

* * * * *

The Board of Directors of the Portage County Port Authority met in the Portage County Regional Planning Commission Conference Room located at 124 North Prospect Street in Ravenna, Ohio on Tuesday, June 3, 2008 at 2:00 PM with the following members present:

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

* * * * *

Also Present: Portage County Commissioners Christopher Smeiles, Charles W. Keiper II, and Maureen T. Frederick; Auditor Carol Kurtz; Attorney Denise Smith; Assistant Director for the Garfield Institute for Public Leadership Kathy Luscek; Portage County Department of Economic Development Director Bill Ulik; Secretary-Treasurer Deborah Mazanec; Assistant Secretary Diana Fierle

* * * * *

The meeting was called to order by Chairman Chema. Secretary-Treasurer Mazanec confirmed that the meeting was advertised in the Record Courier Newspaper on Sunday, May 18, 2008 in accordance with the state Sunshine Laws and the Port Authority Bylaws.

* * * * *

APPROVAL OF OFFICIAL MINUTES

Motion by David Dix to approve the March 4, 2008 meeting minutes, as presented. Seconded by T.N. Bhargava, all in favor, motion carries.

* * * * *

REPORTS AND COMMUNICATIONS

A. Chairman Thomas V. Chema

Chairman Chema noted that he attended the May 7, 2008 legislative meeting of the Ohio Council of Port Authorities in Columbus. Ohio Department of Development staff was present including senior staff, as well as several General Assembly members, although Mr. Chema was able to meet other Ohio Port Authority Directors and Board Members. The interface was worthwhile and the networking opportunity was good. The agenda included presentations and the Columbiana County Port Authority Director Tracy Drake was a speaker. The Portage County Board of Directors may want to discuss the Columbiana County efforts at some time in the future.

Chairman Chema met with Adam Wasserman, President and CEO of the Cuyahoga County Port Authority. Mr. Wasserman noted that there is a de-emphasis for the Cuyahoga County Port Authority on the financing aspect since there are other funding vehicles available. The new emphasis appears to be on recreating maritime business in the Port of Cleveland, collaborating with Lucas County (Toledo) and other Ports on the lake like Lorain County and Ashtabula County. The Port Authority is working to develop container transport on

the lake again, which could lead to an opportunity for Portage County, since we are on the corridor for north/south transportation

Cuyahoga County Port Authority is also interested in using land on Lake Erie owned by the Port Authority for economic development for new industries.

B. Secretary-Treasurer

Ms. Mazanec reported a checking account balance of \$13,882.20 as of April 30, 2008 and a MMA balance of \$127,876.51 as of April 30, 2008.

C. Legal Counsel Denise Smith - no report at this time

D. Internal Auditor Carol Kurtz

Ms. Kurtz reported that she reconciled the Port Authority records with the bank statements and the Secretary-Treasurer's report is correct.

E. Representative to the Ohio Port Authority Council

Director T.N. Bhargava – None

Director Jack Kohl –None

F. Standing Committee Reports – None

G. Special Committee Reports – None

*

*

*

*

*

DISCUSSION

Mr. Chema introduced Portage County Commissioner Chris Smeiles, who is attending today to discuss the role of the Portage County Department of Economic Development and Port Authority Ex Officio Member/PCDED Director William Ulik. Commissioner Smeiles introduced Mr. Ulik to the Board of Directors.

Commissioner Smeiles stated that the vision of the Commissioners is to collaborate with all the different county governmental entities and industry. The Stark County model appears to be one that interests the Board of Commissioners and appears to be working.

Mr. Ulik noted that he is happy that the Port Authority is established and active. Port Authorities in Ohio have incredible powers via the Ohio Revised Code and are effective local tools for expansion or development. For example, the Solid Waste Management District is considering an expansion, which might be a project for Port Authority consideration.

Commissioner Keiper and Director Ulik visited the Stark County Port Authority last week, which the Portage County Port Authority may want to emulate. The Stark County model is a 501 C (3), is not affiliated with the county government at all, and has a 45 member board. Funding is derived from dues from county communities and organizations, with 20% of funds generated by fees. The Stark County Port Authority is not dependent upon governmental grants for funding.

Commissioner Smeiles stated that the Board of Commissioners has had discussions with Kent, Ravenna, Streetsboro and Aurora about joining our efforts and there is a bit of resistance. The question is how each entity can know that they will not be “lost in the shuffle”. The solution may be that each entity has a representative on another entity the Board to watch over the interest of their city.

