

4582.22 Creation of new port authority.

(A) Any municipal corporation, township, or county not included in a port authority in existence on December 16, 1964, may create, or any combination of a municipal corporation, municipal corporations, township, townships, county, or counties, no one of which has been included in a port authority in existence on December 16, 1964, may create, and any of the foregoing ~~together~~ jointly with any other political subdivision or subdivisions may create a port authority.

Jointly clarifies that only municipalities, townships, and counties can create a port authority, yet if another political subdivision desires a port authority then they must jointly create a port authority with a municipality, township, or county, or join and existing port authority later per ORC 4582.26.

A municipal corporation shall act by ordinance, a township shall act by resolution of the township trustees, a county shall act by resolution of the county commissioners, and any other political subdivision shall act by resolution of its legislative authority, in authorizing the creation of a port authority.

A port authority created pursuant to this section is a body corporate and politic which may sue and be sued, plead and be impleaded, and has available the potential powers, projects, and jurisdictions enumerated in sections 4582.21 to 4582.59 of the Revised Code. The exercise by such port authority of the powers, projects, and jurisdictions conferred upon it shall be deemed to be essential governmental functions of this state, but no port authority is immune from liability by reason thereof.

"... has available the potential powers, ..." used here to mean for example there is a menu full of powers, projects, and jurisdictions available to a port authority, and when a port authority is established it is not expected to order (provide, use) every item on the menu. Thus other port authorities could be created to provide other powers, projects, and jurisdictions.

(B) At the time a port authority is created pursuant to division (A) of section 4582.22 of the Revised Code or, in the case of a port authority in existence on July 9, 1982, at the time the subdivision or subdivisions which created such authority act pursuant to division (B) of section 4582.201 of the Revised Code, the subdivision or subdivisions which create the port authority ~~may restrict~~ shall designate the powers, projects, and jurisdictions per project granted the port authority pursuant to this chapter by specifically setting forth such ~~restrictions~~ designations in the resolution or ordinance creating the port authority or in the resolution or ordinance adopted pursuant to division (B) of section 4582.201 of the Revised Code.

~~(C) The subdivision or subdivisions which created a port authority whose powers have been restricted pursuant to division (B) of this section may, at any time, adopt a resolution or ordinance to grant additional powers, so long as the powers so granted do not exceed the powers permitted pursuant to this chapter.~~

Division C is moved to ORC Section 4582.23 Revisions of port authority powers, projects, jurisdictions; dissolution.