BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  

RE: Formation of Public Facilities District Coextensive with the Boundaries of Lewis County

RESOLUTION NO. 07-247

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.

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

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

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

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

WHEREAS, this additional sales and use tax authorization is taken as a credit against the State portion of the sales and use tax and does not increase the total tax
rate paid by the public, and therefore this additional sales and use tax monies would
come out of monies that would otherwise go to the State. A copy of the resolution
adopting the additional sales and use tax authorized by RCW 82.14.390 will be given to
the Department of Revenue at least thirty (30) days prior to the effective date of the tax
and the effective date of the tax must be the first of a month; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

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

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

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

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

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

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

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

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

Section 7. Conflicts of Interest. The District shall adopt and abide by the following conflict of interest provision.
A Board member or employee of the District may not participate in Board
decisions if that person or a member of that person’s immediate family has a financial
interest in the issue being decided unless the financial interest is a remote financial
interest and participation is approved hereunder.

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

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

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

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

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

For purposes of this section, “participate in a decision” includes all discussions,
deliberations, preliminary negotiations, and votes.

For purposes of this section, “immediate family” means:

i) a spouse;
ii) any dependent parent, parent-in-law, child, son-in-law, or daughter-in-
law; and
iii) any parent, parent-in-law, child, sibling, uncle, aunt, cousin, niece or
nephew residing in the household of the corporate official or employee.
Section 9. Limit on Liability. The District shall not take 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.

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

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

ADOPTED this 13th day of August, 2007.

ATTEST:

Clerk of the Board

Approved as to form only:

Deputy Prosecuting Attorney
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: 06-01-07  
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:  
Publish Date(s):  
Publication(s):  ☐ EAST COUNTY JOURNAL  ☐ CHRONICLE  ☐ OTHER:  

ALL AGENDA ITEMS:  
Department Director / Head:  
Chief Administrative Officer:  
Prosecuting Attorney:  

BANKING OR REVENUE ITEMS:  
Treasurer:  

BUDGET AND PAYROLL ITEMS:  
Chief Accountant:  
Fund:  
Department:  
Total Amount:  $  

CLERK'S DISTRIBUTION OF SIGNED DOCUMENTS:  
Send cover letter: Tifney Johnson DOR  
PO BOX 47476  
Olympia, WA 98504  
(city/state/zip)  
File originals: BOCC mtg folder  
File copy: hearing/bid folder  
File copy: working file  

ADDITIONAL COPIES:  

APPROVALS MUST BE OBTAINED BEFORE SUBMITTING ITEM TO BOCC CLERK  

(referencing employee items)
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>TOPIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ted Piningo</td>
<td>417 N Pearl St.</td>
<td>CNT PFO</td>
</tr>
<tr>
<td>Tom Green</td>
<td>5401 Echester Ave Only</td>
<td>CNT PFO</td>
</tr>
<tr>
<td>Teid Green</td>
<td>2001 Chalmers Way, Ellinor</td>
<td>CNT PFO</td>
</tr>
<tr>
<td>Janine B.</td>
<td>345 4th Ave NW Old</td>
<td>CNT PFO</td>
</tr>
<tr>
<td>Jim Brown</td>
<td>695 Towne Dr SE, UT PFO</td>
<td></td>
</tr>
</tbody>
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and before adjournment of the Commissioner meeting.

*agenda items (but excluding public hearing and did award items) at any time following publication of the meeting agenda
*written public comments may be submitted to the Commissioners on agenda or non
*unless otherwise noted, oral comment will be received during regularly scheduled Commissioner meetings

**NOTICE:** Unless otherwise noted, all comment will be received during regularly scheduled Commissioner meetings.

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**COUNTY COMMISSIONERS**

OR COURT PROCEEDINGS WITH LEWIS COUNTY MAY BE SUBJECT TO LIMITATION BY THE BOARD OF

COUNTY COMMISSIONERS RESPONSIBLE FOR THE IMPLEMENTATION OF POTENTIAL ADMINISTRATIVE

MATTERS ASSOCIATED WITH SUCH PROCEEDINGS. IN ADDITION, PUBLICコメントS AND BOARD

ON BEHALF OF PARTIES INVOLVED IN ADMINISTRATIVE OR COURT PROCEEDINGS WITH LEWIS COUNTY

DURING COMMISSIONER MEETINGS. PUBLIC COMMENT SHOULD NOT BE OFFERED BY, OR PRESERVED

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**DATE 8-13-07**
AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON
COUNTY OF LEWIS

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 # 0225, once each consecutive day for a period of 1

commencing on the 20th 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 $116.25.

Subscribed and sworn to before me this
26th day of July, 2007.

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

CENTRALIA WA 98531
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 $ 29.50

Candice Hoagland

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

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

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)