

**RULES AND REGULATIONS
OF THE PORTAGE COUNTY PORT AUTHORITY
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**RULES AND REGULATIONS
OF THE PORTAGE COUNTY PORT AUTHORITY**

**ARTICLE I
Offices**

Section 1. Offices

The Board of Directors may establish and maintain a principal office within its jurisdiction and such branch offices as it may require.

**ARTICLE II
Meetings**

Section 1. Place of Meetings

All meetings of the Port Authority shall be held at a location as designated from time to time by the Chairman of the Board of Directors.

Section 2. Regular Meetings

Meetings shall be held on such date and at such time and place as shall be designated from time to time by the Chairman of the Board of Directors. Notice of such meetings shall be given to the Directors at least seven (7) days before the time of such meeting.

Section 3. Special Meetings

Subject to the requirements set forth in Article 11, Section 4, special meetings may be called at any time by the Chairman, the Vice Chairman or any three Directors, upon at least 24 hours notice given to each Director.

Section 4. Notice of Meetings

The Secretary of the Board shall establish a procedure, which shall provide for public notice of meeting of the Board of Directors of the Portage County Port Authority, which notice shall contain the time, place and date of any meeting of the Port Authority. Said procedure shall fully comply with the provisions of Section 121.22 of the Revised Code of Ohio and a statement of such procedures shall be open to public inspection at all reasonable times.

Section 5. Quorum

A majority of all the Directors of the Port Authority shall constitute a quorum for the transaction of business, but a lesser number may adjourn any meeting. The affirmative vote of a majority of the Directors shall be necessary to pass any resolution; a majority of the Directors present at any meeting shall be necessary to pass any motion or to conduct any other business, which may come before the meeting.

For purposes of these Rules and Regulations, "All the Directors" shall mean the total number of Directors' positions authorized by the Resolution establishing the Port Authority, whether or not any of such positions are vacant.

Section 6. Motions or Resolutions

Action of the Board of Directors shall be by resolution or motion. Resolutions shall be in written form. On the passage of every resolution or motion, the vote shall be entered in appropriate Journals.

Section 7. Journals

Minutes of all meetings shall be recorded in books, which shall be designated as the Journal of the Port Authority. With respect to each meeting, there shall be shown the date and place, the members present, a summary of things done, and a record of each vote taken. Resolutions adopted may be set forth in full in the minutes or identified by appropriate reference.

A separate Journal designated as the Resolutions Journal shall be kept, which shall set forth the full text of each resolution adopted by the Board of Directors, together with identification by appropriate numbering system, and a record of the date and the vote upon its adoption.

All Journals shall be open to public inspection at all reasonable times.

Section 8. Public Meetings

All meetings of the Board of Directors of the Port Authority shall be open to the public, provided, however, that the Board of Directors may hold an executive session at any regular or special meeting as provided for by Section 121.22 of the Revised Code of Ohio.

Section 9. Conduct of Meetings

Meeting of the Board of Directors shall be conducted in accordance with the following procedures:

- A. **Vote:** On the passage of every resolution or motion, vote shall be entered upon the appropriate Journal of the Port Authority. Any member of the Board of Directors shall be permitted to change his vote until roll call has been verified and result declared.
- B. **Absent Member.** Any member who was absent from a meeting may be permitted to have his vote recorded upon any question acted upon during his absence; provided that such vote shall not be counted, and such member shall not be entitled to move to reconsider action on the question voted upon.
- C. **Division of Question.** If any question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.
- D. **Order of Business.** The business of regular meetings of the Board of Directors shall generally be transacted in the following order:
 - 1. Roll Call
 - 2. Submission of minutes of preceding meeting
 - 3. Reports and communications from the Chairman, Secretary-Treasurer and the administration
 - 4. Other reports and communication
 - 5. Reports of standing committees
 - 6. Reports of special committees
 - 7. Considerations of pending resolutions and motions
 - 8. Introduction of new resolutions and motions

9. Other business
10. Adjournment

E. **Motions.** Motions shall be presented, second, and acted upon, in accordance with recognized parliamentary procedures. Upon request of any member, any motion shall be reduced to writing. Any motion may be withdrawn by the maker with the consent of the second before it has been amended or voted upon. All motions which have been entertained by the Chairman shall be entered upon the minutes of the meeting.

F. **Reconsideration.** After decision of any question, any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting; provided that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof.

G. **Acting Chairman.** In the absence of the Chairman and Vice Chairman, a quorum of the Board being present, the meeting shall be called to order by the Secretary for the sole purpose of entertaining a motion to nominate an Acting Chairman. An Acting Chairman shall then be selected by majority vote of the members present.

Section 10. Telephone meetings; telephone votes shall not be permitted. Voting by Proxy shall not be permitted.

ARTICLE III Directors

Section 1. General Provisions

Board members shall be appointed and shall serve according to the terms set by the Portage County Board of Commissioners. The powers of the board members are defined by Sections 4582.21 through Section 4582.59 of the Revised Code of Ohio and by the Portage County Board of Commissioners. Board members shall comply with local, state, and federal laws and regulations in the performance of their duties.

Section 2. Compensation

Members of the board shall not be compensated for their services as director.

Section 3. Reimbursement of Expenses

Members of the Board may be reimbursed for their reasonable expenses in the performance of their duties.

Section 4. Removal

The Board of Directors for the PA, in accordance with R.C. 4582.03, is appointed by the Board of County Commissioners "as it considers necessary". This same Revised Code section also states that "The board of directors [of the PA] **by rule may provide for the removal of a director who fails to attend three consecutive regular meetings of the board.** If a director is so removed, a successor shall be appointed for the remaining term of the removed director in the same manner provided for the original appointment."

A letter indicating that the removal was made should then be sent to the Board of County Commissioners. The Commissioners will then be free to appoint a new director to the PA.

ARTICLE IV

Officers

Section 1. General Provisions

The Board of Directors shall elect a Chairman and a Vice Chairman and appoint a Secretary-Treasurer, and an Assistant Secretary.

Section 2. Term of Office

Officers shall be elected at a meeting of the Board of Directors to be held in December of each year. They shall serve on a calendar year basis, and until their successors are elected and qualified.

Any officer may resign by giving written notice to the Secretary, or in the event of resignation of the Secretary, by giving written notice to the Chairman. Resignation shall be effective as of the date stated in such resignation. Notice of resignation shall be transmitted by the officer receiving the same to all members of the Board of Directors.

Section 3. Removal

All officers shall serve at the pleasure of the Board of Directors, and shall be subject to removal at any time.

Section 4. Vacancies

Vacancies in all offices shall be filled by the Board of Directors.

Section 5. Chairman

The Chairman shall be a member of the Board of Directors. He shall preside at all meetings of the Board of Directors, shall be an executive officer of the Port Authority and shall exercise supervision over the business of the Port Authority and over its officers and employees. He shall have authority to sign all contracts, releases, bonds, notes and other instruments and documents to be executed on behalf of the Port Authority requiring his signature, without derogation of the authority specifically granted by the rules or by the Board of Directors to other persons. He shall perform such other duties and have such other authority as may be prescribed by the laws of Ohio or may be assigned to him from time to time by the Board of Directors.

Section 6. Vice Chairman

The Vice Chairman shall be a member of the Board of Directors. He shall perform the duties and have the authority of the Chairman during the absence or disability of the Chairman, and shall preside at the meetings of the Board of Directors when and while the Chairman shall vacate the Chair. The Vice Chair shall perform such other duties and have such other authority as may be assigned to him from time to time by the Board of Directors or the Chairman. At the request of the Chairman, or in his absence or disability, the Vice Chairman shall perform all the duties of the Chairman, and when so acting shall have all the powers of the Chairman. The authority of the Vice Chairman to sign in the name of the Port Authority all contracts, releases, bonds, notes and other instruments and documents to be executed on behalf of the port Authority shall be coextensive with like authority of the Chairman.

Section 7. Secretary-Treasurer

- A. The Secretary shall also be the Treasurer of the Port Authority. The Secretary-Treasurer need not be a member of the Board of Directors.
- B. Before entering upon his/her duties, the Secretary-Treasurer shall give a surety bond to the Portage County Port Authority in a sum to be determined from time to time by the Board of Directors. Such bond shall be conditioned upon the faithful performance of the duties of the office, to be executed by sureties satisfactory to the Port Authority. The cost of such bond and any other bonds required by these Rules and Regulations shall be paid by the Port Authority.
- C. The Secretary-Treasurer shall attend all meetings of Board of Directors and shall keep accurate records of the proceedings at such meetings, which shall be attested by the Secretary-Treasurer. The Secretary-Treasurer shall have such authority and perform such duties as are provided by law and such as may, at any time and from time to time, be delegated to the Secretary-Treasurer by the Board of Directors.
- D. The Secretary-Treasurer shall cause to be kept accurate books of account of all transactions on behalf of the Port Authority.
- E. The Secretary-Treasurer shall have the care and custody of the funds of the Port Authority and may on behalf of the Port Authority endorse for deposit or collection all drafts, checks, notes and other instruments and orders for the payment of money to the Port Authority of its order, and to sign receipts. Therefore, the Secretary-Treasurer shall also be empowered on behalf of the Port Authority to endorse checks on which the Port Authority is designated as a joint payee for its own protection under leases, contracts, insurance settlements and other documents; and to deliver such checks to the other payees or such other persons as are properly entitled to receive the same; and to report each transaction of this nature to the Board of Directors.
- F. The Secretary-Treasurer shall have authority to sign, on behalf of the Port Authority, all vouchers for payments to be made by the Port Authority and checks, drafts, notes and other obligations of the Port Authority for the payment of money by the Port Authority in the manner and to the extent provided in these Rules and Regulations.
- G. The Secretary-Treasurer shall, from time to time, with the approval of the Board of Directors, allocate and reallocate the funds of the Port Authority into inactive funds, active funds and special funds, as provided or permitted by law.
- H. The Secretary-Treasurer shall assist in the preparation of the annual budget and appropriations; shall maintain operations and expenditures within the budget and appropriations and shall establish budget procedures and maintain supervision over budget control.
- I. The Secretary-Treasurer shall be secretary to all committees, and when directed by the chairman of any committee, shall cause minutes of each meeting to be kept.
- J. The Secretary-Treasurer shall have such other authority and perform such other duties as are conferred by law upon or incident to the office of Secretary-Treasurer of an authority, board, commission or

business organization. The Secretary shall be deemed to have discharged his responsibilities under these rules if he shall have caused the same to be discharged by an assistant or employee properly authorized or assigned to the Secretary-Treasurer by the Board of Directors, except as to any duties which under the law can be discharged only by the Secretary-Treasurer of a Port Authority, pursuant to the provisions of Chapter 4582 of the Revised Code of Ohio.

- K. The Secretary-Treasurer shall have authority to sign, on behalf of the Port Authority, powers of attorney required by the Department of Treasury and the United States Customs Service.
- L. The Secretary-Treasurer may be compensated for his/her services such sum of money as the Board of Directors may determine and may be reimbursed for reasonable expenses incurred in the performance of these duties.

Section 8. Assistant Secretary

The Board may appoint an Assistant Secretary who need not be a member of the Board of Directors. The Assistant Secretary shall serve in the absence of the Secretary and shall have all of the powers, responsibilities and authority of the Secretary when operating in this capacity.

Section 9. Delegation of Duties

There is reserved in the Board of Directors the authority, from time to time, to delegate, transfer or assign duties, to the extent permitted by law.

Section 10. Execution of Instruments

A. Deeds, Leases, Contracts and Other Agreements

Deeds, leases, contracts, agreements and all other documents excepting those referred to in Paragraph B below, shall be signed by the person or officer specified in any pertinent statute as the person or officer required to execute such instrument. If no such statutory requirement exists, such instruments shall be signed by the Chairman or Vice Chairman, and by the Secretary-Treasurer, but the Board of Directors may at any time or from time to time designate one or more of its members or any other employee or officer to execute any such instrument for and on behalf of the Authority.

B. Checks Drafts, Etc.

Checks, drafts, notes, bonds and other instruments requiring the payment of sums of money shall be executed with two signatures: one being of the Chairman or Vice-Chairman, and the other being the Secretary-Treasurer.

The Board of Directors may at any time or from time to time designate one or more of its members or any other employee or officer to execute any such instrument for and on behalf of the Authority.

Section 11. Indemnification

- A. Except for civil actions in which the Port Authority is the plaintiff, the Port Authority shall indemnify a director, officer or employee from liability incurred in the performance of his or her duties to the full extent permitted by law or as limited by this Section 11. The maximum aggregate amount of

indemnification paid directly from Port Authority Funds to or on behalf of any director, officer or employee pursuant to this paragraph shall be One Million Dollars \$1,000,000.00 per occurrence.

- B. The Port Authority shall not indemnify a director, officer or employee under any of the circumstance enumerated in Section 4582.27 (C) (2) of the Ohio Revised Code.
- C. The Port Authority shall 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 Ohio 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 his or her duties.

ARTICLE V

Committees

Section 1. Committees

The Chairman may, from time to time, create committees, and appoint members and chairman therefore.

Section 2. Committee Meetings

In the absence of a Chairman or Vice Chairman, a quorum of any committee being present, a temporary chairman shall be selected by majority vote of the members present.

Section 3. Advisory Board

The Board of Directors may maintain and name the members of an Advisory Board.

ARTICLE VI

Annual Budget, Appropriations and Contracts

Section 1. Annual Budget

The Board of Directors shall annually prepare a budget for the Port Authority.

Section 2. Appropriation Resolution

No money shall be appropriated except by resolution. All resolutions pertaining to fixing a tax rate, appropriating money, issuing bonds, creating any special fund, or creating a liability on the part of the port authority for the payment of money shall be authorized by the favorable vote of a majority of the members of the Board of Directors.

Except as otherwise specifically limited, the adoption of a resolution appropriating money shall be deemed to include the authorization to make expenditures, enter into contracts, and to perform such other acts as are necessary and incidental thereto.

Section 3. Contracts

No contract involving an expenditure or commitment by the Port Authority of \$2,500.00 or more shall be made unless the same shall have been authorized by resolution of the Board of Directors. Contracts involving expenditures of less than \$2,500.00 may be made by the Chairman.

Section 4. Audits

The Board of Directors shall have an audit performed annually by an independent certified Public accountant or by the Auditor of State.

Section 5. Fiscal Year

The fiscal year shall be January 1 through December 31.

**ARTICLE VII
Administration**

Section 1. General Provisions

The Board of Directors shall provide for the administration of the Port Authority in accordance with Section 4582.21 through Section 4582.59 of the Revised Code of Ohio and other local, state and federal law.

**ARTICLE VIII
Construction and Amendment**

Section 1. Construction & Separability

Each rule and regulation herein set forth shall be construed, if possible, in a manner consistent with the laws of Ohio, if and to the extent that any rule and regulation shall be deemed in conflict with any such law, such rule and regulation shall be void, but each rule and regulation shall be deemed separable from every other rule and regulation and its invalidity shall not affect any other rule or regulation.

Section 2. Amendment

These rules and regulations may at any time be amended or supplemented by majority vote of the Board of directors.

**ARTICLE IX
Public Records Policy
Adopted June 3, 2008
Resolution 08-002**

**PORTAGE COUNTY PORT AUTHORITY BOARD OF DIRECTORS
PUBLIC RECORDS POLICY**

This policy is not intended to be legal advice. The policy contains a general template for addressing the requirements imposed by House Bill No. 9 mandating that each public office have a public records policy

located: (1) at every location in which the public may access the public office's records; (2) in the public office's policies and procedures manual; and (3) with each of the public office's records custodians. The policy does not include legal authority for denying specific public records requests. Incorporation of these types of disclosure exemptions should be reviewed by legal counsel before implementation. Additionally, the template provided requires further explanation in order to make the policy administratively and operationally effective for a public office.

I. Purpose:

The Portage County Port Authority Board of Directors acknowledges that it maintains many records that are used in the administration and operation of the organization. In accordance with state law and the Portage County Records Commission, the Portage County Port Authority Board of Directors has adopted the General Records Schedule that identifies these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Portage County Port Authority Board of Directors and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Directors' office. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by the Port Authority Office and the ability to access them are a means to provide trust between the public and the Port Authority.

II. Scope:

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of the Port Authority's public records policy. (R.C. 149.43(E)(2)).
- B. The Port Authority's public record policy, as well as the Portage County Port Authority's Retention Schedule/General Records Schedule is located at every location in which the public may access the Port Authority records.
- C. The Port Authority public records policy is located in the Port Authority's Rules and Regulations (By-Laws) manual.
- D. The Port Authority will display a poster which generally describes the Board of Directors' public records policy at every location in which the public may access the Port Authority records.

III. Fees:

- A. The Portage County Port Authority Board of Directors, in accordance with Section 149.43 of the Revised Code, has established the following fees for provided copies or reproductions of public records maintained by the Port Authority:
 - 1. For photocopies of either letter or legal size documents, the fees shall be five cents (5 cents) per photocopy, with the first five (5) copies free of charge. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of five cents (5 cents) per sheet.

2. For video tapes, CD's, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
3. Established costs/fees under this policy shall be clearly posted and visible for the public at all locations authorized to provide copies of public records.

IV. Availability

Inspection

- A. All public records maintained by the Port Authority shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the Portage County Port Authority's current records retention schedule(s). (R.C. 14943.(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request)). Regular business hours for the Port Authority Office are Monday through Friday (except holidays), from 8:00 AM to 4:30 PM.
- B. For the purpose of enhancing the ability of the Port Authority to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the Port Authority Office shall provide to the requester the Directors' *Public Records Request* form to the requester to complete.
 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although the Port Authority staff may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requestor's refusal to complete the *Public Records Request* form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.42(B)(5)).
 3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Port Authority whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Board of Directors.

- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Portage County Port Authority Board of Directors that may not be inspected or copied.
1. Portage County Port Authority Board of Directors' Departmental known records which are exempt from disclosure.

Public Records Request

A. Mailed Requests for Public Records:

1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the Port Authority shall promptly respond to the request.
2. An authorized employer of the Port Authority shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
3. When practical, the Port Authority may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the Port Authority shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the Port Authority maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the Port Authority , or the responsible Port Authority employee for the public record. (R.C. 149.43(B)(6)(7)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. R.C. 149.43(B)(6)).
4. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the Portage County Port Authority Board of Directors limits the number of requested public records, to be transmitted through the U.S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

5. Authorized Port Authority employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. Port Authority employees shall promptly process requests.
 - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the Port Authority shall be processed in the following manner:
 1. If the Port Authority receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing the *Public Records Request* form that one of the following applies:
 - a. Their request involves records that have never been maintained by the Port Authority;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Portage County Port Authority's General Records Schedule/ Record Retention and Disposition;
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-time Records Disposal (RC-1);
 - d. If the record that is requested is not a record used or maintained by the Port Authority, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the Port Authority is under no obligation to create records to meet public record requests.
- B. Ambiguous or Overly Broad Request for Public Records
If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Port Authority responsible for the requested public record cannot reasonably identify what public records are being requested.
 1. The Board of Directors may deny the request.
 2. However, the Board of Directors shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are

maintained by the Port Authority Office in the ordinary course of business. (R.C. 149.43(B)(2)).

C. Denial of a Record Maintained by the Portage County Port Authority Board of Directors.

The Directors may deny a request for a record maintained by the Port Authority if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the Portage County Port Authority shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the *Public Records Request* form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in party or in whole, the Portage County Port Authority Board of Directors shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the Portage County Port Authority Board of Directors from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redacting Exempted Records/Procedure

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code (R.C. 149.43)(A)(11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - b. If a request is ultimately denied, in part or in whole, the Port Authority shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43(B)(3)).

2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the Port Authority shall make available all of the information within the public record that is not exempt.
3. When making that public record available for public inspection or copying that public record, the Port Authority shall notify the requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

Remedy

A. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact the Port Authority designee at (330) 297-3470.
 - b. If the person is not satisfied after contacting the departmental designee, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

V. Training and Education

The Portage County Port Authority continues to update and address all education, training, disclosure and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

PUBLIC RECORDS REQUEST

The Portage County Port Authority is dedicated to providing the highest quality of customer service in accordance with Ohio's Public Records Act. *Your request is not required to be in writing, nor is it required that your name or intended use of the requested records be disclosed.* The information contained on this form is solely intended to enhance our ability to respond to your request in a timely and reasonable manner. Our office is under no obligation to create records to meet public record requests, but will prepare and make available those records which do comply with your request. If we cannot reasonably identify what public records you are requesting, you may revise your request and we will explain to you the manner in which the office's records are maintained

To be completed by employee if not completed by the requester based on nature of the request.

Name of Requester*	Today's Date
Street Address	City, State, ZIP
Phone Numbers (please indicate cell, land line or pager)	E-mail Address

INFORMATION REQUESTED: *Please be specific.* Records sought must be identified with sufficient clarity in order to allow this office to identify, retrieve and review the records. The records custodian is available to assist by advising you of the manner in which records are kept.

Please Print.

Type of Record Requested _____ Relevant Date(s) _____

Description

For additional space, please use the reverse side of this form.

COMPLETED RESPONSE

Date Requester Notified _____ By: _____ Via: _____
 (Employee) (Phone #, mail, e-mail)

Date Response Mailed, Picked Up or Inspected (Circle one) _____

Total Cost \$ _____ including actual postage cost of \$ _____

Number of copies requested _____ @ \$.05 Per
 Page

First Five (5) Copies are Free of Charge

Total fee \$ _____

Copies of other materials _____ @

Total fee \$ _____

Record(s) not available:

Record has never been maintained by the Port Authority

Record is no longer maintained or has been disposed of or transferred pursuant duly enacted record retention policies

Record(s) contained non-releasable material that has been visibly redacted in accordance with State or Federal Law

Record is prohibited from release due to the following State or Federal Law:

Peace officer, firefighter, EMT, employee residential and familial information or photographs

O.R.C. §149.43(A)(1)(p); State ex rel. Plain Dealer Publishing Company v. Cleveland, 106 Ohio St.3d 70; State ex rel. Dispatch Printing Company v. Johnson, 106 Ohio St.3d 160

Social Security Numbers

5 U.S.C.A. §552a; State ex rel. Beacon Journal Publ. Co. v. City of Akron (1994), 70 Ohio St.3d 605

Medical Records

O.R.C. §149.43(A)(1)(a) and (A)(3)

Trial Preparation Records

O.R.C. §149.43(A)(1)(g) and (A)(4)

