

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 488

An Ordinance relating to the transient lodgings tax; amending M.C.C. 5.50.050.

Multnomah County ordains as follows:

SECTION 1. AMENDMENT.

M.C.C. 5.50.050 is amended to read as follows:

5.50.050 **Tax imposed.** For the privilege of occupancy in any hotel in Multnomah County, Oregon, on and after July 15, 1972, each transient shall pay a tax in the amount of [five] eight percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the county which is extinguished only by payment by the operator to the county. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when rent is collected if the operator keeps records on the cash accounting basis and when earned if the operator keeps records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations and space occupancy in mobile home parks or trailer parks. Proceeds of the tax shall be allocated as provided for in subsections (A) and (B) of this section.

(A) Five-eighths of the proceeds of the eight percent tax imposed by this section of the Multnomah County Code shall be allocated to the Multnomah County General Fund, and

shall be available for any purposes for which expenditures from the General Fund are authorized.

(B) Three-eighths of the proceeds of the eight percent tax imposed by this section of the Multnomah County Code shall be allocated to the Convention and Trade Show Center Special Fund, which is hereby created. The Convention Center Special Fund is subject to the following limitations:

(1) As used in this section of the Multnomah County Code:

(a) "Convention and Trade Show Center" means a new or improved facility, located in Multnomah County, capable of attracting and accommodating mid-size convention and trade shows from international, national and regional markets requiring 125,000-250,000 square feet of pillar-free, high ceiling exhibition space and 35,000-70,000 square feet of meeting rooms plus associated space including but not limited to banquet facilities, loading areas, lobby and registration areas.

(b) "Operating expenses" means the total cost of all labor, benefits, overhead, maintenance, materials and services incurred by the operator of the convention center in administering and operating events held in the Convention and Trade Show Center and in obtaining events to be held there.

(c) "Voters" means the qualified electors of the county or district requesting authorization to issue general obligation bonds to finance or partially finance construction of the Convention and Trade Show Center.

(2) Before voters approve issuance of general obligation bonds to finance or partially finance construction of the Convention and Trade Show Center or before financing for construction has been obtained by some other means, funds deposited in the Convention and Trade Show Center Special Fund

may be used for activities necessary for development of the Convention and Trade Show Center including:

- (a) Obtaining soils test borings;
- (b) Obtaining topographic and boundary surveys;
- (c) Obtaining Architectural/Engineering Designs;
- (d) Finalizing project program and budget;
- (e) Performing preliminary design studies;
- (f) Performing final design studies;
- (g) Obtaining site and landscape planning;
- (h) Preparing bid and construction documents;
- (i) Preparing detailed cost estimates;
- (j) Preparing special design/engineering evaluations, including evaluation of:
 - (i) Alternate construction methods and materials,
 - (ii) Electrical and Mechanical systems,
 - (iii) Structural,
 - (iv) Equipment;
- (k) Preparation of a cash flow statement;
- (l) Preparation of a marketing and operations plan and cost estimate;

(m) Preparation of an engineering design of off-site facilities, including:

(i) An evaluation of road relocations and right-of-way work,

(ii) Evaluation of utility relocations,

(iii) Evaluation of traffic and transportation systems;

(n) Preparation of technical backup for grant applications and taxing districts (LID);

(o) Obtaining governmental reviews and approvals, including:

(i) Land-use,

(ii) Design review,

(iii) Building Code (fire, exiting, electrical, etc.);

(p) Site acquisition;

(3) After voters have approved issuance of general obligation bonds to finance or partially finance construction of the Convention and Trade Show Center or financing for construction has been obtained by some other means, funds deposited in the Convention and Trade Show Center Special Fund shall be used for the following purposes:

(a) first, to pay any expenses incurred on activities identified under M.C.C. 5.50.050(B)(2);

(b) second, if all expenses identified in subsection (a) above have been satisfied, to pay any unfunded annual operating expenses that may have been incurred by the Convention and Trade Show Center;

(c) third, if all expenses identified in subsection (a) above have been satisfied and if no otherwise unfunded annual operating expenses exist or if funds remain

after the otherwise unfunded annual operating expenses have been paid, to provide for the promotion, solicitation, procurement, and service of convention business at the Convention and Trade Show Center to the extent necessary to fully implement the annual marketing program adopted by the operating county or district;

(d) fourth, if the needs identified in the foregoing subsections (a) through (c) have been fully satisfied, to pay ancillary costs associated with the development, construction and operation of the Convention and Trade Show Center, including but not limited to site acquisition costs and construction costs including financing of those costs.

(4) Earnings on proceeds allocated to the Convention and Trade Show Center Special Fund shall be credited to the Convention and Trade Show Center Special Fund.

(5) If the voters have not approved the issuance of general obligation bonds to finance or partially finance construction of the Convention and Trade Show Center by December 31, 1990, and if funding for construction has not been obtained by some other means by December 31, 1990, the following changes shall automatically occur:

(a) All funds in the Convention and Trade Show Center Special Fund shall be used exclusively for providing for the promotion, solicitation, procurement, and service of convention business or tourism in the county.

(b) The tax levied pursuant to M.C.C. 5.50.050 shall be automatically reduced from eight percent of the rent charged by the operator to five percent of the rent charged by the operator. All of the proceeds of the five percent tax shall be allocated to the Multnomah County General Fund and may be used for any purposes for which expenditures from the General Fund are authorized.

(6) The tax imposed by M.C.C. 5.50.050 is separate and independent of the tax imposed by M.C.C. 5.50.055. Nothing in M.C.C. 5.50.050 is intended or should be construed as modifying the one percent tax provided for by M.C.C. 5.50.055.

(7) Notwithstanding M.C.C. 5.50.575, no person subject to the tax imposed under M.C.C. 5.50.050 shall be entitled to a credit against the payment of that portion of the tax allocated to the Convention Center and Trade Show Center Special Fund. The three-eighths of the eight percent tax imposed by M.C.C. 5.50.050 that is allocated to the Convention Center and Trade Show Center Special Fund shall be due and payable in accordance with this chapter regardless of the amount due any incorporated city or town within Multnomah County for a Transient Lodgings Tax for the same occupancy made taxable under this chapter.

SECTION 2. ADOPTION.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on April 1, 1986, pursuant to Section 5.50(1)(a) of the Charter of Multnomah County.

ADOPTED this 19th day of December, 1985, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS

BY Earl Blumenauer
Earl Blumenauer
Presiding Officer

AUTHENTICATED this 23rd day of December, 1985.

BY Dennis Buchanan
Dennis Buchanan
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

BY Peter Kastig
Peter Kastig
Assistant County Counsel

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