

SUBJECT: APPROVAL OF THE FOURTH AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF THE SEQUOIAS STUDENTS

SOURCE: Public Works Department - Transit

COMMENT: On December 14, 2010, the College of the Sequoias (COS) entered into an agreement between the Tulare County Association of Governments and all Tulare County transit agencies to provide students with an unlimited fixed route transit pass valid on Tulare County fixed route bus services and Kings Area Rural Transit fixed routes. The Tulare and Kings County bus service includes the following transit providers: City of Visalia, City of Tulare, City of Dinuba, City of Porterville, Kings Area Rural Transit and the County of Tulare.

The term of the existing agreement expired on May 31, 2013. The amended agreement allows TCAG and the City of Porterville to enter into a renewable agreement for transit services during the 2013 Summer Semester for transit services for College of the Sequoias students which is effective as of June 1, 2013.

The amended agreement attached was reviewed by all of the transit providers in both the County of Tulare and Kings County and they were requested to take before their respective governing board for approval.

In an effort to develop a similar agreement with Porterville College, staff has met with college representatives to open up discussions on the transportation possibilities. Staff will continue to meet with college representatives and the student body to develop a similar agreement in the very near future. A vote by the college student body along with Council approval will be required to implement any student pass program.

It will be staff's recommendation that similar agreements with the other transit providers in the area enter into this student pass agreement as well, so as to provide county-wide participation and regional mobility to all Porterville College students.

RECOMMENDATION: That the City Council:

- 1) Approve the attached Fourth Amendment to Agreement for Transit Services.
- 2) Authorize the Mayor, City Clerk and City Attorney to execute the Amended Transit Services Agreement for transit services; and
- 3) Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

ATTACHMENT: Fourth Amendment to Agreement for Transit Services

P:\pubworks\General\Council\COS TRANSIT SERVICES\_COUNCIL AGENDA 2013-06-18.doc

DD Bou

Appropriated/Funded MS

CM J

Item No. 8

#### FOURTH AMENDMENT TO AGREEMENT FOR TRANSIT SERVICES

This Fourth Amendment to the Agreement for Transit Services between the Tulare County Association of Governments (TCAG) and the City of Porterville (originally entered into on 12/14/2010) to provide transit services for the College of Sequoia (COS) students, is entered into by the Tulare County Association of Governments (TCAG) and City of Porterville (hereinafter referred to as "AGENCY") effective as of June 1, 2013 (hereinafter referred to as "AGENCY Agreement") with reference to the following:

WHEREAS, TCAG and AGENCY entered into a renewable agreement for transit services for College of Sequoias students during the Spring 2011, Fall 2011, Spring 2012, Fall 2012, and Spring 2013 semesters; and

WHEREAS, TCAG and AGENCY desire to amend said agreement to provide the same transit services for the Summer 2013 session; and

WHEREAS, COS will collect all student transportation funds based on the total number of students paying fees, which will transfer to transit providers for transit services provided; and

WHEREAS, the COS Board of Trustees will contribute to the transportation funds for each COS student that is enrolled, per session in the session in which they are enrolled; and

WHEREAS, TCAG will retain up to 3% from the Board of Trustees and COS Student funds for administration costs as needed; and

WHEREAS TCAG and AGENCY desire to have this amendment be effective as of June 1, 2013.

#### ACCORDINGLY, IT IS AGREED:

- I. **Paragraph 1. is amended to read: 1. TERM.** The Term of AGENCY Agreement entered into on 12/14/2010 is amended to read: The term of the agreement shall commence on June 1, 2013 and shall expire at 11:59 PM on July 31, 2013 unless otherwise terminated as provided in this Agreement. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between TCAG, COS, and AGENCY and between TCAG and the additional agencies: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), Tulare County (Tulare County Area Transit), and Kings Area Rural Transit (KART) for transit service in Tulare and Kings County.
- II. **Paragraph 3. is amended to read: 3. PAYMENT.** COS agrees to transfer all

(50% of AGENCY passenger percentage + 50% of AGENCY mileage percentage)\*Total Session fares available

III. Add a paragraph number 20 to read as follows: 20. **EXHIBITS AND RECITALS.** The recitals and the exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

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

V. This amendment shall become effective on June 1, 2013

[illegible]

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

**TULARE COUNTY ASSOCIATION  
OF GOVERNMENTS**

Date \_\_\_\_\_

By \_\_\_\_\_  
Chair, TCAG

**ATTEST: TED SMALLEY**  
Executive Director  
Tulare County Association of Governments

By \_\_\_\_\_  
Executive Director, TCAG

**AGENCY (City of Porterville)**

By \_\_\_\_\_  
Title \_\_\_\_\_

Date \_\_\_\_\_

Approved as to Form  
TCAG County Counsel

By \_\_\_\_\_  
Deputy County Counsel

Date \_\_\_\_\_

**AGENCY Legal Counsel**

By \_\_\_\_\_

Date \_\_\_\_\_