



RESOLUTION 2009-050

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE COUNTY-WIDE TRANSPORTATION DEVELOPMENT TAX (TDT) AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, On November 4, 2008 the electors of Washington County approved Washington County Ordinance No. 691-A, amending the Traffic Impact Fee (TIF), renaming the charge as the Transportation Development Tax (TDT), and providing for an effective date of July 1, 2009; and

WHEREAS, Section 3.17.120 of the Washington County Code, as amended by Ordinance 691-A, entitles each city to collect the tax, administer its provisions and retain 100% of the proceeds upon adoption of this resolution and intergovernmental agreement (Exhibit A) in accordance with amended section 3.17.120; and

WHEREAS, The City of Sherwood desires to collect and administer the tax within its city limits in accordance with the provision of county ordinance 691-A.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City of Sherwood hereby agrees to administer the tax within its city limits in full compliance with all of the terms of Ordinance 691-A.

Section 2: The City of Sherwood accepts full and sole responsibility for proper administration of the Tax within its city limits in accordance with the provisions of County Code, including financial responsibility for any fund deficiencies arising at any time including upon termination.

Section 3: The City of Sherwood shall provide Washington County no less than 90 days written notice of termination of this resolution and, in such event shall transition to the County administration of the tax in a reasonable and good faith manner.

Section 4: The City of Sherwood shall cooperate with Washington County to adopt an intergovernmental agreement setting forth more complete administrative and project

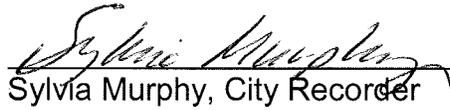
funding procedures to ensure uniform and fair application of the tax, and including the terms set forth in Section 3.17.120B of Ordinance 691-A.

Section 2: City administration of the TDT shall commence on July 1, 2009, or the date this resolution and an intergovernmental agreement are filed with the Clerk of Washington County Board of Commissioners, whichever date occurs last.

Duly passed by the City Council this 16th day of June 2009.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

**Intergovernmental Agreement for Administration of the Countywide
Transportation Development Tax (TDT) and Traffic Impact Fee (TIF)**

This Agreement is between Washington County, a political subdivision of the State of Oregon (County) and the City of Sherwood, a municipal corporation (City).

I. Recitals

1. On November 4, 2008, the electors approved Ordinance No. 691-A, amending the existing countywide "TIF" and known as the Transportation Development Tax (TDT). The TDT is codified at Chapter 3.17 of the Washington County Code.

2. Ordinance 691-A takes effect July 1, 2009. TIF will remain in effect prior to that date for all development, and after that date for certain developments as stated in Ordinance 691-A. For purposes of this Agreement, all references to the TDT will include both TIF and TDT.

3. Pursuant to WCC 3.17.120, City filed with County a resolution or ordinance accepting responsibility for administration of the TDT within the corporate limits of the City, and the parties have prepared this intergovernmental agreement setting forth administrative and funding procedures to ensure uniform and fair application of the TDT;

In consideration of the mutual promises and covenants herein, the parties agree as follows:

II. Terms

1. City shall administer the TDT in accordance with Ordinance 691-A, and as it may be subsequently amended from time to time by County. In addition, the parties shall comply with the TDT Procedures Manual, dated June 2009. Notwithstanding this provision, each party may make such minor modifications to the forms and procedures as are necessary to accommodate its administrative, data processing, and record keeping systems, provided that it coordinates such changes with the other party.

2. It is recognized that issues raised on an appeal of a discretionary decision of the director, as provided in WCCC 3.17.150B, may have ramifications on the overall administration of the TDT. City shall not object to County seeking party status on any appeal that the County finds has such potential impacts. Each party hereto shall

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vigorously and conscientiously defend its actions with respect to the TDT to the extent resources allow.

3. The Washington County Transportation Coordinating Committee hereby is designated as the body responsible for reviewing and making recommendations on the expenditure of TDT funds. The purpose of this review shall be to promote coordination of expenditures so as to encourage the completion of projects recognized as priorities by the committee and to minimize inefficiencies in the construction of improvements. To that end, the parties shall obtain review and approval of the WCCC prior to authorizing any expenditure of TDT revenues for a public improvement.

4. County shall consult with City and provide at least thirty (30) days for input from City prior to adoption of any amendments to the TDT ordinance.

5. City and County will consult with one another, and notify the WCCC prior to adopting or modifying any System Development Charge for transportation facilities.

6. County will prepare a combined Countywide Annual Accounting for the TIF and TDT funds as required by ORS 223.311. City shall provide timely and complete information to County for purposes of this report. County will provide a copy of the Countywide Annual Accounting to City

7. In accordance with WCC 3.17.120 and the resolution or ordinance adopted by City, City accepts full responsibility for proper administration of TDT within its city limits in accordance with Ordinance 691-A and this Agreement, including for any fund deficiencies notwithstanding any termination of City administration.

8. County may terminate City administration of TDT if County finds that City has failed and refused to administer TDT in accordance with the Code and this Agreement. County shall provide City 90 days written notice of termination specifying the basis therefore. Such notice shall provide City with a minimum of 30 days in which to correct the identified deficiencies. If County finds that the deficiencies have been corrected, the termination shall be rescinded. If requested in writing by City within 45 days of mailing of the initial notice, the Washington County Board of Commissioners shall conduct a public hearing at which City and interested parties may appear and present evidence as to why termination should not occur. The decision of the Board shall be appealable as provided in ORS 34.001 to 34.100.

9. City may terminate this Agreement unilaterally upon 90 days written notice to County. In accordance with WCC 3.17.120, termination shall transfer administration of TDT, and use of TDT proceeds, to County.

10. The parties agree to work cooperatively and in good faith to ensure uniform, fair and efficient administration of TDT. This obligation shall include such steps as are necessary to ensure a smooth transition in the event of termination for any reason.

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Dated this __ day of _____, 2009.

City of Sherwood

Washington County

By: _____

By: _____

Title: _____

Title: _____

Approved as to form:

Approved as to form:

City Attorney

County Counsel