RESOLUTION NO. 2021-01

A Resolution of the Washington Multi-City Business License and Tax Portal Agency Executive Board regarding an Amendment of the Interlocal Agreement to Extend Use of Historical Transaction Counts.

Whereas, the Washington Multi-City Business License and Tax Portal Agency ("Agency") was originally established under the Interlocal Agreement By and Between the Cities of Bellevue, Everett, Seattle, and Tacoma, dated March 1, 2014 ("Interlocal Agreement"); and

Whereas, Section 13.g. of the Interlocal Agreement was amended in 2017 via Resolution FL2017-04 to provide that, for the years 2014-2021, the allocation of Agency costs among the Original Principals shall generally be based on 2012 transaction counts of each Original Principal as set forth in Exhibit A to the Interlocal Agreement, and to further provide that, beginning in 2022 and afterward, Agency costs shall be allocated among the Original Principals based on the actual number of transactions processed through the Portal for each of such city; and

Whereas, due to various city-specific factors associated with implementation of the Portal in the Original Principal cities, the Original Principals have determined that converting to use of actual transaction counts as the basis for allocating Agency costs beginning in 2022 would be inequitable, and that continuing to use 2012 historical transaction counts of the Original Principals for an additional three years, through 2024, would be a preferable way to allocate Agency costs; and

Whereas, Section 18.e. of the Interlocal Agreement requires that any changes to the contribution responsibilities of Principal cities must be approved by the legislative authorities of all Principals;

Now Therefore, BE IT RESOLVED by the Executive Board of the Washington Multi-City Business License and Tax Portal Agency:

SECTION 1. Subject to the approval of each of the legislative bodies of the Principal Cities of Bellevue, Everett, Seattle, Tacoma, Lake Forest Park, Renton, and Des Moines, Section 13.g. of the Interlocal Agreement is hereby amended as reflected in Attachment 1 hereto.

SECTION 2. Each member of the Executive Board, or his or her designee, is directed to work with the legislative body of his or her city to obtain its approval of the Interlocal Agreement as reflected in Attachment 1, hereto.

ADOPTED this 18th day of March, 2021.

ATTEST:

Washington Multi-City Business License and Tax Portal Agency Executive Board
Seattle, Washington

Julie Panick
Board Secretary

Board Chair

AMENDMENT NO. 2 TO THE WASHINGTON MULTI-CITY BUSINESS LICENSE AND TAX PORTAL AGENCY INTERLOCAL AGREEMENT BY AND BETWEEN THE CITIES OF BELLEVUE, EVERETT, SEATTLE, AND TACOMA

This Amendment modifies that certain Washington Multi-City Business License and Tax Portal Agency Interlocal Agreement, dated March 1, 2014 ("ILA"), entered into by and between the Cities of Bellevue, Everett, Seattle, and Tacoma (collectively, the "Original Principals"), and as amended by Amendment No. 1 thereto, pursuant to FileLocal Resolution No. FL2017-04, adopted on June 12, 2017.

WHEREAS, Section 13.g. of the ILA, as amended on June 12, 2017, pursuant to FileLocal Resolution No. FL2017-04, provides a method for allocating Agency costs among the Participating Cities for the years 2014-2021; and

WHEREAS, the Principals (the cities of Bellevue, Des Moines, Everett, Lake Forest Park, Renton, Seattle, and Tacoma) now desire to further amend Section 13.g. of the ILA to revise how Agency costs are allocated among Participating Cities during the years 2022-2024, so that the allocation method used in years 2014-2021 may continue to be used through 2024; and

WHEREAS, Section 18 of the ILA allows amendments to the ILA, and specifically allows amendments affecting the contribution responsibilities of the Principals, so long as such amendments are approved by the legislative authorities of all Principals;

NOW THEREFORE, the Principals hereby agree to amend the ILA as follows:

1. Section 13.g. of the ILA is hereby amended to read as follows:

g. <u>Cost Allocation and Cost Recovery Principles</u>. The PORTAL AGENCY budget shall be generally allocated between all Participating Cities based on the number of Transactions processed for each City on the Portal. In years 2014 through 2024, the number of Transactions for the Original Principals shall be based on 2012 historical actual pre-Portal use Transaction Counts (as set forth in Exhibit A). In years 2014 through 2021, the City Transaction Count for any other Participating City shall be based on the most recent historical data for that City prior to it joining the Portal. From and after 2022, the allocation among other Participating Cities will be determined by considering the actual number of Transactions (if the City had joined before 2022), historical tax and license information, and the experience of the Original Principals as to how quickly businesses have adopted use of the Portal since its launch. The details of the cost allocation calculation shall be set forth in the Portal Operations Policy. Nothing in this Agreement shall be construed to prohibit the Executive Board from including factors in addition to the number of City Transactions in the cost allocation formulas as between Participating Cities, so long as the primary basis for allocation remains the City Transaction count.

2. All other terms of the ILA remain in full force and effect.

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AGREED TO BY:

City of Bellevue

_____
City Manager

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

City of Everett

_____
Mayor

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

City of Seattle

_____
Mayor /Designee

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

City of Tacoma

_____
City Manager

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

_____
Finance Director

_____
Date

Attest:

_____
City Clerk

AGREED TO BY:

City of Lake Forest Park

_____
Mayor

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

City of Renton

_____
Mayor

_____
Date

Approved as to Form:

_____
City Attorney

_____
Date

City of Des Moines

_____
City Manager

_____
Date

Attest as to form:

_____
City Attorney

_____
Date