Ordinance No. 3838 *Passed: November 10, 2026*

AN ORDINANCE REPEALING SECTIONS 33.55, 33.56, 33.57, 33.58, 33.59, 33.60, AND 33.61 OF CHAPTER 33: BOARD OF TRUSTEES OF THE DAYTON-MIAMI VALLEY REGIONAL ARTS AND CULTURAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON, OHIO.

WHEREAS, in 1980 the City Council adopted Resolution 20-80 establishing a Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural District; and

WHEREAS, Resolution 20-80 and 12-85 were submitted to the codifier for the purpose of establishing Sections 33.55, 33.56, 33.57, 33.58, 33.59, 33.60, and 33.61 of Chapter 33: Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural District of the Code of Ordinances of West Carrollton, Ohio (the "WCO"); and

WHEREAS, Article IX "Boards and Commissions", Section 9.06 "Creation of New Boards and Commissions" of the West Carrollton City Charter provides that "The Council by ordinance may create, change and abolish boards and commissions, other than those established by this Charter. The Council may assign additional duties to the boards and commissions established by this Charter, but may not discontinue or assign to any other board or commission any function assigned by this Charter to a particular board or commission."; and

WHEREAS, the establishment of the Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural District through Resolutions 20-80 and 12-85, rather than by ordinance was inconsistent with the requirements of Section 9.06 of the West Carrollton City Charter; and

WHEREAS, the Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural District is not currently an active group; and

WHEREAS, the City Manager recommends that City Council repeal Sections 33.55, 33.56, 33.57, 33.58, 33.59, 33.60, and 33.61 from Chapter 33: Board of Trustees of The Dayton -Miami Valley Regional Arts and Cultural of the WCO in order to bring the WCO in compliance with the West Carrollton City Charter.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, OHIO, HEREBY ORDAINS:

Section 1: Sections 33.55, 33.56, 33.57, 33.58, 33.59, 33.60, and 33.61 of Chapter 33: Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural of the WCO are hereby repealed in their entirety.

Section 2: Chapter 33: Board of Trustees of The Dayton-Miami Valley Regional Arts and Cultural, Sections 33.55, 33.56, 33.57, 33.58, 33.59, 33.60, and 33.61 of the WCO are set forth in Exhibit A, attached hereto and incorporated herein by reference, with the provisions to be repealed indicated by ~~strikethrough.~~

Ordinance No. 3838 *Passed: November 10, 2026*

Section 3: It is found and determined that all formal actions of the City Council relating to the adoption of this Ordinance were in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect from and after the earliest period allowed by law.

Passed: November 10, 2026

Mayor

Attest: Samantha Morgan
Assistant Clerk of Council

Effective Date: December 10, 2026

Ordinance No. 3838 Passed: November 10, 2026

Exhibit A

~~BOARD OF TRUSTEES OF THE DAYTON-MIAMI VALLEY REGIONAL ARTS AND CULTURAL DISTRICT~~

~~§ 33.55 DEFINITIONS.~~

~~For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~***ARTISTIC OR CULTURAL FACILITY.*** Includes, but is not limited to, a performing arts center, a concert hall, a museum, a living arts center, and other property, improvements, or facilities used in connection therewith.~~

~~***ARTS OR CULTURAL HERITAGE.*** Includes, but is not limited to, literature, theater, music, dance, ballet, painting, sculpture, photography, motion pictures, architecture, archaeology, history, natural history, and the natural sciences.~~

~~***ARTS OR CULTURAL ORGANIZATION.*** Any nonprofit corporation, arts or cultural council, association, institution, or other organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder, member, or individual, that provides programs or activities in areas directly concerned with the arts or cultural heritage.~~

~~***BOARD.*** The board of trustees of the district.~~

~~***DISTRICT.*** The Dayton-Miami Valley regional arts and cultural district created in § 33.56, and includes the territory within the geographical limits of each member, as the limits may change from time to time.~~

~~***DIVISION LINE.*** U.S. Route 35 except that the division shall follow the boundaries of Mad River Township, Village of Riverside, and Village of New Lebanon which are north of U.S. Route 35.~~

~~***MEMBER.*** Each political subdivision joining in the creation of the district, as enumerated in § 33.56.~~

~~***NORTHERN MEMBERS.*** Those members (excluding the County of Montgomery and the City of Dayton), all or a majority of the territory which lies north of the division line.~~

~~***SOUTHERN MEMBERS.*** Those members (excluding the County of Montgomery, the City of Dayton, and the City of Kettering), all or a majority of the territory of which lies south of the division line.~~
~~(Res. 20-80, passed 8-12-80)~~

~~§ 33.56 CREATION; PURPOSE.~~

~~The County of Montgomery, Ohio, the City of Dayton, Ohio, the City of Oakwood, Ohio, the City of Kettering, Ohio, the City of Centerville, Ohio, the City of Trotwood, Ohio, the City of Vandalia, Ohio, and the City of West Carrollton, Ohio hereby join in creating a regional arts and cultural district pursuant to the provisions of R.C. Ch. 3381. The official name of the district shall be Dayton-Miami Valley regional arts and cultural district. The principal office of the district shall be located in Dayton, Ohio, or in another place in Montgomery County, Ohio as may be selected by the board. The purposes of the district shall be to make grants to support the operating or capital expenses of arts or cultural organizations located within the district, and to acquire, construct, equip, furnish, repair, remodel, renovate, enlarge, improve, or administer artistic or cultural facilities.~~
~~(Res. 20-80, passed 8-12-80)~~

~~§ 33.57 BOARD OF TRUSTEES.~~

~~(A) The board shall be composed of 11 trustees who shall serve without compensation, provided that with the approval of the board, trustees may be reimbursed for actual expenses incurred in the performance of their duties.~~

~~(B) The city commission of the City of Dayton shall appoint three trustees; the board of county commissioners of the County of Montgomery shall appoint three trustees; the city council of Kettering shall appoint one trustee; and one trustee shall be appointed by the southern members and one trustee shall be appointed by the northern members, all in accordance with division (C) below.~~

~~(C) The appointment of trustees by the southern members and the northern members shall be accomplished by rotating the appointment power as provided in this paragraph. With respect to the southern members, initially the legislative authority of the City of Centerville shall appoint one trustee. Thereafter, the appointment power shall rotate among the legislative authorities of the southern members in alphabetical order. With respect to the northern members, initially the legislative authority of the City of Trotwood shall appoint one trustee. Thereafter, the appointment power shall rotate among the legislative authorities of the northern members in alphabetical order. Notwithstanding the foregoing, the legislative authority of any southern member or northern member may, by written notice to the board given at least 90 days prior to the commencement of a trustee term for which the member has the appointment power, waive the right of the member to appoint the trustee for such term, whereupon the appointment power shall vest in the member next having the appointment power as herein provided.~~

~~(D) In addition to the trustees appointed as stated above, there shall be two trustees appointed in the following manner, which trustees shall be persons who devote a major portion of their time to practicing, performing, or teaching any of the arts or who are professional administrators in any field of the arts or cultural heritage. The city commission of the City of Dayton and the board of county commissioners of the County of Montgomery shall each propose one of such trustees for consideration by the other four members which have appointed or have the power to appoint trustees at such time under division (B) above, and each such proposed trustee shall be appointed~~

~~by the proposer only if the proposed trustee is approved, prior to the appointment, by at least two of the other members.~~

~~(E) The initially appointed trustees shall serve staggered terms of one, two, and three years as follows: of the trustees appointed by the city commission of the City of Dayton, one shall serve a term of one year and two shall serve terms of two years; of the trustees appointed by the board of county commissioners of the County of Montgomery, one shall serve a term of one year and two shall serve terms of two years; and the trustees appointed by Kettering, the southern members and the northern members shall each serve terms of three years. The trustees initially appointed in accordance with division (D) above shall serve a term of one year. Thereafter, each trustee shall serve a term of three years, except that any person appointed to fill a vacancy shall be appointed only to the unexpired term. Any appointed trustee is eligible for reappointment. The initial trustees shall be appointed within 60 days after the creation of the district by all of the members. The term of each trustee of the board shall be deemed to run from the date of his appointment. The legislative authority of each member may at any time remove any trustee appointed by the legislative authority.~~

~~(F) All trustees of the board shall be persons who are qualified electors in the district's territory and who have broad knowledge and experience in the arts and cultural heritage. Each legislative authority with appointing power shall consider for appointment as trustees of the board, but need not appoint, such persons as are nominated by area art councils, as defined in R.C. § 757.03, located within the district, provided that all such persons shall meet the qualifications specified in the first sentence of this division (F).~~

~~(G) If any trustee resigns, expires, becomes disqualified, or is removed from office, the legislative authority of the member which appointed the trustee shall promptly appoint a person meeting the requirements of this section to fill the vacancy.~~

~~(H) Upon the expiration of his term, a trustee shall remain in office until a successor trustee is selected by the appropriate legislative authority.~~

~~(I) A majority of the board shall constitute a quorum, the affirmative vote of which is necessary for any action taken by the district. No vacancy in the board shall impair the rights of a quorum to exercise all rights and perform all the duties of the district.~~

~~(J) Each trustee of the board, before entering upon his official duties, shall take and subscribe to an oath or affirmation that he will honestly, faithfully, and impartially perform the duties of his office.~~

~~(K) After each trustee of the board has taken the oath required by this section the board shall meet and organize by electing one of its trustees as president and another as vice-president, who shall hold their respective offices until the next annual meeting of the board. At each annual meeting thereafter the board shall elect from its membership a president and a vice-president who shall serve for a term of one year.~~

~~(L) The board shall appoint and fix the compensation of an executive director, who shall be the fiscal officer and shall not be a trustee of the board and who shall serve at the pleasure of the board.~~
~~(Res. 20-80, passed 8-12-80)~~

~~***§ 33.58 POWERS OF THE BOARD.***~~
~~All the power and authority granted to the district shall be vested in and exercised by the board, which shall manage and conduct the affairs of the district. The board shall, within the limitations of R.C. Ch. 3381, provide by rules the procedure for its actions, the manner of selection of its executive director, and other employees, their titles, terms of office, compensation, duties, number, and qualifications, and any other lawful subject necessary or desirable to the operation and administration of the district and the exercise of the powers granted to it.~~
~~(Res. 20-80, passed 8-12-80)~~

~~***§ 33.59 POWERS OF THE DISTRICT.***~~
~~Upon the creation of the district and upon the qualifying of the board and the election of a president and vice-president, the district shall exercise in its own name all the rights, powers, and duties vested in and confirmed upon it by R.C. Ch. 3381.~~
~~(Res. 20-80, passed 8-12-80)~~

~~***§ 33.60 EXPENSES.***~~
~~(A) On or before November 1 of each year, the district shall adopt and transmit to each member a budget for the following calendar year. The budget shall determine the estimated operating expenses of the district to be borne by the members (local expenses) during the calendar year. Revenues received by the district from any tax levied pursuant to R.C. § 3381.16 shall be applied to payment of local expenses before apportionment of local expenses among members. Until any tax is levied, local expenses in any calendar year to be borne by the members shall not exceed $50,000.~~

~~(B) For any calendar year, local expenses shall be borne in the proportions set forth herein by the members as have appointed or have the power to appoint, pursuant to § 33.57 (B), trustees who will serve during the calendar year. Each of the members shall pay to the district local expenses up to a maximum of $.02 per capita of the population of the member, provided that for purposes of this sentence the population of Montgomery County shall be deemed to be the same as the population of the City of Dayton. Any additional amount of local expenses shall be borne and paid equally by the City of Dayton and the County of Montgomery if, and only to the extent, provided in a resolution of the board of trustees adopted with the affirmative vote of the six trustees appointed by the City of Dayton and the County of Montgomery pursuant to § 33.57 (B). All payments under this paragraph shall be made quarterly on or before January 1, April 1, July 1, and October 1 of each year. For the purposes of this paragraph, a member shall not be deemed to have the power to appoint a trustee if it has waived the power pursuant to § 33.57 (D).~~

~~(C) Each member of the district may determine to provide its share of local expenses from any funds authorized by law to be used for these purposes.~~

~~(D) For the calendar year 1980, each member shall pay to the district an amount of money agreed upon between the district and the members. The payments shall be made in equal installments on January 2, and July 1, 1980.~~

