

ORDINANCE NO. 73-7

An Ordinance to create the Hernando County Transit Authority to provide for the appointment of the members of said authority; to provide conditions and qualifications for and the term of office of said members; prescribing its jurisdiction, powers and duties, defining the powers and duties of said authority, granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate airport facilities; provide for the imposition and collection of charges for the use of and for the services furnished by any airport facilities; to provide for the execution of contracts, deeds, mortgages, and other instruments in writing by the authority; to provide for the preparation of an annual budget, fiscal year, and audit thereof; to limit expenditures of said authority and to provide purchases pursuant to advertising and sealed bids; to grant unto the authority the right to acquire necessary real and personal property. Providing an effective date.

Be It Enacted by the Hernando County Board of County Commissioners:

Section 1. This Ordinance shall be known and may be cited as the Hernando County Transit Authority Ordinance.

Section 2. As used in this Ordinance, the following words and terms shall have the following meaning:

(a) The term Transit Authority shall mean the Hernando County Transit Authority herinafter created.

(b) The word County shall mean the County of Hernando, State of Florida.

Section 3. The Board of County Commissioners of Hernando County is hereby authorized to create; and does hereby create an Authority to be known as the Hernando County Transit Authority and be that name the said Authority may sue or be sued, contract and be contracted with and have an official seal. The Hernando County Transit Authority is hereby constituted and declared to be a public body corporate. The said Authority shall consist of five members, three of whom shall be members of the Board of County Commissioners, selected by the Board of County Commissioners of Hernando County, Florida. No member of the Authority shall receive any compensation as a member of the Authority. The members shall hold office and be appointed for the following terms of office: two members shall be appointed for the term of one year, one member shall be appointed for the term of two years, one member shall be appointed for the term of three yeaes, one member shall be appointed for the term of four years.

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Thereafter the term of office of each of the members appointed by the Board of County Commissioners shall be for the term of four years. The members appointed by the Board of County Commissioners of Hernando County, Florida, shall hold office for four years from date said Authority is activated. Each member of the Authority shall qualify by taking an oath to faithfully perform the duties of his office and file the same with the Clerk of the Board of County Commissioners. To be eligible for appointment as a member of the Authority members must have been resident and citizen of Hernando County, Florida, for a period of three (3) years. Within fifteen days after any vacancy occurs on the Authority by death, resignation, change of residence, or removal, of any member, or from any other cause, the successor of such member shall be appointed in the same manner as his predecessor was appointed and shall serve for the unexpired term of his predecessor. Said Authority shall select one of its members as Chairman, one as Vice-Chairman, one as Secretary, and one as Treasurer, each of whom shall hold office for two years from date of activation. The treasurer and any other officers or employees of the Authority, who may be required, shall execute an adequate surety bond in a penal sum to be fixed from time to time by the Authority, conditioned upon the faithful performance of the duties of his office or employment, which bond or bonds shall be approved and filed with the Clerk of the Board of County Commissioners, the premium on said bond to be paid by the Authority.

Section 4. The Authority is hereby authorized and empowered:

(a) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate any transit facilities or systems within the jurisdiction of the Authority;

(f) to fix and revise from time to time and to collect rates, fees and other charges for the use of or for the services and facilities furnished by any airport facilities;

(g) to acquire in the name of the Authority by gift or purchase any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition,

construction, reconstruction, improvement, extension, enlargement or operation of any transit facilities, or systems and to hold and dispose of all real and personal property under its control;

(h) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as may, in the judgment of the Authority be deemed necessary and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Act.

(i) to accept grants of money or materials or property of any kind for any airport facilities from any Federal or State agency, political subdivision or other public body or from any private agency or individual, upon such terms and conditions as may be imposed; and

(j) to do all acts and things necessary or convenient to carry out the powers granted by this Act.

(k) by resolution, provide for the execution of any contracts, deeds, mortgages, leases, or other instruments in writing required to be executed on behalf of the Authority, by the signature of the Chairman, attested by the Secretary, and any such contracts, deeds, mortgages, leases, or other instruments in writing, when duly authorized by the Authority, and so executed and acknowledged, if an acknowledgment be required shall be the act and deed of the Authority.

(l) to operate, maintain, and control public transportation facilities and systems to include, but not in any way limiting, bus systems, subways, trains, trolleys, and other such systems of public transportation as may be necessary.

Section 5. The Authority shall prepare an annual budget for the cost and expense of operations each year, same to be submitted to the County Commissioners of the County, at the same time and the same manner as other county officers budgets have the same authority over such budgets as over budgets of County officers. The fiscal year of the Authority shall commence October 1st, and end September 30th in each year. All anticipated revenues to be derived from the operation of the transit shall be included in the budget of the Authority. The affairs of facilities and systems of the Authority shall be audited in the same manner and at the same time as other County offices are audited.

Section 6. No contract for the construction repair, alteration or otherwise of any transit facility or equipment or part of the same or the purchase of equipment and supplies involving an expenditure of more than \$300.00 shall be let by the Authority unless the Authority advertises for sealed bids at least once a week for two consecutive weeks and such contract is let to the lowest responsible bidder; provided the Commission shall have the authority to reject all bids.

Section 7. The Authority is hereby authorized to fix and revise from time to time rates, fees and other charges for the use of and for the services furnished or to be furnished by any transit facilities and systems or operated by the Authority. Such rates, fees and charges shall be fixed and revised so that the revenues of the Authority, together with any other available funds, will be sufficient at all times to pay the cost of maintaining, repairing and operating the transit facilities and systems owned or operated by the Authority, including reserves for such purposes. Notwithstanding any of the foregoing provisions of this Section, the Authority may enter into contracts relating to the use of or for the services furnished or to be furnished by any transit facilities or systems which shall not be subject to revision except in accordance with their terms.

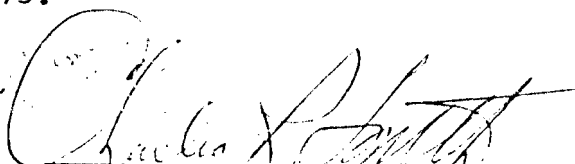
Section 8. All moneys received pursuant to the authority of this Act shall be deemed to be trust funds, to be held and applied solely as provided in this Act.

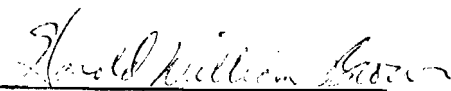
Section 9. The Board of County Commissioners shall have the power of removal of any member of the Authority for good cause and upon such removal the said Board shall appoint a successor for the unexpired term.

Section 10. That if any Section, Sub-Section, paragraph, or clause, herein contained, is, for any reason, held unconstitutional, invalid or inoperative the same shall in no manner affect the remaining provisions hereof, and it is hereby declared to be the intent of the Legislature to enact the said remaining provisions hereof.

Section 11. This law shall take effect as provided by law.

Duly adopted this 10th day of July, A.D. 1973.


CHAIRMAN

ATTEST: 
CLERK