

W. Z. B. I.

**AGENDA COVER MEMO**

AGENDA DATE: April 18, 2007  
Memorandum Date: April 10, 2007

**TO:** LANE COUNTY BOARD OF COMMISSIONERS  
**DEPARTMENT:** LANE COUNTY ADMINISTRATION OFFICE  
**PRESENTED BY:** William A. VanVactor, County Administrator  
**AGENDA ITEM TITLE:** In the Matter of Designating Anette Spickard, Lane County Assessor as the Tax Administrator for the Lane County Public Safety Income Tax, and Authorizing a Contract for Administrative Services

**I. MOTION**

I MOVE APPROVAL OF THE ORDER DESIGNATING ANETTE SPICKARD, 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. AGENDA ITEM SUMMARY**

The Board is being asked to designate Anette Spickard as the Income Tax Administrator and to authorize a contract for administrative services with the City of Portland.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History** Lane County has enacted a Public Safety Income Tax which has been referred to the voters for the May 15, 2007, ballot. 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 more than three years for the Multnomah County Personal Income Tax and for more than 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 \$10,000. They are also willing to sign an intergovernmental agreement after the election to provide administrative services. 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. Policy Issues** The policy objective here is to ensure that a Tax Administrator is appointed, and timely administrative services are available for collection of the income tax, if the voters approve the tax.

**C. Board Goals**

**D. Financial and/or Resource Considerations** The initial contract with the City of Portland for administrative services is not expected to exceed \$10,000. This initial contract will be only for those preliminary steps that must be taken now in order to begin collection

and receipt of funds by July 1. These include such items as development of withholding tables and forms. If the voters approve the income tax, a subsequent contract is anticipated for assistance with the remainder of the administrative functions.

**E. Analysis** The appointment of a Tax Administrator is called for in the Lane County Public Safety Income Tax Code. The County Assessor is willing to serve in this capacity. Under the Home Rule Charter, a function assigned to either the Sheriff or Assessor can only be removed by consent of that elected official or by a vote. In this instance, it is proposed that the assignment be made only with the concurrence that it is not a permanent assignment, in order to preserve for the Board the flexibility to make a change in the future. Lane County Assessor Anette Spickard has indicated a willingness to sign such a stipulation.

**F. Alternatives/Options** The Board could choose a different Tax Administrator and/or contractor for administrative services.

**IV. TIMING/IMPLEMENTATION**

The effective date of the income tax is July 1, 2007. The Board should appoint the Tax Administrator and contract for administrative services as soon as possible to allow for collection policies and practices to be in place before the effective date. If the voters reject the measure in May, there would be no need for a Tax Administrator or subsequent contract.

**V. 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.

I recommend 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.

I further recommend that the Board delegate authority to execute an intergovernmental agreement with the City of Portland for services in preparation for tax implementation.

**VI. FOLLOW-UP**

Execution of Agreement with Anette Spickard  
Execution of Agreement with City of Portland

**VII. ATTACHMENTS**

Board Order  
Draft Agreement with Anette Spickard

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER \_\_\_\_\_ ) IN THE MATTER OF DESIGNATING ANETTE  
) SPICKARD, 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; 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 Anette Spickard, 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 Anette Spickard and the Chair on behalf of Lane County, in which Anette Spickard 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.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 4/11/07 Lane County

  
OFFICE OF LEGAL COUNSEL

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, Anette Spickard, 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, Faye Stewart, Chair of the Lane County Board of Commissioners, affirm and represent that the Lane County Board appointed Anette Spickard, Lane County Assessor, as the Tax Administrator of the Lane County Public Safety Income Tax on April 18, 2007, contingent upon her execution of this agreement. By her agreeing to these terms, the appointment as Tax Administrator is effected.

3. This agreement shall be deemed void if the voters at the May 15, 2007, election do not approve Measure 20-129 on the Public Safety Income Tax.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Anette Spickard  
Lane County Assessor

\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioners