

City Contract 30003668

Amendment 7

Amendment to the Memorandum of Understanding between the Portland Bureau of Transportation and the Central Eastside Industrial Council (CEIC) for the Allocation of Parking Permit Surcharge and Net Meter Revenue for Fiscal Year 2019/2020.

The MOU Amendment 7 is effective July 1, 2019 and expires June 30, 2020. The purpose of this amendment is to outline how permit surcharge and net meter revenue funds will be used in the Central Eastside Industrial District for FY 2019/2020.

RECITALS

1. On June 21, 2012, City Council approved Resolution 36938 adopting the Central Eastside Parking Management Plan (CEPMP)
2. The CEPMP recommends that a parking management association be established. The CEPMP also allows a surcharge to the base cost of the Area Parking Permit Program (APPP) permit be used for the purpose of raising revenue to support parking management association services and programs.
3. On April 24, 2013 the City Council adopted Ordinance No. 185997 authorizing a surcharge to the Central Eastside District Area Parking Permit Program & directed
 - a. That the Commissioner in Charge of Transportation and the Transportation Director are hereby authorized to impose a surcharge to the base cost of the APPP permit for the sole purpose of raising revenue to support TPAC services & programs.
 - b. That the Transportation Director is hereby authorized to revise the surcharge fee on an annual basis upon the recommendation of the TPAC.
 - c. That the Transportation Director is hereby authorized to enter into an annual Memorandum of Understanding (MOU) with the TPAC describing transportation and parking related services eligible for reimbursement with revenue collected by the surcharge.
 - d. That the Transportation Director is hereby authorized to reimburse the TPAC for transportation and parking related services, as agreed to in the MOU, for an amount up to, but not exceeding the surcharge revenue.

AGREEMENT

Therefore, PBOT and CEIC agree to the following:

1. Summary of Work & Budget

- a. Surcharge revenue may only be used for services as described In Attachment A FY 2019/2020 Transportation & Parking Advisory Committee (TPAC) Work Plan.

2. Billing & Payment Procedures

- a. Allowable service provided between July 1, 2019 and June 30, 2020 are eligible for reimbursement upon the fully executed MOU & receipt of associated surcharge.
- b. The TPAC shall submit to PBOT at PBOTcontracts@portlandoregon.gov and assigned PBOT staff an itemized invoice for work performed as described in Attachment A for review and approval monthly.
- c. Final invoices upon termination or early termination of this MOU must be received within sixty (60) days of the effective termination date.
- d. Each Invoice shall include:
 - i. A description of the nature & cost of work accomplished
 - ii. The names, rates, & hours of the personnel being charged
 - iii. Disbursements to consultants, contractors and outside vendors for materials & services; and
 - iv. Any other specific detail or documentation as desired by the Portland Bureau of Transportation

3. Funding

- a. The TPAC will be reimbursed for transportation and parking related services, as agreed to in the MOU, for an amount up to, but not exceeding, the surcharge revenue for FY 2019/20 and available net meter revenue.
- b. Unspent surcharge revenue shall be advanced to the next following fiscal year.

4. Termination

- a. The termination date of this MOU is June 30, 2020
- b. Early termination of MOU.
 - i. This MOU may be terminated at any time by mutual written consent of both parties
 - ii. Upon thirty (30) days written notice, either party may terminate this Agreement where the public interest required work to cease.
 - iii. In the event of early termination of this MOU, a final invoice shall be submitted within sixty (60) days of the effective date of termination. In the event of early termination, eligible costs

incurred through the date of the Agreements termination will be reimbursed.

5. The CEIC may be advanced up to \$300,000 of available surcharge funds for FY 2019/2020 for expenses related to the implementation of the ESD as codified in Portland City Code Chapter 6.06 and consistent with the CEMP. The specifics are enumerated in Attachment A and shall be paid when the CEIC submits and invoice for this expense
6. All monies advanced under this amendment shall be re-paid to PBOT. Repayment terms are as follows:
 - a. Repayment period shall occur on this timeline: 1) \$50,000 will be paid to PBOT and placed in the CEIC surcharge account before July 1, 2021. 2.) \$250,000 will be paid to PBOT and placed in the CEIC surcharge account before July 1st, 2022.

Any remaining balance not repaid by July 1, 2022 will be deducted from the net meter revenue or permit surcharge funds collected in the CEID (Zones N/G). In the event this MOU is terminated the line of credit repayment process outlined in this MOU shall survive.

7. **Transportation and Parking Advisory Committee (TPAC)**
 - a. Amend Section 4 of the existing TPAC by-laws in regard to specific affiliation requirements. CEIC staff and City staff will work to draft appropriate replacement language to reflect the TPAC's commitment to a committee with diverse interests and perspectives. If language is not developed by March 31, 2020 reimbursement of TPAC invoices will be reduced to 50% until such time a solution has been agreed to. Once language has been mutually agreed to reimbursement will resume to 100% and all monies withheld will be paid in full to the CEIC.
 - b. TPAC meetings will follow the Office of Civic Life Advisory Guidelines and open meeting practices and amend TPAC by-laws as necessary to include the following:
 - i. Announce meeting, time, location and agenda on a publicly accessible web page (or hard copy by request) a minimum of one week in advance of the meeting.
 - ii. Provide meeting minutes/summary including votes by name, on a publicly accessible web page or hard copy by request.
 - iii. Opportunity for public comment shall be on each agenda.
 - iv. Discussion and vote on recommendations forwarded to PBOT will occur at public meetings as defined by ORS 192; either TPAC or CEIC Board meetings.

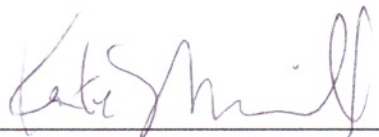
- v. Eight (8) year term limit for all TPAC membership. No member can serve more than 8 consecutive years on the TPAC.
- vi. All current TPAC members will need to complete the conflict of interest form as provided by Office of Civic Life and Advisory Body required trainings.
- c. Starting in FY 19/20 recruitment for TPAC members will follow the Office of Civil & Community Life application process. This process requires all positions be posted on the Office of Civic Life web page where volunteer opportunities for advisory bodies are announced. Interested parties submit their application to the Office of Civic Life. Applications are then distributed to CEIC for review and consideration. At a minimum, the position must be posted for one week. All committee members must complete a Conflict of Interest form; Office of Civic Life demographic form; complete Equity, HR 2.02 and Public Official Ethics trainings within 90 days of appointment.
- d. Recommendations forwarded to PBOT developed and discussed at TPAC or CEIC Board meetings follow open meeting laws as described above in 7.b.i through vi. above.

IN WITNESS, the Portland Bureau of Transportation and the Central Eastside Industrial Council Transportation and Parking Advisory Committee have executed this agreement as of the effective date undersigned.

City of Portland

Central Eastside Industrial Council

Chris Warner, Director



Kate Merrill, Executive Director

Portland Bureau of Transportation

Central Eastside Industrial Council

(executed under authority delegated by

Ordinance 185996 adopted by Council

April 24, 2013)

Approved as to Form:

City Attorney