



**S.B. 142**

126th General Assembly  
(As Introduced)

Sen. Jacobson

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**BILL SUMMARY**

- Establishes a distinct method of appointment for the board of trustees of regional transit authorities created by two municipal corporations and one county with a population of at least 500,000.
- Provides that a board member appointed under this method serves at the pleasure of the appointing authority.
- Requires a board appointed under this method to hold regular and special meetings as provided in its bylaws.
- Expressly provides that meetings of a regional transit authority appointed under this method must be open to the public and that its secretary-treasurer serves at the pleasure of the board.

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**CONTENT AND OPERATION**

**Current law**

Under current law, a regional transit authority (RTA) may be created by any county, any two or more counties, municipal corporations, or townships, or any combination of these entities for one or more of a variety of purposes generally pertaining to the provision of transit facilities. The board of trustees of an RTA created by the exclusive action of a county must be appointed by the board of county commissioners of that county. A board of trustees created by two or more political subdivisions must consist of the number of members having the qualifications provided for in the resolutions or ordinances creating the RTA. Similarly, the creating resolutions or ordinances, or any amendments to them, may establish which public officers will have appointing authority for the members of the board of trustees. Current law authorizes those appointing authorities to

remove a trustee at any time for misfeasance, nonfeasance, or malfeasance in office. (R.C. 306.31, 306.32, and 306.33--not in the bill.)

**Changes proposed by the bill**

The bill prescribes a distinct appointment method for any RTA created by two municipal corporations and one county with a population of at least 500,000. In this situation, the board of trustees must consist of nine members, six appointed by the board of county commissioners, two appointed by the most populous municipal corporation included in the RTA, and one appointed by the remaining municipal corporation included in the RTA. A trustee appointed under this method serves at the pleasure of the appointing authority. (R.C. 306.331.)

Trustees appointed under the bill, like those appointed under current law, must take an oath or affirmation to honestly, faithfully, and impartially perform the duties of office and to have no personal interest in any contract let by the RTA. Similarly, a majority of the board of trustees constitutes a quorum, and an affirmative vote of the quorum is necessary for any action to be taken by the RTA. No vacancy in the board impairs the rights of a quorum to exercise all rights and perform all the duties of the RTA. (R.C. 306.331.)

Once the trustees are appointed under the bill, the same requirements apply as apply to RTA boards of trustees appointed under current law: staggered initial terms followed by three-year terms, eligibility for reappointment dependent on the creating resolutions or ordinances, annual selection of a president and vice-president, and appointment of a non-member secretary-treasurer as fiscal officer. The secretary-treasurer will serve at the pleasure of the board under the bill. (R.C. 306.331.)

The board of trustees must hold regular and special meetings as provided in its bylaws. The board meetings must be open to the public. (R.C. 306.331.)

Finally, the bill provides that, on its effective date, the existing appointment and removal provisions established by the resolutions and ordinances governing the board of trustees of any RTA affected by the bill are void. The county and municipal corporations of the affected RTA must appoint a new board of trustees within five days after the bill's effective date in accordance with its distinct appointment method. On that fifth day, the affected RTA's board as constituted on the bill's effective date is dissolved, and the board appointed under the bill must meet and organize. But, the bill does not affect the validity of any action of the affected RTA's board taken before the bill's effective date. (Section 2.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	5-04-05	p. 481

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