

COUNCIL AGENDA: NOVEMBER 5, 2013

SUBJECT: FIRST AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICE BETWEEN THE CITY OF PORTERVILLE AND THE TULE RIVER INDIAN TRIBE

SOURCE: Public Works Department - Transit

COMMENT: On November 6, 2012, City Council entered into an Agreement with the Tule River Indian Tribe to expand fixed route transit service and paratransit service from the City to the Reservation. The term of the Agreement was for a one-year period and will expire on November 30, 2013.

The expanded transit and paratransit services were funded in full by competitive grants awarded to the City from the Federal Transit Administration's Job Access and Reverse Commute and New Freedom programs. To improve the proposed expanded transit services, the Tule River Indian Tribe agreed to partner with the City to provide free public transportation to all passengers by financing the required farebox from general tribal funds.

Since expanded transit service started on December 1, 2012, the service, Route 9, has provided 70,359 passenger trips and has quickly become the third most utilized route in the transit system. This highly successful route has improved transportation for Tribal, County, and City residents, regardless of income, who are seeking to secure and maintain employment, maintain self-sufficiency, and to improve the quality of life in and around our communities. This expanded transit service has also reduced congestion, traffic accidents, and improved the environment by providing a sustainable alternative transportation to those traveling along this corridor.

With the expanded transit service, the transit system, as a whole, has benefited from increased ridership. During the last fiscal year (2012/2013) the transit system has received its highest ridership in its 16 years of service, transporting 505,082 passengers. During the first quarter of this fiscal year (July through September) the transit system had increased 22%, which is directly attributed to the expanded transit service area, evening and Sunday service. It is projected, if ridership continues to increase, the transit system will transport over 616,000 passengers during the 2013/2014 fiscal year.

Dir BRL Appropriated/Funded MPB CM [Signature]

Item No. 5

On August 12, 2013, the City was preliminarily awarded \$560,263 in grant funds to continue the expanded transit service for another year and a half. Since operational funding is secured and the service is highly successful, it is staff's recommendation to extend said services until June 30, 2015.

RECOMMENDATION: That City Council:

1. Approve the attached First Amendment to the Agreement for Transit Service between the Tule River Indian Reservation and the City of Porterville;
2. Accept funding from the Tule River Indian Tribe in the amount of 30% of the operational costs to cover the required farebox return; and
3. Authorize the Mayor and City Attorney to execute the attached Agreement.

ATTACHMENT: First Amendment to the Agreement for Transit Service between the City of Porterville and the Tule River Indian Reservation.

**FIRST AMENDMENT TO THE AGREEMENT
FOR TRANSIT SERVICES
BETWEEN THE CITY OF PORTERVILLE
AND THE TULE RIVER INDIAN TRIBE**

This is an amendment to the agreement entered into on November 1, 2012, between the City of Porterville, hereinafter referred to as "CITY" and Tule River Indian Tribe of California, hereinafter referred to as "TRIBE," regarding expanded transit services to the Tule River Indian Reservation.

WHEREAS, CITY and TRIBE entered into an Agreement on November 1, 2012, for the purpose to provide public transportation services and administration to the Tule River Indian Reservation; and

WHEREAS, the CITY and TRIBE acknowledge the need to amend the agreement to extend transit services to June 30, 2015;

ACCORDINGLY, IT IS AGREED:

- I. Paragraph 1(b), entitled "City" is hereby amended to read as follows:

Bus stop(s) shall be established at locations acceptable to the Tribe. The City shall provide bus stop signs and amenities to the Tribe and assist in the installation. The City shall provide fixed route and complimentary paratransit service within the service area on the following schedule: Monday to Friday (Weekday) from 6:00 AM to 10:00 PM, Saturday and Sunday (Weekend) from 8:00 AM to 6:00 PM. The City will not operate on New Year's Day, Independence Day, Thanksgiving, Day, or Christmas Day and operate weekend schedule on Memorial Day, Labor Day and Veterans Day. City shall provide administrative services for Tribe's Federal Transit Administration (FTA) Section 5311(c) program.

- I. Paragraph 3, entitled "Compensation" is hereby amended to read as follows:

TRIBE agrees to compensate CITY for thirty percent (30%) of the total operating and administrative costs of transit services in the herein agreed upon service area. The TRIBE agrees to transfer funds to CITY monthly and within thirty (30) business days of receiving ridership and operational data which is due the 15th day of every month. The term "operating cost" as used in this Agreement shall be defined as all costs in the operating expense object classes of the Uniform Systems of Accounts for Public Transit Operators adopted by the State Controller pursuant to Public Utilities Code Section 99243.

- II. Paragraph 5, entitled "Fares" is hereby amended to read as follows:

City will provide free transportation on all City transit and paratransit services to eligible Tule River Tribal residents. City will provide free transit and paratransit service to the general public and Eagle Mountain Casino employees who use the services in the herein agreed upon service area.

- III. Paragraph 12, entitled "Term of Agreement" is hereby amended to read as follows:

The term of the agreement shall be effective on December 1, 2013, through June 30, 2015, and continue until terminated or succeeded. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between CITY and TRIBE. The terms of this Agreement may be terminated upon 60 day advance written notice by either party.

ADDITIONALLY, IT IS AGREED:

- I. The following recital is inserted following Paragraph 1:

Service Area. The City shall provide fixed route transit service from the downtown Transit Center, located in Porterville, to and within the Tule River Indian Reservation and defined as Route 9. The City shall provide

complimentary paratransit service to all eligible passengers within a ¾ mile corridor of fixed route services.

- II. Except as provided above, all other terms and conditions of Agreement shall remain in full force and effect.

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

TULE RIVER INDIAN TRIBAL COUNCIL

Date _____

By _____
Neil Peyron, Chairman

Approved as to Form, Tribal Counsel

By _____
Tribal Attorney

Date _____

CITY OF PORTERVILLE

Date _____

By _____
Cameron J. Hamilton, Mayor

Approved as to Form, City Attorney

By _____
City Attorney