

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

TRANSIT AUTHORITY

§ 32.25 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AUTHORITY" or "TRANSIT AUTHORITY." The Transit Authority created by this subchapter.

"BOARD." The Board of Authority.

"CHAIRMAN." Chairman of the Board.

"COUNTY." Calloway County, Kentucky.

"FISCAL COURT." The fiscal court of Calloway County, Kentucky.

"JUDGE." The Judge/Executive of Calloway County, Kentucky.

"MASS TRANSIT" or "MASS TRANSPORTATION." The local transportation of persons and their baggage within a transit area, but shall not include charter bus operations beyond the transit area, the for-hire operation of a taxicab, airport limousine, or industrial bus as defined by KRS Chapter 281.

"TRANSIT AREA" or "AREA." The geographical area which may be encompassed from time to time within the lawful boundaries of the city and county.

(Ord. 717, passed 8-28-80)

§ 32.26 ESTABLISHMENT.

There is created an Authority to be known as the Transit Authority of Murray-Calloway County which shall be a political subdivision and a public body corporate with power to contract and be contracted with, to sue and to be sued, to establish, alter, and enforce rules and regulations in furtherance of the purpose of its creation, to adopt, use, and alter a corporate seal, and to have and exercise generally all the powers of private corporations, except to the extent the same may be inconsistent with KRS 96A.010, et seq. The Authority shall be authorized to promote and develop mass transportation within the city and the county including establishment, operation, and extension of a mass transit system and the Authority shall have and may exercise such power as may be necessary or desirable to carry out such purpose.

(Ord. 717, passed 8-28-80)

§ 32.27 EFFECTIVE DATE.

The Transit Authority shall become a corporate entity on the effective date of this subchapter.

(Ord. 717, passed 8-28-80)

§ 32.28 MANAGING BOARD.

The business, activities, and affairs of the Authority shall be managed, controlled, and conducted by a Board consisting of eight members, four of which shall be appointed by the Mayor and four of which shall be appointed by the Judge. No officer or employee of the city or county shall be eligible for appointment to the Board.

(Ord. 717, passed 8-28-80)

§ 32.29 TERMS OF MEMBERS.

Initially, the Board shall be appointed so that two members shall serve for a term of one year, two members for a term of two years, two members for a term of three years, and two members for a term of four years; such terms are to expire, in each instance, on June 30, and thereafter until a successor is appointed and accepts appointment. The Mayor and the Judge shall each appoint one member for each staggered term. On expiration of these initial staggered terms, successors shall be appointed by the Mayor and the Judge for terms of four years, and until successors are appointed and accept their appointments. Members of the Board shall be eligible for reappointment.

(Ord. 717, passed 8-28-80)

§ 32.30 REMOVAL.

Any member of the Board may be removed by the Mayor or Judge that appointed such member for inefficiency, neglect of duty, malfeasance, conflict of interest, or want of mental or physical capacity to serve, in the manner set forth in [§ 32.31](#).

(Ord. 717, passed 8-28-80)

§ 32.31 PROCEEDINGS FOR REMOVAL.

The Mayor or Judge, as appropriate, shall submit to the Board a written statement setting forth the reasons for removal of a member of the Board. Notice shall be given to the member named in such statement; a hearing, if requested, shall be conducted within 30 days before the Board who are not subject to such removal proceedings; a record of the hearing shall be made by the secretary-treasurer of the Board; and the member named in such removal notice may appeal any adverse decision, within ten days after the rendering thereof, to the county circuit court, such appeal to be perfected by filing with the Clerk of Court and with the secretary-treasurer of the Board. The Court, on application of the member removed, may in its discretion, order that the original record of the proceedings be filed with the Clerk as the basis for such appeal. There shall be right of appeal from the county circuit court to the court of appeals.

(Ord. 717, passed 8-28-80)

§ 32.32 COMPENSATION.

The members of the Board shall be allowed reasonable expenses necessarily incurred by them in the conduct of the affairs of the Authority. Otherwise, the members of the Board shall serve without compensation.

(Ord. 717, passed 8-28-80)

 **§ 32.33 FISCAL YEAR.**

The Authority shall operate on a fiscal year basis beginning each July 1 and ending the ensuing June 30.

(Ord. 717, passed 8-28-80)

 **§ 32.34 BOARD MEETINGS.**

Regular meetings of the Board shall be held at least once in each calendar month, at such time and place as may be fixed by the Board as a matter of record. Special meetings of the Board may be called by the chairman or any two members of the Board on oral or written notice to all members at least 48 hours in advance. Each notice of a special meeting shall state the time, place, and purpose thereof. Notice may be waived by any member, in writing, before or after such special meeting, and the presence of any member at any such special meeting shall constitute a waiver of any defect of notice, unless such member shall cause it to appear of record that his attendance is only for the purpose of objecting to any deficiency in the notice.

(Ord. 717, passed 8-28-80)

 **§ 32.35 QUORUM.**

A majority of members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such a manner and under such penalties as the Authority may previously have provided for, according to its bylaws. The affirmative vote of a majority or a quorum shall be necessary for the adoption of any motion, measure, or resolution. Passage of any motion, measure, or resolution may be by voice vote provided:

(A) At the request of any member the yea and nay votes shall be recorded on call of the roll; and

(B) Such record shall be made in all proceedings involving any adjustment of rates and charges for use of the service and facilities of the mass transportation system of the Authority, authorization of proceedings to acquire property through exercise of the power of eminent domain, the issuance of revenue bonds or mortgage bonds of the Authority, a request that the general obligation bonds be issued by the city for the benefit of the Authority, or approval and authorization of any lease agreement wherein the Authority is the lessor and a public body or public bodies or any combination thereof, may be the lessee as provided in this subchapter.

