

ORDINANCE NO. 19-021

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE TRANSPORTATION SERVICES AGREEMENT BETWEEN THE CITY OF SANDUSKY AND FIRST TRANSIT, INC., OF CINCINNATI, OHIO, IN RELATION TO THE SANDUSKY TRANSIT SYSTEM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky is the designated recipient of Federal Transportation Administration (FTA) funding under Chapter 49, Section 5307 of the Code of Federal Regulations and the Sandusky Transit System serves the residents within the City of Sandusky, and Erie County; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into a Transportation Services Agreement with First Transit, Inc., in relation to the Sandusky Transit System by Ordinance No. 17-045, passed on February 27, 2017, which was effective April 1, 2017; and

WHEREAS, the agreement provides for a three (3) year agreement commencing April 1, 2017, through March 31, 2020, with the City having the option to extend the contract for two (2) consecutive one (1) year terms beginning April 1, 2021, through March 31, 2022; and

WHEREAS, this proposed amendment will expand the service hours, routes and schedules, and rates to provide a greater service to transit riders by offering Sunday service on the Blue Line, along with the creation of a Yellow Line operating from April 1st through November 1st of each year; and

WHEREAS, the proposed changes will increase the cost of the contract by \$209,998.00 in CY 2019, \$215,442.00 in CY 2020, and \$222,897.00 in CY 2021, and the additional cost will be paid with Transit Funds and reimbursed through grant funds and revenue received from the contract with Cedar Point for transportation services; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the Amendment and allow the increased service hours and routes and schedule changes to go into effect at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

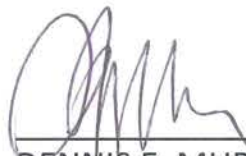
BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This Commission hereby approves the First Amendment to Transportation Services Agreement between the City of Sandusky and First Transit, Inc., and authorizes and directs the City Manager to execute the First Amendment to Transportation Services Agreement on behalf of the City in substantially in the same form as reflected in Exhibit "1" which is attached and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: February 11, 2019

FIRST AMENDMENT TO TRANSPORTATION SERVICES AGREEMENT BETWEEN CITY OF SANDUSKY AND FIRST TRANSIT

THIS AMENDMENT is made and entered into as of the ___ day of _____, 2019 by and between THE CITY OF SANDUSKY, with principle offices at 222 Meigs Street, Sandusky OH 44870 (the "City") and First Transit, Inc. with its national headquarters at 600 Vine Street, Suite 1400, Cincinnati, OH 45202 and local business offices for purposes of this Agreement located at 2581 Washington Road, Suite 223, Pittsburgh PA 15241 ("FT" and, collectively, the "Parties").

WITNESSETH

WHEREAS, effective March 31, 2017, the City and FT had previously made and entered into a Transportation Services Agreement for the operation of the Sandusky Transit System in Sandusky, Ohio (the "Transportation Services Agreement"); and

WHEREAS, the parties desire to amend certain portions of the Agreement;

NOW, THEREFORE, the parties mutually agree as follows:

1. **SERVICE HOURS:** Section 3.4 shall be revised as follows to reflect additional service hours required by increased routes:

"Projected Service Hours: The service shall be capped at ~~11,516~~ **12,950** hours per quarter. The quarterly cap will be strictly enforced in order to ensure the sustainability of the service. Any hours in excess of the cap, may be paid in subsequent quarters, providing the quarterly cap is not exceeded. This will allow for the optimization of the service, and account for varying service days throughout the quarter as some months may have 20 service days while others may have 23, etc. It is understood that the priority of the services is as follows:

1. Fixed Route and ADA paratransit
2. Contract dial-a-ride
3. Non-Contract dial-a-ride

It is understood that the hours between the services will fluctuate from week to week. It is anticipated that the Fixed Route will average ~~4,095~~ **5,529** service hours with the ADA paratransit and dial-a-rides to be 7,421 per quarter totaling ~~11,516~~ **12,950** quarterly. The City and FT will jointly monitor the hours spent and adjust the Dial-A-Ride service per THE CITY'S instruction so as to not exceed THE CITY'S total budgeted hours. FT shall give THE CITY at least Fifteen (15) calendar days' notice before exceeding the cap. FT shall not exceed the cap without written approval of THE CITY, said approval shall not unreasonably be withheld."

2. **ROUTES AND SCHEDULES:**

- a. **Section 5.3** shall be revised as follows:

"FT will coordinate with The City to operate routes ~~6~~ **seven (7)** days a week and during holiday periods or times of reduced services. This should occur thirty (30) calendar days in advance of such periods."

- b. **Exhibit D Transportation Schedule** shall be amended as follows to reflect the following schedule changes:

- (1) Add Sunday Service to the Blue Line, 16 Vehicle Hours of Service per Day – effective on or about February 1, 2019
- (2) Add Yellow Line Express Service, 16 Vehicle Hours of Service per Day, 7 days per week, April 1 through November 1 each year.



3. **RATES:** Exhibit C Rates shall be amended as follows to reflect the following rate changes:

Effective Date	February 1, 2019	April 1, 2020	April 1, 2021
Cost Per Vehicle Hour of Service	\$28.23	\$29.08	\$29.97
Fixed Fee Per Month	\$29,802.52	\$28,013.13	\$28,658.07

The revised cost summary pages of the contract detailing the above rates are hereby incorporated into and attached hereto as Attachment A.

4. **NOTICE TO PARTIES** All notices to be given by the parties to the Agreement shall be in writing and serviced by depositing same in the United States Mail, certified mail.

Notices to THE CITY shall be addressed to:

City of Sandusky
 Attention: Nicole DeFreitas, Transit Administrator
 222 Meigs St.
 Sandusky, OH 44870

With a copy to:

City of Sandusky
 Attention: Trevor Hayberger, Law Director
 222 Meigs St.
 Sandusky, OH 44870

Notices to FT shall be addressed to:

First Transit
 Attention: Beverly Edwards
 2581 Washington Rd., Suite 223
 Pittsburgh, PA 15241

With a copy to:

General Counsel
 FirstGroup America, Inc.
 600 Vine Street
 Suite 1400
 Cincinnati, OH 45202

Except as amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been signed and executed in duplicate on behalf of the parties hereto by persons duly authorized on the day and year first written above.

THE CITY OF SANDUSKY

FIRST TRANSIT, INC.

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

By: _____

By: _____

Attachment A

City of Sandusky/ Sandusky Transit System
 Add Sunday Service to Blue Line Year Round
 Add Yellow Express Line 7 Days Per Week April 1 through Nov 1 Each Year

COST SUMMARY FOR YEAR	2019	2020	2021
Current Price Pages			
ASSUMPTIONS:			
VEHICLE HOURS OF SERVICE	46,067	46,067	46,067
VEHICLE MILES OF SERVICE	700,000	700,000	700,000
PASSENGER TRIPS	200,000	200,000	200,000
FAREBOX REVENUE	\$200,000	\$200,000	\$200,000
Fixed Fee Per Month	\$29,513.29	\$27,791.54	\$28,432.39
Annual Fixed Fee	\$354,159.44	\$333,498.46	\$341,188.72
Cost Per Vehicle Hour of Service	\$27.26	\$28.08	\$28.92
Annual Cost Per Vehicle Service Hours	\$1,255,786	\$1,293,561	\$1,332,258
Total Cost	\$1,609,946	\$1,627,060	\$1,673,446

Add new Yellow Line Express 7 Days Per Week, 16 Hours Per Day,
 Apr 1 through Nov 1 Each Year and effective 2/1/19 add Blue Line Sunday Service
 16 Hours Per Day, year round, and Adjust Hours to Reflect Current Service Levels

COST SUMMARY FOR YEAR	2019	2020	2021
Revised Prices Effective	2/1/2019	4/1/2020	4/1/2021
ASSUMPTIONS:			
VEHICLE HOURS OF SERVICE	51,800	51,800	51,800
VEHICLE MILES OF SERVICE	780,176	780,176	780,176
PASSENGER TRIPS	200,000	200,000	200,000
FAREBOX REVENUE	\$200,000	\$200,000	\$200,000
Fixed Fee Per Month	\$29,802.50	\$28,013.17	\$28,658.08
Annual Fixed Fee	\$357,630.00	\$336,158.00	\$343,897.00
Cost Per Vehicle Hour of Service	\$28.23	\$29.08	\$29.97
Annual Cost Per Vehicle Service Hours	\$1,462,314	\$1,506,344	\$1,552,446
Total Cost	\$1,819,944	\$1,842,502	\$1,896,343
Cost Increase	\$209,998	\$215,442	\$222,897