

RESOLUTION NO. 1249

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND PARTICIPATING CITIES OF CLACKAMAS COUNTY TO SHARE MOTOR VEHICLE FUEL TAX REVENUES

WHEREAS, Clackamas County will submit a ballot measure in November 2016 for a countywide, seven-year, \$0.06 per gallon motor vehicle fuel tax; and

WHEREAS, the proceeds of the motor vehicle fuel tax, if passed by the voters, would be distributed 60% to Clackamas County and 40% to participating cities within Clackamas County; and

WHEREAS, to be a participating city within Clackamas County, a City must sign a resolution in support of the ballot measure and sign an Intergovernmental Agreement (IGA) no later than September 1, 2016; and

WHEREAS, the City of Canby wishes to be a participating city within Clackamas County and receive its proportional share of the countywide, seven-year, \$0.06 per gallon motor vehicle fuel tax should the ballot measure pass in the November, 2016 election.

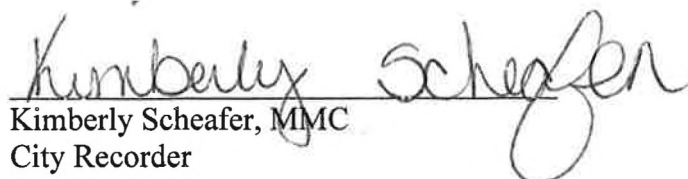
NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council that the Mayor is authorized to execute the Intergovernmental Agreement between Clackamas County and the participating cities of Clackamas County.

This Resolution shall take effect on August 3, 2016.

ADOPTED this 3rd day of August, 2016, by the Canby City Council.


Brian Hodson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
CLACKAMAS COUNTY
AND
THE SUPPORTING CITIES OF CLACKAMAS COUNTY**

I. PARTIES

This intergovernmental agreement is entered into between Clackamas County (COUNTY) and the Cities of Barlow, Canby, Estacada, Gladstone, Happy Valley, Johnson City, Lake Oswego, Milwaukie, Molalla, Oregon City, Portland, Rivergrove, Sandy, Tualatin, West Linn, and Wilsonville (CITIES). This Agreement is authorized pursuant to ORS 190.110.

II. PURPOSE

The purpose of this agreement is to memorialize a revenue sharing plan between the COUNTY and supporting CITIES for the net receipt of motor vehicle fuel tax revenues collected in Clackamas County pursuant to ORS 319.950.

III. SCOPE OF WORK AND COOPERATION

A. CITIES agree to:

1. Support COUNTY'S effort to obtain voter approval of a \$0.06 per gallon, seven-year, county-wide motor vehicle fuel tax at the November 2016 general election by on or before September 1, 2016, adopting a resolution or proclamation supporting the imposition of a voter approved \$0.06 per gallon, seven-year, county-wide motor vehicle fuel tax; and
2. To devote its share of all net revenues derived from the motor vehicle fuel tax for the purposes of construction, reconstruction, improvement, repair, maintenance, operation and use of city highways, roadways and streets within the jurisdictional boundaries of the city as set forth under Art. IX, Section 3a of the Oregon Constitution.

B. COUNTY agrees to:

1. Submit to the voters of Clackamas County a measure seeking voter approval of a temporary \$0.06 per gallon motor vehicle fuel tax. The tax would sunset after a period of seven years after the tax implementation date;
2. Place the measure on the ballot for the November 2016 general election;

3. Receive net revenues from the state and distribute 40% of those net revenues of the motor vehicle fuel tax revenues to all supporting CITIES within the COUNTY; and
4. To devote the COUNTY'S share of all net revenues derived from the motor vehicle fuel tax for the purposes of construction, reconstruction, improvement, repair, maintenance, operation and use of public highways within the jurisdictional boundaries of the COUNTY and as more specifically set forth in the County's ballot measure and Art. IX, Section 3a of the Oregon Constitution.

IV. DISTRIBUTION

- A. COUNTY shall receive motor vehicle fuel tax net revenues from the Oregon Department of Transportation (ODOT);
- B. As used herein, net revenues mean the total revenues generated from collection of the fuel tax, less any collection and administration fee paid to ODOT on all revenues collected and less ODOT start-up costs for staff and equipment. ODOT currently estimates that the start-up costs will be a one-time charge of approximately \$40,000. There will be no cost associated with the County's collection and distribution of fuel tax
- C. revenues;
- D. COUNTY will distribute 40% of the net revenues received to the supporting CITIES;
- E. Distributions to the supporting CITIES will be every six months;
- F. Distributions to the supporting CITIES shall be pro-rated based on the population of that City located within the jurisdictional boundaries of the County; and
- G. CITIES population shall be determined from the most current figures provided annually by Portland State University Population Research Center.

V. SPECIAL REQUIREMENTS

- A. COUNTY and CITIES agree that in order for an individual city to be eligible to receive any motor vehicle fuel tax revenues under this Agreement, the City must first comply with the terms of this Agreement by September 1, 2016; and
- B. COUNTY and CITIES agree to comply with all applicable local, state, and federal ordinances, statutes, laws and regulations.

VI. AMENDMENT

This agreement may be amended at any time with the concurrence of all parties. Amendments become a part of this agreement only after the written amendment has been signed by all parties.

VII. TERM OF AGREEMENT

This Agreement shall become effective upon signing by the jurisdictional representative. The terms of this Agreement become operative and enforceable only after the successful passage of the scope of work and cooperation provisions in Section III of this Agreement. Unless earlier terminated or extended, this Agreement shall expire seven years after the tax is first implemented.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers. This Agreement may be signed in any number of counterparts, each of which is an original and all of which taken together form this Agreement.

CITIES

**CLACKAMAS COUNTY
BOARD OF COUNTY COMMISSIONERS**

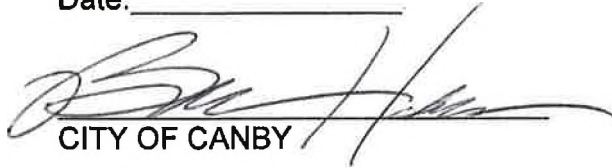
Signing on Behalf of the Board:

CITY OF BARLOW

John Ludlow, Chair

Date: _____

Date: _____


CITY OF CANBY

Date: 8-3-2016

CITY OF ESTACADA

Date: _____

CITY OF GLADSTONE

Date: _____

CITY OF HAPPY VALLEY
Date: _____

CITY OF JOHNSON CITY
Date: _____

CITY OF LAKE OSWEGO
Date: _____

CITY OF MILWAUKIE
Date: _____

CITY OF MOLALLA
Date: _____

CITY OF OREGON CITY
Date: _____

CITY OF PORTLAND
Date: _____

CITY OF RIVERGROVE
Date: _____

CITY OF SANDY

Date: _____

CITY OF TUALATIN

Date: _____

CITY OF WEST LINN

Date: _____

CITY OF WILSONVILLE

Date: _____