



CO00041985

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 10-112

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF THE SNOHOMISH COUNTY TOURISM PROMOTION AREA, IMPOSING LODGING CHARGES ON CERTAIN LODGING BUSINESSES WITHIN THE TOURISM PROMOTION AREA, CREATING AN ADVISORY BOARD, CREATING THE TOURISM PROMOTION AREA FUND, APPROVING CONTRACTS, ADOPTING A NEW CHAPTER 4.118 SCC, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2003 the Washington Legislature, recognizing the importance of tourism promotion, by enacting Chapter 35.101 RCW authorized counties and cities to establish Tourism Promotion Areas (TPAs) and levy lodging charges within TPAs to fund tourism promotion; and

WHEREAS, charges collected within a TPA pursuant to Chapter 35.101 RCW will enhance the resources available for tourism promotion within the TPA, including activities and expenditures designed to increase tourism and convention business; and

WHEREAS, the operators of lodging businesses located within the County presented an Initiation Petition to the County Council seeking establishment of a county-wide TPA pursuant to RCW 35.101.020; and

WHEREAS, the Initiation Petition contains all of the elements required by RCW 35.101.020 including a description of the boundaries of the proposed TPA, a statement of proposed uses and projects to which the revenue from the charges would be dedicated, the total estimated revenues and project costs, the estimated rate of charges to be imposed; and signatures of the persons who operate lodging businesses that would pay sixty percent or more of the proposed charges; and

WHEREAS, the Initiation Petition provides for charges of \$1.00 per room night of occupancy to be imposed on certain lodging businesses within the TPA that have 50 or more lodging units; and

WHEREAS, pursuant to RCW 35.101.020 the County Council adopted Resolutions of Intention as Motion Nos. 10-112 and 10-557 dated February 24 and November 15, 2010, and titled, respectively, "Stating Snohomish County Council's Intent to Establish a Tourism Promotion Area (TPA) Pursuant to Chapter 35.101 of RCW, to Provide Enhanced Support for Tourism Development and Promotion" and "Resolution of Intention to Establish a Tourism Promotion Area Pursuant to Chapter 35.101 RCW to Support Tourism Promotion, Setting a Public Hearing to Consider

ORDINANCE NO. 10-112

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF THE SNOHOMISH COUNTY TOURISM PROMOTION AREA, IMPOSING LODGING CHARGES ON CERTAIN LODGING BUSINESSES WITHIN THE TOURISM PROMOTION AREA, ETC. - 1

1 Establishment of a Tourism Promotion Area and Related Lodging Charges, and
2 Supplementing the Resolution of Intention adopted as Motion No. 10-112;" and

3
4 WHEREAS, the Resolutions of Intention adopted as Motion Nos. 10-112 and 10-
5 557 gave notice of the time and place of public hearings to consider establishment of a
6 TPA, described the boundaries of the TPA, and stated the proposed uses and projects
7 to which the proposed revenues would be dedicated, the total estimated revenues and
8 project costs, and the estimated rate of charges to be imposed as required by RCW
9 35.101.030; and

10
11 WHEREAS, on March 31 and December 15, 2010, at 10:30 a.m., the County
12 Council held public hearings to consider establishment of a TPA, which hearings were
13 held in the County Council chambers on the 8th floor of the Robert J. Drewel Building,
14 3000 Rockefeller Avenue, Everett, Washington 98201; and

15
16 WHEREAS, pursuant to RCW 35.101.040, the City Councils of the Cities of
17 Arlington, Bothell, Everett, Edmonds, Lynnwood, Marysville, Monroe, Mountlake
18 Terrace, and Mukilteo have approved, or will approve, an interlocal agreement to
19 authorize establishment of a TPA within those cities in the form attached hereto as
20 Exhibit A; and

21
22 WHEREAS, having received the Initiation Petition, adopted resolutions of
23 intention, provided notice to the public and lodging businesses within the TPA, and
24 conducted public hearings in accordance with Chapter 35.101 RCW, the County
25 Council finds that the best interests of the County, lodging industry, and public will be
26 served by establishing a TPA and providing for its administration as stated herein;'

27
28 NOW, THEREFORE, BE IT ORDAINED:

29
30 Section 1. A new chapter is added to Title 4 of the Snohomish County Code to
31 read:

32
33 **Chapter 4.118**
34 **Snohomish County Tourism Promotion Area**

35
36 Sections:

- 37 4.118.010 Tourism promotion area established.
38 4.118.020 Imposition of lodging charge.
39 4.118.030 Classification of lodging businesses.
40 4.118.040 Exemption from lodging charge.
41 4.118.050 Uses of lodging charge revenue.
42 4.118.060 Collection and administration.
43 4.118.070 Tourism promotion area fund.

ORDINANCE NO. 10-112
AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF
THE SNOHOMISH COUNTY TOURISM PROMOTION AREA,
IMPOSING LODGING CHARGES ON CERTAIN LODGING
BUSINESSES WITHIN THE TOURISM PROMOTION AREA, ETC. - 2

- 1 4.118.080 Tourism promotion area advisory board.
2 4.118.090 Annual business plans.
3 4.118.100 Contracts authorized.
4 4.118.110 Modification and disestablishment.

5

6 **4.118.010 Tourism promotion area established.**

7 There is hereby established pursuant to RCW 35.101.080 a tourism promotion
8 area to be known as the Snohomish County Tourism Promotion Area. The boundaries
9 of the tourism promotion area include the area within the city limits of the City of
10 Arlington, City of Bothell, City of Everett, City of Edmonds, City of Lynnwood, City of
11 Marysville, City of Monroe, City of Mountlake Terrace, and City of Mukilteo and the
12 unincorporated area of Snohomish County.

13

14 **4.118.020 Imposition of lodging charge.**

15 (1) There is hereby imposed pursuant to RCW 35.101.050 a lodging charge on
16 the furnishing of lodging by lodging businesses located within the tourism promotion
17 area established by SCC 4.118.010 in the amount of:

18 (a) \$1.00 per night of stay at each lodging business in Zone A as defined in SCC
19 4.118.030;

20 (b) \$0.00 per night of stay at each lodging business in Zone B as defined in SCC
21 4.118.030; and

22 (c) \$0.00 per night of stay at each lodging business in Zone C as defined in SCC
23 4.118.030.

24 (2) In chapter 35.101 RCW and this chapter, "lodging business" means a person
25 that furnishes lodging taxable by the state under chapter 82.08 RCW that has 40 or
26 more lodging units.

27

28 **4.118.030 Classification of lodging businesses.**

29 Lodging businesses located within the tourism promotion area established by
30 SCC 4.118.010 shall be classified as follows:

31 (1) Zone A. Zone A encompasses lodging businesses located within the tourism
32 promotion area that have 50 or more lodging units and are not in Zone B.

33 (2) Zone B. Zone B encompasses lodging businesses located within the tourism
34 promotion area as that term is used in WAC 458-20-166 other than hotels, motels, and
35 bed and breakfast facilities. Lodging businesses within this zone, as addressed in WAC
36 458-20-166, include only (i) trailer camps and recreational vehicle parks which charge
37 for the rental of space to transients for locating or parking house trailers, campers,
38 recreational vehicles, mobile homes, and tents; (ii) educational institutions which sell
39 overnight lodging to persons other than students; (iii) private lodging houses,
40 dormitories and bunkhouses operated by or on behalf of businesses and industrial firms
41 or schools solely for the accommodation of employees of such firms or students which
42 are not held out to the public as a place where sleeping accommodations may be
43 obtained; and (iv) guest ranches or summer camps which, in addition to supplying

ORDINANCE NO. 10-112

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF
THE SNOHOMISH COUNTY TOURISM PROMOTION AREA,
IMPOSING LODGING CHARGES ON CERTAIN LODGING
BUSINESSES WITHIN THE TOURISM PROMOTION AREA, ETC. - 3

1 meals and lodging, offer special recreational facilities and instruction in sports, boating,
2 riding, outdoor facilities and instruction in sports, boating, riding, and outdoor living.

3 (3) Zone C. Zone C encompasses lodging businesses located within the tourism
4 promotion area that have 40 to 49 lodging units.

5
6 **4.118.040 Exemption from lodging charge.**

7 Pursuant to RCW 35.101.055, the lodging charge imposed by SCC 4.110.020
8 shall not apply to temporary medical housing exempt under RCW 82.08.997.

9
10 **4.118.050 Uses of lodging charge revenue.**

11 (1) Revenue from lodging charges collected under this chapter shall only be
12 used for the following purposes:

13 (a) The general promotion of tourism within Snohomish county as specified in
14 the annual tourism promotion area business plan adopted pursuant to SCC 4.118.090,

15 (b) The marketing of convention and trade shows that benefit local tourism and
16 the lodging businesses in the county,

17 (c) The marketing of Snohomish county to the travel industry in order to benefit
18 local tourism and the lodging businesses in the county, or

19 (d) The marketing of Snohomish County to recruit sporting events in order to
20 benefit local tourism and the lodging businesses in the county.

21 (2) The uses described in this section are limited to tourism promotion as
22 defined in RCW 35.101.010 and may include payment of administrative costs
23 associated with operation of the tourism promotion area as determined by the county
24 council.

25 (3) Pursuant to RCW 35.101.130, the county council shall have sole discretion
26 as to how the revenue derived from the lodging charge imposed by SCC 4.118.020 is to
27 be used to promote tourism.

28
29 **4.118.060 Collection and administration.**

30 (1) The lodging charge imposed by SCC 4.118.020 shall be collected and
31 administered by the state department of revenue and state treasurer in accordance with
32 chapter 35.101 RCW. The county executive is authorized and directed to execute such
33 contracts with the state as may be necessary to provide for collection or administration
34 of the lodging charge.

35 (2) All distributions to the county from the local tourism promotion account
36 created by RCW 35.101.100 shall be deposited into the tourism promotion area fund
37 created by SCC 4.118.070.

38
39 **4.118.070 Tourism promotion area fund.**

40 (1) There is hereby created the tourism promotion area fund. The resources of
41 the fund shall consist of distributions from the local tourism promotion account created
42 by RCW 35.101.100 plus any investment or other income to the fund.

1 (2) The resources of the fund shall be subject to appropriation by the county
2 council after considering the recommendations of the tourism promotion area advisory
3 board, and shall be used only for the purposes described in SCC 4.118.050 in
4 accordance with the applicable tourism promotion area business plan approved
5 pursuant to SCC 4.118.090.

6 (3) The county executive shall appoint a fund manager whose name and title
7 shall appear on a master list of fund managers maintained by the department of finance.
8 The fund manager shall have the duties set out in SCC 4.05.050.

9
10 **4.118.080 Tourism promotion area advisory board.**

11 (1) There is hereby created the tourism promotion area advisory board to serve
12 in an advisory capacity regarding the uses of lodging charges collected under this
13 chapter, which shall include recommending annual business plans pursuant to SCC
14 4.118.090.

15 (2) The board shall be composed of 14 members. Appointments to the board
16 shall be made pursuant to chapter 2.03 SCC, except that the county executive shall
17 consult with the Snohomish County Lodging Association prior to recommending persons
18 for appointment. At least one member shall represent a lodging business located in
19 each county council district. A majority of the board shall represent lodging businesses
20 that are subject to the lodging charges imposed by SCC 4.118.020.

21 (3) Members of the board shall be appointed to terms of three years except that
22 the original appointments shall be made as follows: five for three years, five for two
23 years, and four for one year. A member may serve a maximum of three consecutive
24 terms. After a period of two years' absence from the board, a person may again be
25 appointed for up to three consecutive terms.

26 (4) A vacancy on the board resulting from the expiration of a term of office shall
27 be filled by appointment for a term of three years. A vacancy occurring for any reason
28 other than the expiration of a term of office shall be by appointment for the unexpired
29 term of the office being filled.

30 (5) The board shall adopt bylaws providing for its organization. The bylaws shall
31 provide for periodic election of a chairperson, vice-chairperson, and secretary.
32 Meetings of the board shall be held in accordance with the Open Public Meetings Act,
33 Chapter 42.30 RCW.

34 (6) The county executive shall provide staff as necessary to support board
35 activities from one or more appointed executive departments supervised by the
36 executive, provided that staff may be provided by contract with a tourism marketing
37 organization or similar organization pursuant to SCC 4.118.100.

38
39 **4.118.090 Annual business plans.**

40 (1) On or before January 31 of each year the tourism promotion area advisory
41 board shall, after consultation with the county executive, submit to the county council for
42 its approval a proposed annual business plan to govern the use of revenue derived from
43 the lodging charge imposed by SCC 4.118.020 during the following calendar year. The

1 advisory board shall develop an application process to facilitate consideration of
2 proposed tourism promotion projects for incorporation into annual business plans, which
3 process shall be presented to the council for approval by motion. The board shall
4 submit with each proposed annual business plan a complete list of projects for which
5 application was made for that year.

6 (2) Pursuant to RCW 35.101.130, the council may by motion approve the
7 annual business plan, return to plan to the advisory board for further recommendations,
8 or take such other action as it deems appropriate. The council may not add a project to
9 the annual business plan that was not previously considered by the advisory board and
10 calls for expenditure of lodging charge revenue without first referring the project to the
11 advisory board and providing at least 20 days for comment unless the comment period
12 is waived by the board.

13 (3) After it is approved by the council, the annual business plan shall govern the
14 use of revenue derived from the lodging charge imposed by SCC 4.118.020 during the
15 calendar year for which it is approved. The county council may from time to time
16 approve amendments or modifications to the plan, acting by motion, subject to the
17 comment period described in subsection (2) of this section.

18
19 **4.118.100 Contracts authorized.**

20 (1) Pursuant to RCW 35.101.130, the county may contract with tourism
21 marketing organizations or other similar organizations to administer the operation of the
22 tourism promotion area, provided that such contracts must be approved by the county
23 council.

24 (2) As required by RCW 35.101.040, the county has been authorized by
25 interlocal agreement adopted pursuant to Chapter 39.34 RCW to establish a tourism
26 promotion area within the cities identified in SCC 4.118.010. The county may enter into
27 such agreements with other cities or towns to take effect upon amendment of this
28 chapter.

29
30 **4.118.110 Modification and disestablishment.**

31 (1) The county council may modify or disestablish the tourism promotion area
32 by ordinance after adoption of a resolution of intention and public hearing. The
33 resolution of intention shall describe the proposed action and state the time and place of
34 the public hearing, and may be adopted by motion.

35 (2) The county council must adopt a resolution of intention and hold a public
36 hearing to consider modification or disestablishment of the tourism promotion area if a
37 petition for modification or disestablishment containing the signatures of persons who
38 operate lodging businesses that pay over 40 percent of the lodging charge imposed by
39 SCC 4.118.020 is filed with the clerk of the council.

40 (3) If a petition for disestablishment of the tourism promotion area containing the
41 signatures of persons who operate lodging businesses that pay over 40 percent of the
42 lodging charge imposed by SCC 4.118.020 is filed with the clerk of the council, the
43 council must disestablish the tourism promotion area unless at the public hearing

ORDINANCE NO. 10-112
AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF
THE SNOHOMISH COUNTY TOURISM PROMOTION AREA,
IMPOSING LODGING CHARGES ON CERTAIN LODGING
BUSINESSES WITHIN THE TOURISM PROMOTION AREA, ETC. - 6

1 described in the resolution of intention protest is made by persons who operate lodging
2 businesses that pay over 50 percent of the lodging charge imposed by SCC 4.118.020.
3 An ordinance adopted under this paragraph shall take effect within a reasonable time as
4 determined by the council.
5

6 Section 2. **Approval of interlocal agreement.** The County Council hereby
7 approves and authorizes the County Executive to sign the interlocal agreement with the
8 Cities of Arlington, Bothell, Everett, Edmonds, Lynnwood, Marysville, Monroe,
9 Mountlake Terrace, and Mukilteo providing for establishment of a tourism promotion
10 area within the city limits identified in SCC 4.118.010 substantially in the form attached
11 as Exhibit A.
12

13 Section 3. **Effective date.** This ordinance shall take effect on March 15, 2011,
14 or the effective date of the interlocal agreement attached as Exhibit A, whichever occurs
15 last, provided that county offices and agencies may take all necessary steps consistent
16 with RCW 35.101.090 to ensure that this ordinance is implemented on its effective date.
17 The Clerk of the Council shall forthwith transmit a certified copy of this ordinance to the
18 Department of Revenue.
19

20 PASSED this 15th day of December, 2010.
21

22 SNOHOMISH COUNTY COUNCIL
23 Snohomish County, Washington

24 *David Barrett*
25 Chairperson
26

27 ATTEST:

28 *Janey Braden*
29 Clerk of the Council
30

D-33

31 APPROVED

32 EMERGENCY

33 VETOED

34 DATE: 12/23/10
35

36 ATTEST:

37 *Dorinda Cole*
38
39

40 *Gary Haakenson*
41 for County Executive


GARY HAAKENSON
Deputy County Executive

42 ORDINANCE NO. 10-112

43 AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF
THE SNOHOMISH COUNTY TOURISM PROMOTION AREA,
IMPOSING LODGING CHARGES ON CERTAIN LODGING
BUSINESSES WITHIN THE TOURISM PROMOTION AREA, ETC. - 7

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Approved as to form only:



Deputy Prosecuting Attorney

After recording return to:

Ms. Barbara Sikorski
Assistant Clerk
Snohomish County Council
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201

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04/26/2011 9:47am 21 PGS \$0.00
SNOHOMISH COUNTY, WASHINGTON

COPY

INTERLOCAL AGREEMENT AUTHORIZING ESTABLISHMENT
OF THE SNOHOMISH COUNTY TOURISM PROMOTION AREA

THIS AGREEMENT ("Agreement") is entered into by and among SNOHOMISH COUNTY, a political subdivision of the State of Washington ("County"), and the CITY OF ARLINGTON, a municipal corporation of the State of Washington, CITY OF BOTHELL, a municipal corporation of the State of Washington, CITY OF EVERETT, a municipal corporation of the State of Washington, CITY OF EDMONDS, a municipal corporation of the State of Washington, CITY OF LYNNWOOD, a municipal corporation of the State of Washington, CITY OF MARYSVILLE, a municipal corporation of the State of Washington, CITY OF MONROE, a municipal corporation of the State of Washington, CITY OF MOUNTLAKE TERRACE, a municipal corporation of the State of Washington, and CITY OF MUKILTEO, a municipal corporation of the State of Washington (collectively "Cities") pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW, and the Tourism Promotion Areas Act, Chapter 35.101 RCW, to authorize the establishment of a Tourism Promotion Area to levy lodging charges to fund tourism promotion as provided herein.

RECITALS

WHEREAS, in 2003 the Washington Legislature, recognizing the importance of tourism promotion, by Chapter 35.101 RCW authorized counties and cities to establish Tourism Promotion Areas (TPAs) and levy lodging charges to fund tourism promotion; and

WHEREAS, the operators of lodging businesses located within the County presented an Initiation Petition to the County Council seeking establishment of a county-wide TPA pursuant to RCW 35.101.020; and

WHEREAS, the Initiation Petition contains all of the elements required by RCW 35.101.020 including a description of the boundaries of the proposed TPA, a statement of proposed uses and projects to which the revenue from the charges would be dedicated and total

EXHIBIT A

estimated revenues and project costs, the estimated rate of charges to be imposed, and the signatures of the persons who operate lodging businesses who would pay sixty percent or more of the proposed charges; and

WHEREAS, the Initiation Petition provides for charges of \$1.00 per room night of occupancy to be imposed on lodging businesses within the TPA that have 50 or more lodging units; and

WHEREAS, by Resolution of Intention adopted as Motion No. 10-112 the County Council gave notice of the time and place of a public hearing to consider establishment of a TPA, described the boundaries of the TPA as including all properties within the Cities and unincorporated areas of the County, which boundaries are in the area described in the Initiation Petition, and stated the proposed uses and projects to which the proposed revenues would be dedicated and total estimated project costs, and the estimated rate of charges to be imposed within those boundaries, as required by RCW 35.101.030; and

WHEREAS, on March 31, 2010, the County Council held a public hearing to consider establishment of a TPA in which representatives of the lodging industry testified in support of establishment of a TPA in Snohomish County; and

