

September 30, 2021

Clackamas County
Board of Commissioners

Members of the Board:

Approval to execute Amendment #1 to the Short-term Revenue Sharing Agreement between
Clackamas County and Metro Regional Government
to extend the terms to ensure Clackamas County continues
to receive revenues collected from Measure 26-210 until the IGA is fully executed

Purpose/Outcomes	To extend the SHS Revenue Sharing Agreement until November 1, 2021, with the option to extend for additional one-month periods upon written consent of all parties. The purpose of the extension is to enable revenue to continue to flow while negotiations of the IGA with Metro Regional Government continue.
Dollar Amount and Fiscal Impact	Clackamas County will receive 21.3% of income taxes collected for this measure. Measure 26-210 is projected to bring up to \$32.2M for Clackamas County in FY21-22 with much of it coming in the 4th quarter.
Funding Source(s)	Measure 26-210 Supportive Housing Services Revenue
Duration	Extension of up to November 1, 2021, with potential extensions upon agreement of the parties.
Previous Board Action	September 21, 2021 – Amendment #1 presented at Issues July 1, 2021 – Approval by the Board of the Revenue Sharing Agreement with Metro that ends October 1, 2021 or when the IGA is executed, whichever is first. June 29, 2021 – Policy Session for the short-term Revenue Sharing Agreement
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Ensure safe, healthy and secure communities 2. Build public trust through good government
Counsel Review	9/15/21 - Andrew Naylor
Contact Person	Rodney Cook, Director of H3S, 503.650.5677
Contract Number	N/A

BACKGROUND:

Health, Housing and Human Services Department (H3S), requests approval to execute an amendment to the Short-Term Revenue Sharing Agreement between Metro and Clackamas County, Washington County and Multnomah County to ensure Clackamas County continues to receive revenues from Measure 26- 210. Amendment #1 will extend the terms of the agreement to November 1, 2021, with the option to renew for additional one-month periods upon written consent of the parties.

IGA negotiations are underway but a final IGA will not be executed by all parties by October 1, 2021. Although the anticipated funding may come in slower than originally forecasted, some funding has already been collected and continues to be collected. The revenue agreement is the mechanism needed to allow funding collected and being collected to flow from Metro to Clackamas County without further delay.

RECOMMENDATION:

Staff recommends that the Board approve Amendment #1 to the revenue agreement between Metro, Clackamas County, and the other county partners. With respect to the optional additional extensions, staff requests that this Board delegate authority to approve those additional extensions to Commissioner Tootie Smith, Chair, or to the County Administrator. It is unclear if any extensions will be necessary. If the Board does not wish to delegate authority, staff will present additional extension requests if/when they arise.

Respectfully submitted,

Mary Rumbaugh

Rodney A. Cook, Director
Health, Housing and Human Services

AMENDMENT No. 1
TO
REVENUE SHARING AGREEMENT

This AMENDMENT NO. 1 TO REVENUE SHARING AGREEMENT (“Amendment”) is by and between Metro Regional Government, a municipal corporation of the state of Oregon (“Metro”); Clackamas County, a political subdivision of the state of Oregon (“Clackamas”); Multnomah County, a political subdivision of the state of Oregon (“Multnomah”); and Washington County, a political subdivision of the state of Oregon (“Washington”). Washington, Multnomah, and Clackamas each are a “County” and are collectively referred to as the “Counties”; all parties to the Amendment are a “Party” and they are collectively referred to as the “Parties”.

Recitals

WHEREAS, the Parties are parties to the Revenue Sharing Agreement, effective June 1, 2021 (“Agreement”), which enables Metro to allocate funding collected from business and personal income taxes imposed by Metro under its Ordinance No. 20-1442 and Ballot Measure 26-210 (the “Measure”), which was approved by voters on May 19, 2020; and

WHEREAS, and as further set forth in the Agreement, the Counties use the Income Taxes to pay for supportive housing services consistent with each County’s Metro-approved Local Implementation Plan; and

WHEREAS, the Parties entered the Agreement to allow the Parties more time to work on a comprehensive intergovernmental agreement for the that funding (the “SHS IGA”); and

WHEREAS, the Parties require more time to conclude negotiations on the SHS IGA and have agreed to extend the Term, defined below, of the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby covenant and agree as follows:

Agreement

1. **Term Extension.** The second sentence of the Agreement at **Section 1** is deleted and replaced with the following:

The Agreement shall run from the Effective Date until November 1, 2021, and thereafter shall renew for additional one month periods with the written consent of the Parties’ (the “Term”). The Agreement shall terminate upon full execution of a SHS IGA by a County, unless otherwise terminated by a Party as provided in **Section 5**.

2. **Reporting.** The Counties will provide Metro a written update within thirty (30) days of execution of this Amendment. The written update will provide a summary of each County’s use of funding received from Metro under the Agreement for supportive housing “wrap around” services or other uses consistent with the terms of the Measure.

3. **No Other Changes.** This Amendment does not change or otherwise affect any other term of the Agreement.

**AMENDMENT No. 1
TO
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Signature Page**

The Amendment may be executed in multiple counterparts and may be electronically signed. Any verified electronic signatures appearing on the Amendment are the same as handwritten signatures for the purposes of validity, admissibility, and enforceability. Any reproduction of the Amendment made by reliable means is considered an original.

Metro

Clackamas County

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Office of Metro Attorney Review:

Reviewed: CARRIE MACLAREN, ATTORNEY FOR METRO

Clackamas County Attorney Review:

Reviewed: STEPHEN MADKOUR, COUNTY ATTORNEY FOR CLACKAMAS COUNTY, OREGON

By: _____

Assistant Metro Attorney

By: _____

Assistant County Attorney

Date: _____

Date: _____

Multnomah County

Washington County

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Multnomah County Attorney Review:

Reviewed: JENNY M. MADKOUR, COUNTY ATTORNEY FOR MULTNOMAH COUNTY, OREGON

Washington County Attorney Review:

Reviewed: TOM CARR, COUNTY ATTORNEY FOR WASHINGTON COUNTY, OREGON

By: _____

Assistant County Attorney

By: _____

Assistant County Attorney

Date: _____

Date: _____