## As Introduced

132nd General Assembly

Regular Session 2017-2018

H. B. No. 256

**Representatives Butler, Zeltwanger** 

## A BILL

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

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

| Section 1. That sections 4563.40, 4563.41, 4565.01,             | 13 |
|---|----|
| 4565.02, 4565.03, 4565.04, 4565.05, 4565.06, 4565.07, 4565.08,  | 14 |
| 4565.09, 4565.10, 4565.11, 4565.111, 4565.12, 4565.13, 4565.14, | 15 |
| 4565.15, 4565.16, 4565.17, 4565.18, and 4565.19 of the Revised  | 16 |
| Code be enacted to read as follows:                             | 17 |
| Sec. 4563.40. (A) There is hereby created the major air         | 18 |

| <u>Sec. 4563.40</u> | . (A) There is hereby c        | reated the major air | 18 |
|---------------------|--------------------------------|----------------------|----|
| hub council, cons:  | <u>isting of seven members</u> | . The speaker of the | 19 |

| house of representatives shall appoint three of the members, the | 20  |
|--|-----|
| president of the senate shall appoint three of the members, and  | 21  |
| the governor shall appoint one of the members.                   | 22  |
| (D) The three members experiented by the excelses of the         | 2.2 |
| (B) The three members appointed by the speaker of the            | 23  |
| house of representatives shall serve initial terms of four       | 24  |
| years. The four members appointed by the president of the senate | 25  |
| and the governor shall serve initial terms of two years.         | 26  |
| Thereafter, terms of office of all members are four years.       | 27  |
| Vacancies on the council shall be filled in the same manner as   | 28  |
| the original appointment. A member appointed to fill a vacancy   | 29  |
| occurring prior to the expiration date of the term for which the | 30  |
| member's predecessor was appointed shall hold office for the     | 31  |
| remainder of the unexpired term. A member may be reappointed to  | 32  |
| the council.   | 33  |
| (C) Members of the council shall receive no compensation,        | 34  |
| but shall receive their actual and necessary expenses incurred   | 35  |
| in the performance of their official duties in accordance with   | 36  |
| the rules of the office of budget and management.                | 37  |
| (D) The council shall hire an executive director who is          | 38  |
| experienced in the construction and operation of major airports. | 39  |
| The council shall establish the duties of the executive          | 40  |
| director, which shall include, at a minimum, assisting the       | 41  |
| council in executing its duties under section 4563.41 of the     | 42  |
| Revised Code.  | 43  |
|  |     |
| (E) The council shall hold meetings monthly until an             | 44  |
| executive director is hired. After the executive director is     | 45  |
| hired, the council shall hold meetings at least once every six   | 46  |
| months.  | 47  |
| (F) If necessary, the council shall prepare and submit to        | 48  |

| the office of budget and management a budget for each biennium   | 49 |
|--|----|
| for purposes of section 107.03 of the Revised Code. The budget   | 50 |
| submitted shall cover the costs incurred by the council in       | 51 |
| executing its duties under this section and section 4563.41 of   | 52 |
| the Revised Code.  | 53 |
| (G) Upon completion of its duties under section 4563.41 of       | 54 |
| the Revised Code, the council shall be dissolved.                | 55 |
| Sec. 4563.41. (A) The major air hub council, as part of          | 56 |
| phase I of planning and construction, shall take all actions     | 57 |
| necessary to construct two commercial service airports, either   | 58 |
| or both of which may be international airports. One airport      | 59 |
| shall be constructed in the vicinity of the interchange of       | 60 |
| interstate route number seventy-one and United States route      | 61 |
| number thirty-five in Fayette county. The other airport shall be | 62 |
| constructed in the area immediately north of interstate route    | 63 |
| number eighty in the vicinity of the municipal corporation of    | 64 |
| Ravenna in Portage county. The council shall study all issues    | 65 |
| relating to the airports, and then shall prepare a detailed plan | 66 |
| that addresses all aspects relating to the financing,            | 67 |
| construction, and marketing of the airports.                     | 68 |
| (B) At any time during or after the preparation of the           | 69 |
| plan under division (A) of this section, the council shall       | 70 |
| distribute a request for proposals to airline companies          | 71 |
| regarding terminal privileges and the leasing of gates at the    | 72 |
| airports for airlines that wish to make one or both of the       | 73 |
| airports a major airline hub. Upon reviewing the submissions,    | 74 |
| the council shall select one or more companies with whom to      | 75 |
| negotiate contracts for the acquisition of terminal privileges   | 76 |
| and gate lease agreements.                                       | 77 |
| (C) The council may contract to reimburse sunk costs by an       | 78 |

| airline from a prior hub.                                       | 79  |
|---|-----|
| (D)(1) Upon executing contracts, the council shall do the       | 80  |
| following to obtain funds necessary to pay for the construction | 81  |
| of the airports:  | 82  |
| (a) Issue revenue bonds to be repaid from revenues              | 83  |
| received from terminal privileges and gates leases and pledged  | 84  |
| by the council for such repayment;                              | 85  |
| (b) Seek any available existing funds from the state and        | 86  |
| <pre>federal government;</pre>                                  | 87  |
| (c) Pursue any other available financial method to pay for      | 88  |
| the construction of the airports.                               | 89  |
| (2) The council shall have all authority necessary to           | 90  |
| issue the revenue bonds under division (D)(1)(a) of this        | 91  |
| section, including authority to do the following:               | 92  |
| (a) Collect the proceeds from the sale of the revenue           | 93  |
| bonds;  | 94  |
| (b) Collect the revenues pledged to pay off the amounts         | 95  |
| owed under the revenue bonds;                                   | 96  |
| (c) Apply the pledged and collected revenue to pay off the      | 97  |
| amounts owed under the revenue bonds;                           | 98  |
| (d) Take any other action or hire any person or entity to       | 99  |
| accomplish any of the above.                                    | 100 |
| (3) No construction shall commence until the council has        | 101 |
| contracted with one or more airline companies and sufficient    | 102 |
| funding for the construction has been secured.                  | 103 |
| (4) The council may enter into any agreement with any           | 104 |
| entity that is involved in the construction and operation of    | 105 |

| major airports in the United States, including any private       | 106 |
|--|-----|
| sector entity.   | 107 |
| (E) In addition to the two airports, the council shall           | 108 |
| construct both of the following as part of phase I of the        | 109 |
| planning and construction:                                       | 110 |
| (1) Transportation centers near new or existing interstate       | 111 |
| highway exits in or near the municipal corporations of Akron,    | 112 |
| Canton, Cincinnati, Cleveland, Columbus, Dayton, and Youngstown. | 113 |
| Whenever possible, the centers shall be constructed near exits   | 114 |
| on interstate highways that are loop or spur highways. The       | 115 |
| centers shall provide, at a minimum, motor vehicle parking       | 116 |
| facilities for motor vehicle operators at no cost or a cost not  | 117 |
| exceeding two dollars per day. The centers also shall provide    | 118 |
| options for passengers to check into flights, check luggage,     | 119 |
| pass through security, and enter the terminal directly.          | 120 |
| (2) A high-speed rail passenger transportation system,           | 121 |
| which may be a light rail system, that connects the              | 122 |
| transportation centers to the two airports described in division | 123 |
| (A) of this section to transport airline passengers to and from  | 124 |
| the airports and the centers. The transportation centers near    | 125 |
| the municipal corporations of Columbus, Dayton, and Cincinnati   | 126 |
| shall connect to the airport in Fayette county. The              | 127 |
| transportation centers near the municipal corporations of Akron, | 128 |
| Canton, Cleveland, and Youngstown shall connect to the airport   | 129 |
| <u>in Portage county.</u>  | 130 |
| (F) In addition to the rail system established under             | 131 |
| division (E) of this section, when economically feasible, and as | 132 |
| phase II and III of the planning and construction, the council   | 133 |
| shall construct both of the following in the following order:    | 134 |

