

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 21-5204
CHIEF OPERATING OFFICER TO EXTEND FOR)	
30 DAYS A SHORT-TERM)	Introduced by Chief Operating Officer
INTERGOVERNMENTAL REVENUE SHARING)	Marissa Madrigal with the Concurrence of
AGREEMENT WITH MULTNOMAH,)	Metro Council President Lynn Peterson
WASHINGTON, AND CLACKAMAS COUNTIES)	
TO IMPLEMENT THE METRO SUPPORTIVE)	
HOUSING SERVICES PROGRAM)	

WHEREAS, on February 25, 2020, the Metro Council referred to the Metro area voters a personal and business income tax for the purposes of funding Supportive Housing Services in the Metro region (the “Supportive Housing Services Measure”); and

WHEREAS, on May 19, 2020, the Metro Area voters approved the Supportive Housing Services Measure, which was later codified in Metro Code Chapters 11.01, 7.05, 7.06 and 7.07; and

WHEREAS, the Supportive Housing Services Measure was designed to allow allocation of the Supportive Housing Services funds to Multnomah, Clackamas, and Washington Counties (collectively, “the Counties”) via an intergovernmental agreement (IGA) that would govern the disbursement and uses of the funds; and

WHEREAS, although Metro and the Counties have begun negotiations for the Supportive Housing Services IGA, negotiations are not complete; and

WHEREAS, because the Counties had already incurred certain expenses and costs associated with providing supportive housing services and building administrative and staffing capacity to provide the supportive housing services consistent with Metro Code § 11.01.050 even though the SHS IGA was not yet executed, on June 29, 2021, the Metro Council approved Resolution No. 21-5189 authorizing the Chief Executive Officer to execute a Short-Term Revenue Sharing Agreement with Clackamas, Washington and Multnomah Counties; and

WHEREAS, the Short-Term Revenue Sharing Agreement provided the Counties and our unhoused neighbors with needed Supportive Housing Services funding to begin offering supportive housing services before the SHS IGA was fully executed; and

WHEREAS, the Short-Term Revenue Sharing Agreement approved by the Council via Resolution 21-5189 expires on October 1, 2021, but negotiations remain incomplete despite substantial progress and frequent discussions; and

WHEREAS, it is therefore necessary to extend the Short-Term Revenue Sharing Agreement for an additional 30 days to November 1, 2021, as the parties continue negotiations; and

WHEREAS, the amended Revenue Sharing Agreement continues to require the Counties to spend any funding received from Metro in accordance with each county’s Metro-approved Local Implementation Plan, while also requiring a written update from the Counties to Metro within 30 days’ of the amendment’s execution that will provide a summary of each County’s use of SHS funding received from Metro to date; now therefore,

BE IT RESOLVED:

1. That the Metro Council authorizes the Chief Operating Officer to execute a 30-day extension (through November 1, 2021) to the Short-Term Revenue Sharing Agreement with Multnomah, Clackamas, and Washington Counties to further implement the Metro Supportive Housing Services Program. The amendment is attached as Exhibit A.
2. That the Chief Operating Officer is authorized to further extend the Short-Term Revenue Sharing Agreement without Council action for an additional 30 days beyond November 1, 2021, if necessary and if agreed to by all parties.

ADOPTED by the Metro Council this 30th day of September 2021.



Lynn Peterson, Council President

Approved as to Form:



Nathan Sykes, Deputy Metro Attorney

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
REVENUE SHARING AGREEMENT
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: _____

IN CONSIDERATION OF:

Resolution no. 21-5204, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXTEND FOR 30 DAYS A SHORT-TERM INTERGOVERNMENTAL REVENUE SHARING AGREEMENT (RESOLUTION 21-5189) WITH MULTNOMAH, WASHINGTON, AND CLACKAMAS COUNTIES TO IMPLEMENT THE METRO SUPPORTIVE HOUSING SERVICES PROGRAM

Date: September 24, 2021
Department: Planning & Development
Meeting Date: September 30, 2021

Prepared by: Patricia Rojas,
patricia.rojas@oregonmetro.gov
Presenter: Patricia Rojas, Regional
Housing Director
Length: 10 min.

ISSUE STATEMENT

On May 19, 2020, greater Portland voters approved Measure 26-210, establishing Metro's regional supportive housing services program to address the region's homelessness crisis, and help individuals and families find and keep safe, stable, affordable housing across the region.

This program brings a groundbreaking level of regional coordination and scale to address this regionwide challenge between Metro and Local Implementation Partners. Each of the Metro area's three counties developed a Local Implementation Plan through inclusive engagement with community and local practitioners, analysis of local conditions and needs, and developing a framework for planned investments. As required for the counties to receive funding from the regional measure, these plans have now been approved by the Metro Council per the recommendation of the Regional Oversight Committee.

Local Implementation Plans will be incorporated into intergovernmental agreements with each Local Implementation Partner, along with agreements concerning other matters of program implementation, transfer of funds, and ongoing oversight, accountability and management.

