

BEFORE THE METRO COUNCIL

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| FOR THE PURPOSE OF |) | Ordinance No. 20-1449 |
| AUTHORIZING THE FINANCING OF |) | |
| METRO’S IMPLEMENTATION |) | Introduced by Marissa Madrigal, Chief |
| SERVICES EXPENDITURE |) | Operating Officer, with the concurrence |
| |) | of Council President Lynn Peterson |

WHEREAS, On May 19, 2020, the voters of the Metro region approved Metro’s Supportive Housing Services Ballot Measure 26-210 (the “Measure”), which authorizes Metro to impose a business income tax and personal income tax to fund Supportive Housing Services; and,

WHEREAS, Metro does not currently have the systems in place to efficiency and effectively collect the business income and personal income taxes authorized by the voters to fund Supportive Housing Services (the “Supportive Housing Services Taxes”); and,

WHEREAS, the City of Portland (the “City”) has the expertise to administer a personal income tax as well as a business income tax, and having the City administer Metro’s Supportive Housing Services personal and business income taxes will simplify reporting requirements for businesses in the Metro region and reduce administrative costs for Metro; and,

WHEREAS, Metro and the City have executed an Intergovernmental Agreement for the Collection of Business and Personal Income Taxes (the “IGA”) whereby Metro has agreed to make certain payments to the City for the implementation of a new tax collection software and the collection and administration of the Supportive Housing Services Taxes, including the One-time Implementation Services expenditure (the “One-time Implementation Services Expenditure”); and,

WHEREAS, those payments must be made to the City such that the tax collection infrastructure can be put into place, thereby enabling Metro to pursue the goals of the Measure; and,

WHEREAS, Metro is authorized to issue revenue bonds for a public purpose under ORS 287A.150 (the “Act”) and is also authorized to issue revenue bonds to refund revenue bonds pursuant to ORS 287A.360 to 287A.375, and revenue bonds issued under the Act may be payable from all or any portion of the “revenue” of Metro, as defined in ORS 287A.001(17). ORS 287A.001(17) defines “revenue” to mean all fees, tolls, excise taxes, assessments, property taxes and other taxes, rates, charges, rentals and other income or receipts derived by a public body or to which a public body is entitled; and,

WHEREAS, Metro may authorize revenue bonds under the Act by nonemergency ordinance and may not sell the revenue bonds under the Act until the period for referral of the nonemergency ordinance authorizing the revenue bonds has expired. If a nonemergency

ordinance authorizing the revenue bonds is referred, Metro may not sell the revenue bonds unless the voters approve the revenue bonds.

WHEREAS, it is now desirable to authorize the financing of the One-time Implementation Services Expenditure; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Revenue Bonds Authorized.

The Metro Council hereby authorizes the issuance of revenue bonds (the “Bonds”) pursuant to the Act in the aggregate principal amount not to exceed \$28,000,000 to finance the One-time Implementation Services Expenditure and costs related to the Bonds.

Section 2. Refunding Bonds Authorized.

Metro may issue revenue bonds to refund the revenue bonds issued pursuant to the authority under Section 1 and pay associated costs pursuant to ORS 287A.360 to 287A.375. The revenue bonds that are authorized by this Section 2 may be issued in amounts that are sufficient to refund the financing that is obtained under Section 1 plus additional amounts sufficient to pay the costs related to issuing the refunding bonds authorized by this Section 2. The revenue bonds authorized by Section 1 and 2 of this ordinance.

Section 3. Procedure.

No Bonds may be sold and no purchase agreement for any Bonds may be executed until the period of referral of this nonemergency ordinance has expired. If this ordinance is referred, Metro may not sell the Bonds unless the voters approve this ordinance.

Section 4. Delegation.

The Chief Operating Officer or the person designated by the Chief Operating Officer to act under this resolution (the “Metro Official”), on behalf of Metro and without further action by Metro Council, may:

- 4.1 Issue the Bonds in one or more series.
- 4.2 Establish the form, maturity schedules, interest rates, payment and prepayment terms and all other terms of each series of the Bonds.
- 4.3 Execute and deliver a bond declaration or bond purchase agreement for each series of the Bonds specifying the terms under which each series of the Bonds are issued and making covenants for the benefit of the Bond owners and any providers of credit enhancement for the Bonds.
- 4.4 Publish a notice of sale, receive bids and award the sale of each series of the Bonds to the bidder complying with the notice and offering the most favorable terms to Metro, or

- select one or more underwriters, commercial banks, or other investors and negotiate the sale of any series with those underwriters, commercial banks, or other investors.
- 4.5 Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.
 - 4.6 If applicable, undertake to provide continuing disclosure for each series of the Bonds and to comply with Rule 15c2-12 and any other applicable requirements of the United States Securities and Exchange Commission.
 - 4.7 Apply for ratings for each series of the Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancement for each series of the Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
 - 4.8 Engage the services of paying agents and any other professionals whose services are desirable for the Bonds and negotiate the terms of and execute any agreement with such professionals.
 - 4.9 Issue any series of Bonds as “taxable bonds” bearing interest that is includable in gross income under the Internal Revenue Code of 1986, as amended.
 - 4.10 Execute and deliver each series of the Bonds to their purchasers.
 - 4.11 Execute and deliver any agreements or certificates and take any other action in connection with each series of the Bonds which the Metro Official finds is desirable to permit the sale and issuance of that series of the Bonds in accordance with this ordinance.

Section 5. Security.

Pursuant to ORS 287A.315, Metro is authorized to pledge its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution to pay the Bonds. Metro is not authorized to levy additional taxes to pay the Bonds.

ADOPTED by the Metro Council this 15th day of October, 2020.



Lynn Peterson, Council President

Attest:



Jaye Cromwell, Recording Secretary

Approved as to Form:



Carrie MacLaren, Metro Attorney

STAFF REPORT

ORDINANCE NO. 20-1449, FOR THE PURPOSE OF AUTHORIZING THE FINANCING OF METRO'S IMPLEMENTATION SERVICES EXPENDITURE

Date: September 22, 2020
Department: Finance and Regulatory Services
Meeting Date: October 1, 2020

Prepared and Presented by: Cinnamon Williams, FPD, x1695

ISSUE STATEMENT

The purpose of this resolution is to authorize the sale of up to \$28,000,000 of revenue bonds late 2020. The ordinance was prepared with the assistance of Metro's bond counsel Hawkins, Delafield & Wood, LLP and Metro's financial advisor, Piper Jaffray.

ACTION REQUESTED

Council adoption of Ordinance No. 20-1449.

IDENTIFIED POLICY OUTCOMES

Council authorization of the sale of up to \$28,000,000 of Supportive Housing Services Revenue Bonds approved by voters on May 19, 2020.

POLICY QUESTION(S)

Is Council ready to authorize the sale of up to \$28,000,000 of bonds to provide funding for the tax collection services to implement the Supportive Housing Services High Earners' Tax?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

- Authorize the sale of \$28,000,000 of revenue bonds to fund implementation of tax collection services for the personal and business income taxes approved by the voters in May 2020.
- Reject Ordinance 20-1449 and direct staff to return with a different funding mechanism. This would delay collection of the taxes.

STAFF RECOMMENDATIONS

The Chief Operating Officer recommends Council adoption of Ordinance 20-1449.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

- **Known Opposition/Support/Community Feedback:**
None
- **Legal Antecedents:**
Metro may issue revenue bonds pursuant to the authority granted by Metro

Charter Section 10 and ORS 268.520 and the applicable provisions of ORS Chapter 287A and pursuant to the voters' approval of Measure 26-210 at the primary election held on May 19, 2020.

- **Anticipated Effects:**

This action authorizes the issuance of up to \$28,000,000 in revenue bonds for costs associated with tax collection services. It also authorizes the Chief Operating Officer, Chief Financial Officer or their designee to negotiate and sign all documents and conduct the sale and issuance of the bonds.

- **Financial Implications (current year and ongoing):**

The issuance of the bonds will generate funding to pay for tax collection services, as provided by the City of Portland for both implementation of software and additional personnel. Bond proceeds will be recognized in the current fiscal year. Current fiscal year appropriations were approved by Council by adoption of Resolution 20-5121 on July 30, 2020. Payments for debt service will be included in the FY 2021-22 budget and future budgets.

BACKGROUND

Parks and Nature Bonds:

In the May 2020 election, Metro was given a new programmatic responsibility by voters: to collect and oversee regional resources intended to invest in increasing the supportive housing services provided by Multnomah, Washington, and Clackamas counties, and to develop a regional system for providing and evaluating these services across jurisdictional boundaries. This requires Metro to undertake new work, design new programs, and put new systems in place in order to manage these resources and accomplish the intended outcomes. It also requires Metro to collect new taxes to provide the above services.

Issuance amount

This \$28,000,000 issuance of revenue bonds planned just for this fiscal year to pay for the tax collection services necessary to implement Measure 26-210. Ongoing collection services will be paid for with tax revenue as assessed and collected.

Ratings Review

Metro currently carries bond ratings of "AAA," the gold standard, from Moody's Investor's Service and S&P Global Ratings. Metro anticipates seeking ratings from both agencies again for this bond sale, a significant work effort for the entire agency, from financial, program and executive staff, to the Council. We are confident that Metro's financial discipline and adherence to our financial policies will be seen favorably and result in confirmation of our highest ratings.

Impact to Taxpayers

Revenue Bonds will be paid for by the assessed tax from Measure 26-210. Therefore, there isn't additional tax impact to the taxpayer for the Bonds. There is use of resources for the collection that cannot be used for direct program services.

ATTACHMENTS

- Ordinance 20-1449