

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

APPROVING THE EXECUTION OF TWO (2) INTERLOCAL AGREEMENTS (ILA) BETWEEN THE CITY OF SAN ANTONIO (CITY) AND VIA METROPOLITAN TRANSIT (VIA) ESTABLISHING A COOPERATIVE PARTNERSHIP TO DELIVER THE NORTH/SOUTH ADVANCED RAPID TRANSIT (ART) CORRIDOR PROJECT AND TRANSFERRING A PORTION OF THE ADVANCED TRANSPORTATION DISTRICT'S (ATD) FUNDS FROM THE CITY TO VIA FOR ADVANCED TRANSPORTATION AND ENHANCED MOBILITY PURPOSES.

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WHEREAS, the North South Advanced Rapid Transit Corridor Project (the "Project"), which will connect the San Antonio International Airport and Missions by way of San Pedro Avenue through downtown, is in the second year of the Federal Transit Administration's (FTA) Capital Investment Grants (CIG) Program (the "Program"); and

WHEREAS, the Program requires VIA to execute cooperative agreements with key stakeholders such as the City; and

WHEREAS, the ART ILA establishes a cooperative partnership between the City and VIA for the delivery of the Project and establishes the processes and roles and responsibilities that will ensure the Project is completed within the anticipated schedule and budget; and

WHEREAS, through the ART ILA, the City and VIA agree to coordinate their actions in good faith and in the best interests of the Project; and

WHEREAS, in an effort to secure additional funding that could be used for the Project as part of the Keep San Antonio Moving Plan, VIA, as the governing board of the Advanced Transit District ("ATD"), called for an election in 2020 to increase the portion of sales and use tax that is allocated to the ATD from 1/4 of one cent to 3/8 of one cent commencing on January 1, 2026; and

WHEREAS, on November 3, 2020, voters approved the increase which by statute would include a 1/4 portion of the 3/8ths to be paid by VIA to the City to be used exclusively for advanced transportation and enhanced mobility purposes; and

WHEREAS, the City desires to allocate a portion of its 1/4 allocation to VIA through a second ILA (the "ATD ILA") for VIA to use exclusively on advanced transportation and enhanced mobility purposes such as the Project, and

WHEREAS, the ATD ILA establishes the terms and conditions under which the City's contribution to VIA will be equivalent to its $\frac{1}{4}$ allocation of the $\frac{1}{8}$ increase approved by the voters in 2020 but that the City will retain the equivalent of the City's $\frac{1}{4}$ portion of the initial ATD tax approved by the voters in 2004; and

WHEREAS, the ART ILA and ATD ILA are essential to VIA's Keep San Antonio Moving Plan and to securing FTA funding; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council approves the terms and conditions of the ART ILA and ATD ILA with VIA Metropolitan Transit.

SECTION 2. The City Manager or his designee is authorized to execute the ART ILA and ATD ILA in accordance with this Ordinance. Copies of the ART ILA and ATD ILA, in substantially final form, are attached to this Ordinance as Attachments I and II. The final agreements shall be filed with this Ordinance upon execution by each party.

SECTION 3. RESERVED.

SECTION 4. RESERVED.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this __nd day of June 2023.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney