private 103  
initiative. 104

(B) In soliciting and selecting a private entity with 105

<u>which to enter into a public-private initiative, the public body</u>	106
<u>shall use one or both of the following:</u>	107
<u>(1) Sealed bidding;</u>	108
<u>(2) Selection of proposals, with or without negotiations,</u>	109
<u>based on qualifications, best value, or both.</u>	110
<u>(C) (1) The public body shall consider the following</u>	111
<u>factors in evaluating and selecting a bid or proposal to enter</u>	112
<u>into a public-private initiative:</u>	113
<u>(a) The ability of the facility to serve a public purpose;</u>	114
<u>(b) The proposed cost of and financial plan for the</u>	115
<u>facility;</u>	116
<u>(c) The general reputation, qualifications, industry</u>	117
<u>experience, and financial capacity of the private entity;</u>	118
<u>(d) The proposed design, operation, and feasibility of the</u>	119
<u>facility;</u>	120
<u>(e) Comments from local citizens and affected</u>	121
<u>jurisdictions;</u>	122
<u>(f) Benefits to the public and the affected facility;</u>	123
<u>(g) The safety record of the private entity;</u>	124
<u>(h) The inclusion of a teaming agreement in the bid or</u>	125
<u>proposal that identifies the primary designer of record or</u>	126
<u>design firm representing not less than thirty per cent of the</u>	127
<u>estimated design fee, the primary construction contractor</u>	128
<u>representing not less than thirty per cent of the estimated</u>	129
<u>construction dollar value amount, and the primary financier</u>	130
<u>representing not less than fifty per cent of the total project</u>	131
<u>cost;</u>	132

<u>(i) Any other criteria that the public body considers</u>	133
<u>appropriate.</u>	134
<u>(2) The public body may consider the following factors in</u>	135
<u>evaluating and selecting a bid or proposal to enter into a</u>	136
<u>public-private initiative:</u>	137
<u>(a) The bidder's estimates of capital expenditures and</u>	138
<u>operating expenses for the proposed facility;</u>	139
<u>(b) The schedule for completion of the proposed facility;</u>	140
<u>(c) Whether user fees, lease payments, or other charges</u>	141
<u>will be collected for use of the proposed facility over the term</u>	142
<u>of the public-private agreement;</u>	143
<u>(d) The proposed length of time before ownership of the</u>	144
<u>facility reverts to the public body.</u>	145
<u>(D) The public body may select multiple private entities</u>	146
<u>with which to enter a public-private agreement for a facility if</u>	147
<u>it is in the public interest to do so.</u>	148
<u>(E) The public body shall select a private entity or</u>	149
<u>entities for a public-private initiative on a competitive basis.</u>	150
<u>(F) Any materials or data submitted to, made available to,</u>	151
<u>or received by the contracting authority, to the extent that the</u>	152
<u>materials or data consist of trade secrets, as defined in</u>	153
<u>section 1333.61 of the Revised Code, are confidential and are</u>	154
<u>not public records for the purposes of section 149.43 of the</u>	155
<u>Revised Code. Financial information received by the contracting</u>	156
<u>authority that is related to a proposal is confidential and not</u>	157
<u>a public record for purposes of section 149.43 of the Revised</u>	158
<u>Code until such time as a proposal is selected. Before</u>	159
<u>submission of a solicited proposal, a private entity may request</u>	160

a review by the public body of information that the private 161  
entity has identified as confidential, to determine whether such 162  
information would be subject to disclosure under section 149.43 163  
of the Revised Code. 164

(G) (1) The public body may reimburse one or more private 165  
entities for a portion of the actual costs each entity incurred 166  
in submitting a proposal for a public-private initiative that 167  
was solicited by the public body under this section. When 168  
considering the reimbursement of such costs, the contracting 169  
authority shall describe in the request for proposals for a 170  
specific public-private initiative the specific terms and 171  
conditions for reimbursing one or more private entities. The 172  
contracting authority may include in the terms and conditions a 173  
requirement that each private entity execute an agreement to 174  
transfer to the public body the rights to the use of the work 175  
product contained in the proposal in exchange for receiving the 176  
reimbursement. 177