The Commissioners suggest that the Portage County Port Authority pay \$15,000 in dues in lieu of paying a share of Bill Ulik’s salary and benefits.

Commissioner Chuck Keiper noted that the most successful model he has seen is based on the Stark County model. Within the next few months, he would hope to find community leaders to help steer this effort.

Chairman Chema asked who the founders would be. Commissioner Smeiles responded the Port Authority, Kent State University, Ravenna, Kent, Streetsboro should work together to combine efforts and not duplicate efforts. This should not be a public process; the public would be more trusting of a separate entity.

Commissioner Keiper added that we must engage the private sector in this process.

David Dix asked if Port Authority would contract with Bill Ulik and where the \$15,000 in dues would go. Commissioner Keiper responded that those questions still need to be answered. Bill Ulik will still be a county employee with benefits but there would most likely be a need to create a new umbrella organization with dues payers/investors and Portage County giving money to the Portage County Department of Economic Development like the Greater Akron Chamber, Lorain County, the Stark County Development Board and Medina County.

Jack Kohl asked what the interaction would be between the umbrella organization and the Port Authority. Commissioner Keiper responded that the Stark County Development Board staffs the Port Authority with the Directors serving both the Development Board and the Port Authority.

T.N. Bhargava asked if the Trumbull County model was investigated. Commissioner Keiper responded that it was not. T.N. Bhargava asked what the Commissioners’ role would be? Commissioner Keiper responded that the Board of Commissioners would be one of many voices at the table with the Board relinquishing authority. Commissioner Smeiles added that the hope is that the structure becomes larger than just the Board of Commissioners and the Port Authority.

Chairman Chema stated that he likes the use of a private not-for-profit corporation as a vehicle because it has been proven successful in a number of different venues. It provides a flexibility that an Authority

does not have. The private not-for-profits may also follow the Sunshine rules and records laws. There is a greater flexibility and creditability with a private not-for-profit entity, with the correct make up of the Board of Directors. The success will be a function of getting the stakeholders to buy in and be willing participants who trust that their interests will be satisfied through this vehicle.

Commissioner Keiper added that it is hard to let the local perspective go and head toward regionalism. We have to be careful not to repeat the efforts of existing regional organizations but to add the Portage County voice to “make the story better”. Director Bill Ulik is charged with that task. Once the model has been decided on, we will go to the community.

T.N. Bhargava asked if there has been any discussion with private industries in Kent yet. Commissioner Keiper responded only informally, with a positive initial reaction.

Chairman Chema asked if the Portage County model could include a project such as the Stark County P-16 Compact (Preschool through college), which is a workforce development focus. Mr. Ulik responded that Stark County is very involved with the education community and that a project of this type could be incorporated into the Portage County umbrella organization; he added that it is paramount to do so.

Chairman Chema added that he attended an early April meeting of Ohio College Presidents convened by Senator Sherrod Brown. Senator Ted Kennedy and Ohio Board of Regents Chancellor Eric Fingerhut were speakers. The Senator wants to convene regular regional meetings of the President to get public and private schools talking to each other. College educators have done a poor job of communication to primary and secondary educators what colleges expect them to produce. What does the workforce want in an employee? Mr. Chema will invite Bill Ulik to attend the next meeting of the group.

Chairman Chema asked if there is any action for the Board of Directors to take today? The Chairman noted that the 2009 Port Authority budget includes a \$15,000 fee/dues payable to the Portage County Department of Economic Development.

David Dix stated that he is glad to be moving forward – it is important to retain the jobs that we have and to replace the jobs that we lose. Mr. Dix admired the way that Akron acted to keep the Goodyear Plant. Mr. Dix noted that it was too bad that Evenflo left Ravenna; Commissioner Smeiles noted that the County did whatever was necessary to avoid that move but the decision was already made, based mostly on lower utility costs and the offer of free land to build in Georgia.

Bill Ulik stated that there is no Business Retention/Visitation Program in place in Portage County at this time. The current PCDED staff can only handle the day-to-day duties without additional staff, but note that this is a program that is essential.

T.N. Bhargava added that the county almost lost a company in Kent but found a perfect partnership and a good concept that kept them in Kent.