WHEREAS, by Resolution of Intention adopted as Motion No. 10-557 the County Council supplemented Motion No. 10-112 by providing for additional public notice and hearing in order to clarify the boundaries and related elements of the proposed TPA and to assure that notice of the hearing to consider establishment of a TPA is provided to all lodging businesses, including lodging businesses with 40 or more but fewer than 50 lodging units, as required by RCW 35.101.060, and

WHEREAS, the Cities and County have by appropriate legislative action, authorized or will authorize the execution of this interlocal agreement to permit the establishment of a TPA to be known as the Snohomish County Tourism Promotion Area and the collection of lodging charges from lodging businesses that have 50 or more lodging units as further described herein;

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and promises contained herein, the County and Cities agree as follows:

1. Purpose. The purpose of this Agreement is to promote tourism in Snohomish County by authorizing the establishment of the Snohomish County Tourism Promotion Area pursuant to RCW 35.101 which when created will permit collection of lodging charges from lodging businesses located within the Snohomish County TPA to fund tourism promotion.
2. Definitions. In this Agreement the following terms, unless the context otherwise dictates, shall have the following meanings:

INTERLOCAL AGREEMENT AUTHORIZING
ESTABLISHMENT OF THE SNOHOMISH COUNTY
TOURISM PROMOTION AREA

2.1 "Department of Revenue" shall mean the Washington State Department of Revenue.

2.2 "Lodging business" shall mean a person that furnishes lodging taxable by the state of Washington under chapter 82.08 RCW that has 40 or more lodging units.

2.3 "Lodging charge" shall mean the levy imposed by Snohomish County on lodging businesses pursuant to Chapter 35.101 RCW.

2.4 "Snohomish County Tourism Promotion Area" or "Snohomish County TPA" shall mean the Tourism Promotion Area created by the Snohomish County Council acting by ordinance pursuant to Chapter 35.101 RCW and this Agreement.

2.5 "State Treasurer" shall mean the Washington State Treasurer.

2.6 "Tourism promotion" shall mean activities and expenditures designed to increase tourism and convention and sports business, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists, and operating tourism destination marketing organizations.

3. Establishment of Snohomish County TPA.

3.1 It is understood and agreed that the Snohomish County Council, pursuant to the authority of Chapter 35.101 RCW, will by ordinance establish a Tourism Promotion Area, to be known as the Snohomish County Tourism Promotion Area, to include the unincorporated area of Snohomish County and the entire area within the corporate limits of the Cities.

3.2 It is understood and agreed that the purpose of authorizing the Snohomish County Council and Snohomish County to form the Snohomish County Tourism Promotion Area is to provide revenue to fund promotion of tourism in Snohomish County.

4. Levy of Lodging Charges within the Snohomish County TPA.

4.1 It is understood and agreed that the Snohomish County Council will by ordinance impose lodging charges on the furnishing of lodging by certain lodging businesses located within the Snohomish County Tourism Promotion Area in accordance with the zones and rates stated in this Agreement.

4.2 It is understood and agreed that in accordance with RCW 35.101.090 the County will contract for the administration and collection of the lodging charges by the Department of Revenue.

4.3 It is understood and agreed that the Snohomish County Tourism Promotion Area will include the following three zones:

Zone A. Zone A encompasses lodging businesses located within the Snohomish County Tourism Promotion Area that furnish lodging taxable by the state under Chapter 82.08 RCW that have 50 or more lodging units and are not within another zone.

Zone B. Zone B encompasses lodging businesses located within the Snohomish County Tourism Promotion Area as that term is used in WAC 458-20-166 other than hotels, motels, and bed and breakfast facilities. Lodging businesses within this zone, as addressed in WAC 458-20-166, include only (i) trailer camps and recreational vehicle parks which charge for the rental of space to transients for locating or parking house trailers, campers, recreational vehicles, mobile homes, and tents; (ii) educational institutions which sell overnight lodging to persons other than students; (iii) private lodging houses, dormitories and bunkhouses operated by or on behalf of businesses and industrial firms or schools solely for the accommodation of employees of such firms or students which are not held out to the public as a place where sleeping accommodations may be obtained; and (iv) guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreational facilities and instruction in sports, boating, riding, outdoor facilities and instruction in sports, boating, riding, and outdoor living.

Zone C. Zone C encompasses lodging businesses located within the Snohomish County Tourism Promotion Area that furnish lodging taxable by the state under chapter 82.08 RCW that have 40 to 49 lodging units.

4.4 It is understood and agreed that lodging businesses located within the Snohomish County Tourism Promotion Area will be subject to lodging charges for each zone as follows:

Zone A: \$1.00 per room/day
Zone B: \$0.00 per room/day
Zone C: \$0.00 per room/day

4.5 It is understood and agreed that in accordance with RCW 35.101.055, RCW 35.101.110, and RCW 35.101.120 the lodging charges to be imposed under this Agreement are not applicable to temporary medical housing exempt under RCW 82.08.997, are not a tax on the "sale of lodging" for purposes of RCW 82.14.410, and are in addition to the special assessments that may be levied under Chapter 35.87A RCW.