It is critical for these agreements to provide a pathway to successful partnership and program implementation over the next 10 years. As final negotiations for longer-term agreements advance, a short-term revenue sharing agreement was approved by Metro Council on June 29, 2021 and is set to expire on October 1, 2021. As IGA negotiations are still underway, an extension of the revenue sharing agreement is requested. The extension

will allow Supportive Housing Services measure funding distribution to continue to counties, and will allow county partners to maintain progress in program implementation.

ACTIONS REQUESTED

- Approve Resolution No. 21-5204 to authorize an extension of short-term intergovernmental revenue sharing agreement (approved through resolution No. 21-5189) with the three Local implementation partners for the supportive housing services measure.

IDENTIFIED POLICY OUTCOMES

As described in Metro Code Chapter 11.01.100, "Implementation Intergovernmental Agreements with each Local Implementation Partner will specify how Supportive Housing Services tax collections will be released. Agreements will include specifications for annual program budgets, financial reporting, and practices for reserving funds, and redistribution of funds if a jurisdiction fails to comply with the Agreement."

The Metro Council has an inherent interest, as do our county partners, in ensuring these agreements fully advance the requirements of the measure, expectations of voters, and the outcomes communities seek over the ten-year implementation of the measure.

At the same time, Council and our county partners seek to have program investments begin as soon as possible, following extensive community and stakeholder engagement, analysis, review and approval of Local Implementation Plans by the Metro Council.

A short-term revenue-sharing agreement, built on the framework of these Local Implementation Plans, will allow program investments to launch on time – advancing the interests and needs of Council, county partners, and the community – while allowing for negotiations to continue on full intergovernmental agreements that will govern program administration over the long term.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Through the adoption of this Resolution, the Metro Council authorizes the Metro COO and staff to extend the existing short-term intergovernmental revenue sharing agreement with the three counties in order to extend the existing agreement. This will continue to allow the transfer of program funds and will allow county partners to continue to implement the programs described in their Local Implementation Plans.

If the Metro Council does not adopt the resolution, it may direct staff to work with county counterparts to resolve any issue(s) of concern. This may lead to an interruption in program implementation.

STAFF RECOMMENDATION

Staff recommends that Council adopt the Resolution.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Approval of this resolution represents a significant milestone for launching the Supportive Housing Services program, after more than 13 months of dedicated work following the passage of the measure in May 2020.

During these months, the Metro Council, staff and partners have, among other activities and accomplishments:

- convened a Stakeholder Advisory Table in summer 2020, to provide guidance on key outcomes and the program work plan;
- convened a Tax Advisory Table to advise on the collection of the business and personal income taxes that fund the program;
- entered into an intergovernmental agreement with the City of Portland to collect these taxes, and begun tax collection;
- completed and adopted a Regional Work Plan and Metro Code to guide implementation of the program.
- chartered and seated a Regional Oversight Committee in full partnership with local implementation partners, and convened seven meetings of the committee;
- recommended for approval three Local Implementation Plans and worked with the Regional Oversight Committee to review them for Metro Council approval, following many hours of inclusive engagement and analysis on the part of the Local Implementation Partners;
- collaborated to develop key matters of regional implementation including a regional long-term rent assistance program, outcomes and data collection, and programming.
- programming began on July 1, 2021

Our partners are actively implementing programming and Metro is working collaboratively with them to continue to deliver services desperately needed by people experiencing or at risk of homelessness throughout the region; the broader outcomes desired by communities, particularly BIPOC communities and those on the front lines of this crisis; and the accountability the region's voters demand and deserve. Adoption of the resolution allows program launch to proceed expediently and with accountability, as longer-term implementation agreements are finalized.

BACKGROUND

Negotiation of intergovernmental agreements has proceeded in earnest since April 2021, with several steps of review among program and legal staff at each of the local implementation partners and Metro. The approval of Local Implementation Plans was a key milestone in this process, as these plans form the backbone of program implementation.

Metro Council approved Resolution No. 21-5189, which allowed the execution of the current short-term revenue sharing agreement. That agreement includes the following agreement areas between Metro and Local Implementation Partners, including but not limited to:

- Term limit of October 1
- Obligations for Metro and counties
- Allocation percentage by county
- Terms for spending tax revenue
- Termination

Resolution No. 21-5204 extends the term limit for 30 days to October 31, with the option for the Metro COO to extend for an additional 30 days should that be needed.

Upon agreement to the terms by program and legal staff at Metro and each of the Local Implementation Partners, the amendment to the short-term revenue sharing agreement was finalized for consideration by each partner's governing body (county boards of commissioners) and the Metro Council.

ATTACHMENTS

- Resolution No. 21-5204
- Exhibit A: Amendment to Short-Term Intergovernmental Revenue Sharing Agreement between Metro and the three Local Implementation Partners
- Resolution No. 21-5189 & Exhibit A: Short-Term In & Exhibit A: Short-Term Intergovernmental Revenue Sharing Agreement between Metro and the three Local Implementation Partners