

RESOLUTION NO. 16 - 07

By: Matthew Lampke

A Resolution to authorize the Mayor and Auditor to sign and deliver, on behalf of the City of Bexley, an Amended Agreement Creating the Central Ohio Transit Authority for the purpose of admitting the City of Dublin as a member and to declare an emergency.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Mayor and Auditor are hereby authorized and directed to sign and deliver, on behalf of the City of Bexley, an Amended Agreement Creating the Central Ohio Transit Authority for the purpose of admitting the City of Dublin as a member, said amended agreement to be substantially in the form attached to this Resolution.

Section 2. That this Resolution is an emergency measure necessary for the immediate preservation of the public health, safety or welfare, said emergency being the need to assure the continued and efficient operation of the public transit system in central Ohio, and shall be effective upon passage and approval by the Mayor.

Passed: 10-09-07, 2007



President of Council

Attest: 

Clerk of Council

Approved: 10/9, 2007



David H. Madison, Mayor

9-11-07 First Reading
9-25-07 Second Reading
10-09-07 Third Reading

Copy

AMENDED AGREEMENT
CREATING
CENTRAL OHIO TRANSIT AUTHORITY

WHEREAS, the Central Ohio Transit Authority was created by an Agreement Creating Central Ohio Transit Authority authorized by the County of Franklin by resolution duly adopted by its Board of County Commissioners on January 6, 1971 and recorded in Volume 67 of the Commissioners Journal; by the City of Bexley by Ordinance No. 35-70 duly passed by said City's Council on December 8, 1970; by the City of Columbus by Ordinance No. 33-71 duly passed by said City's Council on January 11, 1971; by the City of Gahanna by Ordinance No. 44-70 duly passed by said City's Council on December 7, 1970; by the City of Grandview Heights by Ordinance No. 44-70 duly passed by said City's Council on December 7, 1970; by the City of Grove City by Ordinance No. C-3-71 duly passed by said City's Council on January 4, 1971; by the City of Hilliard by Ordinance No. 70-64 duly passed by said City's Council on January 11, 1971; by the City of Reynoldsburg by Ordinance No. 3-71 duly passed by said City's Council on January 11, 1971; by the City of Upper Arlington by Ordinance No. 106-70 duly passed by said City's Council on December 14, 1970; by the City of Westerville, by Ordinance No. 1694 duly passed by said City's Council on December 8, 1970; by the City of Whitehall by Ordinance No. 158-70 duly passed by said City's Council on December 2, 1970; and by the Municipality of Worthington by Ordinance No. 100-70 duly passed by said Municipality's Council on December 28, 1970; and,

WHEREAS, execution of this Amended Agreement Creating Central Ohio Transit Authority (Amended Agreement) has been authorized by the County of Franklin by resolution duly adopted by its Board of County Commissioners on _____, 200__ and recorded in Volume ____ of the Commissioners Journal; by the City of Bexley by Ordinance No. 16-07 duly passed by said City's Council on 10/09/07; by the City of Columbus by Ordinance No. : ____ duly passed by said City's Council on ____; by the City of Dublin by Ordinance No. ____ duly passed by said City's Council on ____; by the City of Gahanna by Ordinance No. _____ passed by said City's Council on ____; by the City of Grandview Heights by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Grove City by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Hilliard by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Reynoldsburg by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Upper Arlington by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Westerville, by Ordinance No. _____ duly passed by said City's Council on ____; by the City of Whitehall by Ordinance No. _____ duly passed by said City's Council on ____; and by the Municipality of Worthington by Ordinance No. _____ duly passed by said Municipality's Council on ____; and,

WHEREAS, the undersigned political subdivisions of the State of Ohio by ordinance or resolution have each determined it necessary that by their combined action the Agreement Creating Central Ohio Transit Authority be amended; and,

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

WHEREAS, this Amended Agreement is entered into under authority of Sections 306.30 et. sec. of the Ohio Revised Code; and,

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 amend and restate the Agreement Creating Central Ohio Transit Authority (hereinafter sometimes referred to as COTA) pursuant to Section 306.32 of the Ohio Revised Code,
2. Central Ohio Transit Authority (hereinafter sometimes referred to as COTA) 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. COTA 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.
3. The Transit Authority shall be governed by a Board of Trustees composed of thirteen members, each of whom shall serve for a term of three years except as hereinafter provided for the initial terms in Division E of this Paragraph 3, and shall meet the requirements imposed by statute for such office. The Board of Trustees shall be appointed as follows by the Mayor or other chief executive officer of the appropriate municipal corporation with the advice and consent of its council or by the Franklin County Commissioners:
 - A. By the City of Columbus, seven members; provided, however, that in the event that from time to time any future Census discloses that the City of Columbus has a population that 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:
 - i. 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, the number of Columbus representatives shall be five.
 - ii. Any reduction in the number of Columbus representatives on the Board shall be effected in the appointments to be made at the expiration of terms of Columbus representatives next following the date of certification of the results of the Census.
 - iii. Board members equal in number to that by which the Columbus representatives has been reduced as a result of Paragraphs 3.A.i and 3.A.ii, 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 Columbus representative being replaced. Any person appointed pursuant to this Paragraph 3.A.iii shall, when appointed, be a bona

fide resident of a municipal corporation within Franklin County not then having one of its residents as a member of the Board.

