

RESOLUTION NO. 2015-118

AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF BRUNSWICK TO ACCEPT SECTION 5307 FUNDS ON BEHALF OF THE CITY OF BRUNSWICK

WHEREAS, the Federal Transit Administration ("FTA") apportions funds each year to the urban transit systems in Ohio under Section 5307 of Title 49 of the United States Code ("Section 5307"), based on their transit data; and

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") is a designated recipient of federal formula financial assistance in the Cleveland Urbanized Area ("CUZA"); and

WHEREAS, the FTA designates a portion of the federal formula financial assistance to unserved areas ("Unserved Areas Formula Funds") within the CUZA; and

WHEREAS, the City of Brunswick provides public transportation service within the CUZA; and

WHEREAS, the Northeast Ohio Areawide Coordinating Agency ("NOACA") Transit Council is responsible for determining the distribution of the Unserved Areas Formula Funds and has awarded \$147,060 in Unserved Areas Formula Funds to the City of Brunswick; and

WHEREAS, GCRTA agreed to accept said funds on behalf of the City of Brunswick.

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

Section 1. That the CEO, General Manager/Secretary-Treasurer ("CEO") is hereby authorized to apply for and accept \$147,060.00 in 2015 Unserved Areas Formula Funds on behalf of the City of Brunswick.

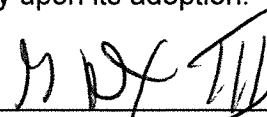
Section 2. That the CEO is hereby authorized to execute an agreement with the City of Brunswick providing for GCRTA to accept the Unserved Areas Formula funds and provide the City of Brunswick with an equal amount of local dollars ("Local Funds").

Section 3. That the CEO is hereby authorized to pay \$147,060.00 in Local Funds to the City of Brunswick.

Section 4. That the City of Brunswick shall use the Local Funds only for the purpose of public transportation and shall be responsible for and hold the Greater Cleveland Regional Transit Authority harmless for any claims relating to the exchange of funds or misappropriation of the Local Funds.


Section 5. That this resolution is effective immediately upon its adoption.

Adopted: December 15, 2015



President

Attest:



CEO, General Manager/Secretary-Treasurer

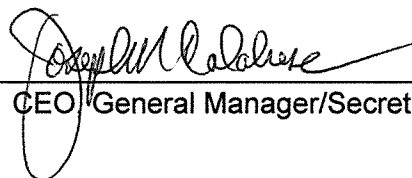


Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF BRUNSWICK TO ACCEPT SECTION 5307 FUNDS ON BEHALF OF THE CITY OF BRUNSWICK	Resolution No.: 2015-118
	Date: December 10, 2015
	Initiator: Cash Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will authorize an agreement between the City of Brunswick and GCRTA allowing GCRTA to accept Section 5307 funds on behalf of the City of Brunswick and to exchange the Section 5307 capital funds for operating funds. Currently, the City of Brunswick is not a designated recipient of Section 5307 funds.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This resolution will authorize the General Manager to enter into an agreement with the City of Brunswick to accept Section 5307 funds on their behalf and exchange the Section 5307 funds for local dollars. These funds are available from the unserved area funds made available to the Cleveland Urbanized Area. The funds will be used by GCRTA for capital projects and in exchange, GCRTA will disburse \$147,060 in operating funds to the City of Brunswick.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** The economic impact on GCRTA will be an increase of \$147,060 in federal funds to the RTA Development Fund and a \$147,060 decrease in the RTA Operating Fund, Department 43 Pass Thru Account.
- 7.0 **ALTERNATIVES:** The GCRTA could reject the request and risk losing the use of these funds in the Cleveland Urbanized Area.
- 8.0 **RECOMMENDATION:** It is recommended that this resolution be adopted to ensure that the Cleveland Urbanized Area does not forfeit these funds.
- 9.0 **ATTACHMENTS:** Draft City of Brunswick agreement.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO/General Manager/Secretary-Treasurer

AGREEMENT BETWEEN
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
AND
CITY OF BRUNSWICK

THIS AGREEMENT, entered into as of this _____ day of _____, 2015, by and between the **Greater Cleveland Regional Transit Authority** (hereinafter the "Authority" or "GCRTA"), having an office located at 1240 W. 6th St., Cleveland, Ohio 44113 and the City of Brunswick, (hereinafter "Grantee") whose business address is 4095 Center Road, Brunswick, Ohio 44212.

WITNESSETH: THAT

WHEREAS, the Federal Transit Administration ("FTA") apportions funds each year to the urban transit systems in Ohio under Section 5307 of Title 49 of the United States Code ("Section 5307"), based on their transit data; and

WHEREAS, GCRTA is a designated recipient of federal formula financial assistance in the Cleveland Urbanized Area ("CUZA"); and

WHEREAS, the FTA designates a portion of the federal formula financial assistance to unserved areas ("Unserved Areas Formula Funds") within the CUZA; and

WHEREAS, the Northeast Ohio Areawide Coordinating Agency ("NOACA") Transit Council is responsible for determining the distribution of the Unserved Areas Formula Funds; and

WHEREAS, Grantee provides public transportation service within the CUZA; and

WHEREAS, the NOACA Transit Council awarded \$147,060 in Unserved Areas Formula Funds to Grantee; and

WHEREAS, GCRTA agreed to accept said funds from FTA on behalf of Grantee.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, this Agreement is made to set forth the terms and conditions upon which GCRTA will accept Section 5307 funds from FTA on behalf of Grantee and disburse local dollars ("Operating Funds") to Grantee and the terms and conditions under which Grantee will use the local dollars. GCRTA will apply the funds to its' capital program.

SECTION 1: Based upon mutual consent between Grantee and GCRTA, GCRTA will apply for and accept One Hundred Forty Seven Thousand Sixty Dollars (\$147,060.00) in 2015 Unserved Areas Formula Funds on behalf of Grantee. GCRTA

agrees to administer the federal funds pursuant to and in accordance with the terms of the applicable FTA grant agreement and conditions and within its capital program.

SECTION 2: GCRTA will transfer One Hundred Forty Seven Thousand Sixty Dollars (\$147,060.00) in operating funds to Grantee upon receipt of the 2015 Section 5307 unserved area funds from FTA.

SECTION 3: Grantee agrees to use the operating funds only for the purpose of public transportation.

SECTION 4: The parties agree that this constitutes the entire Agreement between the Parties hereto, that there are no agreements or understandings, implied or expressed except as specifically set forth below, and that all prior agreements and understandings are merged into and contained in this Agreement.

SECTION 5: Grantee shall be responsible for and hold GCRTA harmless from and against all findings for recovery issued by FTA or any other agency of competent jurisdiction, and any and all other claims, actions, judgments, costs, penalties, liabilities, damages, losses and expenses related to the application and/or disbursement of funds on behalf of Grantee under this Agreement or any misappropriation or use of the operating funds that is not in accordance with the terms of this agreement up to the total sum of funds transferred pursuant to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be made, effective as of the _____ day of _____, 2015, by their respective duly authorized officials.

CITY OF BRUNSWICK
BY: _____
Name: _____
TITLE: _____
DATE: _____

GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY
BY: _____
Joseph A. Calabrese, CEO
General Manager/Secretary Treasurer

APPROVED AS TO LEGAL FORM AND
CORRECTNESS:

CITY OF BRUNSWICK LEGAL COUNSEL

Sheryl King Benford, General Counsel
Deputy General Manager Legal Affairs