| (1) A high-speed rail passenger transportation system,           | 135 |
|--|-----|
| which may be a light rail system, that connects each             | 136 |
|  | 137 |
| transportation center to prominent metropolitan areas, as        | -   |
| determined by the council;                                       | 138 |
| (2) A high-speed rail passenger transportation system,           | 139 |
| which may be a light rail system, that connects all the          | 140 |
| transportation centers.  | 141 |
| (G) In order to fulfill its duties under this section, the       | 142 |
| council may do both of the following:                            | 143 |
| (1) Conduct public hearings in such locations within this        | 144 |
| state as it determines to be appropriate;                        | 145 |
| (2) Hire such consultants or experts and other persons as        | 146 |
| the council determines necessary.                                | 147 |
| (H) The council may request assistance in any form from          | 148 |
| any other department, division, agency, or office of this state  | 149 |
| in order to fulfill its duties under this section, and upon      | 150 |
| receipt of such request the other department, division, agency,  | 151 |
| or office shall provide such assistance.                         | 152 |
| (I) Upon completion of construction of the airport in            | 153 |
| Portage county, the council shall transfer the airport to the    | 154 |
| northern Ohio airport authority created in section 4565.02 of    | 155 |
| the Revised Code, and the authority shall operate and maintain   | 156 |
| the airport.   | 157 |
| <u>Upon completion of construction of the airport in Fayette</u> | 158 |
| county, the council shall transfer the airport to the southern_  | 159 |
| Ohio airport authority created in section 4565.02 of the Revised | 160 |
| Code, and the authority shall operate and maintain the airport.  | 161 |
| Sec. 4565.01. As used in this chapter:                           | 162 |
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| (A) "Airport" means the airport constructed by the major_        | 163 |
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| air hub council in Portage county and the airport constructed by | 164 |
| the council in Fayette county, as applicable.                    | 165 |
| <u>ene council in fayette councy, as applicable.</u>             | 100 |
| (B) "Airport authority" means an airport authority created       | 166 |
| under section 4565.02 of the Revised Code.                       | 167 |
| (C) "Airport facility" means any facility used, available        | 168 |
| for use, or designed for use to aid in the safe taking off and   | 169 |
| landing of aircraft at an airport, for the safety, storage, and  | 170 |
| maintenance of aircraft, for the comfort and accommodation of    | 171 |
| the users of air transportation of persons or property, or for   | 172 |
| the safe and efficient operation and maintenance of an airport.  | 173 |
| Sec. 4565 02 (A) There is hereby greated the parthern            | 174 |
| Sec. 4565.02. (A) There is hereby created the northern           | 174 |
| Ohio airport authority. The membership of the northern Ohio      | 175 |
| airport authority shall consist of the municipal corporations of | 176 |
| Akron, Canton, Cleveland, and Youngstown.                        | 177 |
| (B) There is hereby created the southern Ohio airport            | 178 |
| authority. The membership of the southern Ohio airport authority | 179 |
| shall consist of the municipal corporations of Cincinnati,       | 180 |
| Columbus, and Dayton.  | 181 |
| (C) Each airport authority is a body corporate and politic       | 182 |
| which may sue and be sued and plead and be impleaded, and has    | 183 |
| the powers and jurisdiction enumerated in this chapter. The      | 184 |
| exercise by an airport authority of the powers conferred by this | 185 |
| chapter are deemed to be essential governmental functions of     | 186 |
| this state, but no such airport authority is immune from         | 187 |
| liability by reason thereof.                                     | 188 |
| Sec. 4565.03. A municipal corporation that is a member of        | 189 |
| an airport authority may appropriate and expend public funds to  | 190 |
| finance or subsidize the operation and authorized purposes of    | 191 |
|  |     |

| the airport authority.   | 192 |
|--|-----|
| Sec. 4565.04. (A) A board of directors shall govern each         | 193 |
| airport authority. Members of the board of directors of the      | 194 |
| northern Ohio airport authority shall consist of fifteen persons | 195 |
| appointed by the member municipal corporations. Each of the four | 196 |
| municipal corporations shall have representation on the board in | 197 |
| the same proportion that the municipal corporation's population  | 198 |
| represents to the combined populations of the four municipal     | 199 |
| corporations.  | 200 |
| Members of the board of directors of the southern Ohio           | 201 |
| airport authority shall consist of eleven persons appointed by   | 202 |
| the member municipal corporations. Each of the three municipal   | 203 |
| corporations shall have representation on the board in the same  | 204 |
| proportion that the municipal corporation's population           | 205 |
| represents to the combined populations of the three municipal    | 206 |
| corporations.  | 207 |
| For purposes of this division, the population of a               | 208 |
| municipal corporation is the population reported by the most     | 209 |
| recent federal decennial census.                                 | 210 |
| A municipal corporation at any time may remove a member of       | 211 |
| the board of directors it appoints for misfeasance, nonfeasance, | 212 |
| or malfeasance in office.  | 213 |
| (B) The initial appointees to an airport authority board         | 214 |
| of directors shall serve staggered terms as determined by those  | 215 |
| directors. Thereafter, each successor shall serve for a term of  | 216 |
| four years, except that any person appointed to fill a vacancy   | 217 |
| shall be appointed only to the unexpired term. Any director is   | 218 |
| eligible for reappointment.                                      | 219 |
| (C) The board by rule may provide for the removal of a           | 220 |

| director who fails to attend three consecutive regular meetings  | 221 |
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| of the board. If a director is so removed, the municipal         | 222 |
| corporation that appointed the removed member shall appoint a    | 223 |
| successor for the remaining term of the removed director in the  | 224 |
| same manner provided for the original appointment.               | 225 |
| (D) The directors shall elect one of their membership as         | 226 |
| chairperson and another as vice-chairperson and designate their  | 223 |
| terms of office, and shall appoint a secretary, who need not be  | 228 |
|  | 229 |
| a director. A majority of the members of the board shall         |     |
| constitute a quorum for the purpose of holding a meeting of the  | 230 |
| board. The affirmative vote of a majority of a quorum is         | 231 |
| necessary for any action taken by the airport authority unless   | 232 |
| the board determines by rule to require a greater number of      | 233 |
| affirmative votes for particular actions to be taken by the      | 234 |
| airport authority. No vacancy in the membership of the board     | 235 |
| shall impair the rights of a quorum to exercise all the rights   | 236 |
| and perform all the duties of the airport authority. The board   | 237 |
| of directors may hold a meeting by interactive video             | 238 |
| teleconference as provided in section 4565.19 of the Revised     | 239 |
| Code.  | 240 |
| (E) Each member of the board is entitled to receive from         | 241 |
| the airport authority such sum of money as the board may         | 242 |
| determine as compensation for services as director, and          | 243 |
| reimbursement for reasonable expenses in the performance of      | 244 |
| <u>official duties.</u>  | 245 |
|  | 210 |
| Sec. 4565.05. In addition to any immunity from civil             | 246 |
| liability that is conferred upon a director by any other         | 247 |
| provision of the Revised Code or by decisions of Ohio or federal | 248 |
| courts, no member of the board of directors of an airport        | 249 |
| authority is personally liable for any monetary damages that     | 250 |
|  |     |

| arise from actions taken in the performance of the director's    | 251  |
|--|------|
| official duties, except for acts or omissions that are not in    | 252  |
| good faith or that involve intentional misconduct or a knowing   | 253  |
| violation of law, or any transaction from which the director     | 254  |
| derived an improper personal benefit.                            | 255  |
| Sec. 4565.06. (A) An airport authority shall employ and          | 256  |
| fix the qualifications, duties, and compensation of any          | 257  |
| employees and enter into contracts for any professional services | 258  |
| it may require to conduct its business. An airport authority may | 259  |
| appoint an advisory board, which shall serve without             | 260  |
| compensation. An airport authority may suspend or dismiss any    | 261  |
| employee, and at any time may terminate any contract for         | 262  |
| professional services.   | 263  |
| (B) An airport authority may provide for the                     | 264  |
| administration and enforcement of the laws of the state by       | 265  |
| seeking the assistance of appropriate law enforcement officers   | 266  |
| to enforce its rules and maintain order.                         | 267  |
|  | 2.00 |
| Sec. 4565.07. (A) An airport authority may procure and pay       | 268  |
| all or any part of the cost of group hospitalization, surgical,  | 269  |
| major medical, sickness and accident insurance, or group life    | 270  |
| insurance, or a combination of any of the foregoing types of     | 271  |
| insurance or coverage for employees and their families, issued   | 272  |
| by an insurance company duly authorized to do business in this   | 273  |
| <u>state.</u>  | 274  |
| (B) An airport authority also may procure and pay all or         | 275  |
| any part of the cost of a plan of group hospitalization,         | 276  |
| surgical, major medical, or sickness and accident insurance with | 277  |
| a health insuring corporation holding a certificate of authority | 278  |
| under Chapter 1751. of the Revised Code, provided that each      | 279  |
| employee is authorized to do both of the following:              | 280  |
|  |      |

| (1) Exercise an option between a plan offered by an              | 281 |
|--|-----|
| insurance company as provided under division (A) of this section | 282 |
| and a plan offered by a health insuring corporation under        | 283 |
| division (B) of this section, on the condition that the employee | 284 |
| shall pay any amount by which the cost of the plan offered under | 285 |
| division (B) of this section exceeds the cost of the plan        | 286 |
| offered under division (A) of this section;                      | 287 |
| (2) Change from one of the two plans to the other at a           | 288 |
| time each year as the airport authority determines appropriate.  | 289 |
| time each year as the arrout authority determines appropriate.   | 209 |
| (C) An airport authority may procure or contract for any         | 290 |
| type of insurance authorized by division (A) or (B) of this      | 291 |
| section on its own or jointly as part of a group with one or     | 292 |
| more other governmental units or agencies to provide that        | 293 |
| insurance for the employees of the members of the group and      | 294 |
| their families. An airport authority also may establish and      | 295 |
| maintain an individual or joint self-insurance program for       | 296 |
| hospitalization, surgical, major medical, or sickness and        | 297 |
| accident insurance.  | 298 |
| Sec. 4565.08. (A) An airport authority may do all of the         | 299 |
| following:   | 300 |
| (1) Adopt bylaws for the regulation of its affairs and the       | 301 |
| <u>conduct of its business;</u>                                  | 302 |
|  |     |
| (2) Adopt an official seal;                                      | 303 |
| (3) Acquire, construct, furnish, equip, maintain, repair,        | 304 |
| sell, exchange, lease to or from, or lease with an option to     | 305 |
| purchase, convey other interests in real or personal property,   | 306 |
| or any combination thereof, related to, useful for, or in        | 307 |
| furtherance of any authorized purpose, and operate any property  | 308 |
| in connection with its airport;                                  | 309 |

| (4) Make available the use or services of any airport            | 310 |
|--|-----|
| facility to one or more persons, one or more governmental        | 311 |
| agencies, or any combination thereof;                            | 312 |
| (5) Maintain such funds as it considers necessary;               | 313 |
| (6) Promote, advertise, and publicize the airport and its        | 314 |
| facilities and provide information to airline companies, air     | 315 |
| freight shippers, and other commercial interests;                | 316 |
| (7) Adopt rules, not in conflict with general law, it            | 317 |
| finds necessary or incidental to the performance of its duties   | 318 |
| and the execution of its powers under this chapter. The airport  | 319 |
| authority shall make any such rule available for public          | 320 |
| inspection at the office of the airport authority during regular | 321 |
| business hours.  | 322 |
| (8) Do any of the following, in regard to any interests in       | 323 |
| any real or personal property, or any combination thereof,       | 324 |
| including, without limitation, machinery, equipment, offices,    | 325 |
| and other structures and facilities related to, useful for, or   | 326 |
| in furtherance of any authorized purpose, for such consideration | 327 |
| and in such manner, as the board in its sole discretion may      | 328 |
| determine:   | 329 |
| (a) Loan money to any person or governmental entity for          | 330 |
| the acquisition, construction, furnishing, and equipping of the  | 331 |
| property;  | 332 |
| (b) Acquire, construct, maintain, repair, furnish, and           | 333 |
| equip the property;  | 334 |
| (c) Sell to, exchange with, lease, convey other interests        | 335 |
|  |     |
| in, or lease with an option to purchase the same or any lesser   | 336 |
| interest in the property to the same or any other person or      | 337 |
| governmental entity.   | 338 |

| An airport authority may accept and hold as consideration        | 339 |
|--|-----|
| for the conveyance of property or any interest therein such      | 340 |
| property or interests therein as its board of directors in its   | 341 |
| discretion may determine, notwithstanding any restrictions that  | 342 |
| apply to the investment of funds by the airport authority.       | 343 |
| (9) Sell, lease, or convey other interests in real and           | 344 |
| personal property, and grant easements or rights-of-way over     | 345 |
| airport property. The board of directors shall specify the       | 346 |
| consideration and any terms for the sale, lease, or conveyance   | 347 |
| of other interests in real and personal property. Any            | 348 |
| determination made by the board under this division is           | 349 |
| conclusive. The sale, lease, or conveyance may be made without   | 350 |
| advertising and the receipt of bids.                             | 351 |
|  |     |
| (10) Exercise the right of eminent domain to appropriate         | 352 |
| any land, rights, rights-of-way, franchises, easements, or other | 353 |
| property necessary or proper for any authorized purpose pursuant | 354 |
| to the procedure provided in Chapter 163. of the Revised Code,   | 355 |
| provided funds equal to the appraised value of the property to   | 356 |
| be acquired as a result of such proceedings are available for    | 357 |
| that purpose. However, nothing contained in this chapter         | 358 |
| authorizes an airport authority to take or disturb property or   | 359 |
| facilities belonging to any agency or political subdivision of   | 360 |
| this state, public utility, cable operator, or common carrier if | 361 |
| the property or facilities are necessary and convenient in the   | 362 |
| operation of the agency or political subdivision, public         | 363 |
| utility, cable operator, or common carrier, unless provision is  | 364 |
| made for either of the following:                                | 365 |
| (a) Upon the election of the agency or political                 | 366 |
| subdivision, public utility, cable operator, or common carrier,  | 367 |
| the payment of compensation, if any, at the sole cost of the     | 368 |

| airport authority;  | 369 |
|---|-----|
| (b) The restoration, relocation, or duplication of such           | 370 |
| property or facility, provided that:                              | 371 |
| (i) If any restoration or duplication proposed to be made         | 372 |
| under division (A)(10) of this section involves a relocation of   | 373 |
| the property or facilities, the new location and facilities are   | 374 |
| of at least comparable utilitarian value and effectiveness and    | 375 |
| do not impair the ability of the public utility, cable operator,  | 376 |
| or common carrier to compete in its original area of operation.   | 377 |
| (ii) If any restoration or duplication made under division        | 378 |
| (A) (10) of this section involves a relocation of the property or | 379 |
| facilities, the airport authority shall acquire no interest or    | 380 |
| right in or to the appropriated property or facilities, except_   | 381 |
| as provided in division (A)(8) of this section, until the         | 382 |
|   |     |
| relocated property or facilities are available for use and until  | 383 |
| marketable title thereto has been transferred to the public       | 384 |
| utility, cable operator, or common carrier.                       | 385 |
| As used in division (A)(10) of this section, "cable               | 386 |
| operator" has the same meaning as in the "Cable Communications    | 387 |
| Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47        | 388 |
| U.S.C. 522, as amended by the "Telecommunications Act of 1996,"   | 389 |
| Pub. L. No. 104-104, 110 Stat. 56.                                | 390 |
| (11) (a) Make and enter into all contracts and agreements         | 391 |
| and execute all instruments necessary or incidental to the        | 392 |
|   | 393 |
| performance of its duties and the execution of its powers under   | 394 |
| <u>this chapter;</u>  | 394 |
| (b)(i) Except as provided in division (A)(11)(c) of this          | 395 |
| section or except when an airport authority elects to construct   | 396 |
| a building, structure, or other improvement pursuant to a         | 397 |
|   |     |

| contract made with a construction manager at risk under sections | 398 |
|--|-----|
| 9.33 to 9.335 of the Revised Code or with a design-build firm    | 399 |
| under sections 153.65 to 153.73 of the Revised Code, when the    | 400 |
| cost of a contract for the construction of any building,         | 401 |
| structure, or other improvement undertaken by an airport         | 402 |
| authority involves an expenditure exceeding the higher of one    | 403 |
| hundred thousand dollars or the amount as adjusted under         | 404 |
| division (A)(11)(b)(ii) of this section, and the airport         | 405 |
| authority is the contracting entity, the airport authority shall | 406 |
| make a written contract. The airport authority shall make such a | 407 |
| contract only after notice calling for bids for the award of the | 408 |
| contract has been given by publication once per week for two     | 409 |
| consecutive weeks, with at least seven days between              | 410 |
| publications, in a newspaper of general circulation in the area  | 411 |
| of the airport authority or as provided in section 7.16 of the   | 412 |
| Revised Code. The airport authority shall let such a contract to | 413 |
| the lowest responsive and responsible bidder in accordance with  | 414 |
| section 9.312 of the Revised Code. The airport authority shall   | 415 |
| include with the contract the plans and specifications for the   | 416 |
| work to be done, prepared for and approved by the airport        | 417 |
| authority, signed by an authorized officer of the airport        | 418 |
| authority and by the contractor, and executed in triplicate.     | 419 |
| The airport authority shall award each bid in accordance         | 420 |
| with sections 153.54, 153.57, and 153.571 of the Revised Code.   | 420 |
| The airport authority may reject any and all bids.               | 421 |
| The allpoit authority may reject any and all blus.               | 422 |
| (ii) On January 1, 2018, and the first day of January of         | 423 |
| every even-numbered year thereafter, the director of commerce    | 424 |
| shall adjust the threshold level for contracts subject to the    | 425 |
| bidding requirements contained in division (A)(11)(b)(i) of this | 426 |
| section. The director shall adjust this amount according to the  | 427 |
|  | 400 |

average increase for each of the two years immediately preceding

428

| the adjustment as set forth in the producer price index for      | 429 |
|--|-----|
| material and supply inputs for new nonresidential construction   | 430 |
| as determined by the bureau of labor statistics of the United    | 431 |
| States department of labor or, if that index no longer is        | 432 |
| published, a generally available comparable index. If there is   | 433 |
| no resulting increase, the threshold shall remain the same until | 434 |
| the next scheduled adjustment on the first day of January of the | 435 |
| <u>next even-numbered year.</u>                                  | 436 |
| (c) The board of directors of an airport authority by rule       | 437 |
| may provide criteria for the negotiation and award without       | 438 |
| competitive bidding of any contract as to which the airport      | 439 |
| authority is the contracting entity for the construction of any  | 440 |
| building or structure or other improvement under any of the      | 441 |
| following circumstances:   | 442 |
| (i) There exists a real and present emergency that               | 443 |
| threatens damage or injury to persons or property of the airport | 444 |
| authority or other persons, provided that a statement specifying | 445 |
| the nature of the emergency that is the basis for the            | 446 |
| negotiation and award of a contract without competitive bidding  | 447 |
| is signed by the officer of the airport authority that executes  | 448 |
| that contract at the time of the contract's execution and shall  | 449 |
| be attached to the contract.                                     | 450 |
| (ii) A commonly recognized industry or other standard or         | 451 |
| specification does not exist and cannot objectively be           | 452 |
| articulated for the improvement.                                 | 453 |
| (iii) The contract is for any energy conservation measure        | 454 |
| as defined in section 307.041 of the Revised Code.               | 455 |
| (iv) With respect to material to be incorporated into the        | 456 |
| improvement, only a single source or supplier exists for the     | 457 |

