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City Council

Approval a Resolution Authorizing a Modification to a Second Amendment to an Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers

Agenda Date: 10/24/2023
Agenda Item Number: 4.E
File Number: 23-0917

Type: resolution **Version:** 1 **Status:** Passed

Title

Approval a Resolution Authorizing a Modification to a Second Amendment to an Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Resolution authorizing a modification to second amendment to an amended Interlocal Agreement regarding creation of a Public Facilities District for Regional Centers to incorporate 2017 legislative changes to RCW 82.14.390 and 82.14.485.

Report

Issue:

Whether to approve the Resolution authorizing a modification to second amendment to an amended Interlocal Agreement regarding creation of a Public Facilities District for Regional Centers to incorporate 2017 legislative changes to RCW 82.14.390 and 82.14.485.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The cities of Olympia, Lacey, Tumwater, and Thurston County created a public facilities district ("PFD") known as the Capital Area Regional Public Facilities District by an Interlocal Agreement for the Creation of a Public Facilities District for a Regional Center dated June 26, 2002. This Interlocal Agreement was amended by the parties by an Amended Interlocal Agreement Regarding Creation of

a Public Facilities District for Regional Centers dated March 10, 2003, which was Amended by Amendment to Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers dated August 25, 2004.

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 ("the PFD Second Amendment") The PFD related to the Hands on Childrens Museum in Olympia and Lacey's Regional Athletic Complex ("RAC").

After the parties executed the PFD Second Amendment, 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, which became effective July 23, 2017.

EHB 1201 amended 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, and that the tax would not expire until 40 years after it was first collected. Prior to the legislative changes in EHB 1201, the tax expired 25 years after it was first collected, and it could not be used to refinance improvements or to rehabilitate or expand a regional center. EHB 1201 changed those limitations.

The proposed Modification to the PFD Second Amendment modifies the agreement to incorporate the Legislature's 2017 changes in EHB 1201 to RCW 82.14.390 and 82.14.485 to permit financing or refinancing of construction, improvements, rehabilitation, or expansion of the Hands on Childrens Museum and the RAC in Lacey, and to extend the time period for collection of the tax from when it was first collected.

Climate Analysis:

Adoption of this resolution will not impact the climate.

Equity Analysis:

Approval of this resolution to modify the PFD Second Amendment will permit the parties (Olympia, Lacey, Tumwater, and Thurston County) to incorporate the 2017 legislative changes to RCW 82.14.390 and 82.14.485 to make improvements to the Hands on Childrens Museum and the RAC which will provide opportunities to all persons using said regional facilities.

Neighborhood/Community Interests (if known):

The Hands on Childrens Museum has requested this modification.

Financial Impact:

The time period for collection of the tax will be extended from 25 years to 40 years from when the tax was first collected. Tax monies may be spent on improvements, rehabilitation, or expansion of the Hands on Childrens Museum and the RAC.

Options:

1. Approve the resolution to modify the Second Amendment to the Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers to incorporate changes by the 2017 Legislature to state law.
2. Direct staff to make further or different changes to the resolution.

3. Do not approve the resolution to incorporate legislative changes to state law to the Second Amendment to the Amended Interlocal Agreement Regarding Creation of a Public Facilities District for Regional Centers.

Attachments:

Resolution
Agreement