

BILL NO. 2702

ORDINANCE NO. _____

ORDINANCE APPROVING AN INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, D/B/A METRO AND THE CITY OF CHESTERFIELD REGARDING METROBUS SERVICE WITHIN THE CITY OF CHESTERFIELD

WHEREAS, Metro has long operated Metro Bus service with the City of Chesterfield and said service is used by numerous city residents and businesses; and

WHEREAS, Metro Bus service is vital to trade and commerce within the City of Chesterfield and heavily relied upon by residents and businesses within the City;

WHEREAS, Metro, because of funding problems, is going to eliminate Metro Bus service within the City of Chesterfield; and

WHEREAS, the City of Chesterfield has been cooperating with other Cities and local business in efforts to avoid the elimination of Metro Bus service within the City of Chesterfield and the corresponding harm to trade and commerce within the City; and

WHEREAS, the City of Chesterfield has been asked to enter into an Intergovernmental Memorandum of Agreement with The Bi-State Development Agency of the Missouri-Illinois Metropolitan District to provide for continued Metro Bus service within the City of Chesterfield between July 1, 2009 and December 31, 2009.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:

Section 1. The City Council of the City of Chesterfield hereby authorizes the Mayor to enter into an Intergovernmental Memorandum of Agreement in accordance with the Memorandum of Agreement marked "Exhibit A" attached hereto.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2009.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the "Agreement") is made and entered into as of the ____ day of _____, 2009, by and between THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, d/b/a "Metro" (the "Agency"), a body politic and corporate organized and existing pursuant to an interstate compact, and the CITY OF CHESTERFIELD, MISSOURI ("Chesterfield") a city organized under the laws of the State of Missouri (the "Parties").

RECITALS:

- Metro operates the mass transportation system for the St. Louis metropolitan region, including MetroLink light rail and MetroBus in Missouri and Illinois, and the Call-A-Ride Paratransit system in Missouri.
- In order to cope with a funding shortage resulting from the rejection of a November, 2008 ballot proposal to increase transit operations funding, Metro implemented certain service reductions as of March 30, 2009 that included the suspension of all MetroBus service to the City of Chesterfield.
- Chesterfield believes that suspension of all MetroBus Service to that City will harm its residents and businesses due to the large number of residents and employees who use MetroBus service.
- Metro and Chesterfield desire to avoid the harmful consequences that will result from the implementation of a service reduction to that City.
- Metro's MetroBus service to Chesterfield has been funded in part by a federal Job Access and Reverse Commute (JARC) Grant that provides for 50% of the revenues necessary to fund continued operation of service to Chesterfield through December 31, 2009.
- Pending the successful outcome of another ballot initiative in 2010, Chesterfield proposes to provide additional funds to Metro for the purpose of maintaining a certain level of MetroBus service to Chesterfield on behalf of its residents, businesses and the employees of its businesses.

- Metro proposes to accept these funds under certain terms and conditions more fully stated in this Agreement and to provide for the reimbursement of the funds as herein below stated.
- Metro's Board of Commissioners has found that it is feasible, necessary and in the public interest for the Agency to enter into a public/private partnership with Chesterfield for the purpose of funding MetroBus service to it for a specified period of time

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, AND INTENDING TO BE LEGALLY BOUND BY THESE RECITALS AND OBLIGATIONS, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Metro will operate a MetroBus line, to be known as the #98 Clayton-Chesterfield, for the period between July 1, 2009 and December 31, 2009. This route will operate in accordance with the maps and schedules attached as Exhibit "A".
2. Chesterfield will pay Metro a total of One Hundred and Seventy-Three Thousand, Six Hundred and Thirty-one Dollars and 78/100 Cents (\$173,631.78) toward the cost of said service during the specified period, to be invoiced to it in two separate billings:

a. July 1, 2009	\$86,815.89
b. October 1, 2009	\$86,815.89
3. Metro will invoice the active JARC grant approximately Three Hundred and Fifty-seven Thousand, Two Hundred and Sixty-three Dollars and 78/100 Cents (\$357,263.78) as direct subsidy for the operation of the #98 Clayton-Chesterfield MetroBus route.
4. Metro will utilize internal resources to fund the balance of the service cost. These resources shall be sufficient to operate all legally required service in support of the #98 Clayton-Chesterfield route, including, but not limited to, complementary Paratransit service as required by the Americans with Disabilities Act.

5. All other costs and risks normally associated with transit operations and not directly assigned to the Chesterfield in this agreement, shall be the sole responsibility of Metro.
6. By execution of this agreement, Chesterfield is not operating a bus service, and will own no MetroBus equipment or be in any way responsible for the day-to-day operation of the # 98 Clayton-Chesterfield route.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT.

THE CITY OF CHESTERFIELD

By: John Nations, Mayor

Date

THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS
METROPOLITAN DISTRICT



By: Robert J. Baer, President and CEO

4-9-09

Date