



Legislation Details (With Text)

File #: R-353-21 **Version:** 1 **Name:**
Type: Resolution **Status:** Approved
File created: 7/2/2021 **In control:** City Council
On agenda: 7/20/2021 **Final action:** 7/20/2021

Title: Approving the inclusion of Lucas County as a member of the Toledo Area Regional Transit Authority without time limit; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Lucas County Resolution, 2. TARTA Resolution

Date	Ver.	Action By	Action	Result
7/20/2021	1	City Council	dispense with the rules of council requiring	Pass
7/20/2021	1	City Council	declare emergency	Pass
7/20/2021	1	City Council	adopted	Pass

All Council Members

Approving the inclusion of Lucas County as a member of the Toledo Area Regional Transit Authority without time limit; and declaring an emergency.

WHEREAS, the Toledo Area Regional Transit Authority (TARTA) exists as a political subdivision under the laws of the State of Ohio and is operated in the following jurisdictions (Member Communities): the City of Toledo, the City of Maumee, the City of Sylvania, the City of Rossford, the Village of Ottawa Hills, the City of Waterville and the Township of Sylvania; and

WHEREAS, TARTA provides transit services within the areas of the Member Communities which are within portions of Lucas and Wood County, Ohio; and

WHEREAS, TARTA currently derives funding from two ad valorem property taxes (one 1.0 mill levy and one 1.5 mill levy) for a total of 2.5 mills paid by the property owners within the area of TARTA; and

WHEREAS, several other Regional Transit Authorities in Ohio utilize a sales and use tax to fund operations, which funding system is viewed as a preferable method of funding because it is paid by nonresidents as well as residents; and

WHEREAS, the Board of Lucas County Commissioners established a community task force comprised of a broad cross section of leaders throughout the region to assess the state of public transportation in and around Lucas County; and

WHEREAS, in August of 2019 the final report of the task force, entitled Community Task Force: Public Transportation in Northwest Ohio, was issued and it recommended that Lucas County should be invited

to become a member of TARTA and that a 0.5% sales tax levy be proposed to replace the inefficient property taxes; and

WHEREAS, a sales and use tax funding system requires the addition of Lucas County as one of TARTA's Member Communities; and

WHEREAS, the Board of Trustees of TARTA has approved a resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding structure that would: (1) expand mass transit service throughout Lucas County by adding Lucas County; (2) eliminate the current 2.5 mill property tax levies and substitute a 0.5% sales and use tax; and (3) allocate monies from the sales and use tax collected to TARTA to directly fund its operations and allocate monies from the sales and use tax collected to other local governmental entities for the installation, maintenance and improvement of mass transit related infrastructure; and

WHEREAS, the Board of Trustees of TARTA's resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding provided that if Lucas County is added as a member of TARTA, the Board of Trustees will amend its composition to reflect its expanded geographical boundaries, as follows: four members, who shall have terms of three years, shall be appointed by the Mayor of the City of Toledo, with the advice and consent of the Council of the City of Toledo; three members, who shall have terms of three years, shall be appointed by the Board of County Commissioners for Lucas County; one member, who shall have a term of three years, shall be appointed by the City of Maumee, with the advice and consent of the Council of the City of Maumee; one member, who shall have a term of three years, shall be appointed by the Mayor of the Village of Ottawa Hills, with the advice and consent of the Council of the Village; one member, who shall have a term of three years, shall be appointed by the Mayor the City of Rossford, with the advice and consent of the Council of the City of Rossford; one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Sylvania, with the advice and consent of the Council of the City of Sylvania; one member, who shall have a term of three years, shall be appointed by the Board of Trustees of Sylvania Township; and one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Waterville, with the advice and consent of the Council of the City of Waterville; and

WHEREAS, the Board of Trustees of TARTA's resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding provided that if the current 2.5 mill property tax levies are replaced with a 0.5% sales and use tax, the monies derived therefrom will be utilized in accordance with Ohio Revised Code Section 306.35, and after application of Section 306.322, certain of these sums collected are to be expended for public infrastructure projects to assist other local governmental entities in the TARTA service area in funding installation, maintenance and improvement of transit related infrastructure so that the roads, sidewalks, bridges, bus stops, bus shelters, signage and associated improvements are adequate to allow TARTA to operate its vehicles and serve its passengers in the Member Communities, with annual payments as follows: City of Toledo \$300,000; City of Maumee \$90,000; Village of Ottawa Hills \$90,000; City of Rossford \$90,000; City of Sylvania \$90,000; Sylvania Township \$90,000 and City of Waterville \$90,000; and

WHEREAS, the proposed changes first require the Lucas County Board of County Commissioners to adopt a resolution or ordinance proposing that Lucas County join TARTA without a time limit on the County's membership, and to then submit a copy of its resolution or ordinance to the governing body of each political subdivision comprising TARTA; and

WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA, within 30 days of receiving the copy of the Lucas County Board of County Commissioners' resolution or

ordinance proposing to join TARTA, adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, TARTA's Board of Trustees may adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a sales and use tax under R.C. 5739.023 and 5741.022 throughout TARTA's territorial boundaries as so enlarged, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49; and

WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, the Board of Trustees of TARTA intends to proceed to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a 0.5% sales and use tax under R.C. 5739.023 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election; and

WHEREAS, the Lucas County Board of County Commissioners approved a resolution on June 30, 2021 proposing that Lucas County join TARTA without a time limit as to the County's membership and submitted to this Council a copy of the County Commissioners' resolution on June 30, 2021; and

WHEREAS, in consideration of the above; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That this Council approves the Lucas County Board of County Commissioners' proposal for Lucas County to join TARTA as a member without a time limit.

SECTION 2. That this Council gives approval to TARTA to repeal the two property taxes currently levied and to levy a sales and use tax at a rate of up to 0.5%.

SECTION 3. That this Council hereby authorizes the Clerk of Council to promptly take all actions necessary to promptly present this Resolution to the Board of Trustees of TARTA in time for the Board of Trustees of TARTA to adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a sales and use tax at a rate of up to 0.5% under R.C. 5739.023 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in a meeting open to the public in compliance with the law.

SECTION 5. That this Resolution is hereby declared to be an emergency and shall be effective immediately upon its adoption. The reason for the emergency is that this measure is necessary for the immediate preservation of the public peace, health, safety, and welfare and also because it is necessary to inform the Board of Trustees of TARTA of this Council's approval of the Lucas County Board of County Commissioners' proposal in time for the Board of Trustees to submit the above-described question to the electors of TARTA's territorial boundaries, as would be enlarged by the inclusion of Lucas County, at the November 2, 2021 General Election.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor