

RESOLUTION NO. 2018-48

AUTHORIZING THE CEO, GENERAL MANAGER/SECRETARY-TREASURER TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY TO EXCHANGE SECTION 5307 AND SECTION 5339 FUNDS FOR LOCAL DOLLARS ON BEHALF OF MEDINA COUNTY PUBLIC TRANSIT

WHEREAS, the Federal Transit Administration ("FTA") apportions funds each year to the urban transit systems in Ohio under Sections 5307 and 5339 of Title 49 of the United States Code ("Section 5307" and "Section 5339"), based on their transit data; and

WHEREAS, transit systems have three years to obligate their apportioned funds or the funds will lapse and return to the FTA; and

WHEREAS, Medina County Public Transit ("MCPT") is an urban public transit system operated by Medina County; and

WHEREAS, FTA awarded MCPT Section 5307 and Section 5339 funds for federal fiscal years 2015, 2016, and 2017 that MCPT has been unable to utilize; and

WHEREAS, MCPT has a need for operating funds and, as a large urbanized transit system under the Cleveland urbanized area, cannot use its federal funds for operating expenses; and

WHEREAS, GCRTA could arrange to exchange Section 5307 and Section 5339 funds for local dollars; and

WHEREAS, GCRTA agreed to accept Section 5307 and Section 5339 funds from FTA on behalf of MCPT.

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

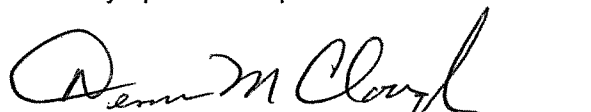
Section 1. That the CEO, General Manager/Secretary-Treasurer is hereby authorized to execute an agreement with Medina County providing for the exchange of local dollars for the Section 5307 and Section 5339 funds accepted on behalf of Medina County Public Transit ("MCPT").


Section 2. That the CEO, General Manager/Secretary-Treasurer is hereby authorized accept \$612,191.00 in Section 5307 and Section 5339 funds on behalf of MCPT and to pay \$612,191.00 in local dollars ("Local Funds") to MCPT.

Section 3. That MCPT 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 4. That this resolution is effective immediately upon its adoption.

Adopted: May 15, 2018

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

TITLE/DESCRIPTION:  AUTHORIZING THE CEO, GENERAL MANAGER/SECRETARY-TREASURER TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY TO EXCHANGE SECTION 5307 AND SECTION 5339 FUNDS FOR LOCAL DOLLARS	Resolution No.: 2018-48
	Date: May 10, 2018
	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 Medina County and GCRTA to exchange capital funds allocated to Medina County Public Transit ("MCPT") under Sections 5307 and 5339 of Title 49 of the United States Code for operating funds.
- 2.0 DESCRIPTION/JUSTIFICATION: This resolution will authorize the CEO, General Manager/Secretary-Treasurer to enter into an agreement with Medina County to exchange Section 5307 and Section 5339 funds for local dollars. These funds are an unused portion of the 2015, 2016, and 2017 funds allocated by the Federal Transit Administration ("FTA") to Medina County Public Transit totaling \$621,191.00. MCPT has requested this exchange because its need for operating funds outweighs its need for capital funds.
- 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 \$621,191 in federal funds to the RTA Development Fund and a \$621,191 decrease in the RTA Operating Fund, Department 43 Pass Thru Account.
- 7.0 ALTERNATIVES: The GCRTA could reject MCPT's request and risk losing the use of these funds in the Cleveland Urbanized Area due to MCPT's inability to use these funds for capital expenditures.
- 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 ATTACHMENT: Draft agreement with Medina County.

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

\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer

# DRAFT

## AGREEMENT BETWEEN THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND BOARD OF MEDINA COUNTY COMMISSIONERS

THIS AGREEMENT, entered into as of this \_\_\_\_\_ day of May, 2018 by and between the Greater Cleveland Regional Transit Authority (hereinafter the "Authority" or "GCRTA"), having an office located at 1240 West 6<sup>th</sup> Street, Cleveland, Ohio 44113 and the Board of Medina County Commissioners, (hereinafter "Grantee") whose business address is 144 N. Broadway St., Medina, Ohio 44256.

WITNESSETH: THAT

WHEREAS, the Federal Transit Administration ("FTA") apportions funds each year to the urban transit systems in Ohio under Sections 5307 and Section 5339 of Title 49 of the United States Code ("Section 5307" and "Section 5339"), based on their transit data; and

WHEREAS, transit systems have three years to obligate their apportioned funds or the funds will lapse and return to FTA; and

WHEREAS, Medina County Public Transit ("MCPT") is an urban public transit system operated by Grantee; and

WHEREAS, FTA awarded Section 5307 and Section 5339 funds for FFY2015, 2016 and 2017 to MCPT but MCPT has been unable to utilize all of these funds; and

WHEREAS, MCPT has a need for operating funds and, as a large urbanized transit system under the Cleveland urbanized area, cannot use its federal funds for operating expenses; and

WHEREAS, GCRTA could arrange to exchange federal Section 5307 and Section 5339 funds for local dollars; and

WHEREAS, GCRTA has agreed to accept Section 5307 and Section 5339 funds from FTA on behalf of MCPT.

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 and Section 5339 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 operating funds.

SECTION 1: Based upon mutual consent between the Grantee and GCRTA, GCRTA will apply for and accept Six Hundred Twelve Thousand One Hundred Ninety-one Dollars (\$612,191.00), consisting of \$24,201 of Section 5307 funds from 2015, \$119,449.00 of Section 5307 funds from 2016, \$386,531 of Section 5307 funds from 2017, \$40,000 of Section 5339 funds from 2016 and \$42,010 of Section 5339 funds from 2017, 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 Six Hundred Twelve Thousand One Hundred Ninety-one Dollars (\$612,191.00) in Operating Funds to Grantee upon receipt of the Section 5307 and Section 5339 funds from FTA.

SECTION 3: The Grantee agrees to use the Operating Funds only for the purpose of public transportation.

SECTION 4: The parties agree that this Agreement 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: The 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 May, 2018, by their respective duly authorized officials.

Board of Medina County Commissioners

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William F. Hutson  
President of the Board

Greater Cleveland Regional Transit Authority

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Joseph A. Calabrese, CEO  
General Manager/Secretary-Treasurer

APPROVED AS TO LEGAL FORM AND  
CORRECTNESS:

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Sheryl King Benford, General Counsel  
Deputy General Manager for Legal  
Affairs