

# *City of Brisbane*

## *Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Fred Smith via Clay Holstine, City Manager

**DATE:** Meeting of May 3, 2010

**SUBJECT:** Consider approval of agreement with the Jefferson Union High School District concerning student transportation by the City of Brisbane.

**CITY COUNCIL GOALS:**

Goal #5. To promote transportation opportunities that maximize safety, reliability, enhance circulation and create options thereby reducing reliance on the use of the automobile.

Goal #10. To promote intergovernmental opportunities that enhances services and/or reduces cost of operations and services to city residents.

**PURPOSE:** To clarify the City's and the Jefferson Union High School District's relative responsibilities for transporting disabled students.

**RECOMMENDATION:**

Authorize the Mayor to execute the Agreement with the Jefferson Union High School District.

**BACKGROUND and DISCUSSION:**

Because of state cuts to education funding, the Jefferson Union High School District (District) Board has decided to eliminate funding for the Home to School Bus program. This is a District run program but, for the past several years, the cost of this service between Brisbane and Terra Nova and Oceana High Schools has been shared between the City and the District. In order to preserve bus service for Brisbane students, the City has been exploring ways to provide this service at reduced cost utilizing only the City funding. During the discussion of alternatives, a concern was raised that, if Brisbane assumed the responsibility for providing Home to School Bus service, would the City also incur liability for extraordinary costs if there were a disabled Brisbane student that needed transportation.

The state mandates that the District continues to be responsible for transportation of disabled students no matter who is providing the Home to School Bus program. This obligation is clarified and explicitly set forth in the attached proposed Agreement between the District and the City of Brisbane.

**FISCAL IMPACT/FINANCING ISSUES:**

None.

**MEASURE OF SUCCESS:**

The City will not be exposed to the risk of having to pay extraordinary costs for transportation of disabled students.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
City Manager

**ATTACHMENTS:**

Proposed Agreement with Jefferson Union High School District.

**AGREEMENT CONCERNING  
STUDENT TRANSPORTATION  
BY THE CITY OF BRISBANE**

THIS AGREEMENT, effective as of \_\_\_\_\_, 2010, by and between THE JEFFERSON UNION HIGH SCHOOL DISTRICT ("District") and THE CITY OF BRISBANE ("City"), is made with reference to the following facts:

A. Due to budgetary constraints, the District can no longer afford to provide school bus service for students residing in the City of Brisbane and attending Oceana High School or Terra Nova High School located in Pacifica.

B. The City desires to continue the school bus service and has offered to pay the cost of operating one school bus during the academic year beginning in September, 2010 and ending in June, 2011 (the "2010-2011 School Year").

C. The parties have determined that substantial savings in the cost of the school bus service can be achieved by having the City enter into a direct contract with the service provider.

D. City proposes to execute a School Bus Transportation Agreement with CYO Transportation Services ("CYO") to provide one school bus to transport students in the morning from bus stops in Brisbane to Oceana High School and Terra Nova High School, and return transportation in the evening from the high schools to the bus stops in Brisbane.

E. The school buses to be used by CYO are expected to be standard, CHP certified school buses that are not equipped to transport students with physical disabilities who require special accommodations ("Disabled Students").

F. The District currently provides transportation services for its Disabled Students and this service will not be discontinued for the 2010-2011 School Year as part of the District's budget cutbacks.

G. City is willing to enter into the School Bus Transportation Agreement with CYO only in reliance upon an acknowledgment by the District that City has not assumed any responsibility for transportation of Disabled Students and with the District's assurance that it will continue to provide transportation services for these students.

**NOW, THEREFORE, the parties acknowledge and agree as follows:**

1. District acknowledges that the proposed School Bus Transportation Agreement between City and CYO will not contain any provision or accommodation for transportation of Disabled Students and City assumes no responsibility or liability to provide transportation services for such students. Should City at any time become responsible to provide transportation services for Disabled Students, City may terminate the agreement with CYO and discontinue providing all school bus service between Brisbane and District high schools.

2. District further acknowledges it's responsibility to provide transportation services for Disabled Students residing in Brisbane and attending Oceana High School or Terra Nova High School and agrees to continue providing such services during the 2010-2011 School Year as required by federal, state, or local law or regulation.

3. This Agreement may be extended to subsequent school years by a written addendum duly executed by both of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first above written.

THE JEFFERSON UNION  
HIGH SCHOOL DISTRICT

By: Katherine Ziate Dulany  
President  
Board of Trustees

Attest: Michael J. Crilly  
Michael J. Crilly  
Secretary to Board of Trustees

THE CITY OF BRISBANE

Approved As To Form:

Harold S. Toppel  
Harold S. Toppel, City Attorney

By: \_\_\_\_\_  
W. Clarke Conway, Mayor

Attest: \_\_\_\_\_  
Sheri Marie Spediacci, City Clerk