



Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2021-062

AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN AN AMENDMENT TO THE CONSTRUCTION EXCISE TAX COLLECTION INTERGOVERNMENTAL AGREEMENT

WHEREAS, the City and Metro are parties to an intergovernmental agreement relating to the City collecting Metro's construction excise tax on Metro's behalf; and

WHEREAS, Metro recently amended its code to eliminate the sunset date in the construction excise tax program, and it is therefore necessary to amend the intergovernmental agreement between the City and Metro to similarly eliminate the sunset date.

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

Section 1. The City Council authorizes the City Manager Pro Tem to enter into an amendment to the construction excise tax collection intergovernmental agreement with Metro in a form substantially similar to the attached Exhibit 1.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th of July, 2021.



Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

**AMENDMENT TO
CET COLLECTION IGA
METRO / City of Sherwood**

This Amendment to the Metro – City of Sherwood Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax (“Amendment”), is effective as of December 31, 2020, by and between Metro, a metropolitan service district organized under the laws of the state of Oregon, located at 600 Northeast Grand Avenue, Portland, OR, 97232 (“Metro”), and the City of Sherwood, located at 22560 SW Pine Street, Sherwood, Oregon 97140 (the “City”), collectively referred to as the “Parties.”

WHEREAS, on August 8, 2006, Metro and the City entered into a Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax (the “CET Collection IGA”), which provided that the City would collect and remit Construction Excise Taxes pursuant to Metro Ordinance No. 06-1115 and Metro Code Chapter 7.04; and

WHEREAS, the original sunset date for CET collection was tied to the original sunset date of the Metro CET, which was the date on which Metro certified that all collecting jurisdictions had remitted a total of \$6.3 million in revenue; and

WHEREAS, in 2009 the Metro Council extended the Construction Excise Tax via Ordinance No. 09-1220, with a new sunset date of September 30, 2014; and

WHEREAS, in 2014 the Metro Council extended the CET via Ordinance No. 14-1328, with a new sunset date of December 31, 2020; and

WHEREAS, on September 29, 2014, Metro and the City entered into an agreement amending the CET Collection IGA to reflect the new sunset date and provide that the City would continue collecting the CET through December 31, 2020; and

WHEREAS, in 2018 the Metro Council adopted Ordinance No. 18-1425, which removed the CET sunset provision from Metro Code Chapter 7.04, making the CET a permanent source of revenue; and

WHEREAS, the Parties wish to again amend the CET Collection IGA to delete the sunset provision in Section 10 and thereby authorize the City to continue collecting the CET beyond December 31, 2020;

NOW THEREFORE, the Parties agree as follows:

- I. The Parties hereby amend Section 10 of the 2014 CET Collection IGA to **delete** the existing language in Section 10, which states:

“Sherwood shall cease collection of the Construction Excise Tax pursuant to this CET Collection IGA on December 31, 2020.”

And **insert**:

“In the event the CET is repealed or otherwise terminated by Metro, this agreement is also terminated effective as of the date the CET is legally terminated.

In addition, Sherwood may terminate this agreement at any time effective thirty (30) calendar days after written notice thereof to Metro.”

2. All other provisions of the CET Collection IGA, as previously amended, remain in full force and effect.

Metro

City of Sherwood

By: Marissa Madrigal
Title: Metro Chief Operating Officer

By:
Title: City Manager