Confidential Law Enforcement Investigatory Records

O.R.C. §149.43(A)(1)(h) and (A)(2)

Records Concerning Recreational Activities of People Under Age 18

O.R.C. §149.43(A)(1)(r); State ex. Rel. McCleary v. Roberts (2000), 88 Ohio St.3d 365

Trade Secrets

O.R.C. §122.36; O.R.C. §1333.61(D)

Tax Information

O.R.C. §5703.21(A), §5709.081(D), §5711.10, §5711.101, §5715.49, §5715.50, §5747.18(C)

Attorney-Client Privilege

O.R.C. §2317.02

State or Federal Privacy Requirements

State of Ohio Constitution; United States Constitution

Portage County Port Authority

PUBLIC RECORDS POLICY POSTER

THE COMPLETE POLICY AND ANY PUBLIC RECORDS
MAY BE OBTAINED AS FOLLOWS

CONTACT PERSON: Deborah Mazanec, Secretary-Treasurer

LOCATION: Portage County Port Authority Office
128 North Prospect Street, Ravenna, Ohio

CONTACT TIMES: 8:00 AM – 4:30 PM

COST: Records may be inspected without cost

Paper copies are five (5) cents per page (1st five pages are free), unless a specific fee is otherwise established by law.

Copies in other medium are charged at actual cost.

Payment for copies must be made in advance. Correct change or Checks made payable to Portage County Port Authority. Once payment is made and copies are ready, the documents will be released.

AVAILABILITY: Records will be made available promptly and within a reasonable time to allow exempt information to be redacted in accordance with Ohio Revised Code 149.43.

PORTAGE COUNTY PORT AUTHORITY BOARD OF DIRECTORS
GENERAL RECORDS SCHEDULE
Resolution 08-016 – December 2, 2008

These schedules list records that are commonly found in many offices and departments. Local governments may enact a General Schedule that covers all departments or may have each department enact their own schedule that incorporates these records.

ACCIDENT REPORTS/FILES	
Bodily injury to non-employee	Six years provided no action pending
Employee injury reports	Place in personnel file
Damage to county vehicle	6 years provided no action pending
ACCOUNTS RECEIVABLE LEDGER AND DOCUMENTS	Three years provided audited
ACTIVITY REPORTS	Two years
AGENDAS	Two Years
ANNUAL COUNTY BUDGETS	Permanent
ANNUAL DEPARTMENTAL/OFFICE BUDGET	Five years
ANNUAL REPORTS	Permanent
APPLICATION FOR EMPLOYMENT (Unsuccessful/Not Hired)	One year after receipt
ATTENDANCE REPORTS/RECORDS	Three years
AUDIOVISUAL, PR & TRAINING MATERIALS	Until information is superseded, obsolete, or replaced. Appraise for historical value
AUDIT REPORTS (FEDERAL, STATE & INTERNAL)	Five years
AUTOMATIC DATA PROCESSING AND	Erase when no longer of administrative value
ELECTRONIC DATA PROCESSING MEDIA	Separately schedule any ADP or EDP media, which is to be maintained as a file or record series.
BADGES AND IDs	Turn in upon termination of employment

BANK DEPOSIT RECEIPTS	Three years provided audited
BANK STATEMENTS	Three years provided audited
BLANK FORMS	Until obsolete or superseded
BLUE PRINTS/VELLUMS	Until updated, superseded or obsolete. Appraise for historical value
BIDS (Successful)	<p>A. Copies of successful bids to provide goods and/or services. Three fiscal years after expiration of contract.</p> <p>B. Original, if made part of a contract and filed with contract. Fifteen years after expiration of contract.</p>
BIDS (Unsuccessful)	Two years after letting of the contract.
BOND COUPONS	Two years provided audited
BOND REGISTERS	Twenty years after issue called or redeemed
BONDS (Redeemed)	Two fiscal years after redeemed, provided audited
BUDGET PREPARATION DOCUMENTS (Working Papers)	Four years
BULLETINS, POSTERS, AND NOTICES TO EMPLOYEES	Until no longer administratively necessary
CALIBRATION RECORDS	Five years
CANCELED CHECKS	Three years provided audited
CASH BOOKS AND CASH JOURNALS	Three years provided audited
CHECK REGISTERS	Three years provided audited
CLAIMS AND LITIGATION RECORDS	Five years after case is closed and appeals are exhausted

COMPLIANCE REPORTS	Five years
CONTINUING EDUCATION CERTIFICATIONS/CLASS/ SEMINARS/TRAINING ATTENDANCE RECORDS	Place in personnel file
CONTRACTS	Fifteen years after expiration
COPIES OF RECORDS	Destroy when no longer of administrative value
CORRESPONDENCE	
Routine Form Letters	One year
General	Two years
Executive	Five years
DELIVERY SLIPS/PACKING SLIPS	Two years
DESK/APPOINTMENT CALENDAR	Three months after the end of the calendar year
DISASTER PLANS	Until updated or superseded
DISPATCHER RADIO/TELEPHONE CALLS/AUDIO RECORDINGS	Thirty days, erase and reuse provided no action pending
DRAFTS	Until no longer administratively necessary
DRAWINGS, TRACINGS, MYLARS	Until updated, superseded, or obsolete. Appraise for historical value
ELECTRONIC MAIL (e-mail)	Retain according to content. Contact the LGRP for more information about retaining electronic mail
EQUIPMENT INVENTORIES	Three years
EQUIPMENT MAINTENANCE RECORDS	Life of the equipment
EXPENSE RECORDS	Three years
FAX	
Logs	One year

Messages	Treat as correspondence
FEDERAL GRANT FILES, SUPPORTING FINANCIAL RECORDS AND DOCUMENTS	Five years provided all State or Federal audits have been conducted, the audit reports released and all litigation, claims, or audit findings have been resolved
FLOW CHARTS (OPERATIONS)	Two Years
FUEL USAGE RECORDS	Three years
GENERAL ORDERS, DIRECTIVES, POLICIES, RULES, REGULATIONS OR PROCEDURES	Until superseded, retain one copy until audited
HEARINGS	
Audio and video recordings	One year
Report of proceedings	Permanent
Transcripts	Five years
INSURANCE POLICIES	Two years after expiration, provided all claims settled
INVENTORIES (Annual of County Property)	Three years provided audited
INVOICES (Paid)	County auditor record copy, three years, provided audited. Duplicate copies two years.
JOB DESCRIPTIONS	Until superseded or classification abolished
LEASES	
Equipment	Two years after expiration
Real estate	Five years after expiration, provided audited
LEAVE REQUESTS (Sick and Vacation)	Three years provided audited
LICENSES, PERMITS, CERTIFICATIONS	One year after expiration
MAIL	
Unsolicited mail	Until no longer administratively necessary
Postal records	Two years

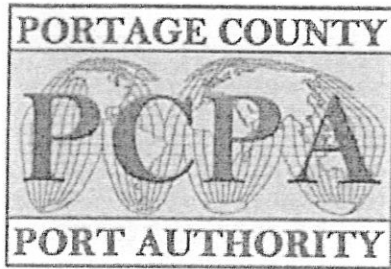
MAILING LISTS	Until updated, superseded or obsolete
MANAGEMENT AND OPERATIONS REPORTS	
Monthly/quarterly/Semiannual	Until incorporated in an annual report
Annual	Five years
Consultant	Five years
MANUALS, HANDBOOKS, AND DIRECTIVES	Until superseded, obsolete, or replaced. Retain one file copy for five years
MATERIAL SAFETY SHEETS	Until superseded
MEETING NOTICES	One year
MEMORANDA	Use correspondence periods
MINUTES OF MEETINGS	
Official Copy	Permanent
Audio and video recordings	One year provided information concern the meeting is substantially transcribed to hardcopy
Drafts/Notes	Until official minutes are approved
911 SYSTEM	
Documentation	Life of system
Logs	Three years
Printouts	One year
Recording Tapes	Thirty days then reuse provided no action
OATHS OF OFFICE OF ELECTED OFFICIALS	Ten years after leaving office
OFFICIALS. BONDS	Ten years after expiration
PAY-INS TO TREASURY RECORDS	Three years provided audited
PERSONNEL FILES	Two years after employee terminates purge extraneous records. Retain retirement waivers, service record and leave balances.
PETTY CASH RECORDS	Three years provided audited

PLATS AND MAPS	Permanent
PHOTO FILE	Until information is no longer current. Appraise for historical value
PRELIMINARY DRAFTS OF LETTERS, MEMORANDA, WORKSHEETS, REPORTS, AND THE PREPARATION OF RECORDED INFORMATION	Destroy when no longer of administrative value to the office
PRESS/NEWS RELEASES	Three years
PRINTING ORDERS	Three years
PROFESSIONAL ASSOCIATION RECORDS	Destroy when no longer of administrative value
PROJECT PLANS/DRAWINGS	Life of project or obsolete. Appraise for historical value
PUBLICATION STOCK	Thirty days after obsolescence
PUBLICATIONS (created by the local government)	Until superseded or obsolete. Retain one copy permanently
PURCHASE ORDERS	Three years provided audited
RECEIPT DOCUMENTS	Two years provided audited
RECEIVING DOCUMENTS	Three years
RECORDS OF ACCRUED FEES	Three years provided audited
RECORDS OF RECEIPTS AND EXPENDITURES	Ten years
RECORDS REQUESTS	Two years
RECORDS DOCUMENTS (RC-1, RC-2, RC-3)	Permanent
REFERENCE/LIBRARY MATERIALS	Until superseded, obsolete or replaced
REQUISITIONS	Three years
RESEARCH FILES	Five years

