

RESOLUTION NO.: 68- 2007
INTRODUCED BY: ALL OF COUNCIL

A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 63-2007 AND RE-AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SENIOR TRANSPORTATION CONNECTION OF CUYAHOGA COUNTY FOR A TRANSPORTATION VEHICLE.

WHEREAS, on June 26, 2007, this Council adopted Resolution 63-2007 which authorized the Mayor to enter into an agreement with Senior Transportation Connection of Cuyahoga County ("STC"), a non-profit corporation in Ohio, for a transportation van for senior citizens and disabled persons (the "Agreement") in an amount not to exceed \$4,000; and

WHEREAS, since June 26, 2007, the City's Department of Law has been in negotiations with Senior Transportation Connection of Cuyahoga County to finalize an agreement for the aforesaid purpose; and,

WHEREAS, STC asserts that it and the Greater Cleveland Regional Transit Authority ("GCRTA") should be indemnified and held harmless for any liabilities arising by the acts or omissions of the City of Richmond Heights, its officials, employees or agents with respect to the agreement with STC or the provision of the vehicle and the use thereof;

WHEREAS, this Council is determined that it wishes to proceed with the acquisition of the transportation van and the program to provide transportation to senior citizens and disabled persons in the City of Richmond Heights and that the liability risk involved is a risk of the cost of defense of STC and/or Greater Cleveland Regional Transit Authority with respect to any lawsuit resulting from the acts or inaction of the City of Richmond Heights, its respective officers, directors, agents and employees, which defense costs are covered by the City's protected self insurance program through the Northern Ohio Risk Management Association (NORMA); and

WHEREAS, this Council finds that the Mayor, Director of Finance and Director of Law shall not be held personally responsible or liable for any obligations related to indemnifying or holding harmless STC or GCRTA as set forth in the Agreement;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Resolution No. 63-2007, adopted by this Council on June 26, 2007, is hereby amended as set forth in Sections 2 and 3 of this Resolution.

Section 2: Based upon the findings set forth in the preamble of this Resolution, the Mayor is hereby authorized to enter into an agreement with Senior Transportation Connection of Cuyahoga County in a form as set forth in Exhibit 1 to this Resolution, attached hereto and incorporated herein, for the provision of a transportation vehicle for senior citizens and disabled persons and that said contract amount shall not exceed an expenditure by the City of \$4,000.

Section 3: The Director of Finance is authorized and directed to appropriate to a proper account the sum sufficient to cover the costs of the agreement authorized in Section 2 of this Resolution.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council