

DCHC MPO Technical Committee Meeting – November 16, 2022 – Item 9 – Packet Addendum v1.1

After the distribution of the BOCC Agenda packet (October 26, 2022) for Orange County, which included the Transit Governance Interlocal Agreement, additional comments/edits were provided by regional implementation partner, GoTriangle. These edits were not incorporated into the version that Orange County Board of Commissioners (BOCC) took action on during their Business Meeting on November 1, 2022, which resulted in unanimous adoption. Since that date, it was further facilitated with Orange County staff their consideration and ultimate approval of incorporating suggested edits from GoTriangle into the version as presented to the DCHC MPO Technical Committee (TC), which was originally distributed on November 10, 2022. After the distribution of the agenda to the DCHC MPO TC, Orange County Staff indicated, based on consultant team review & recommendation, that the language suggested and incorporated into the version presented to the TC for the November 16, 2022, meeting was not necessary, and staff did not need to reengage the Orange County BOCC for a subsequent approval.

Consultant review and recommendation of the proposed language was presented as solely clarifying in nature and did not change the meaning of the sections in question.

The language and edits as mentioned above are highlighted on the following pages to portray what is and is not recommended to the TC.

OC BOCC Adopted on November 1, 2022 (Language Recommended to Technical Committee):

2.012 “Dedicated Local Transit Funding Sources” shall be defined as all revenues derived from transit funding sources in support of the Orange County Transit Multi-Year Vision Plan, which shall include, but no limited to (for potential future need):

...

- d Vehicle Rental Tax. Any portion of vehicle rental tax collected by GoTriangle pursuant to N.C.G.S. 105-550 *et seq.* that is allocated to Orange County by the GoTriangle Board of Trustees. Future allocations of the Vehicle Rental Tax post execution of this agreement shall be subject to the sole discretion of the GoTriangle Board of Trustees approval.

5.03 GoTriangle shall carry out its legal, contractual, fiscal and fiduciary duties as a unit of local government as follows:

...

- k. Shall ensure that any proceeds from the sale, transfer and disposition of property, or from insurance proceeds for projects funded by Orange Transit major operating and capital funds be used for Orange Transit projects in accordance with the Orange County Transit Annual Work Program, unless otherwise agreed to by Orange County;
- l. Shall include provisions in all applicable financing documentation to the effect that GoTriangle has entered into an Agreement prohibiting the use of Dedicated Local Funding Sources to fund debt service or other expenses that do not arise from the Orange County Transit Annual Work Program unless otherwise agreed to or approved by the Orange County Board of Commissioners or included in the Orange County Transit Annual Work Program or the Orange County Transit Multi-Year Vision Plan;
- m. Shall, unless otherwise agreed to by Orange County or included in the Orange County Transit Annual Work Program, unless such financing is agreed to or approved by the Orange County Board of Commissioners, include provisions in all applicable financing documentation to the effect that GoTriangle does not intend to pay debt service or fund operating expenses or other costs associated with such capital facilities or the operation thereof from Dedicated Local Transit Funding Sources and that GoTriangle has entered into an Agreement prohibiting the use of Dedicated Local Transit Funding Sources for such purpose;

Track Changes – OC BOCC Adopted vs In Technical Committee Original Packet (For Informational Purposes Only and Not Recommended to Technical Committee):

2.012 “Dedicated Local Transit Funding Sources” shall be defined as all revenues derived from transit funding sources in support of the Orange County Transit Multi-Year Vision Plan, which shall include, but no limited to (for potential future need):

...

- d Vehicle Rental Tax. Any portion of vehicle rental tax collected by GoTriangle pursuant to N.C.G.S. 105-550 *et seq.* that is allocated to Orange County by the GoTriangle Board of Trustees. Future allocations of the Vehicle Rental Tax ~~post execution of this agreement after FY23~~ shall be subject to the sole discretion of the GoTriangle Board of Trustees approval.

Commented [HA1]: This edit was proposed by GoTriangle on 11/4/2022 AFTER Orange County BOCC was first of 3 parties to approve/adopt the ILA.

5.03 GoTriangle shall carry out its legal, contractual, fiscal and fiduciary duties as a unit of local government as follows:

...

- k. Shall ensure that any proceeds from the sale, transfer and disposition of property, or from insurance proceeds for projects funded by Orange Transit major operating and capital funds be used for Orange Transit projects in accordance with the Orange County Transit Annual Work Program, ~~unless otherwise agreed to by Orange County;~~
- l. Shall include provisions in all applicable financing documentation to the effect that GoTriangle has entered into an Agreement prohibiting the use of Dedicated Local Funding Sources to fund debt service or other expenses that do not arise from the Orange County Transit Annual Work Program unless otherwise agreed to or approved by the Orange County Board of Commissioners or included in the Orange County Transit Annual Work Program or the Orange County Transit Multi-Year Vision Plan;
- m. Shall, ~~unless otherwise agreed to by Orange County or included in the Orange County Transit Annual Work Program,~~ in connection with the financing of capital facilities outside of Orange County, unless such financing is agreed to or approved by the Orange County Board of Commissioners, include provisions in all applicable financing documentation to the effect that GoTriangle does not intend to pay debt service or fund operating expenses or other costs associated with such capital facilities or the operation thereof from Dedicated Local Transit Funding Sources and that GoTriangle has entered into an Agreement prohibiting the use of Dedicated Local Transit Funding Sources for such purpose;

Commented [HA2]: This edit was proposed by GoTriangle on 11/4/2022 AFTER Orange County BOCC was first of 3 parties to approve/adopt the ILA.

Commented [HA3]: This edit was proposed by GoTriangle on 11/4/2022 AFTER Orange County BOCC was first of 3 parties to approve/adopt the ILA.

Commented [HA4]: This shift of text from a couple lines down to here was proposed by GoTriangle on 11/4/2022 AFTER Orange County BOCC was first of 3 parties to approve/adopt the ILA.