

RESOLUTION NO. 2022-61

AUTHORIZING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY TO EXCHANGE OPERATING FUNDS FOR MEDINA COUNTY'S GRANT FUNDS AND TO PROVIDE FOR MEDINA COUNTY TO FUND A PORTION OF THE COST OF THE AUTHORITY'S 251 FLYER ROUTE

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, Medina County operates Medina County Public Transit ("MCPT"), an urban public transit system; and

WHEREAS, Medina County is in need of operating funds and as a large urbanized transit system under the Cleveland urbanized area, cannot use its federal funds for operating expenses; and

WHEREAS, Medina County has asked GCRTA to apply for and accept a portion of its share of federal Section 5307 capital funds and disburse operating funds to Medina County for fiscal year 2022 and to consider continuing this practice into the future; and

WHEREAS, Medina County wishes to have GCRTA provide transportation services known as the 251 Flyer route during 2022; and

WHEREAS, Medina County is willing to provide a portion of the cost of operating the Authority's 251 Flyer route; and

WHEREAS, the Authority is willing to enter into an agreement with Medina County that provides for the Authority to apply for and accept a portion of Medina County's share of federal Section 5307 capital funds and disburse operating funds to Medina County for FFY 2022 and for Medina County to provide a share of the funding for the Authority's 251 Flyer route for fiscal year 2022.

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

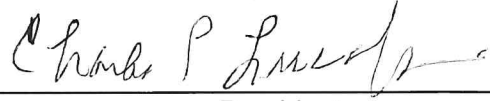
Section 1. That the General Manager, Chief Executive Officer is hereby authorized to execute an agreement with Medina County providing for (1) the Authority to apply for and accept a portion of Medina County's share of federal Section 5307 capital funds and disburse operating funds ("Local Funds") to Medina County for fiscal year 2022; and (2) Medina County to provide a share of the funding for the Authority's 251 Flyer route for fiscal year 2022.

Section 2. That the General Manager, Chief Executive Officer is hereby authorized to apply for a portion of Medina County's share of federal Section 5307 capital funds, use the federal funds in its capital program and disburse an equal amount, less Medina County's share of the funding for the Authority's 251 Flyer route, in Local Funds to Medina County.

Section 3. That Medina County 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. The economic impact on GCRTA will be an increase of \$600,000 in federal funds to the RTA Development Fund and a \$540,000 decrease in the RTA General Fund, Department 43 Pass Thru Account.

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

Adopted: June 28, 2022



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY TO EXCHANGE OPERATING FUNDS FOR MEDINA COUNTY'S GRANT FUNDS AND TO PROVIDE FOR MEDINA COUNTY TO FUND A PORTION OF THE COST OF THE AUTHORITY'S 251 FLYER ROUTE	Resolution No.: 2022-61
	Date: June 23, 2002
	Initiator: Finance
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 Section 5307 of Title 49 of the United States Code for operating funds. The agreement will also provide for Medina to fund a portion of the cost of the Authority's 251 Flyer Route.
- 2.0 DESCRIPTION/JUSTIFICATION: This resolution will authorize the General Manager, Chief Executive Officer to enter in an agreement with Medina County to exchange a portion of MCPT's Section 5307 capital funds for local dollars. These are funds allocated by the Federal Transit Administration ("FTA") to MCPT in 2022 totaling \$600,000.00. MCPT has requested this exchange because its need for operating funds outweighs its need for capital funds. The agreement also states that \$60,000.00 will be deducted from the transfer to MCPT to pay for a portion of the cost of the 251 Flyer route for 2022.
- 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 \$600,000 in Federal Funds to the RTA Development Fund and a \$540,000 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 ATTACHMENTS: Draft agreement with Medina County.

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


 General Manager, Chief Executive Officer

DRAFT

**AGREEMENT BETWEEN
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND
BOARD OF MEDINA COUNTY COMMISSIONERS FOR EXCHANGE OF
FUNDS**

THIS AGREEMENT, entered into as of this ____ day of _____, 2022 by and between the Greater Cleveland Regional Transit Authority (hereinafter the "Authority" or "GCRTA"), having an office located at 1240 West 6th Street, Cleveland, Ohio 44113 and the Board of Medina County Commissioners, (hereinafter "Grantee") whose business address is 144 N. Broadway St., Medina, Ohio 44256 (collectively, the "Parties").

WITNESSETH: THAT

WHEREAS, the Federal Transit Administration ("FTA") apportions funds each year to urbanized areas in Ohio under Section 5307 of Title 49 of the United States Code ("Section 5307") based on their transit and other 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 a public transit system operated by Grantee; and

WHEREAS, FTA apportioned Section 5307 funds for FFY 2022 to MCPT but MCPT will not be able to utilize all of these funds; and

WHEREAS, MCPT has a need for operating funds, but FTA funds apportioned to large urbanized areas cannot be used by any transit system for operating expenses; and

WHEREAS, GCRTA can arrange to accept Section 5307 funds from FTA on behalf of MCPT and supply local dollars in exchange for those funds; and

WHEREAS, GCRTA has agreed to supply local dollars to MCPT in exchange for the Section 5307 funds from FTA; and

WHEREAS, GCRTA is providing 12 months of transportation services known as the 251 flyer ("Transportation Services") from January 1, 2022 through December 31, 2022, for a total cost of \$60,000.00; and

WHEREAS, Grantee wishes to have GCRTA provide the Transportation Services for calendar year 2022; and

WHEREAS, GCRTA is willing to provide and Grantee is willing to pay for the Transportation Services during calendar year 2022 at the rate of \$5,000.00 per month, totaling \$60,000 for 2022.

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 Operating Funds.

SECTION 1: Based upon mutual consent between the Grantee and GCRTA, GCRTA will apply for and accept Six Hundred Thousand Dollars (\$600,000.00) of 2022 Section 5307 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: Upon receipt of the Section 5307 funds from FTA, GCRTA will transfer Five Hundred Forty Thousand Dollars (\$540,000.00) in Operating Funds to Grantee, which is the Six Hundred Thousand Dollars (\$600,000.00) requested less Sixty Thousand Dollars (\$60,000.00) for Transportation Services to be provided during 2022.

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.

SECTION 6: All notices to be given pursuant to this Agreement shall be sufficient if given in writing, delivered in person, delivered by bonded delivery service or sent by registered or certified mail, postage prepaid, and in any case addressed to the respective party at its postal address or at such other address or addresses each may hereafter designate in writing. Notices sent by delivery service or commercial carrier shall be deemed effective and complete at the time of acceptance by delivery service or posting in accordance herewith. Notice shall be delivered or mailed to the parties at the addresses below:

Board of Medina County Commissioners
Shannon Rine
Director, Medina County Public Transit
6094 Wedgewood Rd.
Medina, Ohio 44256

Greater Cleveland Regional Transit
Authority
India L. Birdsong
General Manager, Chief Executive Officer
1240 West 6th Street
Cleveland, Ohio 441113

With a copy to the Deputy General
Manager for Legal Affairs

IN WITNESS WHEREOF, the Parties, hereto have caused this Agreement to be made, effective as of the _____ day of _____, 2022, by their respective duly authorized officials.

Board of Medina County Commissioners

Stephen D. Hambley
President of the Board

Greater Cleveland Regional Transit Authority

India L. Birdsong
General Manager, Chief Executive Officer

APPROVED AS TO LEGAL FORM AND
CORRECTNESS:

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