

RESOLUTION NO. 1992-125

**AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT  
TO THE PUBLIC TRANSPORTATION OPERATING AGREEMENT BETWEEN  
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND MAPLE  
HEIGHTS.**

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") and the City of Maple Heights entered into a Public Transportation Operating Agreement dated March 30, 1989, and

WHEREAS, GCRTA and the City of Maple Heights determined that it is in their mutual interest that the parts rate annual adjustment set forth in the Cost Reimbursement Schedule of the agreement be amended.

WHEREAS, the Operating Agreement provides no change or modification to the original agreement shall be of any force or effect unless the amendment is dated and reduced to a writing executed by all parties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the GCRTA, Cuyahoga County, Ohio:

Section 1: That the General Manager be and he is hereby authorized and directed to execute an amendment to the Public Transportation Operating Agreement dated March 30, 1989, between the GCRTA and the City of Maple Heights. A copy of said amendment is attached hereto and fully incorporated as if written herein.


Section 2: That the application of said amendment shall be retroactive to January 1, 1991.


Section 3: The General Manager and Secretary-Treasurer is hereby authorized and directed to execute, deliver, and perform all such further agreements, instruments, documents, and acts in the name and on behalf of the GCRTA as shall be required to carry out the intent and purposes of this resolution.

Section 4: That this resolution shall become effective immediately upon its adoption.

Adopted: \_\_\_\_\_, July 21, 1992.

Attachment: Amendment to the Public Transportation Agreement Dated  
March 30, 1989.

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
General Manager and Secretary-Treasurer

AMENDMENT TO THE PUBLIC TRANSPORTATION OPERATING AGREEMENT  
DATED MARCH 30, 1989, BETWEEN THE GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY AND THE CITY OF MAPLE HEIGHTS.

WHEREAS, the Greater Cleveland Regional Transit Authority (hereinafter "GCRTA") and the City of Maple Heights (hereinafter "City") entered into a Public Transportation Operating Agreement dated March 30, 1989, and

WHEREAS, GCRTA and the City of Maple Heights have determined that it is in their mutual interest that the parts rate annual adjustment set forth in the Cost Reimbursement Schedule of the agreement be amended.

WHEREAS, the Public Transportation Operating Agreement provides that no change or modification to the original agreement shall be of any force or effect unless the amendment is dated and reduced to a writing executed by all parties.

NOW, THEREFORE, in consideration of the mutual promises and covenant's contained herein, the GCRTA and the City agree that the Public Transportation Operating Agreement dated March 30, 1989, shall be amended as follows:

Section 1: That the definition for the parts rate as set forth in Schedule 2, Exhibit I Cost Reimbursement for Operating Agreement between GCRTA and the City of Maple Heights shall be amended to read as follows:

The parts rate shall be computed by subtracting the December 1987 index for product code #3714 - Motor vehicle parts and accessories from the December index of the current audit period, and dividing the difference by the December 1987 index to calculate the percentage increase or decrease. The current period rate adjustment will be computed by multiplying the percentage increase or decrease by the part rate per the Operating Agreement. The formula would be as follows:

$(\text{December 199X} - 12/87 \text{ index of } 104.3) / 104.3 = \% \text{ increase or decrease}$   
 $\% \text{ increase or decrease multiplied by the parts rate per the operating agreement} = \text{Current rate adjustment}$

Current rate adjustment plus the parts rate per operating agreement =  
Adjusted parts rate

Section 2: That this amendment shall be retroactive to January 1, 1991, for auditing purposes.

IN WITNESS WHEREOF the parties hereto have caused this Amendment to the March 30, 1989, Public Transportation Operating Agreement between the

Page 2

Greater Cleveland Regional Transit Authority and the City of Maple Heights to be executed this \_\_\_ day of \_\_\_\_\_, 1992.

WITNESSES:

GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY

\_\_\_\_\_  
\_\_\_\_\_

By:

\_\_\_\_\_  
Ronald J. Tober  
General Manager and  
Secretary-Treasurer

The legal form and correctness of the within instrument are hereby approved.

\_\_\_\_\_  
Assistant General Manager - Legal

WITNESSES:

CITY OF MAPLE HEIGHTS

\_\_\_\_\_  
\_\_\_\_\_

By:

\_\_\_\_\_

Its:

\_\_\_\_\_

The legal form and correctness of the within instrument are hereby approved.

\_\_\_\_\_  
Law Director - City of Maple Heights