

Date: August 12, 2015
To: Board of Directors
From: Neil McFarlane *Neil McFarlane*

Subject: **RESOLUTION 15-08-51 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO TO PROVIDE FUNDING FOR PROJECT DEVELOPMENT ACTIVITIES FOR THE POWELL-DIVISION TRANSIT AND DEVELOPMENT PROJECT**

1. Purpose of Item

The purpose of this item is to request that the TriMet Board of Directors (“Board”) approve a resolution authorizing the General Manager to execute an intergovernmental agreement (“IGA”) with Metro to provide funding for project development activities for the Powell-Division Transit and Development Project (“Project”).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required for all IGAs obligating TriMet to pay an amount exceeding \$500,000.

4. Type of Action:

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

This Resolution involves expenditure of funds from bonds sold by TriMet that will be fully paid off with federal flexible funds provided via Metro. The brief history of the funds is as follows:

On May 15, 2008, the Metro Council adopted Resolution No. 08-3942 and on October 7, 2010, the Metro Council adopted Resolution No. 10-4185, which committed specified amounts of the Metropolitan Transportation Improvement Program (“MTIP”) funds each year between FY12 and FY27 for the Portland-Milwaukie Light Rail Project, TriMet bus

replacement, and Portland-Lake Oswego Transit Project and the Southwest Corridor Project. The regional funding plan, memorialized by TriMet and Metro in a February 2011 IGA, anticipated that TriMet would issue debt in 2011 and use bond proceeds to partially fund these projects. On June 8, 2011, the Board approved Resolution 11-06-34 authorizing the issuance of capital grant receipt revenue bonds, allowing TriMet to move forward with issuance of the bonds in June to meet the funding needs for the projects.

On April 16, 2015, the Metro Council adopted Resolution No. 15-4617, which committed \$1,500,000 of Metropolitan Transportation Improvement Program (“MTIP”) funds that were previously allocated to the Portland-Lake Oswego Transit Project, to the Powell-Division Transit and Development Project. While the Project team’s contributions comprise a large portion of the funding needed to complete Project Development, the regional funding plan has committed \$1.5 million in MTIP funds to TriMet for the Project Development phase of the Project.

Because TriMet is acting as the conduit of MTIP funds, the IGA is cost neutral to TriMet.

This Resolution authorizes an IGA providing that upon receipt of invoices for covered expenses, TriMet will reimburse Metro for Project expenses from the MTIP funds.

6. Procurement Process

The IGA action does not require a procurement process.

7. Diversity

Not applicable.

8. Financial/Budget Impact

Because TriMet is acting as a conduit of MTIP funds, the IGA is cost neutral to TriMet.

9. Impact if Not Approved

The Project team, which includes TriMet and Metro, would not be able to complete the Project Development phase without access to these funds.

RESOLUTION 15-08-51

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO TO PROVIDE FUNDING FOR PROJECT DEVELOPMENT ACTIVITIES FOR THE POWELL-DIVISION TRANSIT AND DEVELOPMENT PROJECT

WHEREAS, TriMet has authority under ORS 267.200 and ORS Chapter 190 to enter into an Intergovernmental Agreement with Metro to provide funding for Project Development activities for the Powell-Division Transit and Development Project (Agreement); and

WHEREAS, the total amount of the Agreement shall exceed \$500,000; and

WHEREAS, the TriMet Board of Directors (Board), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve intergovernmental agreements obligating TriMet to pay in excess of \$500,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Agreement.

Dated: August 12, 2015

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department