

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 614

Representatives Patterson, Perales

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

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

directors of a port authority created by a combination of 198

political subdivisions shall be divided among the political 199

subdivisions in such proportions as the political subdivisions 200

may agree and shall be appointed by the participating political 201

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

appointment of members by a political subdivision creating its 203

own port authority. If a participating political subdivision is 204

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

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

legislative body, if the political subdivision has an elected 207

legislative body, or the political subdivision's elected 208

official or officials who appoint the legislative body of the 209

political subdivision shall appoint the members of a board of 210

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

political subdivision. If the electors of a participating 212

political subdivision do not elect either the legislative body 213

of the political subdivision or the official or officials who 214

appoint the legislative body of the political subdivision, the 215

participating political subdivision may not appoint any member 216

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

authority is created by a combination of political subdivisions, 218

the number of directors comprising the board shall be determined 219

by agreement between the political subdivisions, which number 220

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

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

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

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

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

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

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

section 4582.60 of the Revised Code. 254

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

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

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

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

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

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

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

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

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

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

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

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