5. Administration and Collection of Lodging Charges.

5.1 It is understood and agreed that in accordance with RCW 35.101.090 the lodging charges authorized by this Agreement will be administered by the Department of Revenue and collected by lodging businesses from those persons who are taxable by the state under Chapter 82.08 RCW, that the Department of Revenue will deposit the lodging charges into the Local Tourism Promotion Account administered by Treasurer under RCW 35.101.100, and that the lodging charges are subject to Chapter 82.32 RCW.

5.2 It is understood and agreed that in accordance with RCW 35.101.100 the State Treasurer will distribute the money in the Local Tourism Promotion Account to the County on a monthly basis.

6. Establishment of Advisory Board.

6.1 It is understood and agreed that in accordance with RCW 35.101.130 the Snohomish County Council will by ordinance create an advisory board to make recommendations regarding the use of lodging charges collected pursuant to this Agreement.

6.2 It is understood and agreed that the advisory board will include representation of lodging businesses that are subject to the lodging charges authorized by this Agreement.

7. Use of Revenues for Tourism Promotion in Snohomish County.

7.1 It is understood and agreed that the revenues derived from the lodging charge will be used for tourism promotion as defined in RCW 35.101.010 and that pursuant to RCW 35.101.130 the Snohomish County Council will have sole discretion as to how such revenues will be used for this purpose. The County Council will allocate revenues to specific projects after considering the recommendations of the advisory board and in accordance with the applicable TPA business plan.

7.2 In accordance with the Initiation Petition, the revenues derived from the lodging charges will be used only for the following purposes:

7.2.1 The general promotion of tourism within Snohomish County as specified in the TPA business plan to be adopted annually by the Snohomish County Council;

7.2.2 The marketing of convention and trade shows that benefit local tourism and the lodging businesses in Snohomish County;

7.2.3 The marketing of Snohomish County to the travel industry in order to benefit local tourism and the lodging businesses in Snohomish County; or

7.2.4 The marketing of Snohomish County to recruit sporting events in order to benefit local tourism and the lodging businesses in Snohomish County.

7.3 The uses described in this section may include payment of administrative costs associated with operation of the Snohomish County TPA as determined by the County Council.

8. Contract for Management of the Snohomish County TPA.

The County Council may contract with tourism marketing organizations or other similar organizations to administer the operation of the TPA in accordance with RCW 35.101.130 or other law.

9. Modification or Disestablishment of the Snohomish County TPA.

9.1 The Snohomish County Council may modify or disestablish the Snohomish County TPA by ordinance after adoption of a resolution of intention and public hearing. The resolution of intention shall describe the proposed action and state the time and place of the public hearing, and may be adopted by motion

9.2 The County Council must adopt a resolution of intention and hold a public hearing to consider modification or disestablishment of the Snohomish County TPA if a petition for modification or disestablishment containing the signatures of persons who operate lodging businesses that pay over 40 percent of the lodging charge imposed by SCC 4.118.020 is filed with the Clerk of the County Council.

9.3 If a petition for disestablishment of the Snohomish County TPA containing the signatures of persons who operate lodging businesses that pay over 40 percent of the lodging charge imposed by SCC 4.118.020 is filed with the Clerk of the County Council, the Council must disestablish the Snohomish County TPA unless at the public hearing described in the resolution of intention protest is made by persons who operate lodging businesses that pay over 50 percent of the lodging charge imposed by SCC 4.118.020. An ordinance adopted under this paragraph shall take effect within a reasonable time as determined by the County Council.

10. Miscellaneous Provisions.

10.1 Term of Agreement. This Agreement shall continue in full force and effect until such time as the Snohomish County TPA is disestablished by action of the Snohomish County Council, provided that if the Snohomish County TPA is modified to exclude the

entire area within the corporate boundary of any City then this Agreement shall terminate as to that City. Following termination of this Agreement, Snohomish County shall be responsible for utilizing any remaining unallocated revenue from lodging charges for promotion of tourism in Snohomish County. Any property or equipment purchased with revenues from lodging charges shall be retained by Snohomish County and used for any lawful purpose.

10.2 Waiver. No officer, employee, or agent of the County or any City has the power, right or authority to waive any of the conditions or provisions of this Agreement. No waiver of any breach of this Agreement by the County or any City shall be held to be a waiver of any other or subsequent breach. Failure of the County or any City to enforce any of the provisions of this Agreement or to require performance of any of the provisions herein, shall in no way be construed to be a waiver of such conditions, nor in any way effect the validity of this Agreement or any part hereof, or the right of the County or City to hereafter enforce each and every such provision.

10.3 Integration. This Agreement contains all of the terms and conditions agreed upon by the County and Cities concerning the establishment of the Snohomish County TPA by the Snohomish County Council and the collection of lodging charges from operators of lodging businesses within the Snohomish County TPA, including the area within the incorporated city limits of the Cities. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto. The parties have read and understand all of this Agreement, and now state that no representation, promise or agreement not expressed in this Agreement has been made to induce the officials of the County and Cities to execute this Agreement.

10.4 Severability. In the event that any provision of this Agreement shall be declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not, in any way, be affected or impaired thereby.

10.5 Effective Date. This Agreement shall become effective after execution by the County and all of the Cities upon filing with the Snohomish County Auditor pursuant to RCW 39.34.040.

10.6 Each Party Responsible for its Negligence.

10.6.1 Each party to this Agreement will be responsible for the negligent acts or omissions of its own elected officials, officers, employees, or agents in the performance of this Agreement. Neither party will be considered the agent of the other and neither party assumes any responsibility to the other party for the consequences of any act or omission of any person, firm, or corporation not a party to this Agreement.

10.6.2 In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of two or more parties to this Agreement, or their elected officials, officers employees, or agents, each party's liability under this Agreement shall be only to the extent of that party's negligence.

10.7 No Real Property Acquisition. This Agreement does not provide for the acquisition, holding, or disposal of real property.

10.8 Amendment. This Agreement may be amended with the mutual consent of the parties. No additions to or alteration of the terms of this Agreement shall be valid unless made in writing, formally approved and executed by duly authorized agents of all parties.

10.9 Notices. All notices and other communications shall be in writing and shall be sufficiently given and shall be deemed given on the third day following the date on which the same has been mailed by certified mail, return receipt requested, postage prepaid, addressed as follows:

To the County: Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201

and to:

Snohomish County Executive
3000 Rockefeller Avenue
Everett, WA 98201

To the City of Arlington: City of Arlington
238 N. Olympic Avenue
Arlington, WA 98223
Attn: City Council

To the City of Bothell: City of Bothell
18305 101st Avenue NE
Bothell, WA 98011
Attn: City Council

To the City of Everett: City of Everett
2930 Wetmore Avenue
Everett, WA 98201
Attn: City Council

To the City of Edmonds: City of Edmonds
121 5th Avenue North
Edmonds, WA 98020
Attn: City Council

To the City of Lynnwood: City of Lynnwood
19100 44th Avenue West
Lynnwood, WA 98046
Attn: City Council

To the City of Marysville: City of Marysville
1049 State Avenue
Marysville, WA 98270
Attn: City Council

To the City of Monroe: City of Monroe
806 West Main Street
Monroe, WA 98272
Attn: City Council

To the City of Mountlake Terrace: City of Mountlake Terrace
6100 219th Street SW, Suite 200
Mountlake Terrace, WA 98043
Attn: City Council

To the City of Mukilteo: City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275
Attn: City Council

Any Party may, by notice to all other Parties given hereunder, designate any further or different addresses to which subsequent notices or other communications to it shall be sent.

10.10 Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original and all of which shall constitute one and the same agreement.

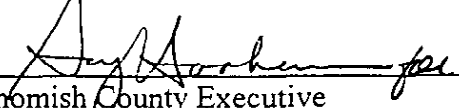
IN WITNESS WHEREOF, Snohomish County and the Cities of Arlington, Bothell, Everett, Edmonds, Lynnwood, Marysville, Monroe, Mountlake Terrace, and Mukilteo have

INTERLOCAL AGREEMENT AUTHORIZING
ESTABLISHMENT OF THE SNOHOMISH COUNTY
TOURISM PROMOTION AREA

executed this Agreement by their duly authorized officers as of the date last below written.

COUNCIL USE ONLY
Approved: 12-15-2010
Docfile 0-33

SNOHOMISH COUNTY:


Snohomish County Executive

DATE: 3-22-11

GARY HAAKENSON
Deputy County Executive

Approved as to form only:


Deputy Prosecuting Attorney

CITY OF ARLINGTON

Name/Title: _____
DATE: _____

Approved as to form only:

Arlington City Attorney

CITY OF BOTHELL

Name/Title: _____
DATE: _____

Approved as to form only:

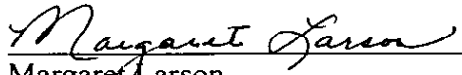
Bothell City Attorney

CITY OF EVERETT

Name/Title: _____
DATE: _____

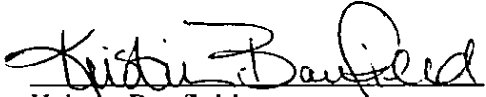
TOURISM PROMOTION AREA INTERLOCAL

APPROVED AT THE DIRECTION OF THE ARLINGTON CITY COUNCIL
March 7, 2011


Margaret Larson
Mayor


Dated 3/14/11

ATTEST:


Kristin Banfield
City Clerk

Dated 3/14/11

APPROVED AS TO FORM:


Steven J. Peiffle
City Attorney

Dated 3/14/11

executed this Agreement by their duly authorized officers as of the date last below written.

SNOHOMISH COUNTY:

Gary Haakenson for:
Snohomish County Executive

DATE: 3-22-11

GARY HAAKENSON
Deputy County Executive

Approved as to form only:

[Signature]
Deputy Prosecuting Attorney

CITY OF ARLINGTON

Name/Title: _____

DATE: _____

Approved as to form only:

Arlington City Attorney

CITY OF BOTHELL

[Signature]
Name/Title: Stephen L. Anderson

DATE: 2/14/2011

Approved as to form only:

Joseph J. Beck
Bothell City Attorney

CITY OF EVERETT

Name/Title: _____

DATE: _____

executed this Agreement by their duly authorized officers as of the date last below written.

