

ORDINANCE NO. 2005-70

**ORDINANCE CREATING THE MASON PORT AUTHORITY, AND
PROVIDING FOR THE ORGANIZATION THEREOF**

WHEREAS, under authority of Ohio Revised Code Sections 4582.21 to 4582.99 (the "Act"), a city may, by ordinance, create a port authority which shall be a body corporate and politic, have the powers and jurisdiction enumerated in the Act and have territorial limits coterminous with the territorial limits of the city creating the port authority; and

WHEREAS, this Council desires and determines that it is necessary to enhance, foster, aid, provide or promote transportation, economic development, housing, recreation, education, government operations, culture and research; and

WHEREAS, no existing port authority's jurisdiction includes the territory of the City; and

WHEREAS, this Council desires and determines it to be necessary to create a port authority to serve the territory of the City for purposes of enhancing, fostering, providing or promoting transportation, economic development, housing, recreation, education, government operations, culture and research.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That a port authority to be designated and known as the "Mason Port Authority" (the "Port Authority") is hereby created pursuant to the Act.

Section 2. That the Port Authority shall have territorial limits coterminous with the boundaries of the City as they now or hereafter exist. The Port Authority shall be a body corporate and politic and shall have the powers and jurisdiction now or hereafter given to it by the Act. The exercise of those powers and jurisdiction by the Port Authority are deemed to be essential government functions of the State of Ohio.

Section 3. That the Port Authority shall be governed by a five member Board of Directors each of whom shall serve for a term of four years, provided that such Board initially shall be composed of members having terms of office commencing on the effective date of their appointment and expiring as follows: two members shall have a term of office expiring one year after their appointment; one member shall have a term of office expiring two years after his or her appointment; one member shall have a term of office expiring three years after his or her appointment; and one member shall have a term of office expiring four years after his or her appointment. A majority of the members of the Board of Directors shall be qualified electors of, or shall have their businesses or places of employment in, the City for a period of at least three years next preceding their appointment. All of the members of the Board of Directors shall be appointed by the Mayor with the advice and consent of this Council. Upon the resignation or removal of a member of the Board of Directors, or the expiration of the term of office of a member of the Board of Directors, a new member of the Board of Directors shall be appointed by the Mayor with the advice and consent of this Council. Any person appointed to fill a

vacancy on the Board of Directors shall be appointed to only the unexpired term of that vacancy. Any member of the Board of Directors may be eligible for reappointment to the Board of Directors.

Section 4. That each member of the Board of Directors shall serve without compensation, but expenses incurred by any member of the Board of Directors may be paid or reimbursed as the Board of Directors may determine. Not more than one person appointed to the Board of Directors shall hold any other public office except that of notary public, member of the State militia or member of a reserve component of the United States Armed Forces.

Section 5. That any member of the Board of Directors may be removed by the Mayor with the advice and consent of this Council for misfeasance, nonfeasance, or malfeasance in office. No member of the Board of Directors shall be interested in the profits or emoluments of any contract, job, work or service of the Port Authority. Any member of the Board of Directors who is so interested in such profits or emoluments shall be deemed guilty of malfeasance.


Section 6. That the Clerk of this Council, after the appointment of initial members of the Board of Directors and consultation with those members, shall give notice of the time and place of the organizational meeting of the Board of Directors in the manner established for giving notice of regular meetings of this Council. The Clerk shall also give notice, at least twenty-four hours prior to the meeting, of the time, place and purpose of the organizational meeting of the Board of Directors to any news media to which notice of special meetings of this Council is required to be given. The Board of Directors at such meeting shall, in accordance with the Act, elect one of its members as chairperson and another as vice-chairperson and shall designate their terms of office, and shall appoint a secretary, who need not be a member of the Board of Directors.

Section 7. That subject to compliance with the Act, the Port Authority may be dissolved at any time upon passage of an ordinance by this Council.

Section 8. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Passed this 13th day of June, 2005.

Attest:


Clerk of Council


Mayor