

W. G. B.

AGENDA MEMORANDUM

Date: September 13, 2006

WD ca/vv/06015/m

TO: Lane County Board of Commissioners

PRESENTED BY: William VanVactor, County Administrator

AGENDA ITEM TITLE: ORDER/In the Matter of Designating Jim Gangle, Lane County Assessor as the Tax Administrator for the Lane County Public Safety Income Tax, and Authorizing a Contract for Administrative Services

I. MOTION

Move Approval of the Order designating Jim Gangle, Lane County Assessor as the Tax Administrator for the Lane County Public Safety Income Tax Pursuant to Lane Code 4.501, and Authorizing a Contract for Administrative Services.

II. DISCUSSION

A. Background

Lane County has enacted the Public Safety Income Tax contingent on voter approval of a Charter amendment at the November 7, 2006 General Election. Under the Lane Code, the responsibility for administration of the tax is assigned to the Tax Administrator. Lane Code specifies that the person who is to be the Tax Administrator must be designated by the Board of County Commissioners. This Board Order implements that provision.

The City of Portland has developed the infrastructure and professional expertise in collecting income taxes. It has done so for the past three years for the Multnomah County Personal Income Tax and for the past 13 years for the consolidated City of Portland Business License Law and the Multnomah County Business Income Tax. The City has offered to assist Lane County in the development of preliminary plans to implement the tax at a cost not to exceed \$15,000. They are also willing to agree and intend to sign an intergovernmental agreement after the election to provide administrative services at a cost not to exceed three percent of the tax revenue. The state Department of Revenue was contacted about providing this service for the County but declined. No other entities collect income tax in the state.

B. Recommendation

Under current plans, the County will contract with the City of Portland for collection of the tax. However, there is still a need to have a Lane County department responsible for administration of the tax and to arrange the contract with the City of Portland. Lane County already has a Department of Assessment & Taxation and it makes sense to assign those duties to the director of that department.

The County Administrator recommends that the Assessor be appointed contingent upon execution of a written agreement that acknowledges that this is not a permanent assignment of a function as that term is used in the Lane County Charter, and that the Board of County Commissioners retains the right to recall the designation and designate a different Tax Administrator in the future.

The County Administrator further recommends that the Board delegate authority to execute an intergovernmental agreement with the City of Portland for services in preparation for tax implementation, including an intent for contracting for administrative services at a cost not to exceed three percent of the tax revenue if the Charter Amendment is approved.

III. ATTACHMENTS

Board Order  
Draft Agreement with Jim Gangle

IV. FOLLOW-UP

- Execution of Agreement with Jim Gangle
- Appointment of Successor Tax Administrator after January 1, 2007
- Execution of Agreement with City of Portland

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER \_\_\_\_\_

- ) IN THE MATTER OF DESIGNATING
- ) JIM GANGLE, LANE COUNTY ASSESSOR
- ) AS THE TAX ADMINISTRATOR FOR THE
- ) LANE COUNTY PUBLIC SAFETY INCOME TAX AND
- ) AUTHORIZING A CONTRACT FOR
- ) ADMINISTRATIVE SERVICES

WHEREAS, Lane County has enacted a Public Safety Income Tax contingent upon voter approval of a Charter Amendment to be voted upon on the November 7, 2006 General Election; and

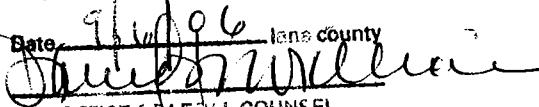
WHEREAS, the Tax Administrator is responsible for administration of the Lane County Public Safety Income Tax; and

WHEREAS, the Tax Administrator must be designated by the Board of County Commissioners, pursuant to Lane Code 4.501;

NOW THEREFORE, BE IT ORDERED that Jim Gangle, the Lane County Assessor, is designated as the Tax Administrator for purposes of administering the Lane County Public Safety Income Tax, contingent upon execution of an agreement to be executed by Jim Gangle and the Chair on behalf of Lane County, wherein Jim Gangle acknowledges that this is not a permanent assignment of a function and the Board of County Commissioners retains the right to recall the authority and designate a different tax administrator in the future, and it is further

ORDERED that the County Administrator is delegated authority to execute an intergovernmental agreement with the City of Portland for preparation for tax implementation, including an intent to contract for administrative services at a cost not to exceed three percent of the tax revenue if the Charter Amendment is approved by the voters.

Dated this \_\_\_\_\_ day of September, 2006.

APPROVED AS TO FORM  
Date 9/14/06 Lane County  
  
OFFICE OF LEGAL COUNSEL

Bill Dwyer  
Chair, Lane County Board of Commissioners

In The Matter of Designating Jim Gangle, Lane County Assessor as the Tax Administrator for the Lane County Public Safety Income Tax and Authorizing a Contract for Administrative Services

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ACKNOWLEDGEMENT OF AUTHORITY TO REMOVE THE TAX ADMINISTRATOR  
DESIGNATION

WHEREAS, under Section 22 of the Lane County Home Rule Charter, both the Department of Public Safety and the Department of Assessment and Taxation functions may only be removed by consent of the Department Head or a vote of the people; and

WHEREAS, the Board of County Commissioners wishes to designate the Lane County Assessor as the Tax Administrator for purposes of administration of the Lane County Public Safety Income Tax; but at the same time retain the right to assign those duties to a different department should the need so arise;

NOW THEREFORE, the parties agree as follows:

1. I, Jim Gangle, as Lane County Assessor, by executing this document, acknowledge that the assignment as Tax Administrator of the Lane County Public Safety Income Tax, is not a permanent assignment of the function. I expressly consent to the removal of that authority and function by the Board of County Commissioners upon a vote of the Board at any time in the future and I acknowledge by virtue of this agreement that such removal would be consistent with the requirements of the Lane County Home Rule Charter.

2. I, Bill Dwyer, Chair of the Lane County Board of Commissioners, affirm and represent that the Lane County Board appointed Jim Gangle, Lane County Assessor as the Tax Administrator of the Lane County Public Safety Income Tax on September 13, 2006 contingent upon his execution of this agreement. By his agreeing to these terms, the appointment as Tax Administrator is effected.

Dated this 13th day of September 2006.

Jim Gangle  
Lane County Assessor

Bill Dwyer, Chair  
Lane County Board of Commissioners