(Ord. 717, passed 8-28-80)

 **§ 32.36 BOARD OFFICERS, DIRECTORS, AND EMPLOYEES.**

(A) The Board shall within 60 days after the appointment of its initial membership, and thereafter in July of each year, elect from its members a chairman and a vice chairman. It may, in its discretion, employ an executive director and a secretary-treasurer, neither of whom shall be a member of the Board. The Board may, in its discretion, employ necessary legal counsel and other agents and employees to carry out its work and functions, and may from time to time, prescribe and alter such rules and regulations as it may deem necessary.

(B) The executive director, if and when employed by the Board, shall be the chief executive officer of the Authority, having such power and duties as the Board may prescribe.

(C) The secretary-treasurer shall keep the minutes of all meetings of the Board, and shall also keep a set of books showing the receipts and expenditures of the Board. He shall preserve on file duplicate vouchers for all expenditures and shall present to the Board, on request, complete reports of all financial transactions and the financial condition of the Board. He shall transmit, at least once annually, a detailed report of all acts and doings of the Board to the Council and Fiscal Court. He shall cause all moneys of the Authority coming into his hands to be deposited in one or more financial institutions, as designated by the Board from time to time.

(D) The board shall fix the salaries, wages, and other compensation of officers, agents, and employees whom it may engage from time to time. Such salaries, wages, and other compensation shall constitute obligations of the Authority only, and shall be payable from the Authority's revenues and any other available sources, and shall not constitute an obligation of the city or county.

(Ord. 717, passed 8-28-80)

§ 32.37 BOND OF EXECUTIVE DIRECTOR; SECRETARY-TREASURER.

The Board shall require its executive director and its secretary-treasurer, if and when such executive director shall be employed, to execute bond in favor of the Authority, and conditioned on faithful performance of the duties of such offices and full accounting to the Authority. Each such bond shall be with corporate surety, provided by a corporate surety company qualified to transact business in this state and approved, in each instance, by the Board. The Board may, in like manner require similar bonds, with corporate surety, to be given by other officers, agents, and employees in such manner and in such penal sums, as it may specify from time to time, premiums payable to sureties on such bonds shall be paid by the Authority and may be chargeable as an operating expense of the Authority.

(Ord. 717, passed 8-28-80)

§ 32.38 AUTHORITY TO ACCEPT GRANTS.

The Authority may accept grants, gifts, or loans of money or other property from the United States, the state, or any person or entity for such purpose, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(Ord. 717, passed 8-28-80)

§ 32.39 MANAGEMENT CONTRACTS.

The Authority may operate any mass transit system which it establishes, or instead of operating the same in its own name, the Authority may enter into one or more management contracts for operating the same or any part hereof, under such terms and conditions as it may determine to be proper and desirable. However, any such management contract shall retain in the Authority the power to establish and adjust from time to time, rates and charges to be exacted from the public for use of service and facilities referred to therein, and the power to issue revenue bonds, mortgage bonds thereof.

(Ord. 717, passed 8-28-80)

§ 32.40 RESPONSIBILITY FOR PLANNING; COORDINATION.

The Authority shall be responsible for overall planning of mass transit in the city. The Authority must consult, cooperate, and coordinate with any other state, local, or federal planning agency or department, having responsibilities or authority in the same transit area according to federal and state laws. The ultimate goal of such planning shall be of improvement of mass transit service. In carrying out its purpose, the Authority shall consider its highways, road, and street distance on federal, state, and local levels.

(Ord. 717, passed 8-28-80)

§ 32.41 PERMISSIBLE TYPES OF FINANCING.

For the purpose of acquiring or otherwise establishing one or more transit systems, or parts thereof, or for the purpose of adding to, extending or improving one or more mass transportation systems owned or to be acquired or established or for any combination of such purposes, the Authority may resort to financing according to the methods set forth in KRS 96A.120 et seq.

(Ord. 717, passed 8-28-80)

§ 32.42 DUTY TO PROVIDE INSURANCE.

The Authority shall provide for insurance of its properties, and for workmen's compensation, and other public liability or any other risk or hazards arising from activities, and may provide for the insuring of its officers or employees against such risks or hazards and the expense of obtaining such insurance, and of paying the premiums thereof from time to time, shall be borne by the Authority and chargeable as an operating expense of the Authority.

(Ord. 717, passed 8-28-80)

§ 32.43 ANNUAL AUDIT.

The Authority shall employ a state licensed public accountant, of firm thereof, to make an annual audit of the Authority's financial accounts and affairs, and to make a report thereof, including comments of the auditor regarding whether or not the Authority is in compliance with statutory requirements and with lawful covenants and commitments made in its contract or bond proceedings. A copy of each audit report shall be filed and kept open for public inspection in the office of the secretary-treasurer of the Authority, and a copy shall be provided to the City Clerk.

(Ord. 717, passed 8-28-80)

 **§ 32.44 POWER TO CONDUCT STUDIES.**

The Transit Authority may conduct such surveys and studies, gathering such information, and institute such programs and plans any may be reasonably necessary to carry out the purpose of KRS Chapter 96A.

(Ord. 717, passed 8-28-80)