June 1, 2016

To:        ACHD Commission
Bruce Wong, Director

From:    Maureen H. Gresham
Commuteride Manager

ACHD Commuteride Van Donation

Subject:     Staff Report for June 8, 2016 Commission Meeting

Facts & Findings

ACHD Commuteride received a donation request from the Military Division, State of Idaho for a van to support Idaho Youth Challenge Academy (IDYCA), a volunteer public alternative high school whose mission is authorized by Department of Defense statute 32 USC - sec. 509 and Idaho Code Title 46 - 805. ACHD Policy 2033 states that the Commission can elect to donate surplus Commuteride Vans valued at $10,000 or less, if the Commission determines that the recipient is a governmental unit; will use the van for transit purposes and public benefit; and will not compete with Commuteride services.

Fiscal Implications
The ACHD Commuteride vans available for donation are purchased with Federal Transit Administration (FTA) Funds (80%) and ACHD Commuteride funds (20%), of which approximately 70% comes from vanpool fare revenue. Federal regulations require that ACHD Commuteride reimburse FTA for 80% of the fair market value of each van, regardless if it is donated or sold at auction. If a van is donated, ACHD Commuteride will have to reimburse FTA $7,140 and will also not receive any revenue from auction, estimated at $1,785. In total, this will reduce the amount of funds available for future van replacements by $8,925.

Policy Implications
None at this time.

Staff Recommendation

If the Commission determines that the proposed use of the donated vans is for transit purposes, provides a public benefit and is in the best interests of ACHD, the Commission should adopt Resolution # 2144 donating the van identified below and reimburse ACHD Commuteride for the lost revenue equaling $8,925.
Alternatives

Proceed with selling van at auction.

Attachment(s):
 Military Division, State of Idaho Request Letter
 Resolution # 2144
RESOLUTION NUMBER 2144

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS:
KENT GOLDSHORPE, PAUL WOODS, REBECCA W. ARNOLD, SARA M. BAKER,
AND JIM D. HANSEN.

A RESOLUTION APPROVING AN AGREEMENT FOR THE TRANSFER OF A 2008 FORD E350 PASSENGER VAN (VIN NO. 1FBSS31LX8DB24489) TO THE IDAHO MILITARY DIVISION.

WHEREAS, the Ada County Highway District ("ACHD") is the owner of the following personal property which it has determined to be surplus and no longer needed by, or useful to, ACHD:

2008 Ford E350 Passenger Van (VIN No. 1FBSS31LX8DB24489)

WHEREAS, on June 8, 2016, at the ACHD Board of Commissioners regular meeting, by Resolution No. 2143, the Commissioners found that the motor vehicle owned by ACHD was no longer useful to ACHD; and

WHEREAS, the Idaho Military Division ("IMD") has expressed an interest in the subject surplus property and is willing to accept the same, AS IS at its expense and liability without payment of consideration to ACHD; and

WHEREAS, ACHD and IMD have negotiated the terms and conditions of an agreement for the transfer of the subject surplus property in the attached Agreement to Transfer Personal Property (Exhibit "A"), setting forth the terms and conditions of the agreement between ACHD and IMD; and

WHEREAS, the Board of Ada County Highway District Commissioners, according to Idaho Code §§ 40-1309, 40-1406, 67-2322, 67-2323, and 67-2324 has the authority to approve an agreement for the transfer of property to IMD from ACHD;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Ada County Highway District Commissioners as follows:

1) ACHD will transfer the subject surplus motor vehicle to IMD with the execution of the Agreement to Transfer Personal Property without payment of consideration from IMD to ACHD.

2) Pursuant to Idaho Code §§ 40-1309, 40-1406, 67-2322, and 67-2324, the Board of Ada County Highway District Commissioners does hereby approve the Agreement to Transfer Personal Property ("Agreement") (a copy

RESOLUTION 2144 – APPROVING AN AGREEMENT FOR THE TRANSFER OF A 2008 FORD E350 PASSENGER VAN (VIN NO. 1FBSS31LX8DB24489) TO THE IDAHO MILITARY DIVISION.
of which is attached hereto as Exhibit “A”) between ACHD and IMD concerning the transfer of the subject vehicle to IMD from ACHD as summarized herein.

ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District on this 8th day of June 2016.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ________________________________
    Kent Goldthorpe, President

By: ________________________________
    Paul Woods, Vice President

By: ________________________________
    Rebecca W. Arnold, Commissioner

By: ________________________________
    Sara M. Baker, Commissioner

By: ________________________________
    Jim D. Hansen, Commissioner
Exhibit “A”

Agreement to Transfer Personal Property

This Agreement to Transfer Personal Property is made pursuant to sections 67-2322 to 67-2324 of the Idaho Code, and entered on this _____ day of June, 2016, between the Ada County Highway District, a body politic and corporate of the State of Idaho, by and through its Board of Commissioners (hereinafter “ACHD”), and the Idaho Military Division, an agency of the State of Idaho (hereinafter “IMD”).

