

**MODIFICATION TO SECOND AMENDMENT TO AMENDED INTERLOCAL
AGREEMENT REGARDING CREATION OF A
PUBLIC FACILITIES DISTRICT FOR
REGIONAL CENTERS**

THIS MODIFICATION to the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers is made and entered into by and between the City of Olympia, a municipal corporation (hereafter “Olympia”), the City of Lacey, a municipal corporation (hereafter “Lacey”), the City of Tumwater, a municipal corporation (hereafter “Tumwater”), and Thurston County (hereafter “the County”). The term “Parties” shall refer to all parties to this modification. The term “Party” shall refer to a party to this modification.

WHEREAS, the Parties hereto previously entered into an Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated March 10, 2003, which Agreement was amended by Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated August 24, 2004;

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; and

WHEREAS, since the Parties executed the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers on July 12, 2006, and said Agreement was recorded with the Thurston County Auditor under No. 3854338 on August 3, 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 an Amended Interlocal Agreement; 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;

NOW THEREFORE, the Parties hereby agree to modify the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers, as follows:

1. Modification. Lacey, Olympia, Tumwater, and the County, through their respective legislative bodies, agree to modify the terms of 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 amendments in EHB 1201 to RCW 82.14.390 and 82.14.485.
2. Tax imposed for finance, refinance, construction, improvement, rehabilitation or expansion. RCW 82.14.390 and 82.14.485 currently provide that the “tax imposed in this section expires when bonds issued to finance or refinance the construction, improvement, rehabilitation, or expansion of the regional center and related parking facilities are retired, but not more than forty years after the tax is first collected.” The Parties hereby 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.
3. All other terms remain in effect. 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.
4. Counterparts and digital or electronic signature. This modification to the Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. The Parties may execute this agreement by digital or electronic signature, as permitted by law.
5. Effective date of modification. This modification shall become effective as of the date of the last Party’s signature below.

6. Filing of modification with County Auditor. A final, executed Modification To Second Amendment to Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers shall be filed by Olympia with the Thurston County Auditor as required by RCW 39.34.040.

CITY OF OLYMPIA

CITY OF LACEY

Steven J. Burney, City Manager
Dated_____

Rick Walk, City Manager
Dated_____

Approved as to form:

Approved as to form:

Mark Barber

Mark Barber, City Attorney

David Schneider, City Attorney

CITY OF TUMWATER

THURSTON COUNTY

Debbie Sullivan, Mayor
Dated_____

Dated_____

Approved as to form:

Approved as to form:

Karen Kirkpatrick, City Attorney

Scott Cushing, Deputy Prosecuting
Attorney