| <u>material.</u>   | 458 |
|--|-----|
| (v) A single bid is received by the airport authority                | 459 |
| after complying with division (A)(11)(b) of this section.            | 460 |
| (d) (i) If a contract is to be negotiated and awarded                | 461 |
| without competitive bidding for the reason prescribed in             | 462 |
| division (A)(11)(c)(ii) of this section, the airport authority_      | 463 |
| shall publish a notice calling for technical proposals once per      | 464 |
| week for two consecutive weeks, with at least seven days between     | 465 |
| publications, in a newspaper of general circulation in the area      | 466 |
| of the airport authority or as provided in section 7.16 of the       | 467 |
| Revised Code. After receipt of the technical proposals, the          | 468 |
| airport authority may negotiate with and award a contract for        | 469 |
| the improvement to the proposer making the proposal considered       | 470 |
| to be the most advantageous to the airport authority.                | 471 |
| (ii) If a contract is to be negotiated and awarded without           | 472 |
| <u>competitive bidding for the reason prescribed in division (A)</u> | 472 |
| (11) (c) (iv) of this section, any construction activities related   | 473 |
| to the incorporation of the material into the improvement also_      | 474 |
| may be provided without competitive bidding by the source or         | 475 |
| supplier of that material.   | 477 |
| <u>supplier of chat material.</u>                                    | 477 |
| (e)(i) An airport authority shall make any purchase,                 | 478 |
| exchange, sale, lease, lease with an option to purchase,             | 479 |
| conveyance of other interests in, or other contract with a           | 480 |
| person or governmental entity that pertains to the acquisition,      | 481 |
| construction, maintenance, repair, furnishing, equipping, or         | 482 |
| operation of any real or personal property, or any combination       | 483 |
| thereof, related to, useful for, or in furtherance of an             | 484 |
| activity contemplated by Section 13 of Article VIII, Ohio            | 485 |
| Constitution, in such manner and subject to such terms and           | 486 |
| conditions as may be determined by the board of directors in its     | 487 |

| discretion.  | 488  |
|--|--|
| (ii) Division (A)(11)(e)(i) of this section applies to all   | 489  |
| contracts that are subject to that division, notwithstanding any   | 490  |
| other provision of law that might otherwise apply, including,  | 491  |
| without limitation, any requirement of notice, any requirement   | 492  |
| of competitive bidding or selection, or any requirement for the  | 493  |
| provision of security.   | 494  |
| (iii) Divisions (A)(11)(e)(i) and (ii) of this section do  | 495  |
| not apply to any contract secured exclusively by or to be paid   | 496  |
| exclusively from the general revenues of the airport authority.  | 497  |
| For the purposes of this section, any revenues derived by the  | 498  |
| airport authority under a lease or other agreement that, by its  | 499  |
| terms, contemplates the use of amounts payable under the   | 500  |
| agreement either to pay the costs of the improvement that is the   | 501  |
| subject of the contract or to secure obligations of the airport  | 502  |
| authority issued to finance costs of such improvement, are   | 503  |
|  |  |
| excluded from general revenues.  | 504  |
| (12) Employ managers, superintendents, and other employees   | 504<br>505   |
|  |  |
| (12) Employ managers, superintendents, and other employees   | 505  |
| (12) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial   | 505<br>506   |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any   | 505<br>506<br>507  |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary   | 505<br>506<br>507<br>508   |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary<br>in its judgment to carry out this chapter, and fix the   | 505<br>506<br>507<br>508<br>509                                    |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary<br>in its judgment to carry out this chapter, and fix the<br>compensation thereof. An airport authority shall pay all   | 505<br>506<br>507<br>508<br>509<br>510                             |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary<br>in its judgment to carry out this chapter, and fix the<br>compensation thereof. An airport authority shall pay all<br>expenses thereof from any available funds of the airport   | 505<br>506<br>507<br>508<br>509<br>510<br>511                      |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary<br>in its judgment to carry out this chapter, and fix the<br>compensation thereof. An airport authority shall pay all<br>expenses thereof from any available funds of the airport<br>authority or from funds appropriated for that purpose by a   | 505<br>506<br>507<br>508<br>509<br>510<br>511<br>512               |
| (12) Employ managers, superintendents, and other employees<br>and retain or contract with consulting engineers, financial<br>consultants, accounting experts, architects, attorneys, and any<br>other consultants and independent contractors as are necessary<br>in its judgment to carry out this chapter, and fix the<br>compensation thereof. An airport authority shall pay all<br>expenses thereof from any available funds of the airport<br>authority or from funds appropriated for that purpose by a<br>municipal corporation that is a member of the airport authority.   | 505<br>506<br>507<br>508<br>509<br>510<br>511<br>512<br>513        |
| <pre>(12) Employ managers, superintendents, and other employees<br/>and retain or contract with consulting engineers, financial<br/>consultants, accounting experts, architects, attorneys, and any<br/>other consultants and independent contractors as are necessary<br/>in its judgment to carry out this chapter, and fix the<br/>compensation thereof. An airport authority shall pay all<br/>expenses thereof from any available funds of the airport<br/>authority or from funds appropriated for that purpose by a<br/>municipal corporation that is a member of the airport authority.<br/>(13) Receive and accept from any state or federal agency</pre> | 505<br>506<br>507<br>508<br>509<br>510<br>511<br>512<br>513<br>514 |

| from any source of money, property, labor, or other things of    | 518 |
|--|-----|
| value, to be held, used, and applied only for the purposes for   | 519 |
| which the grants and contributions are made;                     | 520 |
| (14) Purchase fire and extended coverage and liability           | 521 |
| insurance for any airport facility and for the offices of the    | 522 |
| airport authority, and insurance protecting the airport          | 523 |
| authority and its officers and employees against liability for   | 524 |
| damage to property or injury to or death of persons arising from | 525 |
| its operations;  | 526 |
| (15) Charge, alter, and collect rentals and other charges        | 527 |
| for the use or services of any airport facility;                 | 528 |
| (16) Provide coverage for its employees under Chapters           | 529 |
| 145., 4123., and 4141. of the Revised Code;                      | 530 |
| (17) Establish and administer one or more payment card           | 531 |
| programs for purposes of paying expenses related to airport      | 532 |
| authority business. Any obligation incurred as a result of the   | 533 |
| use of such a payment card shall be paid from airport authority  | 534 |
| <u>funds.</u>  | 535 |
| (18) Do all acts necessary or proper to carry out the            | 536 |
| powers expressly granted to the airport authority in this        | 537 |
| <u>chapter.</u>  | 538 |
| (B)(1) No person shall violate any rule adopted by an            | 539 |
| airport authority under division (A)(7) of this section.         | 540 |
| (2) Whoever violates division (B)(1) of this section is          | 541 |
| guilty of a minor misdemeanor.                                   | 542 |
| Sec. 4565.09. Nothing in this chapter shall be construed         | 543 |
| to do any of the following:                                      | 544 |
| (A) Impair the powers of any county, municipal                   | 545 |

corporation, or other political subdivision to develop or 546 improve airport authority facilities except as restricted by 547 section 4565.12 of the Revised Code; 548 (B) Enlarge, alter, diminish, or affect in any way, any 549 lease or conveyance made, or action taken, prior to the creation 550 of an airport authority under this chapter; 551 552 (C) Impair or interfere with the exercise of any permit for the removal of sand or gravel, or other similar permits 553 issued by this state or the United States; 554 (D) Impair or contravene applicable federal regulations. 555 Sec. 4565.10. The legislative authority of any municipal 556 corporation, county, township, school district, taxing district, 557 or other political subdivision may convey or lease to or from, 558 lease with an option to purchase, or exchange with, an airport 559 authority, and an airport authority may convey or lease to or 560 from, lease with an option to purchase, or exchange with, a 561 municipal corporation, county, township, school district, taxing 562 district, or other political subdivision, without competitive 563 bidding and on mutually agreeable terms, any personal property 564 or real property, or any interest therein, that is not needed 565 for the purposes of the grantor, or lessor, to be used by the 566 recipient or lessee for its purposes. 567 Sec. 4565.11. The board of directors of an airport 568 authority created under this chapter annually shall prepare a 569 budget for the airport authority. 570 All rents and charges an airport authority receives shall 571 be used for the general expenses of the airport authority and to 572 pay interest, amortization, and retirement charges on money 573 borrowed. If, at the end of any calendar year, a surplus of such 574

| funds remains after providing for the above uses, the board of   | 575 |
|--|-----|
| directors may pay such surplus into the general funds of the     | 576 |
| municipal corporations that are members of the airport authority | 577 |
| in the same proportion as their membership on the board of       | 578 |
| directors.   | 579 |
| Sec. 4565.111. On dissolution of the major air hub               | 580 |
| council, an airport authority shall exercise the powers of the   | 581 |
| council regarding revenue bonds under divisions (D)(1) and (2)   | 582 |
| of section 4563.41 of the Revised Code applicable to that        | 583 |
| airport authority.   | 584 |
|  |     |
| Sec. 4565.12. An airport authority may charge, alter, and        | 585 |
| collect rentals or other charges for the use or services of any  | 586 |
| airport authority facility and contract in the manner provided   | 587 |
| by this section with one or more persons, one or more            | 588 |
| governmental agencies, or any combination thereof, desiring the  | 589 |
| use or services of the facility, and fix the terms, conditions,  | 590 |
| rentals, or other charges for the use or services. If the        | 591 |
| services are furnished in the jurisdiction of the airport        | 592 |
| authority by a public utility or a common carrier, charges by    | 593 |
| the airport authority for the services shall not be less than    | 594 |
| the charges established for the same services furnished by a     | 595 |
| public utility or common carrier in the airport authority        | 596 |
| jurisdiction. The rentals or other charges are not subject to    | 597 |
| supervision or regulation by any other authority, commission,    | 598 |
| board, bureau, or agency of the state, and the contract may      | 599 |
| provide for acquisition by the person or governmental agency of  | 600 |
| all or any part of the airport authority facility for such       | 601 |
| consideration payable over the period of the contract or         | 602 |
| otherwise as the airport authority in its sole discretion        | 603 |
| determines to be appropriate, but subject to the provisions of   | 604 |
| any trust agreement securing bonds payment for which the airport | 605 |
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| authority is liable. Any governmental agency that has power to   | 606 |
|--|-----|
| construct, operate, and maintain airport authority facilities    | 607 |
| may enter into a contract or lease with an airport authority     | 608 |
| whereby the use or services of an airport authority facility     | 609 |
| will be made available to the governmental agency, and may pay   | 610 |
| for the use or services rentals or other charges as may be       | 611 |
| agreed to by the airport authority and the governmental agency.  | 612 |
| Any governmental agency or combination of governmental           | 613 |
| agencies may cooperate with the airport authority in the         | 614 |
| acquisition or construction of airport authority facilities, and | 615 |
| shall enter into such agreements with the airport authority as   | 616 |
| may be appropriate, with a view to effective cooperative action  | 617 |
| and safeguarding of the respective interests of the parties      | 618 |
| thereto. The agreements shall provide for contributions by the   | 619 |
| parties thereto in a proportion as may be agreed upon and other  | 620 |
| terms as may be mutually satisfactory to the parties, including, | 621 |
| without limitation, the authorization of the construction of the | 622 |
| facility by one of the parties acting as agent for all of the    | 623 |
| parties and the ownership and control of the facility by the     | 624 |
| airport authority to the extent necessary or appropriate.        | 625 |
| Any governmental agency may provide the funds for the            | 626 |
| payment of any contribution required under such agreements by    | 627 |
| the levy of taxes or assessments if otherwise authorized by the  | 628 |
| laws governing the governmental agency in the construction of    | 629 |
| the type of airport authority facility provided for in the       | 630 |
| agreements, and may pay the proceeds from the collection of the  | 631 |
| taxes or assessments. Additionally, the governmental agency may  | 632 |
| issue bonds or notes, if authorized by those laws, in            | 633 |
| anticipation of the collection of the taxes or assessments, and  | 634 |

may pay the proceeds of the bonds or notes to the airport

authority pursuant to such agreements. A governmental agency may

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| provide the funds for the payment of a contribution by the             | 637 |
|--|-----|
| appropriation of money or, if otherwise authorized by law, by          | 638 |
| the issuance of bonds or notes and may pay the appropriated            | 639 |
| money or the proceeds of the bonds or notes to the airport             | 640 |
| authority pursuant to such agreements. The agreement by the            | 641 |
| governmental agency to provide a contribution, whether from            | 642 |
| appropriated money or from the proceeds of taxes or assessments,       | 643 |
| or bonds or notes, or any combination thereof, is not subject to       | 644 |
| Chapter 133. of the Revised Code or any rules or limitations           | 645 |
| contained therein. The governmental agency shall pay the               | 646 |
| proceeds from the collection of taxes or assessments, and any          | 647 |
| interest earned thereon, into a special fund separate and apart        | 648 |
| from and not a part of any other fund immediately upon the             | 649 |
| collection thereof by the governmental agency for the purpose of       | 650 |
| providing the contribution at the times required under such            | 651 |
| agreements.  | 652 |
| When a governmental agency makes a contribution over a                 | 653 |
| period of time from the proceeds of the collection of special          | 654 |
| assessments, the interest accrued and to accrue before the first       | 655 |
| installment of the assessments is collected, which is payable by       | 656 |
| the governmental agency on the contribution under the terms and        | 657 |
| provisions of the agreements, shall be treated as part of the          | 658 |
| cost of the improvement for which the assessments are levied,          | 659 |
| and that portion of the assessments that is collected in               | 660 |
| installments shall bear interest at the same rate as the               | 661 |
| governmental agency is obligated to pay on the contribution            | 662 |
|  | 663 |
| under the terms and provisions of the agreements and for the           | 664 |
| same period of time as the contribution is to be made under the        |     |
| <u>agreements. If the assessment or any installment thereof is not</u> | 665 |

paid when due, it shall bear interest until the payment thereof666at the same rate as the contribution, and the county auditor667

| annually shall place on the tax list and duplicate the interest  | 668  |
|--|------|
| applicable to the assessment and the penalty thereon as          | 669  |
| otherwise authorized by law.                                     | 670  |
| Sec. 1565 13 (A) An airport authority may optor into any         | 671  |
| Sec. 4565.13. (A) An airport authority may enter into any        |      |
| contracts or other arrangements with the United States           | 672  |
| government, or any department thereof, with persons, railroads,  | 673  |
| or other corporations, with public corporations, with public     | 674  |
| utilities, with the state government of this state, and with     | 675  |
| counties, municipal corporations, townships, or other            | 676  |
| governmental agencies created by or under the authority of the   | 677  |
| laws of this state, including sewerage, drainage, conservation,  | 678  |
| conservancy, or other improvement districts in this state as may | 679  |
| be necessary or convenient for the exercise of the powers        | 680  |
| granted by this chapter, including the making of surveys,        | 681  |
| investigations, or reports thereon. Any contracts or             | 682  |
| arrangements made under this division shall not be in violation  | 683  |
| of Section 13 of Article VIII, Ohio Constitution. An airport     | 684  |
| authority may purchase, lease, or acquire land immediately       | 685  |
| adjacent to its airport, or interests in such land, for the      | 686  |
| accomplishment of authorized purposes of the airport authority,  | 687  |
| or for the improvement of its airport, and may execute contracts | 688  |
| or spend money for those purposes. The authority granted in this | 689  |
| section to enter into contracts or other arrangements with the   | 690  |
| United States government or any department thereof, includes the | 691  |
| power to enter into any contracts, arrangements, or agreements   | 692  |
| that may be necessary to hold and save harmless the United       | 693  |
| States from damages due to the construction and maintenance by   | 694  |
| the United States of work the United States undertakes.          | 695  |
| (B) An airport authority may enter into an agreement with        | 696  |
| one or more contracting political subdivisions, whereby the      | 697  |
| she of more contracting positional subdivisions, whereby the     | 0.57 |

airport authority or contracting political subdivision

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| undertakes, and is authorized by the airport authority or        | 699 |
|--|-----|
| contracting political subdivision, to exercise any power,        | 700 |
| perform any function, or render any service on behalf of the     | 701 |
| airport authority or the contracting political subdivision,      | 702 |
| which the airport authority or the contracting political         | 703 |
| subdivision is authorized to exercise, perform, or render.       | 704 |
| Upon the everytion of such an experiment and within the          | 705 |
| Upon the execution of such an agreement, and within the          | 705 |
| limitations prescribed by the agreement, the airport authority   | 706 |
| and contracting political subdivision shall possess and may      | 707 |
| exercise the same powers and may perform the same functions and  | 708 |
| render the same services, as are possessed and are authorized to | 709 |
| be exercised, or to be performed or rendered by the airport      | 710 |
| authority or contracting political subdivision that is a party   | 711 |
| to the agreement. Under such an agreement, the airport authority | 712 |
| or contracting subdivision shall undertake to exercise, perform, | 713 |
| or render all necessary and incidental powers, functions, or     | 714 |
| services for purposes of the agreement. The exercise of those    | 715 |
| powers, performance of those functions, and rendering of those   | 716 |
| services by the airport authority or any contracting subdivision | 717 |
| are governed by any procedures applicable to the airport         | 718 |
| authority or contracting political subdivision.                  | 719 |
|  | 700 |
| Sec. 4565.14. (A) An airport authority is exempt from, and       | 720 |
| is not required to pay, any taxes on property, both real and     | 721 |
| personal, or any combination thereof, belonging to the airport   | 722 |
| authority that is used exclusively for any authorized purpose.   | 723 |
|  | 704 |

(B) The exemption established under division (A) of this724section does not apply to any property occupied and used during725a tax year by a person who is a lessee of the property as of the726tax lien date for that tax year under a written lease with a727remaining term longer than one year. Division (B) of this728

| section does not apply to real or personal property, or any      | 729 |
|--|-----|
| combination thereof, leased to a lessee if the property would be | 730 |
| exempt from taxes under Chapter 5709. of the Revised Code and if | 731 |
| the property belonged to that lessee. Nothing in this section    | 732 |
| eliminates the airport authority's or the lessee's obligation to | 733 |
| comply with other provisions of the Revised Code to obtain an    | 734 |
| exemption for such property.                                     | 735 |
| Sec. 4565.15. An airport authority shall hold all money,         | 736 |
| funds, properties, and assets acquired by the airport authority  | 737 |
|  |     |
| under this chapter, whether as revenues or otherwise, in trust   | 738 |
| for the purposes of carrying out its powers and duties under     | 739 |
| this chapter. The airport authority shall ensure that all money, | 740 |
| funds, properties, and assets are not part of other public       | 741 |
| funds. Except as otherwise provided in a trust agreement         | 742 |
| securing payments for revenue bonds payment for which the        | 743 |
| airport authority is liable, or except when invested pursuant to | 744 |
| section 4565.17 of the Revised Code, the airport authority shall | 745 |
| keep all money and funds in depositories selected by the airport | 746 |
| authority in the manner provided in Chapter 135. of the Revised  | 747 |
| Code and secured as provided in that chapter. Any trust          | 748 |
| agreement securing revenue bonds shall provide that any officer  | 749 |
| to whom, or any bank or trust company to which, such moneys are  | 750 |
| paid shall act as trustee of such moneys and hold and apply them | 751 |
| for the purposes hereof, subject to such conditions as Chapter   | 752 |
| 135. of the Revised Code and the trust agreement provide.        | 753 |
| Sec. 4565.16. Moneys in the funds of an airport authority        | 754 |
|  |     |
| in excess of current needs, except as otherwise provided in any  | 755 |

in excess of current needs, except as otherwise provided in any755trust agreement securing payments for revenue bonds for which756the airport authority is liable, may be invested as permitted by757sections 135.01 to 135.21 of the Revised Code or invested in758linked deposit programs established by resolution of the board759

| of directors in accordance with section 135.80 of the Revised    | 760 |
|--|-----|
| Code. Income from all investments of moneys in any fund shall be | 761 |
| credited to funds as the airport authority determines, subject   | 762 |
| to the provisions of any such trust agreement, and the           | 763 |
| investments may be sold at any time the airport authority        | 764 |
| determines.  | 765 |
| Sec. 4565.17. When an airport authority finds it necessary       | 766 |
| to change the location of any portion of any public road, state  | 767 |
| highway, railroad, or public utility facility in connection with | 768 |
| the construction of an airport authority facility, it shall      | 769 |
| cause it to be reconstructed at such location as the division of | 770 |
| government having jurisdiction over such road, highway,          | 771 |
| railroad, or public utility facility finds most favorable. Such  | 772 |
| construction shall be of substantially the same type and in as   | 773 |
| good condition as the original road, highway, railroad, or       | 774 |
| public utility facility. The airport authority shall pay the     | 775 |
| cost of such reconstruction, relocation, or removal and any      | 776 |
| damage incurred in changing the location of any such road,       | 777 |
| highway, railroad, or public utility facility as a part of the   | 778 |
| cost of the airport authority facility.                          | 779 |
| When the airport authority finds it necessary that any           | 780 |
| public highway or portion of a public highway be vacated by      | 781 |
| reason of the acquisition or construction of an airport          | 782 |
| authority facility, the airport authority may request the        | 783 |
| director of transportation, in writing, to vacate such highway   | 784 |
| or portion in accordance with section 5511.07 of the Revised     | 785 |
| Code if the highway or portion to be vacated is on the state     | 786 |
| highway system. If the highway or portion to be vacated is under | 787 |
| the jurisdiction of the county commissioners, the airport        | 788 |
| authority shall request the director, in writing, to petition    | 789 |
| the board of county commissioners, in the manner provided in     | 790 |

