



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 02-005

RELATING TO THE SNOHOMISH COUNTY PUBLIC FACILITIES DISTRICT; MODIFYING THE SUBMITTAL DATE FOR PROPOSALS; AND AMENDING SCC 2.19.050 AND 2.19.060

WHEREAS, by Amended Ordinance No. 01-041 Snohomish County created the Snohomish County Public Facilities District (the "County PFD") coextensive with the boundaries of the County for the purpose of exploring the possible joint acquisition, construction, operation and/or financing of one or more Regional Centers with other public facilities districts under the authority of chapter 36.100 RCW, RCW 35.57.020 and RCW 82.14.390; and

WHEREAS, a Regional Center is defined in the Snohomish County Public Facilities District Act and in RCW 37.57.020 as "... a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved or rehabilitated after July 25, 1999, at a cost of at least Ten Million Dollars (\$10,000,000), including debt service;" and

WHEREAS, by Resolution No. 01-015 the County Council expressed interest in extending the deadline for submission of a final project list, which amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED:

Section ((2)) 1. Snohomish County Code Section 2.19.050, adopted by Ordinance No. 01-041 on June 27, 2001, is hereby amended to read:

2.19.050 Powers, Duties and Limitations. The District shall have the following powers and duties, subject to the following limitations:

- (1) The District shall have the powers set forth in its Charter (~~attached as Appendix A hereto~~) as approved by Ordinance No. 01-041 or as amended with Council approval by ordinance.
- (2) Except as specifically provided in an interlocal agreement between the District and the County, the District shall take no action that might impose liability upon the County. All liabilities incurred by the District shall be satisfied exclusively from the assets, credit, and properties of the District, and no creditor or other person shall have any right of action against or recourse to the County, its assets, credit, or services, on account of any debts, obligations, liabilities or acts or omissions of the District.

- (3) In the event that the District determines by August 1, 2001, that one or more joint Regional Center project(s) (as defined in the County PFD Act) located within the County is a viable project that is likely to begin construction before January 1, 2003, the District shall impose all or a portion of the sales tax authorized under RCW 82.14.390(1) in support of pursuing joint ownership, financing, or operational relationships with such Regional Center(s). Such tax proceeds shall be apportioned between such Regional Centers (taking into account adequate reserves to be maintained by the District) in an equitable manner that supports construction and operation of any viable joint Regional Center project or projects located in Snohomish County. In order to apportion the tax proceeds in an equitable manner, the District shall, at a minimum, make the following distributions: first, the District shall negotiate an interlocal agreement to guarantee to a viable Regional Center developed by the City of Everett and the Everett Public Facilities District an amount equal to \$7,000,000 (present value); second, of the remaining tax proceeds, the District shall apply up to 10% to pay for parking to be provided to one or more Regional Centers by the County; and, third, the District shall apply the remaining 90% of tax proceeds equitably among viable Regional Centers (in all cases, taking into account adequate reserves to be maintained by the District).
- (4) ~~((Within 30 days after December 1, 2001))~~ No later than April 30, 2002, the District shall provide a written report to the Council detailing its final project list, and the percentage of anticipated tax proceeds flowing to each project.
- (5) In consideration of the County's loan of working capital to the District and to ensure that joint Regional Centers are developed in a manner that is consistent with the County's regional planning objectives, intergovernmental relations with its incorporated cities, and available and planned infrastructure, the District shall not enter into an interlocal agreement to expend revenues in excess of \$50,000 on such a joint Regional Center unless the County is party to the interlocal agreement.
- (6) The District shall prepare, maintain and provide to the Council a financial and activities report not less than quarterly, and otherwise as directed by the Council.
- (7) In consideration for the County's loan of working capital, the District shall not impose any tax authorized under the County PFD Act, other than sales taxes imposed pursuant to RCW 82.14.390, without prior approval of the Council.

Section ((3)) 2. Snohomish County Code Section 2.19.060, adopted by Ordinance No. 01-041 on June 27, 2001, is hereby amended to read:

2.19.060 Approval of Charter and Bylaws. ((The Charter is hereby approved in the form set forth as Appendix A.)) The Council approved the initial Charter and Bylaws of the District by Ordinance No. 01-041. The Charter shall be issued in duplicate originals, each bearing the County seal attested by the Clerk

of the Council. One original shall be filed with the County; a duplicate original shall be provided to the District. The Charter shall be amended only with ~~((the))~~ Council approval ~~((of the Council))~~ by ordinance.

The Board shall maintain rules of procedure and governance of its activities through its Bylaws. ~~((The initial Bylaws of the District are hereby approved in the form set forth at Appendix B.))~~ The power to alter, amend, or repeal the Bylaws or adopt new Bylaws shall be vested in the Board, except as follows. The Bylaws shall be consistent with this ordinance and the Charter. As necessary and appropriate in the discretion of the Council, the Council may amend the Bylaws by ordinance adopted at a public meeting held with notice to the District. Amendments to the Bylaws ~~((adopted))~~ approved by the Council may not be further amended by the District for one year except with Council approval.

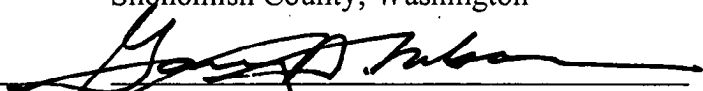
Section ~~((5))~~ 3. This ordinance shall become effective ten days following its passage and enactment as provided by the County Charter.

PASSED this 13th day of March, 2002.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Clerk of the Council, *Asst.*



Chairperson

- APPROVED
 EMERGENCY
 VETOED

Date: 3/26/02

ATTEST:




County Executive

Approved as to form only:

fn

GARY WEIKEL
Deputy Executive

Special Deputy Prosecuting Attorney