ROSTERS/DIRECTORIES	One year after superseded or obsolete
SCRAPBOOKS/YEARBOOKS	Appraise for historical value
SPEECHES/PRESENTATIONS	Three years
STATISTICAL REPORTS	
Monthly/Quarterly/Semiannual	Until incorporated into annual report
Annual	Five years
Consultant produced	Five years
SURVEYING/ FIELD NOTES	Permanent
SURVEILLANCE TAPES/VIDEOS	Thirty days then reuse provided no action pending
TABLE OF ORGANIZATION/ORGANIZATIONAL CHARTS	Until superseded
TAPE RECORDINGS, VIDEO RECORDINGS & SHORT-HAND NOTES	
	One year after transcribed or minutes approved. Exceptions: two years for Statutory Boards and Commissions.
TELEPHONE RECORDS	
Messages	Until no longer of administratively necessary
Charges/Bills	Two years, provided audited
Documentation	Life of system
Service record	Two years
System equipment inventory	Continually updated, retain superseded data one year
TIME CARDS, TIME SHEETS, PAYROLL SIGN IN SHEETS	Three years, provided audited
TRAINING MATERIAL/LESSON PLANS	Until superseded
TRAVEL EXPENSE REPORTS	Three years provided audited
UNIFORM RECORD	Three years provided audited
VEHICLE MAINTENANCE RECORDS	Until vehicle sold
VEHICLE MILEAGE RECORDS	Until vehicle sold

VISITORS. LOG OR SIGN-IN SHEETS	One year
VOICE MAIL	
Messages	Until no longer administratively necessary
System Documentation	Life of system
VOUCHER REGISTERS	Three years provided audited
VOUCHERS	Three years provided audited
WARRANT REGISTERS/JOURNALS	Three years provided audited
WARRANTS (Paid)	Three fiscal years provided audited
WORK ORDERS	Two years
WORK SCHEDULES	One year after schedule changed

Port Authority



Board of Directors

Thomas V. Chema
T.N. Bhargava
David Dix
Jack Kohl
Neil Mann, Jr.
Steven P. McDonald
James A. Wyatt, Jr.

TO: Elizabeth M. Murphy, Secretary
Securities and Exchange Commission

FROM: Jack Kohl, Chairman
Portage County Port Authority

DATE: February 22, 2011

RE: Comments on the Proposed Registration of Municipal Advisors

The Portage County Port Authority Board of Directors appreciates the opportunity to submit comments in connection with SEC Release No. 34-63576 concerning the proposed rules regarding registration requirements applicable to municipal advisors.

The Board of Directors opposes the proposed definition of municipal advisors to include appointed members to governing bodies. Instead, we suggest that the SEC exclude all governing body members from the municipal advisor definition.

Governing boards of a state or local government are comprised of appointed member. The Portage County Port Authority Board of Directors is appointed by the Portage County Board of Commissioners, which is a body of elected officials. Appointed members of governing bodies, especially an entity like Port Authority, are typically citizen or business volunteers who are interested in serving for the public good, and often have special expertise that is critical to the effective functioning of the governing body. Having the federal government impose requirements on appointed state and local governing board members could deter qualified citizens from participating on these boards and the Authority's ability to attract strong volunteer board members will be greatly hindered by this rule.

We urge the SEC to reconsider its proposed ruling, which would require board members to register as municipal advisors. Thank you for the opportunity to submit these comments.

4582.02 Creation of port authority.

Any municipal corporation, township, county, or any combination of a municipal corporation, municipal corporations, township, townships, county, or counties, none of which was included in a port authority in existence on December 16, 1964, may create a port authority. A municipal corporation shall act by ordinance, a township shall act by resolution of the township trustees, and a county shall act by resolution of the county commissioners, in authorizing the creation of a port authority. A port authority created pursuant to this section is a body corporate and politic that may sue and be sued, plead and be impleaded, and has the powers and jurisdiction enumerated in sections 4582.01 to 4582.20 of the Revised Code. The exercise by the port authority of the powers conferred upon it shall be considered to be essential governmental functions of this state, but no port authority is immune from liability by reason thereof.

Effective Date: 05-17-2000.