ORDINANCE 82-41

TO REPEAL CHAPTER 2.76 DEPARTMENT OF PUBLIC TRANSIT OF THE BLOOMINGTON MUNICIPAL CODE AND TO CREATE CHAPTER 2.76 BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION

WHEREAS, the Board of Public Works conducted a public meeting at which the advisability of establishing a public transportation corporation for the City of Bloomington was discussed and interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Public Works adopted a resolution requesting this Common Council to create a public transportation corporation and to adopt this ordinance which resolution is by reference made a part of this ordinance as fully as if the same was attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk of the City of Bloomington, Indiana, and are open for public inspection pursuant to I.C. 36-1-5-4; and

WHEREAS, the Common Council had a study prepared by ATE Management and Service Company, Inc., Cincinnati, Ohio, to assist the Common Council in determining whether it is in the public interest that a public transportation corporation be created, which study is by reference made part of this ordinance as fully as if the same was attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk of the City of Bloomington, Indiana, and are open for public inspection pursuant to I.C. 36-1-5-4; and

WHEREAS, the above-mentioned study indicated that creation of a public transportation corporation in the City of Bloomington would be in the public interest and provided information that indicated that creation of a public transportation corporation is necessary to relieve traffic congestion, necessary for the proper use of places where members of the general public congregate, necessary to expand economic and social opportunities available to residents of the City, and a substantial factor in maintaining real property values in the municipality; and

WHEREAS, the above-mentioned study contained an expert recommendation that a public transportation corporation be created in the City of Bloomington and concluded that creation of a public transportation corporation is necessary to provide the above-described benefits; and

WHEREAS, based upon the expert advice of ATE Management & Service Company, Inc., the request of the Board of Public Works and its own review of the aforementioned study and resolution, this Common Council hereby finds that creation of a public transportation corporation is in the public interest of the citizens of the City of Bloomington, Indiana, and that said creation is:

(1) necessary to relieve traffic congestion in the municipality;
(2) necessary for the proper use of the factories, stores, warehouses, offices, schools, recreational facilities, and other places where members of the general public congregate;
(3) necessary to expand the economic and social opportunities available to residents of the municipality, especially those who can not freely move about without the services of the system; and
(4) a substantial factor in maintaining real property values in the municipality; and

WHEREAS, the Common Council finds that a public transportation corporation should be created herein; the number of directors of the

public transportation corporation should be specified herein; and the boundaries of the public transportation corporation should be set herein, all in accordance with the provisions of I.C. 36-9-4; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance creating a public transportation corporation have been complied with in accordance with the provisions of said act, I.C. 36-9-4;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION I. Chapter 2.76 Department of Public Transit of the Bloomington Municipal Code is hereby repealed in its entirety, and re-enacted to read as follows:

Chapter 2.76

Bloomington Public Transportation Corporation

SECTIONS 2.76.010 Declaration of Public Interest
2.76.020 Creation
2.76.030 Necessity
2.76.040 Boundaries
2.76.050 Directors
2.76.060 Powers

2.76.010 Declaration of Public Interest. The Common Council hereby declares that the creation of a public transportation corporation is in the public interest of the City of Bloomington and that the public acquisition of Bloomington Transit by said public transportation corporation is in the public interest of the City of Bloomington.

2.76.020 Creation. That there is hereby created a public transportation corporation pursuant to I.C. 36-9-4, as amended from time to time, which public transportation corporation shall hereinafter be known as the "Bloomington Public Transportation Corporation" and which public transportation corporation shall be a separate municipal corporation, as provided under I.C. 36-9-4-12.

2.76.030 Necessity. That the public transportation corporation urban mass transportation system is necessary to relieve traffic congestion in the City of Bloomington; necessary for the proper use of the factories, stores, warehouses, offices, schools, recreational facilities, and other places where members of the general public congregate; necessary to expand the economic and social opportunities available to residents of the municipality, especially those who cannot freely move about without the services of the system; and a substantial factor in maintaining real property values in the municipality.

2.76.040 Boundaries. That the boundaries of the Bloomington Public Transporation Corporation shall be coterminous with the boundaries of the City of Bloomington. A map showing such boundaries shall be prepared and certified by the Bloomington City Engineer and shall be available for public inspection in his office.

2.76.050 Directors. That the number of directors of the corporation shall be five. The board of directors shall be appointed and serve pursuant to I.C. 36-9-4 and said board of directors shall have all the powers, authority and privileges and shall be subject to all of the duties, responsibilities, requirements and limitations provided herein.

2.76.060 Powers. That the Bloomington Public Transportation Corporation and its board of directors shall have all of the powers granted pursuant to I.C. 36-9-4.

SECTION II. If any of the provisions of this ordinance, or application thereof to any persons or circumstance, is held unconstitional or otherwise invalid by a court of competent jurisdiction, the remaining provisions of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION III. This ordinance repeals all ordinances inconsistent therewith.

SECTION IV. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7 day of July, 1982.

Patrick J. Murphy, President
Bloomington Common Council

ATTEST:

Patricia Williams, City Clerk

PRESENTED by me to the Mayor on this 8 day of July. 1982.

Patricia Williams, City Clerk

SIGNED and APPROVED by me on this 8 day of July, 1982.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals Chapter 2.76 Department of Public Transportation of the Bloomington Municipal Code and creates Chapter 2.76 Public Transportation Corporation, specifies the number of directors of the corporation, sets forth the boundaries of the corporation, and sets out other matters connected therewith and repeals ordinances inconsistent therewith.