

ORDINANCE NO. 35-70

By W. B. B. B.

AN ORDINANCE CREATING THE CENTRAL OHIO TRANSIT AUTHORITY, PURSUANT TO SECTIONS 306.30 TO 306.53, INCLUSIVE, OHIO REVISED CODE, AUTHORIZING EXECUTION OF AN AGREEMENT FOR THAT PURPOSE AND DECLARING AN EMERGENCY.

WHEREAS, the City believes that the best interests of the City would be served by a publicly owned transit system since the existing privately owned systems are curtailing services to avoid losses; and

WHEREAS, it is necessary for the welfare and health of the residents of the City that a public transportation service be available to the residents of this community; and

WHEREAS, the County of Franklin and the Cities of Columbus, Upper Arlington, Grandview Heights, Worthington, Gahanna, Westerville, Bexley, Whitehall, Grove City, Reynoldsburg and Hilliard (hereinafter sometimes collectively referred to as the "creators") have determined that they jointly desire to create a regional transit authority, as provided in Sections 306.30 to 306.53, inclusive, Ohio Revised Code, to provide transportation service to the public; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

SECTION 1. That in order to protect the health and safety of the residents of this City and assist its economic welfare, to assist such residents to reach their places of employment or institutions for their education, and to provide for the maintenance of the commerce and economy of the City, it is necessary to create a regional transit authority.

SECTION 2. That pursuant to the authority contained in Sections 306.30 to 306.53, inclusive, Ohio Revised Code, a regional transit authority to be known as "Central Ohio Transit Authority" be and the same is hereby created in accordance with and pursuant to the terms and provisions set forth in the agreement contained in Section 3 of this ordinance, such creation to be effective as of the date on which said agreement has been executed by all of the creators.

SECTION 3. That the MAYOR and AUDITOR of this City be and they are hereby authorized to execute on behalf of this City an agreement which also shall be executed on behalf of the other creators, which agreement shall be substantially in the following form:

Agreement for the Creation of  
Central Ohio Transit Authority

WHEREAS, under authority of Sections 306.30 to 306.53, inclusive, either a county, or any two or more counties, municipal corporations, townships, or any combination thereof, may create a regional transit authority which shall have territorial limits co-terminus with the limits of the political subdivision or subdivisions creating the same; and

WHEREAS, the undersigned political subdivisions of the State of Ohio by ordinance or resolution have each determined that it is necessary that by their combined action a regional transit authority be created pursuant to the aforesaid provisions of the Ohio Revised Code; and,

WHEREAS, the undersigned have each authorized the execution of this Agreement on their behalf by separate ordinance or resolution; and,

WHEREAS, this Agreement is entered into for the purpose of creating a regional transit authority under authority of said Sections 306.30 to 306.53, inclusive; and,

WHEREAS, the political subdivisions joining in the creation of the Transit Authority have participated in the creation for Franklin County of a comprehensive plan, including therein planning for transit development, and it is the desire of each of the political subdivisions so joining that the activities of the Transit Authority be undertaken in such fashion as to implement the orderly comprehensive development of Central Ohio;

NOW, THEREFORE, it is hereby agreed among the undersigned, as follows:

1. That the undersigned, by their combined action evidenced by the execution of this Agreement, hereby create a regional transit authority under authority of Sections 306.30 to 306.53, Ohio Revised Code, which shall have territorial boundaries co-extensive with the boundaries of the County of Franklin together with such territory of the undersigned as may be included in counties of this State other than the County of Franklin, as such boundaries now exist or are hereafter enlarged. The regional transit authority created by this Agreement shall have all of the powers, rights, duties and jurisdiction now or hereafter authorized or given to it by statute and the exercise by it of such powers, rights, duties and jurisdiction are deemed by the undersigned to be essential governmental functions of the State of Ohio. The official name of the regional transit authority created by this Agreement (hereinafter sometimes referred to as "Transit Authority") shall be "Central Ohio Transit Authority" and it shall be known by that name.

