

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2022-46

By: Councilwoman Mary K. Brown Sponsor: Mayor Cyril M. Kleem

### AN ORDINANCE

**AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO A COOPERATION AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND THE FEDERAL TRANSIT ADMINISTRATION FOR ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM FUNDS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Berea is submitting an application to the Northeast Ohio Areawide Coordinating Agency ("NOACA") for Cleveland Urbanized Area Federal Transit Administration (FTA) funding from the Enhanced Mobility for Seniors and Individuals with Disabilities program (Section 5310); and

**WHEREAS**, NOACA is a designated recipient of the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program for the Cleveland Urbanized Area authorized to make grants to public bodies, private nonprofit organizations, and other eligible entities; and

**WHEREAS**, the Enhanced Mobility for Seniors and Individuals with Disabilities program provides eighty percent (80%) federal funds for capital projects to support alternatives to public transportation projects that assist seniors and individuals with Disabilities, and new or expanded transportation services and alternatives that go beyond the requirements of the Americans with Disabilities Act (ADA) of 1990 for individuals with disabilities; and

**WHEREAS**, the Enhanced Mobility for Seniors and Individuals with Disabilities program is paid on a reimbursement basis, requiring the applicant to first expend funds then request reimbursement from NOACA, which will, in turn, request the funds from FTA; and

**WHEREAS**, the applicant certifies it will provide at least twenty percent (20%) local matching funds for capital or planning projects and fifty percent (50%) local matching funds for operating projects from sources other than federal Department of Transportation funds; and

**WHEREAS**, this project is included in the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio; and

**WHEREAS**, the City of Berea agrees to abide by federal requirements as a sub-recipient of FTA funds, including federal fiscal year 2017 Certifications and Assurances inclusive of provisions of Title VI of the Civil Rights Act of 1964, and all subsequent annual Certifications and

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Assurances during the length of the agreement, including federal procurement, maintenance, useful life, disposition standards, and ongoing reporting; and

**WHEREAS**, the City of Berea is authorized to execute a contract with NOACA if selected for the Enhanced Mobility for Seniors and Individuals with Disabilities program (funds); and

**WHEREAS**, a public hearing was held on September 6, 2022.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That the Mayor, or his designee, be, and he hereby is, authorized and directed to make application for and, if awarded, to enter into a Cooperation Agreement with the Northeast Ohio Areawide Coordinating Agency and the Federal Transit Administration for the Enhanced Mobility for Seniors and Individuals with Disabilities Program, providing for the use of Federal Transit Administration funds, on the project identified as Exhibit "A".

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

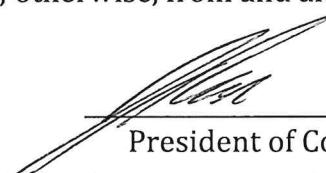
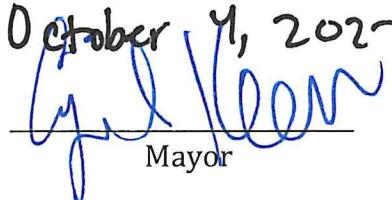
**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of municipal departments, and for the further reason that the completed grant application must be submitted as soon as possible in order to be considered eligible for the funding. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 3, 2022

ATTEST: dkw  
Clerk of Council

APPROVED AS TO FORM:

Barber  
Director of Law

  
President of Council  
October 4, 2022  
  
Mayor

### **Exhibit "A" – Project Description**

The City is making application for a new Light Transit Wide Body vehicle with 12 passenger seats and two wheelchair spaces. This type of vehicle replaces a 2007 bus-type version that will be taken out of service.

