

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA AND NORTH
THURSTON SCHOOL DISTRICT NO. 3 FOR THE SCHOOL IMPACT FEE PROGRAM**

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract must be authorized by the governing body of each party to the contract and must set forth its purposes, powers, rights, objectives, and responsibilities of the contracting parties;

WHEREAS, the Washington State Legislature passed the Growth Management Act (the "GMA") now codified at chapter 36.70A RCW, and RCW 82.02.050-.110 et seq. (together, the "Authorizing Statutes") authorizing the collection of impact fees on development activity to provide public school facilities to serve new growth and development; and

WHEREAS, the Authorizing Statutes require that impact fees only be collected for public facilities which are addressed by a capital facilities element of a comprehensive land use plan; and

WHEREAS, through Ordinance No. 7337, the City has amended chapter 15.04 Olympia Municipal Code ("OMC") regarding school impact fees for the purposes of implementing the Authorizing Statutes as to impact fees for that portion of the North Thurston School District within the City of Olympia; and

WHEREAS, the parties intend to enter into this agreement (the "Agreement") pursuant to state law for the collection, distribution, and expenditure of school impact fees; and

WHEREAS, a school district participating in the impact fee program must prepare a capital facilities plan in compliance with the GMA; and

WHEREAS, the District has prepared and adopted a capital facilities plan; and

WHEREAS, the City and the District intend to enter into this Agreement pursuant to and in accordance with the Washington State Interlocal Cooperation Act, Chapter 39.34 RCW, for the purposes of collection and distribution of school impact fees; and

WHEREAS, the Agreement sets forth the duties and responsibilities with regard to the implementation of the school impact fee program, as well as indemnification responsibilities in the event of any legal challenges to the program

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and North Thurston School District No. 3 for the School Impact Fee Program and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any amendments or minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY