

CHAPTER 164A  
Port Authority

12-067

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**164A.01 CREATION.**

A port authority to be known as the "Summit County Port Authority" (the "Port Authority") is hereby created. Effective April 1, 2012, the name of the Summit County Port Authority shall be changed to the "Development Finance Authority of Summit County" (the "Development Finance Authority") The ~~Port Authority~~ Development Finance Authority is hereby designated as an agency within the County of Summit, Ohio for economic development pursuant to ~~Ohio R.C. Sections 4582.21 to 4582.59~~ of the Ohio Revised Code ("ORC").

**164A.02 POWERS AND JURISDICTION.**

The ~~Port Authority~~ Development Finance Authority shall have territorial limits co-terminus with and including all of the territory within the boundaries of the County of Summit as they now or hereafter exist, and, in addition, if the ~~Port Authority~~ Development Finance Authority acquires ownership of or leases real property, or one or more railroad lines, the territorial limits of the ~~Port Authority~~ Development Finance Authority shall automatically be extended to include the territory on which such real property and railroad line or lines, terminals and related facilities are located, if and to the extent such real property, railroad rights of way and other related facilities extend outside the boundaries of the County of Summit. The ~~Port Authority~~ Development Finance Authority shall be a body corporate and politic which may sue and be sued, plead and be impleaded, and except as its powers are limited in this chapter, has the powers and jurisdictions now or hereafter given to it by statute, including, but not limited to the powers set forth in ~~Ohio R.C. ORC §4582.31~~, the exercise of those powers in cooperation and pursuant to agreements with other port authorities, counties, and other political subdivisions, the State of Ohio and its departments and agencies, and any joint office of economic development created pursuant to ~~Ohio R.C. ORC §307.07~~. The County may, from time to time, by subsequent ordinance, expand or restrict the permitted scope of the ~~Port Authority~~ Development Finance Authority's powers. No new restriction can impair any then current ~~Port Authority~~ Development Finance Authority agreements, contracts, notes, bonds, mortgage and security interests, and any

other documents or obligations in connection therewith. The exercise of those powers and jurisdiction by the ~~Port Authority~~ Development Finance Authority shall be deemed to be essential governmental functions of the State of Ohio.

#### **164A.03 BOARD OF DIRECTORS.**

The ~~Port Authority~~ Development Finance Authority shall be governed by a seven member board of Directors, each of whom shall serve for a term of three years. The Board members serving prior to the adoption of this section with terms expiring 12/31/99, 12/31/01, and 12/31/02, shall serve through those periods. The additional four members shall be appointed to staggered initial terms of two years terms for two members and one year terms for two members with the persons initially appointed to the two year terms serving through 12/31/00 and the persons initially appointed to the one year terms serving through 12/31/99. All of the members of the Board of Directors shall be appointed by the County Executive, and approved by County Council in accordance with the procedure provided by the County of Summit Charter. Board members shall be appointed from a variety of professions and disciplines, such as Labor, Engineering, Insurance, Legal, Financial, Transportation, Real Estate, and Planning. Upon the resignation or removal of a member of the Board or the expiration of a member's term of office, a new member of the Board shall be appointed in the same manner by the County Executive and approved by County Council. No member shall hold office as an elected Summit County official, be employed by the County of Summit nor shall they be appointed to any other Board or Commission by the County Executive.

The ~~Port Authority~~ Development Finance Authority board may with the consent of the Executive and the approval of County Council, request an increase in the total size of the board to nine or eleven members.

#### **164A.04 TERRITORIAL LIMITS EXPANDED.**

The territorial limits of the ~~Port Authority~~ Development Finance Authority may be expanded from time to time in the manner provided by statute.

