

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 09- 46

A RESOLUTION OF THE CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF TIGARD AND WASHINGTON COUNTY FOR ADMINISTRATION OF THE TRANSPORTATION DEVELOPMENT TAX (TDT) AND TRAFFIC IMPACT FEE (TIF).

---

WHEREAS, On November 4, 2008 the electors of Washington County approved Washington County Ordinance No. 691, an Ordinance Amending the Traffic Impact Fee, Washington County Code Chapter 3.17, Declaring an Effective Date, and Referring this Ordinance to the Voters at the Next General Election; and

WHEREAS, Section 3.17.120 of Ordinance 691 entitles each city to collect the tax, administer its provisions and retain 100% of the proceeds upon adoption of a resolution or ordinance in accordance with Section 3.17.120; and

WHEREAS, the City of Tigard desires to collect and administer the tax in accordance with the provisions of Ordinance 691; and

WHEREAS, on June 9, 2009 the Tigard City Council adopted Resolution 09-37 authorizing the City to collect and administer the tax.


WHEREAS, the parties need to enter into an agreement to formalize the administrative and funding procedures for collecting and administering the tax.

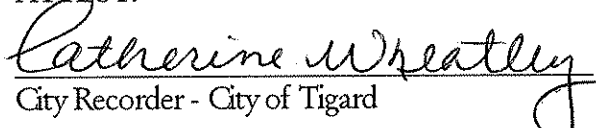
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The agreement attached as Exhibit A to this Resolution is hereby approved and the City Manager is authorized to sign the agreement documents.

SECTION 2: This Resolution is effective immediately upon passage.

PASSED: This 23<sup>rd</sup> day of June 2009.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:  
  
\_\_\_\_\_  
City Recorder - City of Tigard

## EXHIBIT A

### INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF TIGARD AND WASHINGTON COUNTY FOR ADMINISTRATION OF THE COUNTYWIDE TRANSPORTATION DEVELOPMENT TAX (TDT) AND TRANSPORTATION IMPACT FEE (TIF)

This Agreement is between Washington County, a political subdivision of the State of Oregon (County) and the City of Tigard, 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 and TIF are codified at Chapter 3.17 of the Washington County Code.

2. Ordinance 691-A is effective 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.

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 [expected to be July 1], 2009 and as it may be subsequently amended from time to time by County. 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 WCC 3.17.150, 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 vigorously and conscientiously defend its actions to the extent resources allow. In the

event a Hearings Officer decision under section 3.17.150.B.5 is deemed by a Court to be a County decision, County shall not object to City seeking party status on an appeal or writ of review. If City elects not to seek party status in a case, County shall consult with City regarding the appropriate action in the case.

3. The Washington County Transportation Coordinating Committee (WCCC) hereby is designated as the body responsible for reviewing and making recommendations on the expenditure of TDT and TIF 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; to minimize inefficiencies in the construction of improvements; and to promote compliance with the adopted Project List and Base Report. To that end, the parties shall obtain review and approval of the WCCC prior to authorizing any expenditure of TDT or TIF revenues for a public improvement.

4. County shall consult with City and provide at least 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.

7. In accordance with WCC 3.17.120 and the resolution or ordinance previously adopted by City, City accepts full responsibility for proper administration of TDT in accordance with the ordinance, this Agreement, and applicable statutes, including for any fund deficiencies notwithstanding any termination of City administration.

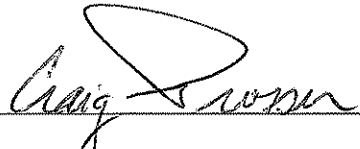
8. County may terminate City administration of TDT if County finds that City has failed and refused to administer TDT in accordance with the Code and this Agreement. County shall provide City 90 days' written notice of termination specifying the basis therefore. Such notice shall provide City with a 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.

Dated this 23<sup>rd</sup> day of June, 2009.

City of Tigard, Washington County

By: 

Title: City Manager

Approved as to form:

  
City Attorney

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Counsel