AN ORDINANCE creating and providing for the organization, powers and governance of a public facilities district to be known as the “Clark County Public Facilities District” to explore the possible joint acquisition, construction, operation, and/or financing of one or more regional centers including related parking facilities with city or town public facilities districts located within the county; adding a new chapter 2.19 to title 2 of the Clark County Code.

WHEREAS, the Board of Clark County Commissioners (the “Board”) has determined that it is in the best interest of the County and its citizens to explore the possible financing, acquisition, construction, and operation of one or more regional centers as that term is defined by RCW 35.57.020 (“Regional Center”) located within the County to provide needed public facilities to serve local and regional business, community, family entertainment, youth, recreation and athletic organizations, to promote economic development and to further the revitalization of business, financial and commercial interests within the County; and

WHEREAS, Chapter 36.100 RCW (the “County PFD Act”) authorizes the County to create a public facilities district coextensive with the boundaries of the County for the purposes, among others, of financing, acquiring, constructing, and operating Regional Centers; and

WHEREAS, a Regional Center is defined in the County PFD Act and in RCW 35.57.020 as a convention, conference, or special events center (consisting of facilities available to the public and used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural events) or any combination of such facilities, and related parking facilities, serving a regional population constructed, improved or rehabilitated at a cost of at least ten million dollars ($10,000,000), including debt service; and

WHEREAS, Chapter 35.57 RCW (the “City PFD Act”) authorizes any city or town located in a county with a population of less than one million to create a public facilities district; and

WHEREAS, the City of Vancouver has formed the Vancouver Public Facilities District pursuant to the City PFD Act for the purpose of developing a Regional Center, and has requested the County to form a public facilities district for the purpose of joining and assisting in developing the Vancouver Public Facilities District’s Regional Center; and

WHEREAS, the County is willing to form a public facilities district to undertake any lawful purpose including the study and potential financing, development and operation of a convention center in Vancouver in cooperation with the Vancouver Public Facilities District; and

WHEREAS, other cities or towns located within the County may yet form public facilities districts for the purpose of developing Regional Centers; 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 that commences construction of a new Regional Center before January 1, 2004 may impose solely for Regional Center
purposes, a 0.033 percent (0.033 of 1%) 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, 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 planning, acquisition, construction,
operation, and financing of viable Regional Center projects located within Clark County;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. New Section. The following new chapter is added to Title 2 of the Clark County
Code:

Chapter 2.19

Clark County Public Facilities District

Sections:

2.19.010 Creation and Purpose
2.19.020 Board of Directors
2.19.030 Powers, Duties and Limitations
2.19.040 Organization

2.19.010 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 Clark County
Public Facilities District (the “District”) coextensive with the boundaries of the County, with the
powers and authority set forth below. The District is established for the sole purpose of pursuing
the planning, financing, development, ownership and operation of a Regional Center, as that
term is defined by RCW 35.57.020 (“Regional Center”), individually or in cooperation with any
other public facility district as allowed by law.

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.

2.19.020 Board of Directors. The Board shall consist of five members. Two of the
members of the Board shall be selected and appointed by the Board of County Commissioners
and two of the members shall be selected and appointed by the legislative authority of the City of
Vancouver. The members appointed by the County and the City shall select the fifth member of
the Board. The members shall serve four-year terms. The members appointed by the County
and the City shall serve staggered four-year terms provided, of the initial members, two shall be
appointed for two-year terms, and the remainder shall be appointed for four-year terms.
Vacancies 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.

A director may be removed from office by a two-thirds vote of the body that appointed
the director to office.

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

(1) to exercise those powers of a corporation for public purposes including, but not
limited to, the power to hire employees, staff, to enter into contracts, and sue and
be sued;

(2) to plan, finance, acquire, construct, own, remodel, maintain, equip, reequip,
repair, and operate Regional Centers;

(3) to enter into interlocal agreements under chapter 39.34 RCW for the joint
provision and operation of Regional Centers and the organization and operation of
the District;

(4) to contract with a public or private entity for the operation or management of its
public facilities;

(5) to impose charges and fees for the use of its facilities, and may accept and expend
or use gifts, grants, and donations;

(6) 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;

(7) in the event that the District determines, that one or more joint Regional Center
project(s) located within the County is a viable project that is likely to begin
construction before January 1, 2004, the District shall impose all or a portion of
the sales tax authorized under RCW 82.14.390(1) in support pursuing the joint
development, ownership, operation and financing of such Regional Center(s);

(8) the District shall prepare, maintain and provide to the County a financial and
activities report not less than quarterly, and otherwise as directed by the County;
and

(9) to engage in those activities specified by the County PFD Act that are consistent
with this ordinance and any interlocal agreement it enters into with Clark County.

2.19.040 Organization. The District shall maintain rules of procedure and governance of
its activities through its bylaws. The power to alter, amend, or repeal the bylaws or adopt new
bylaws shall be vested in the District, except the bylaws shall be consistent with this ordinance
and the any interlocal agreement entered into with the County.
Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be
held invalid or unconstitutional by a court of competent jurisdiction such invalidity or
unconstitutionality shall not affect the validity of unconstitutionality of any other section,
sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall go into effect immediately upon
adoption.

ADOPTED this 30th day of July, 2002.

ATTEST:

CLARK COUNTY
Clark County, Washington

Clerk of the Board
Chairperson

Approved as to form only

Deputy Prosecuting Attorney