#### **164A.05 DISSOLUTION.**

Subject to compliance with or assumption and satisfaction of the applicable requirements (if any) of any outstanding notes, bonds, contracts, or other obligations of the ~~Port Authority~~ Development Finance Authority, the ~~Port Authority~~ Development Finance Authority may be dissolved at any time upon enactment of an ordinance by the County Council; provided that upon dissolution, any real or personal property or combination thereof which has been received from or made available by the County shall be returned to the County. In the event of the dissolution, and after paying all expenses, debts and costs of the ~~Port Authority~~ Development Finance Authority, and subject to such rights of reversion or other property interests (if any) held by the United States of America in railroad rights of way or related property interests, any balance remaining in the ~~Port Authority's~~ Development Finance Authority's funds and any remaining real or personal property belonging to the ~~Port Authority~~ Development Finance Authority shall be distributed to the County.

#### **164A.06 ORGANIZATIONAL MEETING; NOTICE AND PLAN WITH FUTURE POWER RESTRICTION.**

The Clerk of Council, after consultation with the County Executive, shall give written notice of the time and place of the organizational meeting of the Board of Directors to the members of the Board at least five days prior to the meeting. The Clerk of Council shall also give public notice of the time, place and purpose of the organizational meeting of the Board to the news media at least twenty-four hours prior to the meeting. The Board at such organizational

meeting shall, pursuant to ~~Ohio R.C. ORC §4582.27~~, elect one of its members as chairman, another as vice- chairman and shall appoint a secretary who need not be a member of the Board. The Board shall prepare, or cause to be prepared, a plan for the future development, construction and improvement of the ~~Port Authority~~ Development Finance Authority pursuant to the provisions of ~~Ohio R.C. ORC §4582.32~~.

#### **164A.07 BOARD OF DIRECTORS QUALIFICATIONS.**

Each member of the Board of Directors shall be a qualified elector of, or have had a place of business or place of employment in, one or more of the political subdivisions within the area of the jurisdiction of the ~~Port Authority~~ Development Finance Authority as set forth herein for a period of at least three years prior the date of this section and shall remain such during the duration of his or her term.

#### **164A.08 REMOVAL OF BOARD MEMBER.**

Any member of the Board of Directors may be removed by the County Executive, with confirmation of County Council, for misfeasance, nonfeasance or malfeasance in office and/or for a member's being absent from five regular meetings of the Board of Directors during any one calendar year.

#### **164A.09 PERSONNEL.**

With the exception of the position of ~~Executive Director~~ President of the ~~Port Authority~~ Development Finance Authority, all ~~Port Authority~~ Development Finance Authority hirings, dismissals, promotions, reductions, classifications, reclassification, disciplinary action, and other personnel actions shall comply with the ~~Summit County~~ Codified Ordinances of the County of Summit and the rules of the County of Summit Human Resource Commission as each exists and as each may be amended in the future. The ~~Summit County~~ Port Authority Development Finance Authority shall be subject to the ~~Summit County's~~ County of Summit's Classification and Compensation Plan as it exists and may be amended in the future.

#### **164A.10 BUDGET APPROVAL.**

A copy of annual budgets adopted by the ~~Port Authority~~ Development Finance Authority's Board of Directors shall be filed with the Clerk of Council and the County Fiscal Officer each year no later than thirty (30) days after they have been adopted.

#### **164A.11 CHIEF FISCAL OFFICER; FINANCES.**

The ~~Summit County~~ Fiscal Officer shall be the Chief Fiscal Officer for the ~~Port Authority~~ Development Finance Authority for its general operations. Notwithstanding the foregoing, the ~~Port Authority's~~ Development Finance Authority's Secretary or Treasurer shall act as its Fiscal Officer as it relates to the specific project in which the ~~Port Authority~~ Development Finance Authority engages in furtherance of its economic development functions, under its business plan, as may be amended from time to time. As it relates to general operations, the County Fiscal Officer shall have authority to exercise over the ~~Port Authority~~ Development Finance Authority all the powers and authority vested in the County Fiscal Officer by ~~Ohio R.C. ORC~~ Chapter 5705, the County of Summit Charter, and the Codified Ordinances of the County of Summit as each exists or may be amended in the future.

#### **164A.12 COUNTY FISCAL OFFICER; CUSTODY, INVESTMENT OF FUNDS.**

The County Fiscal Officer shall have jurisdiction over the ~~Port Authority~~ Development Finance Authority's funds and shall exercise over the ~~Port Authority~~ Development Finance Authority all powers to receive, maintain and invest funds which the Ohio Revised Code, County

of Summit Charter and Codified Ordinances of the County of Summit currently vest in the County Fiscal Officer with respect to other County departments, offices and agencies or may vest in the future, unless the ~~Treasurer's~~ County Fiscal Officer's powers over the Port Authority and its funds are altered by ordinance of Council.

The County Fiscal Officer shall establish a separate interest bearing account for the investment of the ~~Port Authority's~~ Development Finance Authority's funds. All interest accruing on the ~~Port Authority~~ Development Finance Authority shall be deposited into the ~~Port Authority~~ Development Finance Authority's account and shall remain the property of the ~~Port Authority~~ Development Finance Authority.

#### **164A.13 CONTRACT PROCEDURES.**

The ~~Port Authority~~ Development Finance Authority shall provide to County Council and the County Fiscal Officer its policy of bid process and contract procedure awards.

#### **164A.14 TRAVEL.**

The Board of Directors shall establish a travel policy and procedure to govern all travel expenses incurred by the ~~Port Authority~~ Development Finance Authority. The Board shall promptly file a copy of its travel policy and procedure and any amendments thereto upon their adoption with the Clerk of County Council and the County Fiscal Officer.

#### **164A.15 ANNUAL REPORTS.**

The ~~Port Authority~~ Development Finance Authority shall submit an annual report to County Council regarding ~~Port Authority~~ Development Finance Authority's activities, including details on ~~Port Authority~~ Development Finance Authority's contracts, purchases and sales or leases of property and details on ~~Port Authority~~ the Development Finance Authority's receipt and expenditure of funds, including travel expenses.

#### **164A.16 AUDIT.**

The ~~Port Authority~~ Development Finance Authority shall be audited by the State Auditor's Office on a regular basis to be determined by the State Auditor. In conformance with the provisions of the Ohio Revised Code, the ~~Port Authority~~ Development Finance Authority may, with the prior approval of the State Auditor, hire an independent certified public accounting firm which firm shall conduct an annual audit of the ~~Port Authority's~~ Development Finance Authority's books and records. The Board shall file a copy of the final and completed audit with the Clerk of County Council within five (5) days of their receipt. Additional financial or management audits of the Development Finance Authority may be required by ordinance of County Council.

#### **164A.17 OPEN MEETINGS.**

All meetings of the ~~Port Authority~~ Development Finance Authority Board of Directors and Advisory Committee shall be open to the public as required by Section 5.03 of the County of Summit Charter, unless the subject matter under consideration is excepted by law. All meetings of the Board of Directors of the ~~Port Authority~~ Development Finance Authority shall be held in the ~~Port Authority~~ Development Finance Authority's offices or at such other location as the ~~Port Authority~~ Development Finance Authority may publish in any public notice which is required by law.

#### **164A.18 OPEN RECORDS.**

All records of the ~~Port Authority~~ Development Finance Authority shall be public records, unless otherwise exempt, as required by ~~Ohio R.C.~~ ORC Chapter 149 currently or as it is amended in the future.

**164A.19 BOARD RECOMMENDATIONS.**

The provisions set forth in Sections 164A.09, 164A.10, 164A.11, 164A.12, 164A.13, 164A.14, 164A.15, and 164A.16, shall remain in effect until the ~~Port Authority~~ Development Finance Authority Board presents its own recommendations for policies and procedures governing these areas and which recommendations must be submitted to and approved by the Executive and County Council.