City of Chicago

O2015-7381

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	10/14/2015
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Intergovernmental agreement with Chicago Transit Authority and Cook County for allocation of Motor Fuel Tax funds for operational expenses for Year 2016
Committee(s) Assignment:	Committee on Budget and Government Operations

BUDG

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 14, 2015

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Budget Director, I transmit herewith ordinances authorizing the allocation of Motor Fuel Funds and an associated intergovernmental agreement with the Chicago Transit Authority.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,

Rahm Emanuel

Mayor

ORDINANCE

WHEREAS, the Regional Transportation Authority Act (70 ILCS 3615/1.01, et seq.) (the "Act") that establishes the Regional Transportation Authority (the "RTA") provides, in Section 4.10 thereof, that the RTA shall not for any fiscal year of the RTA release to the Chicago Transit Authority (the "CTA") any funds except for the proceeds of taxes imposed by the RTA under Sections 4.03 and 4.03.1 thereof which are allocated to the CTA under Section 4.01(d) of the Act unless a unit or units of local government in Cook County (other than the CTA) enters into an agreement with the CTA to make a monetary contribution for such year of at least Five Million Dollars ($5,000,000) for public transportation; and

WHEREAS, the CTA will, for the foreseeable future, require such financial grants from the RTA in order to meets it operational expenses; and

WHEREAS, every year since the inception of the RTA, the City of Chicago has contributed Three Million Dollars ($3,000,000) and the County of Cook has contributed Two Million Dollars ($2,000,000) to fulfill the condition set forth in Section 4.10 of the Act; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. There is hereby allocated for the fiscal year of the RTA ending December 31, 2016 the sum of Three Million Dollars ($3,000,000) for use by the CTA as a matching grant from the City of Chicago, to be paid prior to December 31, 2016 from that part of the Motor Fuel Tax Funds which have been or may be allocated to the City of Chicago.

SECTION 2. The sum of Three Million Dollars ($3,000,000) hereby allocated shall be deemed, considered and construed as the payment and fulfillment of the local contribution required of the City of Chicago pursuant to an agreement made under Section 4.10 of the Act among the CTA, the County of Cook, and the City of Chicago. Subject to the approval of the Corporation Counsel as to form and legality, the Mayor is authorized to execute such agreement, substantially in the form attached hereto as Exhibit A.

SECTION 3. The City Clerk is hereby directed to transmit a certified copy of this Ordinance to the Governor of the State of Illinois and (2) two certified copies of this Ordinance to the Department of Transportation of the State of Illinois, Springfield, Illinois.

SECTION 4. This Ordinance shall be in force and effect from and after its passage and approval.

Exhibit "A" referred to in this Ordinance reads as follows:

INTERGOVERNMENTAL AGREEMENT

This agreement is made as of this ___ day of _____, 2016, by and among the Chicago Transit Authority, a municipal corporation of the State of Illinois that was established pursuant to the Metropolitan Transit Authority Act, 70 ILCS 3605/1, et seq. (the "Authority"), the City of Chicago, an Illinois municipal corporation (the "City"), and the County of Cook, an Illinois body corporate and politic (the "County").

Witnesseth

1. The City hereby agrees that, prior to December 31, 2016, and pursuant to an ordinance of the City Council of the City passed on _____, 2015 and recorded in the Journal of Proceedings of the City Council for that date at pages _____ thereof, it shall contribute to the Authority, for the Authority's public transportation purposes, the amount of Three Million Dollars ($3,000,000) (the "City Contribution") from the City's allotment of State of Illinois ("Illinois") motor fuel tax funds.

2. The County hereby agrees that, prior to December 31, 2016, and pursuant to authority granted by the County Board of Commissioners on _____, it shall contribute to the Authority, for the Authority's public transportation purposes, the amount of Two Million Dollars ($2,000,000) (the "County Contribution") from the County's allotment of Illinois motor fuel tax funds.

3. The Authority hereby agrees that, pursuant to an ordinance of the Chicago Transit Board passed on September 15, 2010, it has the authority to accept the City Contribution and the County Contribution.

4. The Authority hereby agrees to use the City Contribution and the County Contribution for its public transportation purposes as set forth in Section 4.10 of the Regional Transportation Authority Act, 70 ILCS 3615/1.01, et seq.

5. The Authority agrees that, if Illinois audits or otherwise questions the City or the County in connection with the City Contribution or the County Contribution, the City and the County shall each have the right to audit or question the Authority to the same extent thereof.

6. The Authority agrees to indemnify the City and the County from and against repayment losses, if any, to the extent Illinois requires the repayment to it of all or any part of the City Contribution or the County Contribution.

7. This agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same agreement.

8. The Authority, the City and the County agree to cooperate fully with one another in the implementation of this agreement.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized officers, have executed this agreement on the date first referenced above.

City of Chicago, an Illinois municipal corporation, acting by and through its Mayor

By: _____
Rahm Emanuel
Mayor

County of Cook, an Illinois body corporate and politic

By: _____
Toni R. Preckwinkle
President

Chicago Transit Authority, a municipal corporation of the State of Illinois that was established pursuant to the Metropolitan Transit Authority Act, 70 ILCS 3606/1, et seq.

By: _____
Terry Peterson
Chairman

Approved as to form:

_____
Assistant State's Attorney