

1
2 BOARD OF COUNTY COMMISSIONERS
3 LEWIS COUNTY, WASHINGTON
4

5
6 RE: Formation of Public
7 Facilities District Coextensive with the
8 Boundaries of Lewis County
9

RESOLUTION NO. 07-247

10 A RESOLUTION providing for the creation, powers and governance of a public
11 facilities district to provide for the design, construction, ownership, operation, and/or
12 financing of a public facility, including related parking facilities.
13

14 WHEREAS, Chapter 36.100 RCW (the "County PFD Act") authorizes Lewis
15 County ("the County") to create a public facilities district coextensive with the
16 boundaries of the County for the purposes, among others, of acquiring, constructing,
17 owning, remodeling, maintaining, equipping, reequipping, repairing, operating and/or
18 financing public facility(ies) together with related parking facilities; and
19

20 WHEREAS, a public facilities district is authorized under RCW 36.100.030 to
21 acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports
22 facilities, entertainment facilities, convention facilities, or regional centers together with
23 contiguous parking facilities; and
24

25 WHEREAS, the Board of County Commissioners for Lewis County has
26 determined that it is in the best interest of the County and its citizens to provide for the
27 design, construction, ownership, operation and/or financing of a public facility(ies), for
28 purposes including but not limited to, equestrian, rodeo, musical, and other cultural
29 exhibitions, presentations, or performances located within the County to provide a
30 needed public facility(ies) to serve the public and to serve local and regional
31 businesses, community, family entertainment, youth, performance, sport, recreation and
32 athletic organizations, to promote economic development and to further the
33 revitalization of business, financial and commercial interests within the County; and
34

35 WHEREAS, as authorized by the County PFD Act and RCW 82.14.390, and
36 subject to certain restrictions, a public facilities district created by a County before
37 September 1, 2007, in which there are no other public facilities districts and in which the
38 total population in the public facilities district is greater than 70,000, that commences
39 construction of a new regional center before January 1, 2009, may impose solely for
40 regional center purposes, a 0.033 percent (0.033 percent) sales and use tax that is
41 deducted from the amount of the sales and use tax otherwise required to be collected
42 and paid over to the Washington State Department of Revenue under Chapter 82.08
43 and 82.12 RCW; and
44

45 WHEREAS, this additional sales and use tax authorization is taken as a credit
46 against the State portion of the sales and use tax and does not increase the total tax

1 rate paid by the public, and therefore this additional sales and use tax monies would
2 come out of monies that would otherwise go to the State. A copy of the resolution
3 adopting the additional sales and use tax authorized by RCW 82.14.390 will be given to
4 the Department of Revenue at least thirty (30) days prior to the effective date of the tax
5 and the effective date of the tax must be the first of a month; and
6
7

8 WHEREAS, according to the Office of Financial Management's population
9 estimates as of June 29, 2006, the population of Lewis County is 72,900, the largest city
10 within Lewis County is Centralia, and the population of Centralia is less than forty
11 percent of the total population of Lewis County; and
12

13 WHEREAS, the Board of County Commissioners following consideration of
14 testimony at a duly noticed public hearing has determined that it is in the best interest of
15 the County and its citizens to create a public facilities district to assist in the
16 construction, ownership, operation, and/or financing of viable public facility(ies) or
17 project(s) located within Lewis County;
18

19 NOW, THEREFORE, BE IT RESOLVED:
20

21 Section 1. Creation and Purpose. Pursuant to Chapter 36.100 RCW (the
22 "County PFD Act"), there is hereby created a public facilities district, which shall be
23 called the Lewis County Public Facilities District (the "District", or the "Lewis County
24 PFD") coextensive with the boundaries of the County, with the powers and authority set
25 forth by law and below. The District is established for the purpose, among others, of
26 pursuing the design, construction, ownership, operation and/or financing of public
27 facility(ies) or project(s), individually or in cooperation with any other public entity as
28 allowed by law.
29

30 As provided by RCW 36.100.010(3), the District is a municipal corporation, an
31 independent taxing "authority" within the meaning of Article VII, section 1 of the state
32 Constitution and a "taxing district" within the meaning of Article VII, section 2 of the state
33 Constitution.
34

35 Section 2. Board of Directors. The Board of Directors (the "District Board") shall
36 consist of five directors ("Directors"). The Directors of the Board shall be selected and
37 appointed by the Board of County Commissioners to reflect the interests of cities and
38 towns in the County, as well as the unincorporated area of the County. Of the initial
39 Directors, two shall be appointed to two-year terms of office, and the remainder shall be
40 appointed to four-year terms of office. Thereafter, all Directors shall be appointed to
41 four-year terms of office.
42

43 In addition, the Treasurer of the district shall be the Lewis County Treasurer,
44 serving ex officio as treasurer of the Public Facilities District.
45

46 If it is determined by the Board of County Commissioners that, for any reason,
any, or all of the Directors should be removed from office, the Board of County

1 Commissioners may, if approved by two-thirds vote of the Commissioners, remove one
2 or more Directors from office. Vacancies due to removal, resignation, or any other
3 reason shall be filled in the same manner as the original appointment and the person
4 appointed shall serve the remainder of the unexpired term of the position to which he or
5 she was appointed.