(2) The contracting authority shall make all decisions 178  
related to the reimbursement of a specific private entity and 179  
related to the maximum amount of the reimbursement. However, the 180  
public body shall not reimburse a private entity if that entity 181  
enters into the public-private agreement that is the subject of 182  
the solicited proposal, except as set forth in the request for 183  
proposals or in the public-private agreement. The reimbursement 184  
of costs under division (G) of this section is exempt from any 185  
competitive bidding required by law. 186

(3) If the public body, pursuant to division (G) (1) of 187  
this section, includes a reimbursement provision in a request 188  
for proposals and the public body subsequently terminates the 189  
solicitation before the solicitation expiration date, the public 190

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

(4) Except as otherwise provided in writing by the public 199  
body, if, pursuant to division (G)(1) of this section, the 200  
public body includes a reimbursement provision in a request for 201  
proposals and subsequently enters into negotiations based on the 202  
selection of a desired proposal and the public body elects to 203  
terminate those negotiations for the convenience of the public 204  
body and through no fault of the proposer, the proposer is 205  
entitled to the full reimbursement amount. 206

**Sec. 168.04.** (A) The public body may receive, consider, 207  
evaluate, and accept an unsolicited proposal for a public- 208  
private initiative if the proposal meets all of the following: 209

(1) Is independently originated and developed by the 210  
proposer; 211

(2) Benefits the public; 212

(3) Is prepared without public body supervision; 213

(4) Includes sufficient detail and information for the 214  
public body to evaluate the proposal in an objective and timely 215  
manner, including the conceptual design or plan for the proposed 216  
facility, project costs, and a schedule for starting and 217  
completing the facility; 218

(5) Is made by a private entity that is not prohibited 219

from making an unsolicited proposal under section 3517.13 of the 220  
Revised Code. 221

(B) Within ninety days after receiving an unsolicited 222  
proposal, the public body shall undertake a preliminary 223  
evaluation of the unsolicited proposal to determine if the 224  
proposal complies with the requirements of division (A) of this 225  
section. 226

(C) Any materials or data submitted to, made available to, 227  
or received by the contracting authority under this section, to 228  
the extent that the materials or data consist of trade secrets, 229  
as defined in section 1333.61 of the Revised Code, are 230  
confidential and are not public records for the purposes of 231  
section 149.43 of the Revised Code. Financial information 232  
received by the contracting authority that is related to a 233  
proposal is confidential and not a public record for purposes of 234  
section 149.43 of the Revised Code until the public body accepts 235  
or rejects the proposal. Before submission of an unsolicited 236  
proposal or a competing proposal, a private entity may request a 237  
review by the public body of information that the private entity 238  
has identified as confidential to determine whether such 239  
information would be subject to disclosure under section 149.43 240  
of the Revised Code. 241

(D) If the unsolicited proposal does not comply with 242  
division (A) of this section, the public body shall return the 243  
proposal without further action. 244

(E) If the unsolicited proposal complies with division (A) 245  
of this section, the public body may continue to evaluate the 246  
proposal in accordance with this section. 247

(F) (1) If the unsolicited proposal complies with division 248

(A) of this section, the public body shall advertise the 249  
unsolicited proposal for the purpose of receiving competitive 250  
proposals for the proposed facility. 251

(2) The advertisement shall outline the general nature and 252  
scope of the unsolicited proposal, including the location of the 253  
facility and the work to be performed on or in connection with 254  
the facility and shall specify an address to which a competing 255  
proposal may be submitted. 256

(3) The advertisement shall specify a reasonable time 257  
period by which competitors must submit a competing proposal to 258  
the public body. 259

(G) The public body shall charge a reasonable fee to cover 260  
its costs to process, review, and evaluate an unsolicited 261  
proposal and any competing proposals. 262

(H) Upon receipt of any competing proposals, the public 263  
body shall do all of the following: 264

