

RESOLUTION NO. 1985 - 154

AMENDING RESOLUTION NO. 1985-88 TO PROVIDE A CHANGE IN DATE FOR REACHING AN AGREEMENT, THE PARTICIPATION OF THE ACTING GENERAL MANAGER IN NEGOTIATIONS, THE ENUMERATION OF OPTIONS AVAILABLE TO THE BOARD OF TRUSTEES AND A RESERVATION OF AUTHORITY TO THE BOARD OF TRUSTEES

WHEREAS, the Board of Trustees adopted Resolution 1985-88 on April 16, 1985;

WHEREAS, the Board of Trustees desires to amend Resolution 1985-88.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

SECTION 1. That Section 1 be and it is hereby amended to include the Acting General Manager as one of the negotiators with the City of Maple Heights. Further that the options available to the Board of Trustees be and shall be set forth in the section.

SECTION 2. That Section 3 shall be amended to provide for a mutually acceptable acquisition agreement or an extension of the operating agreement by November 1, 1985. And further amended to provide for a revocation of authority to the General Counsel and Acting General Manager and a reservation to the Board of Trustees the right to take such action as it deems necessary.

SECTION 3. That Sections 4 and 5 be and they are hereby deleted.

SECTION 4. That Resolution No. 1985-88 as amended reads as follows:

WHEREAS, the resolutions of the Board of County Commissioners of Cuyahoga County and the City of Cleveland, creating the Greater Cleveland Regional Transit Authority, determined that the creation of a regional transit authority is necessary to provide a coordinated, consolidated, comprehensive, public mass transportation system for Cuyahoga County;

WHEREAS, the Greater Cleveland Regional Transit Authority has acquired the municipal transit systems owned and operated by the City of Cleveland, the City of Shaker Heights and the City of Euclid;

WHEREAS, Cleveland, Shaker Heights and Euclid transferred their publicly owned municipal transit systems to the Greater Cleveland Regional Transit Authority with the understanding that the enactments creating the Greater Cleveland Regional Transit Authority contemplated the transfer to the Greater Cleveland Regional Transit Authority of the transit systems owned by those cities and the transit systems owned by other municipal corporations in Cuyahoga County;

WHEREAS, the Public Transportation Operating Agreement, dated January 21, 1976, between the Greater Cleveland Regional Transit Authority and the City of Maple Heights contemplated that the Greater Cleveland Regional Transit Authority may eventually assume ownership, operation and control of the City of Maple Heights's scheduled bus service;

WHEREAS, the Board of Trustees, pursuant to Resolution No. 1979-62, directed that the operating agreement with Maple Heights should expire and all disputes be submitted to court if an agreement for the ultimate acquisition of the Maple Heights Transit System was not concluded;

WHEREAS, this matter has been litigated in both state and federal courts and those courts have determined that it is within the discretion of the Board to either extend the operating agreement, or enter into a mutually acceptable acquisition agreement or provide transit service in the City of Maple Heights; and

WHEREAS, it has been the policy of the Board to establish one unified public transit system in Cuyahoga County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the Acting General Manager and General Counsel be and they are hereby directed and authorized to commence negotiations with the City of Maple Heights for the acquisition of the Maple Heights Transit System in accordance with the legal options available to the Board of Trustees of the Greater Cleveland Regional Transit Authority: to continue the operating agreement; to enter into a mutually acceptable acquisition agreement or to provide transit service within the City of Maple Heights.

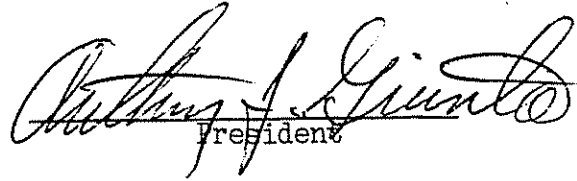
Section 2. That any acquisition agreement shall include a provision providing assurances of employment by the Greater Cleveland Regional Transit Authority to employees of the Maple Heights Transit System.

Section 3. That in the event a mutually acceptable acquisition agreement or an extension of the operating agreement is not concluded by November 1, 1985, the authority granted to the Acting General Manager and the General Counsel to negotiate such agreements is revoked and the Board of Trustees of the Greater Cleveland Regional Transit Authority shall take whatever action it deems appropriate, consistent with the public interest, to protect its proprietary interest in capital improvements to the Maple Heights Transit System which were financed by the Greater Cleveland Regional Transit Authority pursuant to the 1975 operating agreement and to otherwise address the question of the future relationship between it and the transit system of Maple Heights.

Section 4. That this resolution shall be effective upon its adoption.

SECTION 5. That this resolution shall be effective upon its adoption.

Adopted: June 25, 1985

  
President

Attest: Rhonda C. Kaidl  
Acting Secretary-Treasurer