2:48 PM Board of Directors recessed to the FY 2009 Tax Budget Public Hearing

* * * * *

The Board of Directors of the Portage County Port Authority convened the FY 2009 Tax Budget Public Hearing in the Portage County Regional Planning Commission Conference Room located at 124 North Prospect Street in Ravenna, Ohio on Tuesday, June 3, 2008 at 2:48 PM with the following members present:

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

* * * * *

Also Present: Portage County Commissioners Christopher Smeiles, Charles W. Keiper II, and Maureen T. Frederick; Auditor Carol Kurtz; Attorney Denise Smith; Assistant Director for the Garfield Institute for Public Leadership Kathy Luscek; Portage County Department of Economic Development Director Bill Ulik; Secretary-Treasurer Deborah Mazanec; Assistant Secretary Diana Fierle

* * * * *

The public hearing was called to order by Chairman Chema. Secretary-Treasurer Mazanec confirmed that the meeting was advertised in the Record Courier Newspaper on Sunday, May 18, 2008 in accordance with the state Sunshine Laws and the Port Authority Bylaws.

* * * * *

The Directors reviewed the Draft 2009 Tax Budget, as presented.

Director Dix asked what the \$3,056 in revenue is for the Cascades Administration Building. Fees. The group agreed that this is the Cascades of Brimfield TIF fee.

Director McDonald noted that the \$15,000 in dues for the Portage County Department of Economic Development is included in the draft budget. Diana Fierle noted that there is also money to pay the dues to the Ohio Port Authority Council and to join the local Chambers of Commerce in 2009, should the Board of Directors decide to do so.

Chairman Chema closed the public hearing at 2:50 PM, hearing no comment from the public.

* * * * *

CONSIDERATION OF NEW RESOLUTIONS AND MOTIONS

After holding the required Public Hearing, Resolution to adopt the Portage County Port Authority Tax Budget for FY 2009/Resolution 08-001

* * * * *

DISCUSSION

Denise Smith advised that Substitute House Bill 9 – Public Records Law was effective in September 2007 and requires this Board to adopt a Public Records Policy. The proposed policy was taken from a model proposed by Downs/Hurst rather than the Ohio Attorney General’s Public Records Policy/Resolution 08-002 adopts the Board of Directors’ Public Policy.

Section II (B) of the proposed Public Records Policy requires that a Retention Schedule/General Records Schedule for the maintenance and destruction of records also be provided. The Board of Directors will consider the draft provided by Attorney Denise Smith at their next Board meeting when it is in the correct format.

* * * * *

CORRESPONDENCE

- A. Board of Commissioners’ Resolution No. 08-0270 appoints PCDED Director William Ulik as an Ex Officio Member of the Portage County Port Authority/Resolution 08-003 accepts William Ulik as an Ex Officio member of the Board of Directors of the Portage County Port Authority, effective immediately and expiring at the Board of Commissioners’ Organizational Meeting in 2009

- B. The Board of Directors acknowledged that, in accordance with Board of Directors’ Resolution 07-024, Secretary-Treasurer Mazanec attended the Attorney General’s Ohio Public Records and Open Meetings Laws Training on April 9, 2008. Attendance certificate is included. Assistant Secretary Diana Fierle also attended the April 9, 2008 training.

- C. The Board of Directors acknowledged the receipt of the May 14, 2008 request from the Brimfield Memorial House Association requesting the release of the \$1,000, approved by the Portage County Port Authority Board of Directors with Resolution 07-008, to the Brimfield Arch Project to preserve the entrance to the old elementary school. Included are the minutes of the March 27, 2008 Brimfield Memorial House Association Board of Trustees Meeting agreeing to commit the funds necessary to go forward with this project. Diana Fierle to make the \$1,000 payment to the Brimfield Memorial House Association.

* * * * *

T.N. Bhargava advised the Board of Directors of the Business After Hours today from 4:30 PM – 6:30 PM at Franklin Hall. Director Dix noted that this is a state of the art facility.

* * * * *

Chairman Chema updated the Board of Directors on the Hiram College/Hiram Ventures Inc. Project. This for profit entity is a subsidiary of the college and is currently looking for investors. The subsidiary is currently looking into several projects including biodiesel research with a Cuyahoga County Company using the lab as a QC facility; creating experiments in genetics to sell to high school and junior college biology and chemistry teachers; the creation of a “Geek Squad” to repair Dell computers on campus; and the college has hired a consultant for a health center feasibility study to determine whether or not to extend health care services to the community.

Commissioner Frederick asked if there is a prospective available. Chairman Chema responded that there is a business plan developed for each of these projects. T.N. Bhargava commended Chairman Chema on his efforts for Hiram College.

* * * * *

SCHEDULED MEETING DATES

The next regular meeting is scheduled for Tuesday, September 2, 2008 at 2:00 PM

* * * * *
**RESOLUTION NO. 08-001 - RE: ADOPTION OF PORTAGE COUNTY
PROPOSED TAX BUDGET FOR YEAR 2009.**

It was moved by T.N. Bhargava and seconded by David Dix that the following Resolution be adopted:

WHEREAS, the Portage County Port Authority Proposed Tax Budget for 2009 was on display for public viewing at the offices of the Portage County Port Authority, the Portage County Board of Commissioners, and the Portage County Auditor on May 16, 2008, prior to the date of the public hearing; and

WHEREAS, a public hearing on the Portage County Port Authority Proposed Tax Budget for 2009, as required by ORC 5705.30, was held on June 3, 2008 after being duly publicized on May 18, 2008 in a newspaper of general circulation (Record-Courier); now therefore be it

RESOLVED, that the Portage County Port Authority Proposed Tax Budget for 2009 be and hereby is adopted, and that a copy of this resolution and two copies of the Portage County Proposed Tax Budget for 2009 be signed by the Chairman of the Portage County Port Authority Board of Directors and forwarded to the County Auditor for Budget Commission consideration; and be it further

RESOLVED, that the Board of Directors finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

* * * * *

Vote As Follows:

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

* * * * *

**PORTAGE COUNTY PORT AUTHORITY
2009 Tax Budget – Resolution 08-001**

<u>Estimated Beginning Balance</u>	<u>Amount</u>
Checking Account	\$9,000.00
Money Market Account	<u>\$128,000.00</u>
Total Estimated Balance	\$137,000.00

Description

Revenues

May 2009 - Cascades Admin. Fees	\$3,056.00
Nov. 2009 - Cascades Admin. Fees	<u>\$3,056.00</u>
Total Revenues	\$6,112.00

Total Estimated Resources **\$143,112.00**

Expenses

Employee Full-time Salaries (ED Director)	\$0.00
PERS	\$0.00
Medicare	\$0.00
Workers Compensation	\$0.00
Health Benefits	\$0.00

Contract Services	\$600.00
Training/Meeting Expenses	\$500.00
Transportation	\$500.00
Membership Dues	\$15,950.00
Advertising/Marketing	\$2,162.00
Telephone	\$0.00
Postage	\$0.00
Rent	\$0.00
Professional & Technical Services	\$500.00
Other Services	\$300.00

Materials & Supplies	\$200.00
Photocopy & Printing Supplies (Copier)	\$0.00
Food Supplies	<u>\$400.00</u>

Total Expenses **\$21,112.00**

*

*

*

*

*

RESOLUTION

NO. 08-002

RE: ADOPT PUBLIC RECORDS POLICY FOR USE BY THE PORTAGE COUNTY PORT AUTHORITY BOARD OF DIRECTORS' AND AUTHORIZE ADDITION OF THIS POLICY TO THE PORT AUTHORITY RULES AND REGULATIONS (BY-LAWS).

It was moved by Neil Mann, Jr., seconded by Steven McDonald that the following resolution be adopted:

RESOLVED, the Portage County Port Authority Board of Directors adopts a Public Records Policy in accordance with the requirements of Ohio 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; and be it further

RESOLVED, that the Port Authority Rules and Regulations (By-Laws) adopted by the Board of Directors by Resolution 06-003 on June 6, 2006, are amended to incorporate this policy as **Article IX, Public Records Policy**, as recommended by the Portage County Port Authority Legal Counsel; and be it further

RESOLVED, that the Board of Directors finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote As Follows:

* * * * *

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

**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. 149.43.(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 part 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).

Draft

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

III. Name of Requester*	IV. Today's Date
V. Street Address	VI. City, State, ZIP
Phone Numbers (please indicate cell, land line or pager)	VII. 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

VIII. 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 \$ _____
---	---------------------------

Draft

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

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

RESOLVED, that the Board of Directors accepts William Ulik as an Ex Officio member of the Board of Directors of the Portage County Port Authority, effective immediately and expiring at the Board of Commissioners' Organizational Meeting in 2009; and be it further

RESOLVED, that the Board of Directors finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote As Follows:

* * * * *

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

* * * * *

We do hereby certify that the foregoing is a true and correct record of the Portage County Port Authority Board of Directors' meeting on **June 3, 2008**. There being no further business to come before the Board, motion by Jack Kohl, seconded by T.N. Bhargava that the official meeting of **June 3, 2008** be adjourned at **3:20 PM**

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

* * * * *