6
7 Section 3. Organizational Meeting. The District shall be established as of the
8 date the enabling resolution is adopted. Within a reasonable amount of time following
9 appointment of the initial Directors of the District Board, the Chairman of the Board of
10 County Commissioners for Lewis County, or his designee, shall hold an organizational
11 meeting of the District's initial Board, giving at least three (3) days' advance notice to
12 each of the Directors, unless waived in writing. At such meeting, the Board shall
13 organize itself, may appoint officers, and shall select the District's place of business.

14 The Chairman of the Board of County Commissioners, the Lewis County
15 Treasurer and their designees are authorized and directed to take any and all additional
16 actions as may be necessary or desirable to accomplish the organization of the District.

17
18 Section 4. Powers, Duties, and Limitations. For the purpose among others, of
19 providing for the design, construction, ownership, operation and/or financing of a public
20 facility(ies) or public project(s), the District shall have the powers, duties, and limitations
21 specified by the County PFD Act, RCW 82.14.390 and other applicable law, that are
22 consistent with this Resolution.

23
24 Section 5. Organization. The District shall adopt and maintain rules of
25 procedure and governance of its activities through bylaws duly adopted by the District
26 Board. The power to alter, amend, or repeal the bylaws and adopt new bylaws shall be
27 vested in the District Board, except the bylaws shall be consistent with this Resolution.

28
29 Section 6. Dissolution. The District shall dissolve in the event it is deemed
30 inactive as that term is defined in RCW 36.96.010. Any dissolution of the District will be
31 effectuated consistent with Chapter 36.96 RCW.

32
33 Section 7. Conflicts of Interest. The District shall adopt and abide by the
34 following conflict of interest provision.

1 A Board member or employee of the District may not participate in Board
2 decisions if that person or a member of that person's immediate family has a financial
3 interest in the issue being decided unless the financial interest is a remote financial
4 interest and participation is approved hereunder.

5 A Board member or employee may participate in a decision if that person or a
6 member of that person's immediate family has only a remote financial interest, the fact
7 and extent of the interest is disclosed to the Board in a public meeting and is noted in
8 the minutes of the Board before any participation by the member in the decision, and
9 thereafter in a public meeting the Board by vote authorizes or approves the
10 participation. If the person whose participation is under consideration is a Board
11 member, that person may not vote under this subsection. For purposes of this
12 subsection, "remote financial interest" means:

- 13 i) that of a non-salaried officer or director of a nonprofit corporation
- 14 ii) that of an employee or agent of a contracting party where the compensation of
15 the employee or agent consists entirely of fixed wages or salary and the contract
16 is awarded by bid or other competitive process;
- 17 iii) that of a landlord or tenant of a contracting party, except in cases where the
18 property subject to the lease or sublease is owned or managed by the public
19 corporation;
- 20 iv) that of a holder of less than one (1) percent of the shares of the corporation or
21 cooperative that is the contracting party; or
- 22 v) that of an owner of a savings and loan or bank savings or share account or
23 credit union deposit account if the interest represented by the account is less
24 than two percent (2%) of the total deposits held by the institution.

25 A Board member or employee is not considered to be financially interested in a decision
26 when the decision could not affect that person in a manner different from its effect on
27 the public.

28 No Board member or employee of the district shall accept, directly or indirectly, any gift,
29 favor, loan, retainer, entertainment or other thing of monetary value from any person,
30 firm or corporation having dealings with the District when such acceptance would
31 conflict with the performance of a Board member or employee's official duties. A
32 conflict, or possibility of conflict, shall be deemed to exist where a reasonable and
33 prudent person would believe that it was given for the purpose of obtaining special
34 considerations or influence; provided that application of this provision shall take into
35 consideration the established customs and practices of the District.

36 The Board may adopt additional conflict of interest and ethical rules it considers
37 appropriate.

38 For purposes of this section, "participate in a decision" includes all discussions,
39 deliberations, preliminary negotiations, and votes.

