

ORDINANCE NO. 1832

**AN ORDINANCE TO CREATE
THE PRICHARD TRANSPORTATION AUTHORITY**

SPONSORED BY: *Mayor Jesse M. Norwood*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

SECTION 1. There is created the Prichard Transportation Authority, pursuant to Alabama Act No. 95-718.

SECTION 2. As used in this Ordinance, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

- (1) **AUTHORITY.** The Prichard Transportation Authority.
- (2) **BOARD.** The board of directors of the Prichard Transportation Authority.
- (3) **BONDS.** Shall include bonds, notes, and certificates representing an obligation to pay money.
- (4) **DIRECTOR.** A member of the board of directors of the authority.
- (5) **PERSON.** Unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department, or instrumentality of the state or a county or municipality.

- (6) **PROPERTY.** Includes real and personal property, and interest therein.
- (7) **PUBLIC TRANSPORTATION SERVICE.** Includes all service involved in the transportation of passengers for hire by means of street railway, elevated railway, motor vehicles, or other means of conveyance generally associated with or developed for mass surface or subsurface transportation of the public, but does not include any service involved in transportation by taxicab, airport limousine, or industrial bus.
- (8) **TRANSIT SYSTEM.** Includes land, plats, systems, facilities, buildings, garages, vehicles of all types, rails, lines, and any combination of them used or useful or capable of future use in furnishing public transportation service, and all other property deemed necessary or desirable by an authority for use in furnishing public transportation service.

SECTION 3. The authority shall be governed by a board of directors consisting of nine (9) members. Four (4) of the nine (9) members shall be appointed by the mayor of the City of Prichard. Five (5) of the nine (9) members shall be appointed by the City Council of the City of Prichard with each Council District having 1 member. A member of the board of directors may be removed by a majority vote of the members of the City Council.

SECTION 4. The initial terms of the directors shall be staggered. Three (3) members shall serve for a term of two (2) years, three (3) members shall serve for a term three (3) years, and three (3) members shall serve for a term of four (4) years. The appointing authorities shall submit in writing the name and address each member appointed to the board of directors to the Mobile County Judge of Probate. At the organization meeting of the members of the board of directors, the members shall by lot select the initial term each shall serve. The term of each member shall be filed with the Mobile County Judge of Probate. The term of office for all members after the initial term shall be four years.

SECTION 5. The members shall also elect from among themselves a president, vice president, secretary and treasurer. Each officer of the board shall serve for a period of one year, or until a successor is elected to serve. The officers of the board shall not be bonded, except the treasurer and the Director/Executive Director who shall obtain a bond in a reasonable amount.

SECTION 6. The Authority shall have the following powers, together with all powers incidental or necessary to the discharge of its duties.

- (a) To employ a qualified executive director who shall have the responsibility of carrying forth policies and directives of the board of directors. The executive director shall serve at the pleasure of the board. The board of directors shall set the salary of the executive director and shall provide necessary office space and clerical help.
- (b) To solicit and receive contributions from other governmental entities, corporations, partnerships, or individuals. The Authority shall submit to audits by the Examiners of Public Accounts.
- (c) To sue and be sued in its own name in civil suits and actions and to defend suits against it.
- (d) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities.
- (e) To make, enter into, and execute contracts, agreements, leases and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted by Alabama Act No. 95-718.
- (f) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, and operate transit systems, whether the same be located in one or more municipalities within the state.
- (g) To provide public transportation service within a county upon any reasonable terms and for any reasonable rate and considerations as the board may prescribe.
- (h) To borrow funds for the authority which shall not exceed five million dollars (\$5,000,000.00).
- (i) To encumber no more than one million five hundred thousand dollars (\$1,500,000.00) of its property.
- (j) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the Authority.
- (k) To provide for any insurance as the board may deem advisable.

- (l) To invest any funds of the authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits.
- (m) To cooperate with the United States of America, its agency or instrumentality, the state, any county, municipality or other political subdivision of the state, and public corporation organized under the laws of the state, and to make contracts with them, or any of them, including agreeing with the terms of any federal statute or regulation as the board may deem advisable to accomplish the purposes for which the Authority was established.
- (n) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any transit system of the Authority.
- (o) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of the system, to any counties, municipalities, or public corporations organized under the laws of the state which have the corporate power to operate the system or portions of the system, conveyed and the property and income of the system which are not subject to taxation. The sale and conveyance may be made only with the consent of the City of Prichard as evidenced by a resolution adopted by the City Council and only if the conveyance would not constitute a breach of any outstanding mortgage and deed of trust, indenture, or other agreement to which the Authority is a party.
- (p) To enter into a management agreement or agreements with any person for the management by or for the Authority of any transit system upon the terms and conditions as may be mutually agreeable.
- (q) To fix and revise, from time to time, reasonable rates, fees, and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the Authority, and to collect all charges made by it. The rates and fees shall be based on the rates and fees charged by municipalities and suburban areas of comparable sizes in the region as certified by a certified public accountant. In addition, the fees must be based on ridership and must be reviewed annually for adjustment.

SECTION 7. The Authority may acquire property for the purpose of planning for present and future transportation needs.

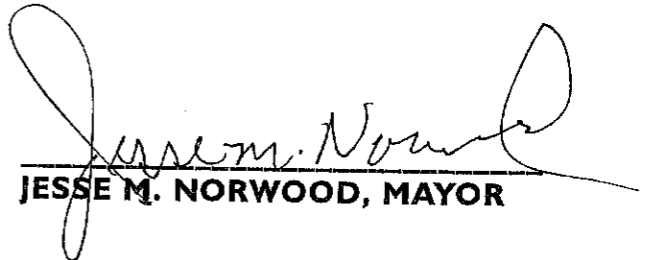
SECTION 8. If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would thereof adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the face that one or more articles, sections, sentences, clauses, or phrases invalid or unconstitutional.

SECTION 9. All ordinance or parts of ordinances of the City of Prichard in conflict with the provisions of this Ordinance, insofar as they conflict, are hereby repealed.

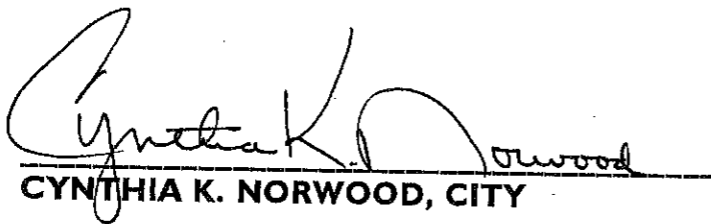
SECTION 10. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED THIS 9th April, 1996.

APPROVED:


JESSE M. NORWOOD, MAYOR

ATTESTED:


CYNTHIA K. NORWOOD, CITY

THE PRICHARD TRANSPORTATION AUTHORITY

“THE TRANSIT /MODALITY CITY”

- BIKE TRAILS
- TOURISM TRANSIT (WHISTLER HISTORICAL DIST/AFRICATOWN)
- PARKING LOTS MANAGEMENT & OPERATION S
- BUS EMBARKMENT / DISEMBARKMENT PERMITING
- GRANTS
- WALKING TRAILS
- RURAL CITY/COUNTY TRANSIT MANAGEMENT OPPORTUNTIES
- RURAL CITY / COUNTY TRANSPORTATION ADVERTISING KIOSKS
- EXPRESS VAN / BUS SERVICES
- CHARTER TRANSPORTATION / PARTNERSHIPS
- BIKE RACES
- FUN RUNS
- EXPERIMENTAL TRIALS (SOLAR/ PILOTS) GRANTS
- HEALTH & WELLNESS (ADVOCATE /PARTNERSHIPS)
- SURFACE TRANSPORTATION PROGRAMS GRANTS
- SARBANES TRANSIT IN PUBLIC PARKS GRANTS
- RECREATIONAL TRAILS PROGRAMS GRANTA