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OHIO PUBLIC LAW ALERT

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New Planning, Notice and Public Hearing Requirements for Ohio Port Authorities

The Ohio General Assembly recently enacted [Senate Bill No. 353](#), effective April 7, 2009, which imposes planning, notice and public hearing requirements on port authorities in connection with the development or financing of facilities. Previous port authority planning and public hearing requirements were repealed by the General Assembly in 2001. The requirements under the new law are both broader and more detailed in scope than under the prior law.

Scope of Plan

The scope of the planning requirements is quite broad, and may differ depending upon whether the port authority is governed by the "front half" or the "back half" of Revised Code Chapter 4582. The requirements appear to cover facilities owned, operated, leased or financed by a port authority, regardless of the facilities' purpose. Plans must include, at a minimum: (1) maps, profiles and other information necessary to describe the location and character of the facilities and (2) descriptions of all financing utilized or proposed for those facilities including bonds, leases, tax abatements or credits, TIF financing, subsidies, grants, loans and other financial participation. Subsequent changes to a facility or its financing may require an amended plan.

Public Hearing and Notice Requirements

Plans and any amendments may be adopted only after a public hearing held at least 30 and not more than 60 days after notice of the hearing to take objections to the plan. Notice of the hearing must be published in each county in which there is a political subdivision that participated in the creation of the port authority. In addition, notice must be served upon the owners of the uplands contiguous to any submerged lands affected by the plan in the manner provided by law for service of

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notice in the levy of special assessments by municipal corporations. The plan must be available for inspection at a port authority's office by all persons interested, and any interested person may file written objections to the plan not less than five days prior to the public hearing date. After the hearing the port authority board of directors may adopt the plan with any modifications or amendments.

Further Information

If you would like further information on the potential consequences of this legislation, or the preparation of a plan or plans aimed at complying with the new requirements, please contact your principal Squire Sanders lawyer or one of the lawyers listed in this alert.

The text of the bill is now [available](#).

The contents of this update are not intended to serve as legal advice related to individual situations or as legal opinions concerning such situations. Counsel should be consulted for legal planning and advice.

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