SNOHOMISH COUNTY:

Gary Haakenson per:
Snohomish County Executive GARY HAAKENSON
DATE: 3-22-11 Deputy County Executive

Approved as to form only:

[Signature]
Deputy Prosecuting Attorney

CITY OF ARLINGTON

Name/Title: _____
DATE: _____

Approved as to form only:

Arlington City Attorney

CITY OF BOTHELL

Name/Title: _____
DATE: _____

Approved as to form only:

Bothell City Attorney

CITY OF EVERETT

Rory Stephenson
Name/Title: _____
DATE: 12-19-2010

Attest: *Sharon Mayba*
City Clerk

INTERLOCAL AGREEMENT AUTHORIZING
ESTABLISHMENT OF THE SNOHOMISH COUNTY
TOURISM PROMOTION AREA

Approved as to form only:


Everett City Attorney

CITY OF EDMONDS

Name/Title: _____
DATE: _____

Approved as to form only:

Edmonds City Attorney

CITY OF LYNNWOOD

Name/Title: _____
DATE: _____

Approved as to form only:

Lynnwood City Attorney

CITY OF MARYSVILLE

Name/Title: _____
DATE: _____

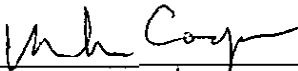
Approved as to form only:

Marysville City Attorney

Approved as to form only:

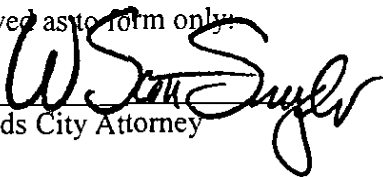
Everett City Attorney

CITY OF EDMONDS



Name/Title: Mike Cooper / Mayor
DATE: 1-7-2011

Approved as to form only:



Edmonds City Attorney

CITY OF LYNNWOOD

Name/Title: _____
DATE: _____

Approved as to form only:

Lynnwood City Attorney

CITY OF MARYSVILLE

Name/Title: _____
DATE: _____

Approved as to form only:

Marysville City Attorney

Approved as to form only:

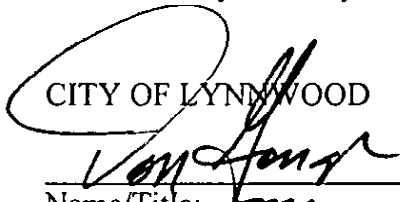
Everett City Attorney

CITY OF EDMONDS

Name/Title: _____
DATE: _____

Approved as to form only:

Edmonds City Attorney

CITY OF LYNNWOOD


Name/Title: Mayor
DATE: 2-23-11

Approved as to form only:



Lynnwood City Attorney

CITY OF MARYSVILLE

Name/Title: _____
DATE: _____

Approved as to form only:

Marysville City Attorney

Approved as to form only:

Everett City Attorney

CITY OF EDMONDS

Name/Title: _____
DATE: _____

Approved as to form only:

Edmonds City Attorney

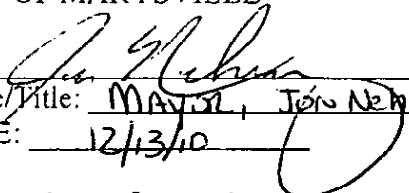
CITY OF LYNNWOOD

Name/Title: _____
DATE: _____

Approved as to form only:

Lynnwood City Attorney

CITY OF MARYSVILLE



Name/Title: MAYOR, Jon Nearing
DATE: 12/13/10

Approved as to form only:



Marysville City Attorney

CITY OF MONROE

Robert Zimmerman
Name/Title: Mayor Robert Zimmerman
DATE: 2/4/11

Approved as to form only:

Monroe City Attorney

CITY OF MOUNTLAKE TERRACE

Name/Title: _____
DATE: _____

Approved as to form only:

Mountlake Terrace City Attorney

CITY OF MUKILTEO

Name/Title: _____
DATE: _____

Approved as to form only:

Mukilteo City Attorney

CITY OF MONROE

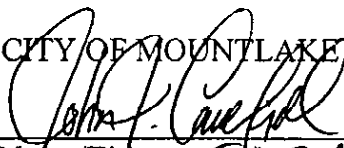
Name/Title: _____

DATE: _____

Approved as to form only:

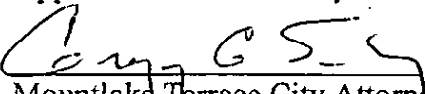
Monroe City Attorney

CITY OF MOUNTLAKE TERRACE


Name/Title: JOHN J. CAULFIELD, CITY MANAGER

DATE: 2-14-2011

Approved as to form only:

 2-14-11
Mountlake Terrace City Attorney

CITY OF MUKILTEO

Name/Title: _____

DATE: _____

Approved as to form only:

Mukilteo City Attorney

CITY OF MONROE

Name/Title: _____

DATE: _____

Approved as to form only:

Monroe City Attorney

CITY OF MOUNTLAKE TERRACE

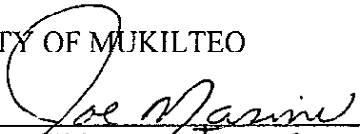
Name/Title: _____

DATE: _____

Approved as to form only:

Mountlake Terrace City Attorney

CITY OF MUKILTEO



Name/Title: Joe Marin Mayor

DATE: 12/20/10

Approved as to form only:



Mukilteo City Attorney