WITNESSETH:

A. Whereas, on the 8th day of June 2016, the Board of Commissioners of ACHD found that the personal property described below was no longer useful to ACHD within the meaning of section 40-1309(2) of the Idaho Code, and not necessary to the use of ACHD in meeting its statutory duties and responsibilities within the meaning of sections 40-1310 and 40-1406 of the Idaho Code.

B. Whereas, section 67-2322 of the Idaho Code authorizes highway districts to transfer personal property to another such unit of government or to the United States, State of Idaho, any city or village with or without consideration.

C. Whereas, section 67-2323 of the Idaho Code requires that, prior to any such transfer, a written agreement shall be made between units of government or districts for a transfer of personal property from one to the other with or without consideration.

D. Whereas, both ACHD and IMD desire to enter into such an agreement.

NOW THEREFORE, in consideration of the premises, mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. ACHD, has and does hereby grant, bargain, convey, transfer and deliver to IMD the following-described motor vehicle without payment of consideration thereof:
Exhibit “A”

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Description</th>
<th>Vehicle I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Ford</td>
<td>E350 Passenger Van</td>
<td>1FBSS31LX8DB24489</td>
</tr>
</tbody>
</table>

2. This vehicle is transferred "AS IS" and ACHD does not in any way, expressly or impliedly, give any warranties. **ACHD EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR USE.**

3. IMD agrees that its use of the vehicle will be in accordance with ACHD Policy Section 2033.5 et seq.

4. IMD agrees to return to ACHD the proceeds from the sale of the donated vehicle, if such is ever sold by IMD.

5. IMD agrees to only use the vehicle for “transit purposes” and for a public purpose as outlined in the Exhibit “A” which is attached hereto and incorporated herein by this reference.

6. IMD agrees to remove the ACHD Commuteride logo in its entirety.

7. IMD agrees to display recognition on the vehicle that it was donated by ACHD Commuteride.

8. IMD assumes all maintenance, insurance, and operating costs for the vehicle.

9. IMD shall indemnify, defend and hold harmless ACHD from and against any and all issues or liability arising from its use or operation of the vehicle.

10. IMD shall pay all taxes and transfer fees incident to this transfer, and shall reimburse the ACHD, if ACHD pays them.

IDAHO MILITARY DIVISION

By: _____________________________

Its: _____________________________
Exhibit “A”

ADA COUNTY HIGHWAY DISTRICT

By: Kent Goldthorpe
Its: President

ATTEST:

By: Bruce Wong
Its: Director
Memorandum for the Ada County Commissioners

From: The Adjutant General, Idaho

Subject: Commuter Ride Van

As you replace the vehicles in your Commuter Ride fleet, we ask your consideration for a contribution/transfer to the Idaho Military Division. The Idaho Youth ChalleNGe Academy, a volunteer public alternative high school authorized by Department of Defense Statute 32 USC – sec 509 and Idaho code 46-805, is in desperate need of transportation of this size and is a subsection of the Military Division.

Youth ChalleNGe is designed to provide opportunities to adolescents who have dropped out or are at risk of dropping out of high school; but demonstrate a desire to improve their potential for successful and productive lives. The Academy is a residential school where Cadets (students) live on campus for 22 weeks while attending the non-traditional, quasi-military Academy. Completion of the in-residence phase is followed by a mandatory 12-month mentorship program. The Academy will accept eligible 16-18-year-old male and female high school drop-outs who are drug-free and not in trouble with the law. Candidates are accepted from all 44 counties in Idaho, but the majority come from Ada (20%) and Canyon (25%). The Academy is guided by military principles, structure and discipline. Students earn a high school diploma, GED or receive credit recovery if they successfully complete the in-residence phase. The Academy is not easy, but is proven to be life-changing and beneficial to our great state.

There are several uses at IDYCA for a 15 passenger van. One being the recent addition of our vocational skills program. This program was made possible through a grant through the Department of Labor and some additional Title II funds awarded through the state. We will be training students in the areas of welding, carpentry, lube tech and CNA training. These are all off site programs, in Weippe, and involve groups of 12 students at a time. The addition of one or more vans as available options for the staff would facilitate much lower cost options in transporting cadets to where they need to be to take advantage of the great opportunities this program and the surrounding communities are beginning to offer. Other uses would be transporting sick kids to the nearest clinic or hospital in Orofino or Lewiston for evaluation and transporting small groups to participate in service-to-the-community projects.

Thank you for your consideration in supporting this important program. My foundation president is Brigadier General (Retired) Richard Turner. He can be reached at (208) 867-5944 or by email at dtturner2@imd.idaho.gov.

Sincerely,

GARY L. SAYLER
Major General
The Adjutant General/Commander, IDNG