(1) Determine if any competing proposal is comparable in 265  
nature and scope to the original unsolicited proposal; 266

(2) Evaluate the original unsolicited proposal and any 267  
comparable competing proposal; 268

(3) Conduct any good faith discussions and, if necessary, 269  
any negotiations concerning each qualified proposal. 270

(I) The public body shall evaluate an unsolicited proposal 271  
and any comparable competing proposal using the following 272  
factors: 273

(1) Novel methods, approaches, or concepts demonstrated by 274  
the proposal; 275

<u>(2) Scientific, technical, or socioeconomic merits of the proposal;</u>	276 277
<u>(3) Potential contribution of the proposal to the public body's mission;</u>	278 279
<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>	280 281 282 283
<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>	284 285 286
<u>(6) How the proposal benefits the public;</u>	287
<u>(7) Any other factors appropriate to a particular proposal.</u>	288 289
<u>(J) After evaluating the unsolicited proposal and any competing proposals, the public body may do any of the following:</u>	290 291 292
<u>(1) Accept the unsolicited proposal and reject any competing proposals;</u>	293 294
<u>(2) Reject the unsolicited proposal and accept a comparable competing proposal if the public body determines that the comparable competing proposal is the most advantageous to the jurisdictions served by the public body;</u>	295 296 297 298
<u>(3) Accept both an unsolicited proposal and a competing proposal if accepting both proposals is advantageous to the jurisdictions served by the public body;</u>	299 300 301
<u>(4) Reject the unsolicited proposal and any competing</u>	302

<u>proposals.</u>	303
<u>Sec. 168.05. (A) After selecting a solicited or</u>	304
<u>unsolicited proposal for a public-private initiative, the public</u>	305
<u>body shall enter into a public-private agreement for a facility</u>	306
<u>with the selected private entity or any configuration of private</u>	307
<u>entities. An affected jurisdiction may be a party to a public-</u>	308
<u>private agreement entered into by the public body and a selected</u>	309
<u>private entity or combination of private entities.</u>	310
<u>(B) (1) A public-private agreement under this section shall</u>	311
<u>provide for all of the following:</u>	312
<u>(a) Planning, acquisition, financing, development, design,</u>	313
<u>construction, reconstruction, replacement, improvement,</u>	314
<u>maintenance, management, repair, leasing, or operation of a</u>	315
<u>facility;</u>	316
<u>(b) Term of the public-private agreement;</u>	317
<u>(c) Type of property interest, if any, the private entity</u>	318
<u>will have in the facility;</u>	319
<u>(d) A specific plan to ensure proper maintenance of the</u>	320
<u>facility throughout the term of the agreement and a return of</u>	321
<u>the facility to the public body, if applicable, in good</u>	322
<u>condition and repair;</u>	323
<u>(e) Compliance with applicable federal, state, and local</u>	324
<u>laws;</u>	325
<u>(f) Grounds for termination of the public-private</u>	326
<u>agreement by the public body or operator;</u>	327
<u>(g) Disposition of the facility upon completion of the</u>	328
<u>agreement;</u>	329

<u>(h) Procedures for amendment of the agreement;</u>	330
<u>(i) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the contracting authority, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed;</u>	331 332 333 334 335 336 337
<u>(j) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the contracting authority, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the construction services portion of the work.</u>	338 339 340 341 342 343 344
<u>(2) As used in divisions (B)(1)(i) and (j) of this section, "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services.</u>	345 346 347 348
<u>(C) A public-private agreement under this section may provide for any of the following:</u>	349 350
<u>(1) Review and approval by the public body of the operator's plans for the development and operation of the facility;</u>	351 352 353
<u>(2) Inspection by the public body of construction of or improvements to the facility;</u>	354 355
<u>(3) Maintenance by the operator of a policy of liability insurance or self-insurance;</u>	356 357

(4) Filing by the operator, on a periodic basis, of 358  
appropriate financial statements in a form acceptable to the 359  
public body; 360

(5) Filing by the operator, on a periodic basis, of 361  
reports as determined by the public body in a form acceptable to 362  
the public body; 363

(6) Financing obligations of the operator and the public 364  
body; 365

(7) Apportionment of expenses between the operator and the 366  
public body; 367

(8) Rights and duties of the operator, the public body, 368  
and other state and local governmental entities with respect to 369  
use of the facility; 370

(9) Rights and remedies available in the event of default 371  
or delay; 372

(10) Terms and conditions of indemnification of the 373  
operator by the public body; 374

(11) Assignment, subcontracting, or other delegation of 375  
responsibilities of the operator or the public body under the 376  
agreement to third parties, including other private entities and 377  
other public bodies; 378

(12) Sale or lease to the operator of private property 379  
related to the facility. 380

(D) (1) The contracting authority may include in any 381  
public-private agreement under sections 168.01 to 168.15 of the 382  
Revised Code a provision authorizing a binding dispute 383  
resolution method for any controversy subsequently arising out 384  
of the contract. The binding dispute resolution method may 385

proceed only upon agreement of all parties to the controversy. 386  
If all parties do not agree to proceed to a binding dispute 387  
resolution, a party having a claim against the public body shall 388  
exhaust its administrative remedies specified in the public- 389  
private agreement before filing any action against the public 390  
body in the court of claims. 391

No appeal from the determination of a technical expert 392  
lies to any court, except that the court of common pleas of 393  
Franklin county may issue an order vacating such a determination 394  
upon the application of any party to the binding dispute 395  
resolution if any of the following applies: 396

(a) The determination was procured by corruption, fraud, 397  
or undue means. 398

(b) There was evidence of partiality or corruption on the 399  
part of the technical expert. 400

(c) The technical expert was guilty of misconduct in 401  
refusing to postpone the hearing, upon sufficient cause shown, 402  
or in refusing to hear evidence pertinent and material to the 403  
controversy, or of any other misbehavior by which the rights of 404  
any party have been prejudiced. 405

(2) As used in this division, "binding dispute resolution" 406  
means a binding determination after review by a technical expert 407  
of all relevant items, which may include documents, and by 408  
interviewing appropriate personnel and visiting the project site 409  
involved in the controversy. "Binding dispute resolution" does 410  
not involve representation by legal counsel or advocacy by any 411  
person on behalf of any party to the controversy. 412

(E) No public-private agreement entered into under this 413  
section shall be construed to transfer to a private entity the 414

contracting authority's authority to appropriate property under 415  
Chapter 163. of the Revised Code or otherwise provided under the 416  
Revised Code. 417

(F) Money collected by the public body pursuant to an 418  
agreement entered into under this section shall be deposited 419  
into a fund created for this purpose or as otherwise determined 420  
by the public body or as specified in the agreement. 421

(G) Any provision of law requiring competitive bidding 422  
does not apply to public-private agreements under sections 423  
168.01 to 168.15 of the Revised Code. 424

**Sec. 168.06.** In the event of termination of the public- 425  
private agreement, the authority and duties of the operator 426  
cease, except for any duties and obligations that extend beyond 427  
the termination as provided in the public-private agreement, and 428  
the facility reverts to the public body and shall be dedicated 429  
to the public body for public use. 430

**Sec. 168.07.** (A) Upon the occurrence and during the 431  
continuation of material default by an operator, not related to 432  
an event of force majeure, the public body may do the following: 433

(1) Elect to take over the facility, including the 434  
succession of all right, title, and interest in the facility, 435  
subject to any liens on revenues previously granted by the 436  
private entity; 437

(2) Terminate the public-private agreement and exercise 438  
any other available rights and remedies. 439

(B) In the event that the public body elects to take over 440  
a facility, the public body shall collect and pay any revenues 441  
that are subject to lien to satisfy any obligation and may do 442  
the following: 443

(1) Develop and operate the facility and comply with any 444  
service contracts; 445

(2) Solicit proposals for the maintenance and operation of 446  
the facility under section 168.03 of the Revised Code. 447