- B. One member of the Board of Trustees 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 E of this Paragraph 3 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 B of Paragraph 3 shall be a bona fide resident of a municipal corporation the majority of the territory of which is located in Franklin County and which is not mentioned in Divisions A or E of this Paragraph 3; 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 Paragraph 3.
- C. One member of such Board of Trustees, shall be appointed by Franklin County and shall be a bona fide resident of such County.
- D. The terms of office of members of the Board of Trustees appointed by the Mayor of the City of Columbus and the Franklin County Commissioners who are in office on the effective date of this Amended Agreement, and vacancies in Board member positions appointed by the Mayor of the City of Columbus and Franklin County Commissioners on the effective date of this Amended Agreement shall be unaffected by the adoption of this Amended Agreement. The residency requirements for Franklin County Commissioner appointees in Division B of this Paragraph 3 will take effect only upon the expiration of the term of office of the appointees holding office on the effective date of this Amended Agreement or, if an appointee in office on the effective date is subsequently reappointed, upon the expiration of the reappointment term of office.
- E. Four members of the Board of Trustees shall be prorated among the following municipal corporations: Whitehall, Upper Arlington, Grove City, Worthington, Hilliard, Dublin, Gahanna, Grandview Heights, Bexley, Reynoldsburg and Westerville. The appointments of the members within this group shall be rotated among the municipal corporations in the order in which their names have been set forth above. The initial terms of the members appointed upon the effective date of this Amended Agreement shall be: Whitehall, one year; Upper Arlington two years; Grove City, one year; Worthington two years. Thereafter, appointment to fill the expiring term of a member from this 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 G of this Paragraph 3 shall not affect the order of rotation under this Division.
- F. In the event all of the Mayors of the municipal corporations in the group of municipal corporations set forth in Division E 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 E above shall be suspended for the appointment to the next ensuing term representing such group of municipal corporations, the vacancy shall be filled from the municipal corporation within such group designated by a majority of such Mayors, the Mayor of such municipal corporation shall appoint the person nominated by such majority of Mayors and such appointment shall be consented to the Council of such municipal corporation.

To effect the procedures in the immediately preceding paragraph, the Mayors of the municipal corporations of the group mentioned in Division E 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 E above is to commence and determine whether to suspend the order of rotation. 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 in the group; 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.
- H. 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 that may wish to join the Transit Authority as permitted by Section 306.32, Ohio Revised Code, including any amendment thereto.
- I. Each member of the Board of Trustees shall be reimbursed for reasonable expenses in the performance of his or her duties.
- J. The Board of Trustees of the Transit Authority is hereby authorized to create an Advisory Panel. Such Advisory Panel shall be appointed within 60 days following the organization meeting of the Board of Trustees. The Advisory Panel shall consist of not less than one member appointed by the Franklin County Commissioners and one member appointed by the Mayor or other chief executive officer of each municipal corporation participating in the creation of the

Transit Authority. The Board of Trustees may from time to time enlarge and may authorize the President/CEO to enlarge the Advisory Panel. Each member of the Advisory Panel 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. The Advisory Panel shall advise COTA management in the development and implementation of public transit in central Ohio.

4. To the extent permitted by law, the provisions of the above mentioned section of the Ohio Revised Code and any amendments thereto are incorporated within this Amended Agreement as if set forth herein.
5. The territorial boundaries of the Transit Authority may from time to time be enlarged in the manner authorized by law.
6. The place in which the principal office of the Transit Authority will be located shall be designated by resolution of the Board of Trustees.
7. 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.
8. Where used in this Agreement, the following terms shall have the following meanings:
 - A. "Census" means the 2010 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 such other officer of the municipal corporation as may have been designated as "Mayor" by the ordinance authorizing execution of this Agreement
9. If any clause, provision, paragraph, subdivision, division, or section of this Amended 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 Amended 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 Amended 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.

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

County of Franklin, Ohio

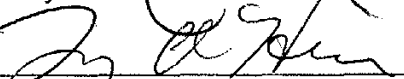
By _____
Commissioner

By _____
Commissioner

By _____
Commissioner

City of Bexley, Ohio

By 
Mayor

By 
Auditor

City of Columbus, Ohio

By _____
Mayor

By _____
President of Council

City of Dublin, Ohio

By _____
Mayor

By _____
President of Council

City of Gahanna, Ohio

By _____
Mayor

By _____
Service Director

City of Grandview Heights, Ohio

By _____
Mayor

By _____
Auditor

City of Grove City, Ohio

By _____
Mayor

By _____
President of Council

City of Hilliard, Ohio

By _____
Mayor

By _____
President of Council

City of Reynoldsburg, Ohio

By _____
Mayor

By _____
Auditor

City of Upper Arlington, Ohio

By _____
Mayor

By _____
City Manager

City of Westerville, Ohio

By _____
City Manager

City of Whitehall, Ohio

By _____
Mayor

By _____
Director of Public Services

City of Worthington, Ohio

By _____
City Manager

By _____
Director of Law