| section 5553.041 of the Revised Code, to vacate such highway or  | 791 |
|--|-----|
| portion. The airport authority shall pay to the director or to   | 792 |
| the county, as a part of the cost of such airport authority      | 793 |
| facility, any amounts required to be deposited with any court in | 794 |
| connection with proceedings for the determination of             | 795 |
| compensation and damages and all amounts of compensation and     | 796 |
| damages finally determined to be payable as a result of such     | 797 |
| vacation.  | 798 |
| The airport authority may adopt reasonable rules for the         | 799 |
| installation, construction, maintenance, repair, renewal,        | 800 |
| relocation, and removal of railroad or public utility facilities | 801 |
| in, on, over, or under any airport authority facility. Whenever  | 802 |
| the airport authority determines that it is necessary that any   | 803 |
| such facilities installed or constructed in, on, over, or under  | 804 |
| property of the airport authority pursuant to such rules be      | 805 |
| relocated, the public utility owning or operating such           | 806 |
| facilities shall relocate or remove them in accordance with the  | 807 |
| order of the airport authority. The airport authority shall pay  | 808 |
| the cost and expenses of such relocation or removal, including   | 809 |
| the cost of installing such facilities in a new location, the    | 810 |
| cost of any lands, or any rights or interests in lands, and any  | 811 |
| other rights, acquired to accomplish such relocation or removal  | 812 |
| as a part of the cost of the airport authority facility. In case | 813 |
| of any such relocation or removal of such facilities, the        | 814 |
| railroad or public utility owning or operating them, its         | 815 |
| successors, or assigns may maintain and operate such facilities, | 816 |
| with the necessary appurtenances, in the new location in, on,    | 817 |
| over, or under the property of the airport authority for as long | 818 |
| a period and upon the same terms as it had the right to maintain | 819 |
| and operate such facilities in their former location.            | 820 |
|  |     |

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

| authority shall be journalized, and the journal and the records  | 822   |
|--|-------|
| of the airport authority shall be open to public inspection at   | 823   |
| all reasonable times. Not later than the first day of April      | 824   |
| every year, an airport authority shall submit a report to the    | 825   |
| director of development detailing any major projects or          | 826   |
| activities of the airport authority during the previous calendar | 827   |
| year. The report shall include all aspects of those projects and | 828   |
| activities, including the progress and status of the projects    | 829   |
| and their costs, and any other information the director          | 830   |
| determines should be included in the report.                     | 831   |
|  | 0.2.0 |
| (B) Financial and proprietary information, including trade       | 832   |
| secrets, submitted by or on behalf of an employer to an airport  | 833   |
| authority or to a nonprofit corporation engaged by contract to   | 834   |
| provide services for an airport authority, in connection with    | 835   |
| the relocation, location, expansion, improvement, or             | 836   |
| preservation of the business of that employer, is not a public   | 837   |
| record subject to section 149.43 of the Revised Code. Any other  | 838   |
| information submitted by such an employer under those            | 839   |
| circumstances is not a public record subject to that section     | 840   |
| until that employer commits in writing to proceed with the       | 841   |
| relocation, location, expansion, improvement, or preservation.   | 842   |
| (C) Notwithstanding section 121.22 of the Revised Code,          | 843   |
| the board of directors of an airport authority and the board of  | 844   |
| trustees of a nonprofit corporation described in division (B) of | 845   |
| this section, and any committee or subcommittee of either, when  | 846   |
| considering information that is not a public record under this   | 847   |
| section, may close any meeting during the consideration of that  | 848   |
| information pursuant to a vote of the majority of the members    | 849   |
| present on a motion stating that such information is to be       | 850   |
| considered. No other matters shall be considered during the      | 851   |
| <u>closed session.</u>   | 852   |
|  |       |

| Sec. 4565.19. (A) The requirement in division (C) of             | 853 |
|--|-----|
| section 121.22 of the Revised Code that a member of a public     | 854 |
| body be present in person at a meeting open to the public in     | 855 |
| order to be part of a quorum or to vote does not apply to the    | 856 |
| board of directors of the airport authority if the board holds   | 857 |
| the meeting by interactive video conference or by teleconference | 858 |
| in the following manner:   | 859 |
| (1) The board establishes a primary meeting location that        | 860 |
| is open and accessible to the public.                            | 861 |
| (2) Meeting-related materials that are available before          | 862 |
| the meeting are sent via electronic mail, facsimile, hand-       | 863 |
| delivery, or United States postal service to each board member.  | 864 |
| (3) In the case of an interactive video conference, the          | 865 |
| board causes a clear video and audio connection to be            | 866 |
| established that enables all meeting participants at the primary | 867 |
| meeting location to see and hear each board member.              | 868 |
| (4) In the case of a teleconference, the board causes a          | 869 |
| clear audio connection to be established that enables all        | 870 |
| meeting participants at the primary meeting location to hear     | 871 |
| each board member.   | 872 |
| (5) All board members have the capability to receive             | 873 |
| meeting-related materials that are distributed during a board    | 874 |
| meeting.   | 875 |
| (6) A roll call voice vote is recorded for each vote             | 876 |
| <u>taken.</u>  | 877 |
| (7) The minutes of the board meeting identify which board        | 878 |
| members remotely attended the meeting by interactive video       | 879 |
| conference or teleconference.                                    | 880 |

| If the board proceeds under this division, use of an             | 881 |
|--|-----|
| interactive video conference is preferred, but nothing in this   | 882 |
| section prohibits the board from conducting its meetings by      | 883 |
| teleconference or by a combination of interactive video          | 884 |
| conference and teleconference at the same meeting.               | 885 |
| (B) The airport authority board of directors shall adopt         | 886 |
| rules necessary to implement this section. At a minimum, the     | 887 |
| rules shall do all of the following:                             | 888 |
| - area bharr ao arr or end rorrowing.                            | 000 |
| (1) Authorize board members to remotely attend a board           | 889 |
| meeting by interactive video conference or teleconference, or by | 890 |
| a combination thereof, in lieu of attending the meeting in       | 891 |
| person;  | 892 |
| (2) Establish a minimum number of board members that must        | 893 |
| be physically present in person at the primary meeting location  | 894 |
| if the board conducts a meeting by interactive video conference  | 895 |
| <u>or teleconference;</u>  | 896 |
|  |     |
| (3) Require that not more than one board member remotely         | 897 |
| attending a board meeting by teleconference is permitted to be   | 898 |
| physically present at the same remote location;                  | 899 |
| (4) Establish geographic restrictions for participation in       | 900 |
| meetings by interactive video conference and by teleconference;  | 901 |
|  |     |
| (5) Establish a policy for distributing and circulating          | 902 |
| meeting-related materials to board members, the public, and the  | 903 |
| media in advance of or during a meeting at which board members   | 904 |
| are permitted to attend by interactive video conference or       | 905 |
| teleconference; and  | 906 |
| (6) Establish a method for verifying the identity of a           | 907 |
| board member who remotely attends a meeting by teleconference.   | 908 |
| start mental and femaler, account a meeting by tereconterence.   | 200 |