

COMMITTEE SUBSTITUTE FOR RESOLUTION NO. 120692

Directing the City Manager to cause the incorporation of the Kansas City Streetcar Authority, Inc.; approving certain appointments to the Kansas City Streetcar Authority, Inc.; and authorizing the City Manager to execute a cooperative agreement with the Port Authority of Kansas City, Missouri for the purpose of establishing a binding procedure for the appointment of board members to the Kansas City Downtown Streetcar Transportation Development District.

WHEREAS, the City is firmly committed to the establishment of a successful streetcar system and has demonstrated the same through its actions in petitioning to establish a transportation development district, aggressively pursuing a variety of federal and state funding sources, committing public funds in support of project development and ongoing operations, implementing transit oriented development and regulatory process improvements, and engaging the public; and

WHEREAS, the streetcar system is a public amenity that will improve corridor accessibility through transit, better connect the City's major activity and employment centers, elevate the quality and functioning of the region's transit system, encourage pedestrian traffic, promote economic growth and the development of new commercial and residential improvements, foster the highest and best usage of available real estate, enhance the City's tax base, and alleviate vehicular congestion; and

WHEREAS, the City is exercising a governmental function in pursuing the implementation of a sustainable, expandable mass transit system, and such system advances a myriad of governmental purposes including, but not limited to, those set forth herein; and

WHEREAS, the City acknowledged from the inception of the project that those having a direct financial stake in the project should have input in decision regarding the design, construction, management and operation of the streetcar; and

WHEREAS, the formation of a nonprofit corporation – Kansas City Streetcar Authority, Inc. (“Streetcar Authority”) – provides a mechanism for ensuring commercial and residential stakeholder input and garnering professional assistance in the day-to-day management and operation of the City's mass transit system; and

WHEREAS, the Missouri Nonprofit Corporation Act, Chapter 355, RSMo, requires that the incorporator be a natural person, and but for this requirement, the City would act in such capacity; and

WHEREAS, Streetcar Authority's articles of incorporation will name both private and public-oriented members on the initial board of directors and will provide a mechanism for continuing that representation going forward; and

WHEREAS, four of the members to be named to Streetcar Authority's board are public members to be nominated by the Mayor and approved by the City Council; and

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WHEREAS, the Kansas City Downtown Streetcar Transportation Development District (“TDD”) will serve as a funding mechanism for the streetcar and is governed by a board of four directors including one to be appointed by the City Council and one to be appointed by the Board of Commissioners of the Port Authority of Kansas City, Missouri (“Port Authority”); and

WHEREAS, the City and Port Authority will collaborate with Streetcar Authority in those appointments, and expect to contractually commit themselves to make their respective selections from slates presented to them in a manner that also ensures both residential and commercial representation on the TDD’s board; and

WHEREAS, the Mayor formed the Mayoral Streetcar Governance Committee as a formal mechanism for public input and collaboration in ensuring that that the streetcar is a sustainable success for the City, affected property owners, the region, and future generations; and

WHEREAS, the Mayoral Streetcar Governance Committee participated in the development of this resolution and the agreement authorized herein; NOW, THEREFORE;

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager shall act, or direct another under his management control to act, to cause the incorporation of the Kansas City Streetcar Authority, Inc. as a Missouri nonprofit corporation.

Section 2. That the appointments of Susan Ford Robertson, Liz Serpa-Flook, Councilman Russ Johnson and Michael M. Collins as public directors of the Kansas City Streetcar Authority, Inc. are hereby approved.

Section 3. That the City Manager is authorized to execute an agreement with the Port Authority of Kansas City, Missouri regarding board appointments to the Kansas City Downtown Streetcar Transportation Development District. Such agreement is approved by the City Council in substantial form to that on file in the office of the Director of Public Works.