2. The Transit Authority shall be governed by a Board of Trustees, each of whom shall serve for a term of three years except as hereinafter provided for the initial term, and shall meet the requirements imposed by statute for such office. Such board shall be composed of thirteen members, of whom initially five shall serve for a term of one year, four for a term of two years, and four for a term of three years. The Board of Trustees of the Transit Authority shall be appointed as follows by the Mayor of the appropriate municipal corporation with the advice and consent of its council or by the county commissioners, as the case may be, with the initial appointment being for the terms indicated:

A. By the City of Columbus, seven members, of whom initially three shall each have a term of one year, two of two years and two of three years; provided, however, that in the event that from time to time any future Census discloses that the City of Columbus has a population which is less than fifty percent of the total population within the Transit Authority, the representation of the City of Columbus on the Board shall be reduced as follows:

(1) When the population of Columbus is less than fifty percent, but greater than forty percent, the number of Columbus representatives shall be six and when less than forty percent but greater than thirty percent, shall be five.

(2) Any reduction of representation of the City of Columbus on the Board shall be effected in the appointments to be made at the expiration of terms of representatives of the City of Columbus next following the date of certification of the results of the Census.

(3) Board members equal in number to those by which the representation of the City of Columbus has been reduced as a result of this Division A, shall be appointed by the County Commissioners of Franklin County for a term of three years commencing as of the day following the expiration date of the terms of the representatives of the City of Columbus being replaced. Any person appointed pursuant to this subdivision (3) shall, when appointed, be a bona fide resident of a municipal corporation within said County not then having one of its residents as a member of the Board.

B. One member of such Board of Trustees shall be prorated among the municipal corporations of each of the following groups: Group A, Upper Arlington and Grandview Heights; Group B, Worthington, Gahanna and Westerville; Group C, Whitehall and Bexley; and Group D, Grove City, Reynoldsburg and Hilliard. The appointment of the member from each group shall be rotated among the municipal corporations in the group in the order in which their names have been set forth above. The initial term of the member for Group A shall be three years; Group B, three years; Group C, two years and Group D, two years; and the member for each group shall be, in accordance with the aforesaid order, appointed by the first municipal corporation in each of the above groups. Thereafter, appointments of the member from each group shall be made by the municipal corporation the name of which follows in the above listing the name of the municipal corporation having made the next previous appointment under the terms of this Division (appointments made pursuant to Division F of this Agreement shall not affect the order of rotation under this Division). In the event that any Census should disclose that one municipal corporation within any one of the foregoing groups has a population which is in excess of 66% of the aggregate population of all municipal corporations within such group, then such municipal corporation shall make two (the first and the last) of each three appointments of members representing such group.

The following are hypothetical illustrations of the applications of the preceding sentence. Assuming that Upper Arlington has a population in excess of 66% of the aggregate population of Upper Arlington and Grandview Heights, the appointments for Group A would be made in the following manner:

First appointment - Upper Arlington  
Second appointment - Grandview Heights  
Third appointment - Upper Arlington  
Fourth appointment - Upper Arlington  
Fifth appointment - Grandview Heights  
Sixth appointment - Upper Arlington

Assuming that Worthington has a population in excess of 66% of the aggregate population of Worthington, Westerville, and Gahanna, the appointments for Group B would be made in the following manner:

First appointment - Worthington  
Second appointment - Gahanna  
Third appointment - Worthington  
Fourth appointment - Worthington  
Fifth appointment - Westerville  
Sixth appointment - Worthington  
Seventh appointment - Worthington  
Eighth appointment - Gahanna  
Ninth appointment - Worthington

C. One member of such Board of Trustees, who shall initially have a term of one year, shall be appointed by Franklin County and shall, when appointed, be a bona fide resident of either the unincorporated area within such County or an incorporated municipal corporation not included in Division A or B of this Section and the majority of the territory of which is located in Franklin County; provided, however, if a Census should disclose that the aggregate population of such unincorporated area and such municipal corporations within Franklin County is less than 25,000 people, then the person appointed under the provisions of this Division C shall be a bona fide resident of a municipal corporation the majority of the territory of which is located in such County and which is not mentioned in Divisions A or B of this Section; provided further however, that if any Census should disclose that the population within the City of Columbus exceeds 70% of the population within the Transit Authority, then, such member shall instead be appointed by the City of Columbus in the manner provided in Division A of this Section.

D. One member of such Board of Trustees, who shall have an initial term of one year, shall be appointed by Franklin County and shall be a bona fide resident of such county.

E. In the event that any Census should disclose that the aggregate population of the municipal corporations named in any one of the groups of municipal corporations set forth in Division B of this Section, is greater than thirty-five percent of the total population of all such groups, a redistribution of municipal corporations among the groups, approved by all of the Mayors of such municipal corporations, shall take place in order to achieve a substantially equal aggregate population in all groups.

(1) Within sixty days after certification of the results of a Census, the situation occurring as previously described in this Division E, the Mayor of the then largest municipal corporation named in Division B shall call a meeting of the mayors of the other municipal corporations named in Division B for the purpose of effecting the above mentioned redistribution.

(2) In the event that a meeting is not called as required by subdivision (1) of this Division E, any Mayor of a municipal corporation in Division B may call a meeting of all the mayors of said municipal corporations, for the purpose of effecting the aforementioned redistribution of municipal corporations.

F. In the event all of the Mayors of the municipal corporations of any group of municipal corporations set forth in Division B above, after first receiving the consents of their respective Councils, should determine to vary the order of rotation by which representation on such Board of Trustees has been prorated among the municipal corporations of such group, then the order of rotation set forth in Division B above shall be suspended for the appointment to the next ensuing term representing such group of municipal corporations, and the vacancy shall be filled from the municipal corporation within such group designated by a majority of such Mayors, and the Mayor of such municipal corporation shall appoint the person nominated by such majority of Mayors and such appointment shall be consented to by the Council of such municipal corporation.

To effect the procedures in the immediately preceding paragraph, the Mayors of the municipal corporations of each group mentioned in Division B above, shall meet not less than thirty days nor more than ninety days prior to the date on which the term of a member representing such group and to be appointed pursuant to Division B above, is to commence and determine whether to suspend the order of rotation provided in that Division applicable to their respective group of municipal corporations. The provisions of this Division shall not be utilized unless all of the following shall have occurred at least thirty days before the date of commencement of such term: (i) a determination shall have been made to suspend the rotation; (ii) a designation shall have been made of the municipal corporation which shall have a member on the Board of Trustees of the Transit Authority for the next term; (iii) the person from such designated municipal corporation shall have been agreed to by a majority of the Mayors of the municipal corporations of the group for which the term of the existing representative is about to expire; and (iv) the person so nominated has been appointed by the Mayor of the municipal corporation of which he is a qualified elector and the advice and consent of the council of that municipal corporation has been obtained.

G. Any vacancy occurring in a membership on the Board of the Transit Authority shall be filled for the unexpired term by the appointing authority who made the original appointment.

(3) The size of the Board of Trustees of the Transit Authority may from time to time be expanded to permit representation for any county, municipal corporation or township who may wish to join the Transit Authority as permitted by Section 306.32, Ohio Revised Code, including any amendment thereto.

(4) Each member of the Board of Trustees shall be reimbursed for his reasonable expenses in the performance of his duties.

(5) The Board of Trustees of the Transit Authority is hereby authorized to create an Advisory Board to such Board of Trustees. Such Advisory Board shall be appointed within 60 days following the organizational meeting of the Board of Trustees. The Advisory Board shall consist of not less than one member appointed by the Franklin County Commissioners and one member appointed by the Mayor, with the advice and consent of his council, of each municipal corporation participating in the creation of the Transit Authority. The Board of Trustees may from time to time enlarge the Advisory Board. Each member of the Advisory Board shall be a resident of the political subdivision by which appointed and it is desired that those persons appointed shall have familiarity with the transit needs and problems of the appointing political subdivision and shall have experience in the comprehensive planning for development of geographic regions. The Advisory Board shall advise the Board of Trustees concerning transit needs and problems within the Transit Authority.

(6) To the extent permitted by law, the provisions of the above mentioned sections of the Ohio Revised Code and any amendments thereto are incorporated within this Agreement as if set forth herein.

(7) The territorial boundaries of the Transit Authority may from time to time be enlarged in the manner authorized by law.

(8) The place in which the principal office of the Transit Authority will be located shall be designated by resolution of the Board of Trustees.

(9) From the time of its creation to the time when it begins to receive revenue from the proceeds of an ad valorem tax approved by the electors, the Transit Authority shall be financed as follows:

a. If the Board of Trustees of the Transit Authority should determine to submit the question of a tax levy, as provided by Section 306.49, Ohio Revised Code, at a special election and such election is not successful, then each of the undersigned shall assume the costs of holding such election within its own boundaries, except that Franklin County shall only bear the cost of the election not assigned hereby to a municipal corporation. The allocation of costs pursuant to this paragraph shall be made by the Board of Elections of Franklin County.

b. Where practicable, the undersigned will provide assistance requested by the Transit Authority from their own officers and employees and without reimbursement for such assistance.

c. To cover overhead and operating costs that cannot be met under subparagraph a or b above, an aggregate of Forty Five Thousand Dollars shall be paid in to the Transit Authority by or on behalf of the undersigned in proportion to the representation on the Board of Trustees as above provided, and divided among the municipal corporations in each group in proportion to the tentative 1970 Census population so that the total amount for each to contribute is as follows:

Columbus	-	\$24,210.00
Upper Arlington	-	2,844.77
Grandview Heights	-	620.23
Worthington	-	1,358.28
Gahanna	-	1,053.36
Westerville	-	1,053.36
Whitehall	-	2,200.28
Bexley	-	1,264.72
Grove City	-	1,330.56
Reynoldsburg	-	1,327.10
Hilliard	-	807.34
County of Franklin	-	6,930.00

One third of each such amount shall be paid prior to April 30, 1971, and the remaining portion of each such amount shall be paid prior to August 31, 1971.

(10) The Transit Authority, created as herein provided, may be dissolved at any time upon enactment of an ordinance or resolution by each of the undersigned and any other county, municipal corporation or township which hereafter joins the Transit Authority, providing for such dissolution, and the terms thereof as hereinafter provided; provided that upon dissolution, any real or personal property or combination thereof which has been received from or made available by any of the undersigned shall be returned to the subdivision from which received or by which made available. In the

event of such dissolution and after paying all expenses and costs of the Transit Authority, any balance remaining in the Transit Authority's funds shall be distributed to the undersigned and any county, municipal corporation or township which hereafter joins the Transit Authority, prorata to the assessed valuation of each at the date of dissolution.

(11) Where used in this Agreement, the following terms shall have the following meanings:

A. "Census" means the 1970 decennial census or the then most recent national census thereafter undertaken by the United States of America.

B. "Council" shall mean the legislative authority of the municipal corporation.

C. "Mayor" shall mean the person holding the office bearing that designation by virtue of either statute or charter, or if there be no officer bearing such title then the presiding officer of the Council of the municipal corporation.

(12) If any clause, provision, paragraph, subdivision, division, or section of this Agreement should be held illegal or invalid by any court, the invalidity of such clause, provision, paragraph, subdivision, division, or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions, or sections and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division, or section had not been contained herein. In case any agreement, procedure or obligation contained in this Agreement herein contained, is held in violation of law then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties thereto to the fullest extent permitted by law.

IN WITNESS WHEREOF, the County of Franklin and the Cities of Columbus, Upper Arlington, Grandview Heights, Worthington, Gahanna, Westerville, Whitehall, Bexley, Grove City, Reynoldsburg and Hilliard have each caused this Agreement to be executed as of the \_\_\_\_\_ day of \_\_\_\_\_, by their duly authorized officers.

SECTION 4. That the provisions of and the statements made in the foregoing Agreement are a part of this ordinance.

SECTION 5. If any clause, provision, paragraph, subdivision, division or section of this ordinance or of the agreement contained in this ordinance should be held illegal or invalid by any court, the invalidity of



such clause, provision, paragraph, subdivision, division, or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions, or sections, of either this ordinance or such agreement and this ordinance and such agreement shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division, or section had not been contained herein or in the agreement. In case any agreement, procedure or obligation contained in this ordinance or such agreement, is held in violation of law then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties thereto to the fullest extent permitted by law.

SECTION 6. That there is hereby appropriated from ~~Fund No. 10~~ GENERAL FUND, the amount of \$1264.72 in order to meet the obligations of this City imposed by provisions of the agreement contained in this ordinance and the fiscal officer of this City is hereby authorized and directed to affix to the agreement authorized by this ordinance his certificate of availability of funds as required by Section 5705.41, Ohio Revised Code.

Alternate

X

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that the City must improve its public transportation service which is essential to the health, safety and welfare of the residents and this ordinance must be immediately effective in order to permit the immediate organization of a regional transit authority to continue transit service for the City's residents and therefore, this ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

Alternate

X

~~SECTION 7. That this ordinance shall take effect and be in force at the earliest time permitted by law.~~

Passed Dec. 8, 1970

J. Roth Leabre  
PRESIDENT OF COUNCIL

Attest C. Kurtz  
CLERK OF COUNCIL

APPROVED Dec. 8, 1970

R. D. McClene  
MAYOR

passed  
12/9/70