40 For purposes of this section, "immediate family" means:

- 41 i) a spouse;
- 42 ii) any dependent parent, parent-in-law, child, son-in-law, or daughter-in-
43 law; and
- 44 iii) any parent, parent-in-law, child, sibling, uncle, aunt, cousin, niece or
45 nephew residing in the household of the corporate official or employee.

46

1 Section 9. Limit on Liability. The District shall not take action that might impose
2 liability upon the County. All liabilities incurred by the District shall be satisfied
3 exclusively from the assets, credit, and properties of the District, and no creditor or other
4 person shall have any right of action against or recourse to the County, its assets,
5 credit, or services, on account of any debts, obligations, liabilities or acts or omissions of
6 the District.

7
8 Section 10. Severability. If any section, sentence, clause, or phrase of this
9 Resolution should be held invalid or unconstitutional by a court of competent jurisdiction
10 such invalidity or unconstitutionality shall not affect the validity of the constitutionality of
11 any other section, sentence, clause, or phrase of this Resolution.

12
13 Section 11. Effective Date. This Resolution shall go into effect immediately upon
14 adoption.

15
16 ADOPTED this 13th day of August, 2007.

17
18 ATTEST:

19
20
21 Kari Mui
22 Clerk of the Board



23
24
25 LEWIS COUNTY
26 Lewis County, Washington

27
28 Richard G. Paha
29 Chairperson

30
31 Approved as to form only:

32
33 [Signature]
34 Deputy Prosecuting Attorney

35
36
37 Member

38
39 [Signature]
40 Member

BOCC AGENDA ITEM SUMMARY

(revised 5-17-01)

AGENDA ITEM #: _____ RESOLUTION #: 07-247 BOCC MEETING DATE: 08-13-2007

SUGGESTED WORDING FOR AGENDA ITEM: Notice Consent Discussion Hearing

Formation of the Public Facilities District

BRIEF REASON FOR BOCC ACTION:

To form PFD district

SUBMITTED BY: Karri Muir PHONE: _____ DATE SUBMITTED: 08-01-07

CONTACT PERSON WHO WILL ATTEND BOCC MEETING: Phil Rupp

TYPE OF ACTION NEEDED:

- Approve Resolution
- Approve Ordinance (Traffic or other)
- Execute Contract / Agreement
- Other (please describe): _____
- Call for Bids / Proposals
- Bid Opening
- Notice for Public Hearing *(see Publication Requirements)

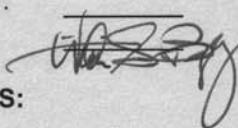
***PUBLICATION REQUIREMENTS:**

Resolution e-mailed to Clerk Not applicable

Hearing Date: _____ (Must be at least 10 days after first publication date)
Publish Date(s): _____ (2 weeks for routine budget, property disposal / auction or vacations)
(3 weeks for property lease)

Publication(s): EAST COUNTY JOURNAL CHRONICLE OTHER: _____

ALL AGENDA ITEMS:

Department Director / Head: _____
Chief Administrative Officer: _____
Prosecuting Attorney: 

EMPLOYEE ITEMS: (relating to employment, salary, position, reclassification, union, etc.)
Human Resource Coordinator: _____

APPROVALS MUST BE OBTAINED BEFORE SUBMITTING ITEM TO BOCC CLERK

BANKING OR REVENUE ITEMS:

Treasurer: _____

BUDGET AND PAYROLL ITEMS:

Chief Accountant: _____

Fund: _____
Department: _____
Total Amount: \$ _____

CLERK'S DISTRIBUTION OF SIGNED DOCUMENTS:

Send cover letter:	<u>Tifney Johnson DOR</u>	Additional copies:	_____
	<u>PO BOX 47476</u>		_____
	<u>Olympia, WA 98504</u>		_____
(city/state/zip)	_____		_____
File originals:	<u>BOCC mtg folder</u>		_____
File copy:	<u>hearing/bid folder</u>		_____
File copy:	<u>working file</u>		_____

BOARD OF LEWIS COUNTY COMMISSIONERS

DATE 8-13-07

PUBLIC COMMENT SIGN UP SHEET

Hearing - PFD

DURING COMMISSIONER MEETINGS, PUBLIC COMMENT SHOULD NOT BE OFFERED BY, NOR PRESENTED ON BEHALF OF PARTIES INVOLVED IN ADMINISTRATIVE OR COURT PROCEEDINGS WITH LEWIS COUNTY ON MATTERS ASSOCIATED WITH SUCH PROCEEDINGS. IN ADDITION, PUBLIC COMMENTS AND BOARD OF COUNTY COMMISSIONER RESPONSES INVOLVING EITHER EXISTING OR POTENTIAL ADMINISTRATIVE OR COURT PROCEEDINGS WITH LEWIS COUNTY MAY BE SUBJECT TO LIMITATION BY THE BOARD OF COUNTY COMMISSIONERS.

