

ORDINANCE NO. 2002 - 07-21

1  
2  
3 AN ORDINANCE creating and providing for the organization, powers and governance of a  
4 public facilities district to be known as the "Clark County Public Facilities District" to explore  
5 the possible joint acquisition, construction, operation, and/or financing of one or more regional  
6 centers including related parking facilities with city or town public facilities districts located  
7 within the county; adding a new chapter 2.19 to title 2 of the Clark County Code.

8  
9 WHEREAS, the Board of Clark County Commissioners (the "Board") has determined  
10 that it is in the best interest of the County and its citizens to explore the possible financing,  
11 acquisition, construction, and operation of one or more regional centers as that term is defined by  
12 RCW 35.57.020 ("Regional Center") located within the County to provide needed public  
13 facilities to serve local and regional business, community, family entertainment, youth,  
14 recreation and athletic organizations, to promote economic development and to further the  
15 revitalization of business, financial and commercial interests within the County; and

16  
17 WHEREAS, Chapter 36.100 RCW (the "County PFD Act") authorizes the County to  
18 create a public facilities district coextensive with the boundaries of the County for the purposes,  
19 among others, of financing, acquiring, constructing, and operating Regional Centers; and

20  
21 WHEREAS, a Regional Center is defined in the County PFD Act and in RCW 35.57.020  
22 as a convention, conference, or special events center (consisting of facilities available to the  
23 public and used for community events, sporting events, trade shows, and artistic, musical,  
24 theatrical, or other cultural events) or any combination of such facilities, and related parking  
25 facilities, serving a regional population constructed, improved or rehabilitated at a cost of at least  
26 ten million dollars (\$10,000,000), including debt service; and

27  
28 WHEREAS, Chapter 35.57 RCW (the "City PFD Act") authorizes any city or town  
29 located in a county with a population of less than one million to create a public facilities district;  
30 and

31  
32 WHEREAS, the City of Vancouver has formed the Vancouver Public Facilities District  
33 pursuant to the City PFD Act for the purpose of developing a Regional Center, and has requested  
34 the County to form a public facilities district for the purpose of joining and assisting in  
35 developing the Vancouver Public Facilities District's Regional Center; and

36  
37 WHEREAS, the County is willing to form a public facilities district to undertake any  
38 lawful purpose including the study and potential financing, development and operation of a  
39 convention center in Vancouver in cooperation with the Vancouver Public Facilities District; and

40  
41 WHEREAS, other cities or towns located within the County may yet form public  
42 facilities districts for the purpose of developing Regional Centers; and

43  
44 WHEREAS, as authorized by the County PFD Act and RCW 82.14.390, and subject to  
45 certain restrictions, a public facilities district created by a County that commences construction  
46 of a new Regional Center before January 1, 2004 may impose solely for Regional Center

1 purposes, a 0.033 percent (0.033 of 1%) sales and use tax that is deducted from the amount of the  
2 sales and use tax otherwise required to be collected and paid over to the Washington State  
3 Department of Revenue under Chapter 82.08 and 82.12 RCW; and  
4

5 WHEREAS, the Board of County Commissioners following consideration of testimony  
6 at a duly noticed public hearing has determined that it is in the best interest of the County and its  
7 citizens to create a public facilities district to assist in the planning, acquisition, construction,  
8 operation, and financing of viable Regional Center projects located within Clark County;  
9

10 NOW, THEREFORE, BE IT ORDAINED:  
11

12 Section 1. New Section. The following new chapter is added to Title 2 of the Clark County  
13 Code:  
14

15  
16 **Chapter 2.19**

17  
18 **Clark County Public Facilities District**  
19

20 Sections:  
21

- |    |          |                                |
|----|----------|--------------------------------|
| 22 | 2.19.010 | Creation and Purpose           |
| 23 | 2.19.020 | Board of Directors             |
| 24 | 2.19.030 | Powers, Duties and Limitations |
| 25 | 2.19.040 | Organization                   |
- 26

27 2.19.010 Creation and Purpose. Pursuant to Chapter 36.100 RCW (the “County PFD  
28 Act”), there is hereby created a public facilities district which shall be called the Clark County  
29 Public Facilities District (the “District”) coextensive with the boundaries of the County, with the  
30 powers and authority set forth below. The District is established for the sole purpose of pursuing  
31 the planning, financing, development, ownership and operation of a Regional Center, as that  
32 term is defined by RCW 35.57.020 (“Regional Center”), individually or in cooperation with any  
33 other public facility district as allowed by law.

