August 8, 2017

To: ACHD Commission  
Bruce Wong, Director

From: Maureen H. Gresham  
Commuteride Manager

**ACHD Commuteride Van Donation – Treasure Valley Transit**

**Subject:** Staff Report for August 16, 2017 Commission Meeting

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**Facts & Findings**

ACHD Commuteride received a van donation request from the Treasure Valley Transit (TVT). ACHD Policy 2033 states that the Commission can elect to donate surplus Commuteride vans, if the Commission determines that the recipient is eligible to receive a van and will use the van for transit purposes, public benefit, and not compete with Commuteride services. TVT is an eligible applicant both as a transit provider and an FTA recipient. Further, TVT proposes using the van to support their public transportation options throughout southwest Idaho, which is both a public benefit and does not compete with Commuteride services.

Per Section 2033.1, if the receiving organization is not a governmental agency, the van must have a value of $5,000 or less to be eligible for donation. If valued at more than $5,000, the van must first be offered for sale to the general public, and it must be unsold after attempts at a public sale per Section 2033.2.

**Fiscal Implications**

If a van is donated, ACHD Commuteride will not receive any revenue from auction, estimated at $11,450.00. However, as the requesting agency is an FTA recipient, ACHD Commuteride will also not have to reimburse FTA for 80% of said revenue resulting in a net revenue loss of is $2,290.00.

**Policy Implications**

As stated in Policy 2033.2, if the receiving organization is not a governmental agency and the van is valued at more than $5,000, the van must first be offered for sale to the general public. If the Commission elects to donate the van, prior to it being offered for sale to the general public, it will require a waiver of this policy.
**Staff Recommendation**

Waive Policy 2033.2 and adopt Resolution # 2196 donating the van identified below to TVT.

| 99.192 | 2011 | Ford | E 350 | 13 Passenger Van | 1FBSS3BL7BDA12318 |

**Alternatives**

1. Proceed with selling van at auction.
2. Proceed with developing an Interagency Agreement with TVT to loan them an “Inactive” van.

**Attachment(s):**

TVT Letter of Request  
Resolution # 2196
July 27, 2017

ACHD Commuteride
5714 Fairview Avenue
Boise, ID 83706

RE: Letter of Request

Dear Ada County Highway District Commission,

Treasure Valley Transit Inc. (TVT) is a private non-profit 501(c)(3) public transportation company. TVT provides Non-Emergency Medical Transportation services and Fixed Line services within the Idaho Transportation Department’s, District 3 and has since 1996. TVT was fortunate to receive a 1996 ACHD van in 2005 and a 1999 ACHD Van in 2006. Our services have expanded and we are in need of additional vehicles, as our fleet ages, but are limited in our financial ability to purchase them.

The transit purpose of the van will be to support TVT operations. The vehicle will not be used to compete with Commuteride services. Upon receiving notification of the award TVT will provide a copy of the approved 501(c)(3) determination letter and a copy of the resolution stating TVT intent to use the vehicle for a “transit purpose” that serves a public benefit. It will also state the vehicle will not be used in competition with or otherwise supplant any existing Commuteride operations or services. In addition, the vehicle will not be used for revenue-generating services.

I appreciate your consideration of this request and look forward to hearing back from you. If you have any questions please contact me by email at terri@treasurevalleytransit.com, or phone (208) 463-9111.

Respectfully,

Terri Lindenberg
Executive Director
Treasure Valley Transit, Inc.
Attachment 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 August 2017, between Ada County Highway District, by and through its Board of Commissioners (hereinafter “ACHD”), and Treasure Valley Transit, by and through its Executive Director (hereinafter “TVT”).

WITNESSETH

1. Whereas, under Resolution Number 2191 on the 2nd of August 2017, 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;

2. Whereas, section 40-1309 of the Idaho Code, authorizes highway districts to transfer personal property to non-profit organizations with or without consideration.

3. Whereas, both ACHD and TVT 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:

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Description</th>
<th>Vehicle I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Ford</td>
<td>E350 13 Passenger Vehicle</td>
<td>1FBSS3BL7BDA12318</td>
</tr>
</tbody>
</table>

   B. 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.

   C. TVT agrees that its use of the vehicle will be in accordance with ACHD Policy Section 2033.5 Et seq..
D. TVT agrees to return to ACHD the proceeds from the sale of the donated vehicle, if such is ever sold by County.

E. TVT agrees to only use the vehicle for “transit purposes” and for a public purpose.

F. TVT agrees to display recognition on the vehicle that it was donated by ACHD Commuteride.

G. TVT assumes all maintenance, insurance, and operating costs for the vehicle.

H. TVT 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.

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

J. Each party to this Agreement shall provide to the other, minutes or other documents evidencing that each party's governing board has ratified this Agreement. Each party shall provide such documents within fourteen (14) days from the date of the meeting where the board ratified this Agreement.

TREASURE VALLEY TRANSIT

By: ________________________________

Terri Lindenberg
Executive Director

ATTEST:

By: ________________________________
RESOLUTION NUMBER 2196

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

A RESOLUTION APPROVING AND RATIFYING AN AGREEMENT FOR THE
TRANSFER OF A 2011 FORD E350 13 PASSENGER VAN (VIN NO.
1FBSS3BL7BDA12318) TO ADA COUNTY.

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:

2011 Ford E350 13 Passenger Van (VIN No. 1FBSS3BL7BDA12318)

WHEREAS, On August 2, 2017, at the ACHD Board of Commissioners regular
meeting, by Resolution Number 2191, the Commissioners found that the motor vehicle
owned by ACHD was no longer useful to ACHD; and

WHEREAS, Treasure Valley Transit (“TVT”) 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 TVT have negotiated the terms and conditions of an
agreement for the transfer of the subject surplus property and representatives of each
entity have executed the attached Agreement for Transfer Personal Property (Exhibit
“A”), setting forth the terms and conditions of the agreement between ACHD and TVT; 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 and ratify an agreement for the transfer property to TVT 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 TVT with the
execution of the Agreement to Transfer Personal Property without payment of
consideration from TVT to ACHD.

2) Pursuant to Idaho Code Idaho Code §§ 40-1309, 40-1406, 67-2322, and 67-
2324, the Board of Ada County Highway District Commissioners does hereby
approve and ratify the Agreement for Transfer of Personal Property
(“Agreement”) (a copy of which is attached hereto as Exhibit “A”) between ACHD and TVT concerning the transfer of the subject vehicle to TVT from ACHD as summarized herein.

ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District at its regular meeting held on this 16th day of August, 2017.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ____________________________
    Paul Woods, President

By: ____________________________
    Rebecca W. Arnold, Vice President

By: ____________________________
    Sara M. Baker, Commissioner

By: ____________________________
    Kent Goldthorpe, Commissioner

By: ____________________________
    Jim D. Hansen, Commissioner