NOTICE: Unless otherwise noted, oral comment will be received during regularly scheduled Commissioner meetings between 10:05 and 10:15 AM. Written public comments may be submitted to the Commissioners on agenda or non agenda items (but excluding public hearing and bid award items) at any time following publication of the meeting agenda and before adjournment of the Commissioner meeting.

NAME	ADDRESS	TOPIC
Ray Gary S. Alexander	7915 Lemo Dr SE, Oly, WA	PFD
Sue Gordon	2944 46th Ave NW, Oly	PFD
Todd Cyprian's Eugene Comm. - Charles Chamber	80NW Chamber Way E. LeWick	PFD
Tom Cranson	6049 Buckhorn Ct Oly	PFD
Ted Pinens	417 N Pearl St. Cent	PFD

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AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } SS

Jeanne Rudeen, says that she is the legal clerk of

The Chronicle

a daily newspaper, which has been established, published in the English language, and circulated continuously as a daily newspaper in the City of Centralia, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County.

And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as Legal # 0775,

once each day for a period of 1 consecutive day,

commencing on the

25th day of July, 2007

and ending on the

25th day of July, 2007, and both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of

\$ 116.⁷⁵

Jeanne Rudeen

Subscribed and sworn to before me this

26th day of July, 2007.

Anita S Freeborn

Notary Public in and for the State of Washington, residing at

CENTRALIA WA 98531



NOTICE OF PUBLIC HEARING Before the LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS & Notice of Intent to Adopt Resolution

NOTICE IS HEREBY GIVEN that the Lewis County, Washington, BOARD OF COUNTY COMMISSIONERS will hold a public hearing to discuss the intent to adopt the stated resolution. The hearing will be held at 10:00 a.m. on Monday, August 13, 2007, in the Commissioners Hearing Room, on the second floor of the Lewis County Courthouse, 351 NW North St, Chehalis, Washington.

The purpose of the hearing is to consider a resolution providing for the creation, powers and governance of a Public Facilities District for the purposes including but not limited to, the design, construction, ownership, operation and/or financing of a public facility(ies), including related parking facilities in Lewis County. The public is invited to attend the hearing and speak for, or against the proposed resolution for the Public Facilities District.

A complete copy of the proposed resolution is available for review or will be provided at no charge at:

Lewis County Commissioners Office 351 NW North Street Chehalis, WA 98532

The proposed resolution may also be viewed on the Lewis County website: www.co.lewis.wa.us

Dated this 23 day of July, 2007.

Karri Muir, Clerk of the Board L#0775 July 25, 2007

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } ss

The undersigned, on oath state that he/she is an authorized representative of The East County Journal, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Morton, Lewis County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper.

The notice in the exact form annexed, was published in regular issues of The East County Journal which was regularly distributed to its subscribers during the below stated period.
The annexed notice, a

Public Hearing, August 13, 2007

was published on Aug. 1, 2007

The amount of the fee charged for the foregoing publication is the sum of \$ 29.⁰⁰

Subscribed and sworn to before me this 2nd day of Aug., 2007



Renae C. Justice
Notary Public in and for the
State of Washington
Residing in Centralia
Ornaska

NOTICE OF PUBLIC HEARING Before the LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS &

Notice of Intent to Adopt Resolution
NOTICE IS HEREBY GIVEN that the Lewis County, Washington, BOARD OF COUNTY COMMISSIONERS will hold a public hearing to discuss the intent to adopt the stated resolution. The hearing will be held on or after 10:00 a.m. on Monday, August 13, 2007, in the Commissioners Hearing Room, on the second floor of the Lewis County Courthouse, 351 NW North St, Chehalis, Washington.

The purpose of the hearing is to consider a resolution providing for the creation, powers and governance of a Public Facilities District to provide for the design, construction, ownership, operation and/or financing of a public facility, including related parking facilities in Lewis County. The public is invited to attend the hearing and speak for or against the proposed resolution to form the Public Facilities District.

A complete copy of the proposed resolution is available for review or will be provided at no charge at:

Lewis County Commissioners Office
351 NW North Street
Chehalis, WA 98532

The proposed resolution may also be viewed on the Lewis County website: www.co.lewis.wa.us

Dated this 23rd day of July, 2007.
(Published in The East County Journal August 1, 2007)