

ORDINANCE NO. 26 - 21

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, A MEMORANDUM OF UNDERSTANDING, AN AGREEMENT ADDRESSING THE RESPONSIBILITIES OF THE PARTIES AND A GRANT CO-ADMINISTRATION AGREEMENT BETWEEN THE CITY OF PORT CLINTON AND PUT-IN-BAY BOAT LINE COMPANY, AN OHIO CORPORATION, OPERATING UNDER THE TRADE NAME OF JET EXPRESS AND DECLARING AN EMERGENCY

WHEREAS, Put-in-Bay Boat Line Company, an Ohio corporation operating under the trade name of Jet Express ("Jet Express"), which is an entity considered by the Federal Highway Administration (FHWA) to be publically operated, engages in the business of operating passenger only high-speed ferry service on Lake Erie originating from Port Clinton, and

WHEREAS, the Jet Express applied to the FHWA Ferry Boat Discretionary Program (the "Program") for federal funding to construct a 150 Metric Ton Travel Lift for ferry boat winterization in the City of Port Clinton (the "Project"), and

WHEREAS, the FHWA made a program award to the benefit of the Jet Express in the amount of \$256,948.00 for the Project, and

WHEREAS, the FHWA has designated the Ohio Department of Transportation (ODOT) as the agency in Ohio responsible for the administration of the Program, and ODOT and the Jet Express have requested the City to be the local public agency (LPA) responsible for the administration of the federal funding award, and

WHEREAS, the City is not obligated or required to commit or expend any of its own financial resources, other than the federal funding actually received under the LPA Agreement, for the completion of the Project; and

WHEREAS, the Jet Express has irrevocably agreed to provide the necessary funding for the Project to the extent that the Funding proceedings are insufficient to pay the entire cost of the Project; and

WHEREAS, the City has reviewed the LPA Agreement from ODOT, and has prepared and reviewed agreements to be executed by the City and the Jet Express related to the responsibilities and obligations of each of the parties to the Project, and

WHEREAS, this Council has considered the benefits to the City and to the Jet Express of proceeding with the Project, and finds and determines that the City should be the LPA for the Project, and should execute the various agreements authorized herein.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. The Director of Safety and Service (the “Director”) is hereby authorized and directed to enter into an LPA Federal Local-LET Project Agreement (LPA Agreement) (Agreement Number 36175 - PID Number 115038) with the Ohio Department of Transportation providing for Port Clinton to serve as the local public agency to administer a ferry boat discretionary funded Project awarded to the Put-in-Bay Boat Line Company. A draft copy of the LPA Agreement, is on file with the Clerk of Council. A final draft of the LPA Agreement is required to be executed and is hereby authorized and directed to be executed by the Director, but with such changes and modifications therein as he shall deem necessary, after consultation and review with the Law Director.

Section 2. In furtherance of the LPA Agreement, the Director is authorized and directed to enter into a Memorandum of Understanding identifying the responsibilities of the parties regarding the provisions and terms of the LPA Agreement, an agreement to satisfy the ferry boat discretionary program regulations for funding and to provide, among other duties, for funding by the Jet Express for the costs of the Project not paid from the grant proceeds, and a Grant Co-Administration Agreement, all of which agreements are between the City and the Put-in-Bay Boat Line Company. A draft copy of all of the listed agreements are on file with the Clerk of Council. Final drafts of the various agreements are required to be executed and they are hereby authorized and directed to be executed by the Director, but with such changes and modifications thereto as he shall deem necessary, after consultation and review with the Law Director.

Section 3. The Mayor, the Auditor, the Treasurer, the Clerk of Council, the Director of Safety and Service, Law Director, and other City officials, as appropriate, are each authorized and directed to take any and all such other actions, including execution and delivery of any agreements or instruments as are necessary, appropriate or required to consummate the transactions contemplated by this Ordinance.

Section 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the City may immediately execute the Agreements authorized herein, to meet the time line of the Ohio Department of Transportation, to certify the Project and obtain the commitment of the federal funding for the Project, and **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2021

President of Council

Attest: _____
Clerk of Council

Approved _____, 2021

Mayor