**Sec. 168.08.** A public body having authority to issue 448  
obligations may issue, in accordance with that authority, 449  
obligations for the purpose of providing funds to carry out 450  
sections 168.01 to 168.15 of the Revised Code with respect to 451  
the development or financing of a facility. 452

**Sec. 168.09.** (A) For the purposes of carrying out sections 453  
168.01 to 168.15 of the Revised Code, the public body may do all 454  
of the following: 455

(1) Accept, subject to applicable terms and conditions, 456  
available funds from the United States or any of its agencies, 457  
whether the funds are made available by grant, loan, or other 458  
financial assistance; 459

(2) Enter into agreements or other arrangements with the 460  
United States or any of its agencies as may be necessary; 461

(3) For the purpose of completing a facility under an 462  
agreement, accept from any source any grant, donation, gift, or 463  
other form of conveyance of land, money, other real or personal 464  
property, or other item of value made to the public body. 465

(B) Any facility may be financed in whole or in part by 466  
contribution of any funds or property made by any private entity 467  
or affected jurisdiction that is party to a public-private 468  
agreement under sections 168.01 to 168.15 of the Revised Code. 469

(C) The public body may use federal, state, local, and 470  
private funds to finance a facility under sections 168.01 to 471

168.15 of the Revised Code and shall comply with any 472  
requirements and restrictions governing the use of the funds, 473  
including maintaining the funds separately when necessary. 474

**Sec. 168.10.** A facility and any tangible personal property 475  
used exclusively with a facility that is owned by the public 476  
body and leased, licensed, financed, or otherwise conveyed to an 477  
operator, or that is acquired, constructed, or otherwise 478  
provided by an operator on behalf of the public body, is exempt 479  
from all ad valorem property taxes and special assessments 480  
levied against property by the state or any political 481  
subdivision of the state. Building and construction materials 482  
that will be incorporated into a facility pursuant to a public- 483  
private agreement are exempt from the taxes imposed under 484  
Chapters 5739. and 5741. of the Revised Code. 485

As used in this section, "political subdivision" means a 486  
county, township, municipal corporation, or any other body 487  
corporate and politic that is responsible for government 488  
activities in a geographic area smaller than that of the state. 489

**Sec. 168.11.** The public body may acquire property, rights- 490  
of-way, or other rights in property for public use in connection 491  
with projects that are part of a public-private initiative in 492  
accordance with Chapter 163. of the Revised Code. If the public 493  
body proposes to acquire property, rights-of-way, or other 494  
rights in property for such public use at the request of a 495  
private entity, the acquisition shall be by the public body, in 496  
accordance with Chapter 163. of the Revised Code, and only if 497  
the contracting authority first makes a finding that the 498  
acquisition is for a public use and serves the public purposes 499  
of sections 168.01 to 168.15 of the Revised Code; the 500  
contracting authority also shall require the private party to 501

pay the costs of the acquisition. 502

Sec. 168.12. All law enforcement officers of the state and 503  
of an affected local jurisdiction shall have the same powers and 504  
jurisdiction within the limits of the facility as they have in 505  
their respective areas of jurisdiction and access to the 506  
facility at any time for the purpose of exercising such powers 507  
and jurisdiction. 508

Sec. 168.13. An operator under sections 168.01 to 168.15 509  
of the Revised Code and any utility whose facility is to be 510  
crossed or relocated shall cooperate fully in planning and 511  
arranging the manner of the crossing or relocation of the 512  
utility facility. 513

Sec. 168.14. Nothing in sections 168.01 to 168.15 of the 514  
Revised Code shall be construed or deemed to affect any waiver 515  
of the sovereign immunity of the public body or any officer or 516  
employee of the public body with respect to the participation in 517  
or approval of all or any part of the facility or its operation. 518

Sec. 168.15. A state agency may adopt rules under Chapter 519  
119. of the Revised Code, a county or township may adopt 520  
resolutions, a municipal corporation may adopt ordinances, a 521  
state institution of higher education may adopt rules, and a 522  
public school may adopt resolutions to carry out sections 168.01 523  
to 168.15 of the Revised Code. 524