~~(E) Notwithstanding anything herein to the contrary, no member shall be obligated to bear any local expenses for any calendar year after calendar year 1982.~~
~~(Res. 20-80, passed 8-12-80)~~

~~§ 33.61 DISSOLUTION.~~

~~The district may be terminated and dissolved at any time by the adoption of a resolution of termination and dissolution by either the legislative authority of any member having a population of at least 55,000, or the board and by the legislative authority of each member. The resolution of termination and dissolution shall fix a date on which the district shall be terminated and shall become effective upon the filing of a copy of each resolution or ordinance adopting the resolution with the clerk of the legislative authority of each member. In addition, the district shall automatically terminate on the tenth anniversary of its creation unless by that date a tax levy shall have been authorized by the qualified electors pursuant to R.C. § 3381.16 (A) or 3381.16 (B). Before any termination date, the district shall proceed to wind up its affairs, fulfill or discharge its contracts, collect its assets, sell its assets for cash at public or private sale, discharge or pay its liabilities, make distributions to arts or cultural organizations to the extent practicable, and do all other acts appropriate to liquidate its business. On the termination date, the district, after paying or adequately providing for the payment of its liabilities, shall distribute the remaining assets of the district (if any) to the members in such a manner as may be agreed upon by the members. After the termination date, the district, its trustees, officers, and members may continue to function for the purpose of winding up the affairs of the district in the same manner as if the termination had not taken place. In so doing, the trustees shall not be deemed to be trustees for the assets of the district and title to the assets shall remain in the district until transferred by it. Until the winding up of the affairs of the district is completed, this resolution and the bylaws of the district shall continue in full force and effect.~~
~~(Res. 20-80, passed 8-12-80; Am. Res. 12-85, passed 10-8-85)~~

Resolution No. 20-80 *Passed* August 12 *19* 80

A RESOLUTION CREATING THE DAYTON-MIAMI VALLEY REGIONAL ARTS AND CULTURAL DISTRICT.

WHEREAS, an urgent need exists for steps within the City of West Carrollton, Ohio, and within the geographical areas of the political subdivisions hereinafter mentioned, for coordinated and concentrated efforts and actions which shall foster and encourage the development and preservation of the Arts or Cultural Heritage, as hereinafter defined, and in furtherance thereof an entity must be created on an area-wide basis without regard to political boundaries which are inappropriate for Arts or Cultural Heritage considerations.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, STATE OF OHIO, HEREBY RESOLVES:

SECTION 1: Definitions.

As used in this Resolution:

A. "Arts or Cultural Heritage" includes, but is not limited to, literature, theater, music, dance, ballet, painting, sculpture, photography, motion pictures, architecture, archaeology, history, natural history, and the natural sciences.

B. "Arts or Cultural Organization" means any not-for-profit corporation, arts or cultural council, association, institution or other organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder, member or individual, that provides programs or activities in areas directly concerned with the Arts or Cultural Heritage.

C. "Artistic or Cultural Facility" includes, but is not limited to, a performing arts center, a concert hall, a museum, a living arts center, and other property, improvements or facilities used in connection therewith.

D. "District" means the Dayton-Miami Valley Regional Arts and Cultural District created in Section 2 hereof, and includes the territory within the geographical limits of each Member, as such limits may change from time to time.

E. "Member" means each political subdivision joining in the creation of the District, as enumerated in Section 2 hereof.

F. "Southern Members" means those Members (excluding the County of Montgomery, the City of Dayton and the City of Kettering), all or a majority of the territory of which lies south of the Division Line.

G. "Northern Members" means those Members (excluding the County of Montgomery and the City of Dayton), all or a majority of the territory which lies north of the Division Line.

H. "Board" means the Board of Trustees of the District.

I. "Division Line" means U.S. Route 35 except that such Division shall follow the boundaries of Mad River Township, Village of Riverside and Village of New Lebanon which are north of U.S. Route 35.

SECTION 2: Creation, Name, Location and Purposes of District.

The County of Montgomery, Ohio, the City of Dayton, Ohio, the City of Oakwood, Ohio, the City of Kettering, Ohio, the City of Centerville, Ohio, the City of Tretwood, Ohio, the City of Vandalia, Ohio, and the City of West Carrollton, Ohio hereby join in creating a regional arts and cultural district pursuant to the provisions of Chapter 3381 of the Ohio Revised Code. The official name of the District shall be "Dayton-Miami Valley Regional Arts and Cultural District". The principal office of the District shall be located in Dayton, Ohio, or in such other place in Montgomery County, Ohio as may be selected by the Board. The purposes of the District shall be to make grants

to support the operating or capital experses of Arts or Cultural Organizations located within the District, and to acquire, construct, equip, furnish, repair, remodel, renovate, enlarge, improve or administer Artistic or Cultural Facilities.

SECTION 3: Board of Trustees.

A. The Board shall be composed of eleven trustees who shall serve without compensation, provided that with the approval of the Board, trustees may be reimbursed for actual expenses incurred in the performance of their duties.

B. The City Commission of the City of Dayton shall appoint three trustees; the Board of County Commissioners of the County of Montgomery shall appoint three trustees; the City Council of Kettering shall appoint one trustee; and one trustee shall be appointed by the Southern Members and one trustee shall be appointed by the Northern Members, all in accordance with Section 3.C. hereof.

C. The appointment of trustees by the Southern Members and the Northern Members shall be accomplished by rotating the appointment power as provided in this paragraph. With respect to the Southern Members, initially the legislative authority of the City of Centerville shall appoint one trustee. Thereafter, such appointment power shall rotate among the legislative authorities of the Southern Members in alphabetical order. With respect to the Northern Members, initially the legislative authority of the City of Trotwood shall appoint one trustee. Thereafter, such appointment power shall rotate among the legislative authorities of the Northern Members in alphabetical order. Notwithstanding the foregoing, the legislative authority of any Southern Member or Northern Member may, by written notice to the Board given at least 90 days prior to the commencement of a Trustee term for which such Member has the appointment power, waive the right of such Member to appoint the Trustee for such term, whereupon such appointment power shall vest in the Member next having such appointment power as herein provided.

D. In addition to the trustees appointed as stated hereinabove, there shall be two trustees appointed in the following manner, which trustees shall be persons who devote a major portion of their time to practicing, performing or teaching any of the arts or who are professional administrators in any field of the Arts or Cultural Heritage. The City Commission of the City of Dayton and the Board of County Commissioners of the County of Montgomery shall each propose one of such trustees for consideration by the other four members which have appointed or have the power to appoint trustees at such time under Paragraph B of Section 3 hereof, and each such proposed trustee shall be appointed by such proposer only if such proposed trustee is approved, prior to such appointment, by at least two of the other such members.

E. The initially appointed trustees shall serve staggered terms of one, two and three years as follows: of the trustees appointed by the City Commission of the City of Dayton, one shall serve a term of one year and two shall serve terms of two years; of the trustees appointed by the Board of County Commissioners of the County of Montgomery, one shall serve a term of one year and two shall serve terms of two years; and the trustees appointed by Kettering, the Southern Members and the Northern Members shall each serve terms of three years. The trustees initially appointed in accordance with paragraph D of Section 3 hereof shall serve a term of one year. Thereafter, each trustee shall serve a term of three years, except that any person appointed to fill a vacancy shall be appointed only to the unexpired term. Any appointed trustee is eligible for reappointment. The initial trustees shall be appointed within 60 days after the creation of the District by all of the Members. The term of each trustee of the Board shall be deemed to run from the date of his appointment. The legislative authority of each Member may at any time remove any trustee appointed by such legislative authority.

F. All trustees of the Board shall be persons who are qualified electors in the District's territory and who have broad knowledge and experience in the Arts and Cultural Heritage. Each legislative authority with appointing power shall consider for appointment as trustees of the Board, but need not appoint, such persons as are nominated by Area Art Councils, as defined in Section 757.03 of the Ohio Revised code, located within the District, provided that all such persons shall meet the qualifications specified in the first sentence of this paragraph F.

G. If any trustee resigns, expires, becomes disqualified or is removed from office, the legislative authority of the Member which appointed such trustee shall promptly appoint a person meeting the requirements of this Section to fill the vacancy.

H. Upon the expiration of his term, a trustee shall remain in office until a successor trustee is selected by the appropriate legislative authority.

