

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING A MODIFICATION TO SECOND AMENDMENT TO AMENDED INTERLOCAL AGREEMENT REGARDING CREATION OF A PUBLIC FACILITIES DISTRICT FOR REGIONAL CENTERS

WHEREAS, the cities of Olympia, Lacey, Tumwater, and Thurston County (hereafter “County”) created a public facilities district (“PFD”) known as the Capital Area Regional Public Facilities District (the “District”) by an Interlocal Agreement for the Creation of a Public Facilities District for a Regional Center dated June 26, 2002; and

WHEREAS, the aforesaid Interlocal Agreement was subsequently amended by the parties by an Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated March 10, 2003, which said Amended Interlocal Agreement was Amended by Amendment to Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated August 25, 2004; and

WHEREAS, subsequently the parties entered into a Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated July 12, 2006; and

WHEREAS, the Parties have previously determined that the Hands On Children’s Museum to be sponsored by Olympia should, together with the Lacey Area Athletic, Recreation, and Special Events Complex (commonly referred to as “the RAC”), constitute the Regional Centers under said Interlocal Agreement as amended; and

WHEREAS, after the parties executed the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers on July 12, 2006, the Washington State Legislature passed Engrossed House Bill 1201 (“EHB 1201”), Chapter 164, Laws of 2017 of the 65th Legislature, 2017 Regular Session; and

WHEREAS, EHB 1201 became effective on July 23, 2017, following signature of Governor Jay Inslee and filing on May 4, 2017, as “An Act Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390 and 82.14.485, and said legislation effects the Public Facilities District to whom the parties previously entered into including the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers on July 12, 2006; and

WHEREAS, EHB 1201 amended RCW 82.14.390 to provide in part that “[t]he tax imposed in this section expires when ((the)) bonds issued ((for)) to finance or refinance the construction, improvement, rehabilitation, or expansion of the regional center and related parking facilities are retired, but not more than ((twenty-five)) forty years after the tax is first collected”; and

WHEREAS, EHB 1201 also amended RCW 82.14.485 in part to read that the “. . . tax imposed in this section ((shall)) expires when ((the)) bonds issued ((for)) to finance or refinance the construction, improvement, rehabilitation, or expansion of the regional center and related parking facilities are retired, but not more than ((twenty-five)) forty years after the tax is first collected; and

WHEREAS, the parties wish to modify the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers as provided in Paragraph 14 of the aforesaid Agreement to incorporate the Legislature’s 2017 amendments in EHB 1201 to RCW 82.14.390 and 82.14.485 to permit the tax imposed to finance or refinance the construction, improvement, rehabilitation, or expansion of the regional center and related parking facilities for not more than forty years after the tax is first collected, and to modify and amend their Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers to fully incorporate the legislative changes made by EHB 1201 to RCW 82.14.390 and 82.14.485 to permit financing or refinancing of construction, improvement, rehabilitation, or expansion of the Hands on Children’s Museum and the Lacey Area Athletic, Recreation, and Special Events Complex (“RAC”), and to extend collection of the tax to no more than forty (40) years after the tax was first collected, as provided by law;

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

1. The Olympia City Council hereby approves the Modification to Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers to incorporate the legislative changes permitted by EHB 1201 to RCW 82.14.390 and 82.14.485.
2. All other terms of the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers remain in full force and effect.
3. The City Manager is directed and authorized to execute on behalf of the City of Olympia the Modification to Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers, or to make any amendments or minor modifications as may be required and are consistent with the intent of the Modification to Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers, or to correct any scrivener’s errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY