

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2020-083

Authorizing the County Chair to Execute a Third Amendment to an Intergovernmental Agreement with the Portland Development Commission, doing business as Prosper Portland, for the Administration of the PropertyFit Program:

The Multnomah County Board of Commissioners Finds:

- A. In 2015, Multnomah County (“County”) established the Commercial Property Assessed Clean Energy (“CPACE”) program in Resolution 2015-097. The CPACE program facilitates private loans to commercial, industrial, and certain multifamily residential building owners and developers to assist with financing energy-efficiency upgrades, renewable energy development such as roof-top solar, energy storage, electric vehicle charging, water efficiency and seismic rehabilitation projects. Those private loans are secured by a lien on the property that has the same priority as a lien for assessments of local improvement districts.
- B. “PropertyFit” is the branded name for the CPACE program.
- C. In Resolution 2015-098, the Board of County Commissioners authorized the County Chair to execute an Intergovernmental Agreement (“IGA”) with the Portland Development Commission, now doing business as Prosper Portland (“Prosper Portland”), to serve as the PropertyFit program administrator. The IGA is set to expire in September, 2020.
- D. In 2016, the County and Prosper Portland executed the First Amendment to the IGA to, among other things, recognize statutory changes that included seismic upgrades among the eligible uses for PropertyFit.
- E. In January 2020, the County and Prosper Portland executed the Second Amendment to the IGA to reflect the transition to the enforcement mechanism described in the local improvement district statutes (ORS 223.505 to 223.650), as authorized by ORS 223.680(7)(c) and ORS 223.685(6)(c).
- F. To continue the partnership between Proper Portland and the County that has given rise to this growing PropertyFit Program, Prosper Portland and the County will extend the IGA for twenty-four months.
- G. Through this partnership with Prosper Portland, and their work as program administrator for PropertyFit, Multnomah County is able to make progress on Climate Action Plan goals while minimizing administrative burdens to County programs.

The Multnomah County Board of Commissioners Resolves:

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1. The County Chair is authorized to sign the Third Amendment to the Intergovernmental Agreement Between Portland Development Commission (doing business as Prosper Portland) and Multnomah County for the Administration of the PropertyFit Program (formerly CPACE Program) in Multnomah County, in substantially the same form attached hereto as Exhibit 1. Board approval is needed for any modification or amendment that results in a material increase or decrease in the obligations of, or benefits to, the County under the IGA or the Third Amendment.

ADOPTED this 24th day of September, 2020.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Katherine Thomas
Katherine Thomas, Assistant County Attorney

**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.

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: _____