

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO 99-817-A
METRO CODE 2.09.060 AND 2.09.100)
TO MODIFY THE GROSS RECEIPTS) Introduced by Executive Officer Mike Burton
THRESHOLD TO \$250,000 AND TO)
INCREASE FEES FOR THE METRO)
CONTRACTOR'S BUSINESS LICENSE)
PROGRAM)

WHEREAS, ORS 701.015 authorized Metro to provide a Contractor's Business License allowing small independent construction and landscape contractors to do business in numerous cities within the Metro Region; and

WHEREAS, the 1999 Oregon Legislature amended ORS 701.015 to increase from \$125,000 to \$250,000 the amount of the gross receipts limitation contained in the statute; and

WHEREAS, in order to reflect this statutory change, it is necessary that the Metro Code be amended; and

WHEREAS, as a result of the passage of the amendments to ORS 701.015, the League of Oregon Cities has requested that Metro increase the fee charged by Metro for the Metro Contractor's Business License; and

WHEREAS, the fee increase requested by the League of Oregon Cities constitutes the first increase in the fee charge for the Metro Contractor's Business License since the inception of the business license in 1988;

WHEREAS, an increase for the Metro Contractor's Business License is otherwise appropriate and is in the public interest;

Now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code 2.09.060 is amended to read:

"2.09.060 License Applicability

(a) If a contractor or landscape contractor has paid any business license tax imposed by participating jurisdictions in which the contractor or landscape contractor has an office the contractor or landscape contractor may apply for a contractor's business license from the district.

(b) If a contractor or landscape contractor has been issued a contractor's business license by the district, the contractor or landscape contractor may conduct business without any other business license in participating jurisdictions in which the contractor or landscape contractor:


- (1) Has no office;
- (2) Has not derived gross receipts of \$250,000 or more from business conducted within the boundary of the participating jurisdiction during the calendar year for which the business license is owed;" and

2. That Metro Code 2.09.100 is amended to read:

"2.09.100 Fee

The fee to be paid by any contractor or landscape contractor for a contractor's business license is \$135 and is non-refundable."

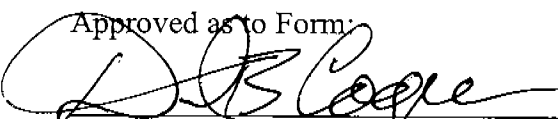
ADOPTED by the Metro Council this 30th day of SEPTEMBER 1999.



Rod Monroe, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

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2. That Metro Code 2.09.100 is amended to read:

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ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

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Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

70th OREGON LEGISLATIVE ASSEMBLY—1999 Regular Session

House Bill 2512

Sponsored by Representative HANSEN; Representatives ATKINSON, BOWMAN, DEVLIN, GARDNER, LOKAN, SNODGRASS, STARR, SUNSERI, THOMPSON, WILSON, Senators DUNCAN, LIM, SHANNON, SHIELDS, TROW (at the request of METRO)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Increases threshold amount of gross income receipts required of construction contractor or landscape contractor before contractor becomes subject to business license tax of city located within metropolitan service district.

A BILL FOR AN ACT

1 Relating to city business license tax within metropolitan service district; amending ORS 701.015.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 701.015 is amended to read:

4 701.015. (1) A contractor or landscape contractor shall pay directly to any city within the
5 boundaries of a metropolitan service district any business license tax imposed by the city when:

6 (a) The principal place of business of the contractor or the landscape contractor is within the
7 city; or

8 (b) The principal place of business of the contractor or the landscape contractor is not within
9 the city but the contractor or landscape contractor derives gross receipts of [~~\$125,000~~] \$250,000 or
10 more from business conducted within the boundaries of the city during the calendar year for which
11 the business license tax is owed.

12 (2) A contractor or landscape contractor who conducts business during any year in any city
13 within the boundaries of the metropolitan service district other than a city to which the contractor
14 or landscape contractor has paid a business license tax for that year may apply for a business li-
15 cense from the metropolitan service district.

16 (3) When a contractor or landscape contractor obtains a business license from the metropolitan
17 service district under subsection (2) of this section, if a city within the boundaries of the metropol-
18 itan service district other than a city to which the contractor or landscape contractor is required
19 to directly pay a business license tax under subsection (1) of this section demands payment of a
20 business license tax by the contractor or landscape contractor, the city shall waive such payment
21 upon presentation of proof by the contractor or landscape contractor that the contractor or land-
22 scape contractor has a business license issued by the metropolitan service district. Possession by the
23 contractor or landscape contractor of a current business license issued by the metropolitan service
24 district under subsection (2) of this section shall be proof sufficient to obtain the waiver described
25 in this subsection.

26 (4) The metropolitan service district shall issue a business license to a contractor or landscape
27 contractor when:

28 (a) The contractor or landscape contractor presents proof to the district that the contractor or
29 landscape contractor has paid the business license tax imposed by each city within the boundaries
30

NOTE: Matter in boldfaced type in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted.
New sections are in boldfaced type.

1 of the district to which the contractor or landscape contractor must directly pay a business license
 2 tax under subsection (1) of this section; and

3 (b) The contractor or landscape contractor pays a license fee to the district. The license fee
 4 charged under this paragraph shall be twice the average business license tax charged contractors
 5 by cities located within the metropolitan service district plus an amount that is sufficient to reim-
 6 burse the district for the administrative expenses of the district incurred in carrying out its duties
 7 under this section.

8 (5) The metropolitan service district shall distribute the business license fees collected by the
 9 district under this section, less administrative expenses, to the cities that are located wholly or
 10 partly within the district and that collect a business license tax. In any year, each such city shall
 11 receive such share of the license fees as the number of residential building permits that it issued
 12 during that year bears to the total number of residential building permits that were issued during
 13 that year by all of the cities located wholly or partly within the district. Distribution of moneys
 14 under this subsection shall be made at least once in each year. The metropolitan service district
 15 shall determine the number of residential building permits issued by cities within the district from
 16 statistics and other data published by the State Housing Council.

17 (6) As used in this section:

18 (a) "Business license tax" means any fee paid by a person to a city or county for any form of
 19 license that is required by the city or county in order to conduct business in that city or county.
 20 The term does not include any franchise fee or privilege tax imposed by a city upon a public utility
 21 under ORS 221.420 or 221.450 or any provision of a city charter.

22 (b) "Conducting business" means to engage in any activity in pursuit of gain including activities
 23 carried on by a person through officers, agents and employees as well as activities carried on by a
 24 person on that person's own behalf.

25 (c) "Landscape contractor" means a person or business who is licensed under ORS 671.510 to
 26 671.710 as a landscape contractor.

27 (d) "Principal place of business" means the location in this state of the central administrative
 28 office of a person conducting business in this state.

29

STAFF REPORT

RESOLUTION OF ORDINANCE NO. 99-817 FOR THE PURPOSE OF AMENDING METRO CODE 2.09060 AND 2.09100 INCREASING THE ELIGIBILITY REQUIREMENTS AND FEES FOR THE METRO CONTRACTOR'S BUSINESS LICENSE PROGRAM.

Date: August 26, 1999 Presented by: Kerry Gilbreth and Kristine Mijares

Purpose of the Proposed Ordinance

Proposed ordinance 99-817 would amend the Metro Code reflecting changes to Metro's Contractor's Business License (CBL) program. The ordinance would change Metro Code 2.09.060 to indicate a statutory increase to the CBL gross receipts limitation from \$125,000 to \$250,000. Additionally, the ordinance would change Metro Code 2.09.100 to increase the annual nonrefundable CBL fee from \$110 to \$135 as requested by the cities participating in the program. This change will go into affect 90 days after adoption, January 5, 2000.

Background

In 1988, the State enacted ORS 701.015 mandates Metro provide a business license allowing small independent construction and landscape contractors to do business in numerous cities within its boundaries. The intent of the legislation was to relieve some of the bureaucratic and financial hardship of contractors having to be individually licensed within each city they worked. As a means to limit qualification for the Metro CBL to small independent contractors, the State imposed a per city, per year gross receipts limitation of \$125,000. Contractors must obtain individual city licenses in all cities in which they exceed that dollar limit. In the past few years, there has been growing complaint from contractors that the initial \$125,000 limit is too low in the current marketplace and is contrary to the original purpose of Metro CBL.

The 1999 legislature addressed this concern by approving House Bill 2512 (exhibit A), which increases the gross receipts limitation from \$125,000 to \$250,000. The Bill is effective October 23, 1999. In order to reflect this statutory change, it is necessary that Metro Code 2.09.060(b)(2) be amended.

Following approval of HB 2512, the League of Oregon Cities, speaking on behalf of the cities participating in the Metro CBL program, as well as representatives of several individual cities themselves, requested an increase in the fee charged for the Metro CBL under Metro Code section 2.09.100. The league and city representatives expressed a concern that the increased gross receipts limitation resulting from HB 2512 would result in a greater number of contractors being qualified for the Metro CBL, thus reducing the amount of revenue earned by cities via direct city-level business licensing. All fees

collected by Metro through the CBL program, after administrative costs, are distributed among the participating cities as a means to provide a source of revenue in lieu of that which would have been earned by cities by directly issued business licenses. The cities reasoned an increase in the Metro CBL fee would help assure that revenue received by the participating cities would not be significantly reduced. This is the first increase for the Metro CBL non-refundable fee since the program's inception in 1988.

ORS 701.015(4)(b) reads "The license fee under this paragraph shall be twice the average business license tax charged contractors by cities located within the metropolitan service district plus an amount that is sufficient to reimburse the district for the administrative expenses of the district incurred in carrying out its duties under this section."

Metro and the League of Oregon Cities each completed an analysis of city business licensing costs with comparative results. A focus meeting involving Metro, the League of Oregon Cities, and representatives of cities was held to discuss the fee increase issue. With regard to the fee provisions as stated above in ORS 701.015(4)(b), results of the business licensing cost analysis, and consideration of Metro's administrative costs in running the CBL program, a fee increase of \$110 to \$135 was suggested by the League of Oregon Cities. In order to reflect this fee increase, it is necessary that Metro Code 2.09.100 be amended.

Budget Impact

It is anticipated that the increase in fee will result in a projected annualized increase in revenue of \$70,000. Because the ordinance will be effective January 5, the projected increase in revenue for the first year is about half of the annualized amount. Since the distribution to the cities is calculated from revenue that is collected in the prior year a budget amendment is not needed.

Executive Officer's Recommendation

The Executive officer recommends adoption of ordinance 99-817.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO 99-817- <u>A</u>
METRO CODE 2.09.060 AND 2.09.100)	
INCREASING THE ELIGIBILITY)	Introduced by Executive Officer Mike Burton
REQUIREMENTS AND TO MODIFY)	
<u>THE GROSS RECEIPTS THRESHOLD</u>)	
<u>TO \$250,000 AND TO INCREASE FEES</u>)	
FOR THE METRO CONTRACTOR'S)	
BUSINESS LICENSE PROGRAM)	

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- (1) Has no office;
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2. That Metro Code 2.09.100 is amended to read:

“2.09.100 Fee

The fee to be paid by any contractor or landscape contractor for a contractor’s business license is ~~\$140~~\$135 and is non-refundable.”

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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REQUIREMENTS AND FEES FOR) Burton
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Rod Monroe, Presiding Officer

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Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

jep

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8/18/99