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ORDINANCE NO. 2019-30

AN ORDINANCE CREATING THE GALION PORT AUTHORITY, CONSENTING TO APPOINTMENT BY THE MAYOR OF THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS OF THE GALION PORT AUTHORITY, PROVIDING FOR THE ORGANIZATION OF THE GALION PORT AUTHORITY, AND DECLARING AN EMERGENCY

WHEREAS, under authority of Ohio Revised Code Sections 4582.21 to 4582.59 (the “Act”), a city may, by ordinance, create a port authority within the territory of the City, which shall be a body corporate and politic with the powers and jurisdiction enumerated in or pursuant to the Act and other applicable provisions of Ohio law; and

WHEREAS, a port authority established under the Act is authorized to take actions consistent with the Act to (i) enhance, foster, aid, provide or promote transportation, economic development, housing, recreation, education, governmental operations, culture and research in the City, and (ii) create or preserve jobs and employment opportunities and enhance the availability of adequate housing consistent with Article VIII, Sections 13 and 16 of the Ohio Constitution (“Authorized Purposes”); and

WHEREAS, this Council desires and determines that it is necessary and desirable for the City to take such steps as are available to it in support of the Authorized Purposes; and

WHEREAS, no existing port authority's jurisdiction includes any 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 in furtherance of the Authorized Purposes; and

WHEREAS, pursuant to the Act, the Mayor is to appoint, with the advice and consent of this Council, the members of the board of directors of a port authority created by the exclusive action of the City; and

WHEREAS, with the advice and subject to the consent of this Council, the Mayor wishes to appoint and, subject to such consent and to the creation of the Galion Port Authority created pursuant to this ordinance, has appointed the following individuals to the Board of Directors of the Galion Port Authority for the following initial terms:

<u>Member</u>	<u>Term</u>
_____	June 1, 2019 through May 31, 2020
_____	June 1, 2019 through May 31, 2021
_____	June 1, 2019 through May 31, 2022
_____	June 1, 2019 through May 31, 2023
_____	June 1, 2019 through May 31, 2024

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Galion, Crawford and Richland Counties, Ohio, that:

SECTION 1. A port authority to be designated and known as the “Galion Port Authority” (the “Port Authority”) is hereby created pursuant to the Act.

SECTION 2. The Port Authority shall include all of the territory within 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 or pursuant to the Act and any other applicable provisions of Ohio law. The exercise of those powers and jurisdiction by the Port Authority are deemed to be essential governmental functions of the State of Ohio.

SECTION 3. 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: one member 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 two members 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 have been qualified electors of, or shall have had their businesses or places of employment in, the City for a period of at least three years 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, provided that any member duly appointed and qualified shall, unless such member shall have resigned or been removed, continue to serve until a successor is appointed. Any person appointed to fill a vacancy on the Board of Directors shall be initially appointed to only the unexpired term of that vacancy. Any member of the Board of Directors shall be eligible for reappointment to the Board of Directors.

SECTION 4. 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. No 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. 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. Having confirmed that a majority of the individuals named below have been qualified electors of, or have had their businesses or places of employment in, the City for a

period of three years, this Council hereby consents to the Mayor's appointment of the following individuals, for the following terms, to the Board of Directors of the Port Authority.

<u>Member</u>	<u>Term</u>
_____	June 1, 2019 through May 31, 2020
_____	June 1, 2019 through May 31, 2021
_____	June 1, 2019 through May 31, 2022
_____	June 1, 2019 through May 31, 2023
_____	June 1, 2019 through May 31, 2024

SECTION 7. The Clerk of this Council, after consultation with the individuals named in Section 6, 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, and that organizational meeting shall be held at such time and place upon the qualification of the members of the Board of Directors. 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.

SECTION 8. Subject to compliance with the Act, the Port Authority may be dissolved at any time by the passage of an ordinance by this Council.

SECTION 9. 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.

SECTION 10. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to preserve the City's ability to create a port authority at the earliest possible date.

Carl W. Watt, President of Council

ATTEST:

Julie L. Bell, Clerk of Council

APPROVED AS TO FORM: _____
Thomas N. Palmer, Law Director

PRESENTED TO MAYOR ON: _____

APPROVED: _____
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING _____
DATE

ADOPTED ON SECOND READING _____
DATE

ADOPTED ON THIRD READING _____
DATE

VOTE ON FINAL READING

	<u>YEA</u>	<u>NAY</u>
MR. BALDINGER	___	___
MS. CLARK	___	___
MR. COMERFORD	___	___
MR. FELLNER	___	___
MS. ERLSTEN	___	___
MR. RICHART	___	___
MR. TRIPLETT	___	___

I, Julie L. Bell, Clerk of Galion City Council hereby certify that this is a true and correct copy of Ordinance No. 2019-30 passed by Galion City Council at a Regular Meeting held on _____, 2019.

Julie L. Bell, Clerk of Council