



Legislation Text

File #: 240474, Version: 1

ORDINANCE NO. 240474

Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into an MOU with the KCATA setting out the process for approval of TEFRA certificates for KCATA projects.

WHEREAS, pursuant to the City's Transit Oriented Development ("TOD") Policy adopted by the City pursuant to Resolution No. 160361 on May 18, 2017 (the "City TOD Policy"), the City outlined its plan to encourage quality development, including affordable housing transit corridors (such as streetcar and MAX bus routes); and

WHEREAS, Kansas City Area Transportation Authority ("KCATA") is a bi-state agency created in 1965 by a compact between the States of Missouri and Kansas, and approved by the United States Congress (the "Compact"); and

WHEREAS, the KCATA is generally responsible for planning, constructing, owning and operating passenger transportation systems and facilities within the seven-county Kansas City metropolitan area (the "District"), including Kansas City; and

WHEREAS, the KCATA has adopted a policy to advance the development of the affordable housing and other facilities within proximity of its passenger transportation system, particularly low-income housing facilities on the City's East Side; and

WHEREAS, to facilitate the foregoing, the KCATA issues private activity, tax-exempt bonds pursuant to its authority under the Compact and Section 147 of the Internal Revenue Code (the "Tax Code"), to provide financing for each TOD, low-income housing facility; and

WHEREAS, Section 147(f) of the Tax Code, commonly known as the "Tax Equity and Fiscal Responsibility Act of 1982" ("TEFRA"), requires (a) that a proposed bond issuer and its "host jurisdiction" (the governmental unit where the proposed project is located) provide notice of a public hearing (a "Public Hearing") for the purpose of providing the public an opportunity to, among other things, comment upon the proposed tax-exempt bond issue, prior to the issuance thereof; and

WHEREAS, the TEFRA requirements also provide that, following each Public Hearing, the chief elected official of the host jurisdiction provide a certificate indicating its approval of the tax-exempt bond issuance; and

WHEREAS, the City Council desires a clear and transparent process for TEFRA bonds for KCATA projects. NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The City Council authorizes and expresses support for the City entering into a Memorandum of Understanding with the Kansas City Area Transportation Authority setting out the process for approval of TEFRA certificates for KCATA projects. A copy of the MOU is attached in substantial form.

Approved as to form:

Emalea Black
Associate City Attorney