

PROSPER PORTLAND

Portland, Oregon

RESOLUTION NO. 7401

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN PROSPER PORTLAND AND MULTNOMAH COUNTY FOR ADMINISTRATION OF THE PROPERTYFIT PROGRAM

WHEREAS, in support of City of Portland and Multnomah County Climate Action Goals, on September 3, 2015, the Multnomah County (“County”) Board of Commissioners passed Resolution 2015-097 to establish the Commercial Property Assessed Clean Energy (“CPACE”) program, facilitating the use of private capital to finance energy-efficiency, water conservation, renewable energy and seismic resiliency improvement in commercial, industrial, and multifamily buildings throughout Multnomah County;

WHEREAS, on September 3, 2015, the County Board of Commissioners also passed Resolution 2015-098 authorizing the County to enter into an Intergovernmental Agreement (“IGA”) with Prosper Portland to administer the CPACE Program on its behalf for a period of five years, expiring in September 2020;

WHEREAS, on September 9, 2015, the Prosper Portland Board of Commissioners (“Board”) passed Resolution 7144 authorizing Prosper Portland to enter into the aforementioned IGA;

WHEREAS, in 2016, the County and Prosper Portland executed the First Amendment to the IGA to, among other things, recognize statutory changes that expanded eligible use of CPACE financing to include seismic resiliency improvements;

WHEREAS, the CPACE program has subsequently been renamed PropertyFit;

WHEREAS, in January 2020, the County and Prosper Portland executed the Second Amendment to the IGA to reflect the transition of the enforcement mechanism described in the local improvement district statutes (Oregon Revised Statutes (“ORS”) 223.505 to 223.650), as authorized by ORS 223.680(7)(c) and ORS 223.685(6)(c); and

WHEREAS, the County and Prosper Portland wish to continue their partnership in the delivery of the PropertyFit financing to support Climate Action Plan goals and to extend the IGA for an additional 24 months.

NOW, THEREFORE, BE IT RESOLVED, that Prosper Portland Board authorizes the Executive Director to execute a Third Amendment to the IGA for extension of Prosper Portland’s administration of

the PropertyFit program for an additional twenty-four (24) months, in substantially the form attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its adoption.

Adopted by the Prosper Portland Commission on October 14, 2020



Pam Feigenbutz, Recording Secretary

THIRD AMENDMENT
to
INTERGOVERNMENTAL AGREEMENT
Between Portland Development Commission (doing business as Prosper Portland)
and
Multnomah County
For the Administration of the PropertyFit Program in Multnomah County

This third amendment ("Third Amendment") to the Intergovernmental Agreement for the Administration of the PropertyFit Program (the "IGA") is authorized by ORS 190.010 and is made and entered into as of September 22, 2020 (the "Third Amendment Effective Date"), by and between Multnomah County (the "County"), a political subdivision of the state of Oregon, and Portland Development Commission ("PDC"), doing business as Prosper Portland ("Prosper Portland"), in its capacity as an urban renewal agency under ORS Chapter 457 and Chapter 15 of the City of Portland Charter. County and Prosper Portland may be referred to jointly in this Third Amendment as the "Parties" and individually as a "Party."

RECITALS

- A. The Parties entered into the IGA on September 22, 2015. On December 21, 2016, the Parties signed the first amendment to the IGA ("First Amendment"). The second amendment to the IGA ("Second Amendment") became effective on January 17, 2020. The IGA, as amended by the First Amendment and Second Amendment, delegates to Prosper Portland, the authority to act on behalf of County, as the Program Administrator of the Multnomah County PropertyFit Program ("PropertyFit Program").
- B. Per Section 3 of the IGA, the IGA, as amended by the First Amendment and Second Amendment, is set to expire on the fifth anniversary of the Effective Date, which is September 22, 2020, and may be renewed with approval of the governing bodies of both Parties.
- C. Multnomah County wishes to renew the IGA, as amended, with Prosper Portland for the administration of the PropertyFit Program, and the Parties agree to renew the IGA, as amended by the First and Second Amendments, for that purpose.

TERMS

The Parties agree as follows:

1. **Section 3 of the IGA** is replaced in its entirety as follows:

3. The term of this Agreement began on September 22, 2015 and shall end on September 22, 2022, unless otherwise terminated early in accordance with the terms of this Agreement. This Agreement may be renewed upon approval by the governing bodies of /both Parties.

2. This Agreement is retroactive to September 22, 2020.

PROSPER PORTLAND

Approved as to form:

By: _____
Kimberly Branam
Executive Director

General Counsel

Date: _____

MULTNOMAH COUNTY

Approved as to form:

By: _____
Deborah Kafoury
Multnomah County Chair

Assistant County Attorney

Date: _____



**PROSPER
PORTLAND**
Building an Equitable Economy

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RESOLUTION TITLE:

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN PROSPER PORTLAND AND MULTNOMAH COUNTY FOR ADMINISTRATION OF THE PROPERTYFIT PROGRAM


Adopted by the Prosper Portland Commission on October 14, 2020

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Gustavo J. Cruz, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Francesca Gambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Peter Platt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Serena Stoudamire Wesley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner William Myers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

CERTIFICATION

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Prosper Portland Commission and as duly recorded in the official minutes of the meeting.

	Date: October 16, 2020
Pam Feigenbutz, Recording Secretary	