34 The District is a municipal corporation, an independent taxing “authority” within the  
35 meaning of Article VII, section 1 of the state constitution and a “taxing district” within the  
36 meaning of Article VII, section 2 of the state constitution.  
37

38 2.19.020 Board of Directors. The Board shall consist of five members. Two of the  
39 members of the Board shall be selected and appointed by the Board of County Commissioners  
40 and two of the members shall be selected and appointed by the legislative authority of the City of  
41 Vancouver. The members appointed by the County and the City shall select the fifth member of  
42 the Board. The members shall serve four-year terms. The members appointed by the County  
43 and the City shall serve staggered four-year terms provided, of the initial members, two shall be  
44 appointed for two-year terms, and the remainder shall be appointed for four-year terms.

1 Vacancies shall be filled in the same manner as the original appointment and the person  
2 appointed shall serve the remainder of the unexpired term of the position to which he or she was  
3 appointed.

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

6  
7 2.19.030 Powers, Duties and Limitations. The District shall have the following powers  
8 and duties, subject to the following limitations:

- 9  
10 (1) to exercise those powers of a corporation for public purposes including, but not  
11 limited to, the power to hire employees, staff, to enter into contracts, and sue and  
12 be sued;
- 13 (2) to plan, finance, acquire, construct, own, remodel, maintain, equip, reequip,  
14 repair, and operate Regional Centers;
- 15 (3) to enter into interlocal agreements under chapter 39.34 RCW for the joint  
16 provision and operation of Regional Centers and the organization and operation of  
17 the District;
- 18 (4) to contract with a public or private entity for the operation or management of its  
19 public facilities;
- 20 (5) to impose charges and fees for the use of its facilities, and may accept and expend  
21 or use gifts, grants, and donations;
- 22 (6) except as specifically provided in an interlocal agreement between the District  
23 and the County, the District shall take no action that might impose liability upon  
24 the County. All liabilities incurred by the District shall be satisfied exclusively  
25 from the assets, credit, and properties of the District, and no creditor or other  
26 person shall have any right of action against or recourse to the County, its assets,  
27 credit, or services, on account of any debts, obligations, liabilities or acts or  
28 omissions of the District;
- 29 (7) in the event that the District determines, that one or more joint Regional Center  
30 project(s) located within the County is a viable project that is likely to begin  
31 construction before January 1, 2004, the District shall impose all or a portion of  
32 the sales tax authorized under RCW 82.14.390(1) in support pursuing the joint  
33 development, ownership, operation and financing of such Regional Center(s);
- 34 (8) the District shall prepare, maintain and provide to the County a financial and  
35 activities report not less than quarterly, and otherwise as directed by the County;  
36 and
- 37 (9) to engage in those activities specified by the County PFD Act that are consistent  
38 with this ordinance and any interlocal agreement it enters into with Clark County.  
39

40 2.19.040 Organization. The District shall maintain rules of procedure and governance of  
41 its activities through its bylaws. The power to alter, amend, or repeal the bylaws or adopt new  
42 bylaws shall be vested in the District, except the bylaws shall be consistent with this ordinance  
43 and the any interlocal agreement entered into with the County.  
44  
45

1 Section 2. Severability. If any section, sentence, clause, or phase of this ordinance should be  
2 held invalid or unconstitutional by a court of competent jurisdiction such invalidity or  
3 unconstitutionality shall not affect the validity of unconstitutionality of any other section,  
4 sentence, clause, or phrase of this ordinance.

5  
6 Section 3. Effective Date. This ordinance shall go into effect immediately upon  
7 adoption.

8  
9  
10  
11  
12 ADOPTED this 30 day of July, 2002.

13  
14 ATTEST:

CLARK COUNTY  
Clark County, Washington

15  
16 Jamie Richards  
17  
18 Clerk of the Board

Judith Stanton  
Chairperson

19  
20  
21 Approved as to form only:

22 E. B. A.  
23  
24 Deputy Prosecuting Attorney