

**Resolution No. 2021-22-1**

**A RESOLUTION SUSPENDING ENTERPRISE ZONE EMPLOYMENT REQUIREMENTS OTHERWISE IMPOSED ON AUTHORIZED BUSINESS FIRMS**

**WHEREAS**, the Oregon Legislative Assembly has adopted the provisions of ORS 285C.050 to 285C.250 to stimulate and protect economic success in such areas of the state by providing tax incentives for employment, business, industry and commerce;

**WHEREAS**, one or more cities, counties and ports may designate an area situated partly within each city and partly in unincorporated territory within the counties or ports as an enterprise zone;

**WHEREAS**, Hood River County, Port of Hood River, Port of Cascade Locks, City of Hood River and City of Cascade Locks have designated and jointly sponsor an enterprise zone known as the Cascade Locks-Hood River Enterprise Zone and that the Mid-Columbia Economic Development District is jointly appointed as the local zone manager for this enterprise zone;

**WHEREAS**, the Oregon Legislative Assembly adopted House Bill 2343, relating to local government authority to suspend enterprise zone employment requirements, to be added to and made part of ORS 285C.050 to 285C.250 and taking effect on September 25, 2021;

**WHEREAS**, the Oregon Governor declared a state of emergency on March 8, 2020, as a result of the COVID-19 pandemic; and

**WHEREAS**, Hood River County, Port of Hood River, Port of Cascade Locks, City of Hood River and City of Cascade Locks, as joint sponsors of the Cascade Locks-Hood River Enterprise Zone, wish to establish new guidelines to suspend, as provided in ORS 285C.203, the obligation of a qualified business firm to meet the employment requirements of ORS 285C.200 if the reduced employment or financial distress of the firm is a result of the COVID-19 pandemic.

**NOW, THEREFORE, THE [governing body] OF THE [entity] RESOLVES AS FOLLOWS:**

**SECTION 1. Revision of employment requirements.** The [governing body] hereby agrees to grant an exemption, or a continuation of an exemption, to a qualified property of an authorized business firm under ORS 285C.175 notwithstanding the fact that the firm does not meet the qualifications under ORS 285C.200 (1)(c), (d) or (e) or (2) if the failure of the firm to meet the qualifications is a result of the COVID-19 pandemic for which the Governor declared a state of emergency on March 8, 2020.

- (A) A revised requirement for minimum employment of at least 50% of the firm's average annual employment in 2019 for any authorized business firms that did not meet the regular employment requirements before April 1, 2021, to be considered exempt for the tax years starting July 1, 2021 and ending June 30, 2022 and starting on July 1, 2022, and ending June 30, 2023.
- (B) The Enterprise Zone Manager will provide the county assessor with written notice that an exemption has been granted within 30 days following the date on which the exemption was granted.

- (C) The authorized business firm will be required to satisfy the requirements adopted pursuant to this section and any otherwise applicable requirements under ORS 285C.050 to 285C.250, including, but not limited to, filing a claim that contains employment data for purposes of ORS 285C.220.
- (D) Failure of an authorized business firm to meet any requirement adopted pursuant to this section shall be subject to the notice requirements and disqualification of the authorized business firm's qualified property under ORS 285C.240, unless the firm satisfies the requirements of ORS 285C.200 without the exceptions allowed under this section.
- (E) The authorized business firm will be required to provide documentation to establish that the COVID-19 pandemic prevented the authorized business firm from meeting the employment requirements of ORS 285C.200, including:
  - a. Compliance with mandatory public health safety measures or closures;
  - b. Mandatory limitations on facility capacity;
  - c. A decrease in receipts;
  - d. A reduction in sales;
  - e. Disruption of the firm's access to markets or supply chains; or
  - f. Other factors attributable to the COVID-19 pandemic.

SECTION 2. Refund of payments in lieu of denial payments. The [governing body] hereby agrees that, notwithstanding ORS 285C.240 (6)(b), the joint sponsors that collected from the business firm under ORS 285C.240 (6)(a) an amount equal to the property taxes for qualified property of the business firm that would otherwise have been due for the assessment years beginning on January 1, 2020 (to cover tax year July 1, 2020, to June 30, 2021), or January 1, 2021 (to cover tax year July 1, 2021, to June 30, 2022), may refund to the business firm, without interest, all or any part of the amount so collected.

- (A) A notice given by the business firm to the county assessor under ORS 285C.240 (1) shall not count as the first notice given by the business firm for purposes of ORS 285C.240 (6)(c).

SECTION 3. Termination Date. Sections 1 and 2 of this resolution shall be rescinded on the date that is one year following the date on which the declaration of a state of emergency issued by the Governor on March 8, 2020, and any extension of the declaration, is no longer in effect.

SECTION 4. Effective Date. This resolution takes effect on the later of the date of its adoption or September 25, 2021.

APPROVED AND ADOPTED by the Port of Hood River on this 7<sup>th</sup> day of September, 2021.

SIGNED:

ATTEST:



Michael S. McElwee, Executive Director  
Port of Hood River



Fred Kowell, CFO  
Port of Hood River