I. A majority of the Board shall constitute a quorum, the affirmative vote of which is necessary for any action taken by the District. No vacancy in the Board shall impair the rights of a quorum to exercise all rights and perform all the duties of the District.

J. Each trustee of the Board, before entering upon his official duties, shall take and subscribe to an oath or affirmation that he will honestly, faithfully, and impartially perform the duties of his office.

K. After each trustee of the Board has taken the oath required by this Section the Board shall meet and organize by electing one of its trustees as President and another as Vice-President, who shall hold their respective offices until the next annual meeting of the Board. At each annual meeting thereafter the Board shall elect from its membership a President and a Vice-President who shall serve for a term of one year.

L. The Board shall appoint and fix the compensation of an Executive Director, who shall be the fiscal officer and shall not be a trustee of the Board and who shall serve at the pleasure of the Board.

SECTION 4: Powers of the Board.

All the power and authority granted to the District shall be vested in and exercised by the Board, which shall manage and conduct the affairs of the District. The Board shall, within the limitations of Chapter 3381 of the Ohio Revised Code, provide by rules the procedure for its actions, the manner of selection of its Executive Director and other employees, their titles, terms of office, compensation, duties, number, and qualifications, and any other lawful subject necessary or desirable to the operation and administration of the district and the exercise of the powers granted to it.

SECTION 5: Powers of District.

Upon the creation of the District and upon the qualifying of the Board and the election of a president and vice president, the District shall exercise in its own name all the rights, powers and duties vested in and confirmed upon it by Chapter 3381 of the Ohio Revised Code.

SECTION 6: Expenses of District.

A. On or before November 1st of each year, the District shall adopt and transmit to each Member a budget for the following calendar year. The budget shall determine the estimated operating expenses of the District to be borne by the Members ("Local Expenses") during such calendar year. Revenues received by the District from any tax levied pursuant to Section 3381.16 of the Ohio Revised Code shall be applied to payment of Local Expenses before apportionment of Local Expenses among Members. Until any such tax is levied, Local Expenses in any calendar year to be borne by the Members shall not exceed $50,000.

B. For any calendar year, Local Expenses shall be borne in the proportions set forth hereinafter by such Members as have appointed or have the power to appoint, pursuant to Paragraph B of Section 3 hereof, trustees who will serve during such calendar year. Each of such members shall pay to the District Local Expenses up to a maximum of 2 cents per capita of the population of such Member, provided that for purposes of this sentence the population of Montgomery County shall be deemed to be the same as the population of the City of Dayton. Any additional amount of Local Expenses shall be borne and paid equally by the City of Dayton and the County of Montgomery if, and only to the extent, provided in a resolution of the Board of Trustees adopted with the affirmative vote of the six trustees appointed by the City of Dayton and the County of Montgomery pursuant to Paragraph B of Section 3 hereof. All payments under this paragraph shall be made quarterly on or before January 1, April 1, July 1, and October 1 of each year. For the purposes of this paragraph, a Member shall not be deemed to have the power to appoint a trustee if it has waived the power pursuant to Section 3.D. hereof.

C. Each Member of the District may determine to provide its share of Local Expenses from any funds authorized by law to be used for such purposes.

D. For the calendar year 1980, each Member shall pay to the District an amount of money agreed upon between the District and the Members. Such payments shall be made in equal installments on January 2, and July 1, 1980.

E. Notwithstanding anything herein to the contrary, no Member shall be obligated to bear any Local Expenses for any calendar year after calendar year 1982.

SECTION 7: Dissolution.

The District may be terminate and dissolved at any time by the adoption of a resolution of termination and dissolution by either (a) the legislative authority of any member having a population of at least 55,000 or (b) the Board and by the legislative authority of each Member. The resolution of termination and dissolution shall fix a date on which the District shall be terminated and shall become effective upon the filing of a copy of each resolution or ordinance adopting such resolution with the Clerk of the legislative authority of each Member. In addition, the District shall automatically terminate on the fifth anniversary of its creation unless by such date a tax levy shall have been authorized by the qualified electors pursuant to Section 3381.16(A) or 3381.16(B) of the Ohio Revised Code. Before any termination date, the District shall proceed to wind up its affairs, fulfill or discharge its contracts, collect its assets, sell its assets for cash at public or private sale, discharge or pay its liabilities, make distributions to Arts or Cultural Organizations to the extent practicable, and do all other acts appropriate to liquidate its business. On the termination date, the District, after paying or adequately providing for the payment of its liabilities, shall distribute the remaining assets of the District (if any) to the Members in such manner as may be agreed upon by the Members. After the termination date, the District, its trustees, officers and Members may continue to function for the purpose of winding up the affairs of the District in the same manner as if the termination had not taken place. In so doing, the trustees shall not be deemed to be trustees for the assets of the District and title to such assets shall remain in the District until transferred by it. Until the winding up of the affairs of the District is completed, this resolution and the by-laws of the District shall continue in full force and effect.

SECTION 8: Severability.

If any clause, provision, or section of this resolution should be held illegal or invalid by any court, the validity of such clause, provision, or section shall not affect the other remaining clauses, provisions, or sections hereof, and this resolution shall be construed and enforced as if such illegal or invalid clause, provision, or section had not been contained therein.

RECORD OF RESOLUTIONS

National Graphics Corp., Cols., O. national graphics Form No. 6233-A

SECTION 9: Effective Date.

This Resolution shall take effect and be in force immediately upon its adoption, the earliest period allowed by law.

Passed: August 12, 1980

MAYOR Deputy Mayor

Attest: Paul Scarborough
Clerk of Council

Effective Date: August 12, 1980

This Resolution Prepared By: Patrick G. Carney
Patrick G. Carney, Law Director

Resolution No. 12-85 *Passed* October 8, *19* 85

A RESOLUTION AMENDING SECTION 7 OF RESOLUTION NO. 20-80, A RESOLUTION CREATING THE DAYTON-MIAMI VALLEY REGIONAL ARTS AND CULTURAL DISTRICT.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, STATE OF OHIO, HEREBY RESOLVES:

Section 1: That Section 7 of Resolution No. 20-80, a copy of which is attached hereto and made a part hereof, be, and the same hereby is amended to read as follows:

"SECTION 7: Dissolution.

The District may be terminated and dissolved at any time by the adoption of a resolution of termination and dissolution by either (a) the legislative authority of any member having a population of at least 55,000 or (b) the Board and by the legislative authority of each Member. The resolution of termination and dissolution shall fix a date on which the District shall be terminated and shall become effective upon the filing of a copy of each resolution or ordinance adopting such resolution with the Clerk of the legislative authority of each Member. In addition, the District shall automatically terminate on the tenth anniversary of its creation unless by such date a tax levy shall have been authorized by the qualified electors pursuant to Section 3381.16 (A) or 3381.16 (B) of the Ohio Revised Code. Before any termination date, the District shall proceed to wind up its affairs, fulfill or discharge its contracts, collect its assets, sell its assets for cash at public or private sale, discharge or pay its liabilities, make distributions to Arts or Cultural Organizations to the extent practicable, and do all other acts appropriate to liquidate its business. On the termination date, the District, after paying or adequately providing for the payment of its liabilities, shall distribute the remaining assets of the District (if any) to the Members in such manner as may be agreed upon by the Members. After the termination date, the District, its trustees, officers and Members may continue to function for the purpose of winding up the affairs of the District in the same manner as if the termination had not taken place. In so doing, the trustees shall not be deemed to be trustees for the assets of the District and title to such assets shall remain in the District until transferred by it. Until the winding up of the affairs of the District is completed, this resolution and the by-laws of the District shall continue in full force and effect."

RECORD OF RESOLUTIONS

National Graphics Corp., Cols., O. national graphics Form No. 6233-A

Resolution No. 12-85 *Passed* October 8, *19* 85

Section 2: That this resolution shall take effect from and after the date of its passage, the earliest period allowed by law.

Passed: October 8, 1985

Alfred A. Hintermaster
Mayor

Attest: [signature]
Clerk of Council

Effective Date: October 8, 1985

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of West Carrollton, Ohio, hereby certifies the attached Resolution to be a true and correct copy of Resolution No. 12-85, adopted on the 8th day of October, 1985.

Clerk of Council

Dated: _____

POSTED AS PER ORDINANCE