

CHELAN COUNTY, WASHINGTON

RESOLUTION NO. 2006-57

A RESOLUTION OF THE COUNTY COMMISSIONERS OF CHELAN COUNTY AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF WENATCHEE, THE CITY OF EAST WENATCHEE, THE CITY OF CASHMERE, THE CITY OF CHELAN, THE CITY OF ROCK ISLAND, THE CITY OF ENTIAT, THE TOWN OF WATERVILLE, AND DOUGLAS COUNTY CREATING A PUBLIC FACILITIES DISTRICT TO BE KNOWN AS THE "GREATER WENATCHEE REGIONAL EVENTS CENTER PUBLIC FACILITIES DISTRICT" TO ACQUIRE, CONSTRUCT, OPERATE, AND/OR FINANCE A REGIONAL CENTER IN WENATCHEE INCLUDING ANY RELATED PARKING FACILITIES.

WHEREAS chapter 35.57 RCW (the "City PFD Act") authorizes the legislative authorities of any contiguous group of cities located in a county or counties, each with a population of less than one million, and the legislative authorities of any county or counties in which the cities are located, to enter into an agreement under chapter 39.34 RCW, the Interlocal Cooperation Act, for the creation and joint operation of a public facilities district (the "District") to facilitate the construction and operation of "Regional Centers"; and

WHEREAS a Regional Center is defined in the City PFD Act 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 \$10,000,000, including debt service"; and

WHEREAS Chelan County (the "County"), Douglas County, the City of East Wenatchee, the City of Wenatchee, the City of Cashmere, the City of Chelan, the City of Rock Island, the City of Entiat, the Town of Waterville, recognize and find that there is a public need for a new regional center to be located in the City of Wenatchee and recognize the public use and benefit to the citizens of these municipalities to be derived from the construction and operation of such Regional Center; and

WHEREAS the Laws of Washington, Chapter 298, 2006 Regular Session, Section 1, authorize Districts created under the City PFD Act before July 1, 2006 in a county or counties in which there are no other Districts on the effective date of that Chapter and in which the total population of the District is greater than 90,000 that commences construction of a Regional Center before February 1, 2007 to impose a sales and use tax under chapter 82.14 RCW (the "Sales Tax") to finance the Regional Center; and

WHEREAS under RCW 82.14.390 the Sales Tax operates to shift a share of the State's sales and use tax revenues to the public facilities district at no additional cost to taxpayers; and

WHEREAS the amount of Sales Tax that is expected to be deducted from the State's allocation and paid to the District is expected to exceed \$17.5 million over the next 25 years; and

WHEREAS the County desires to enter into an interlocal agreement with the City of Wenatchee, the City of East Wenatchee, the City of Cashmere, the City of Chelan, the City of Rock Island, the City of Entiat, the Town of Waterville, and Douglas County to create the District to facilitate the commencement of construction of the Regional Center by February 1, 2007; and

WHEREAS the County Commissioners have determined that it is in the best interest of the County and its citizens to access the Sales Tax through the formation of the District to acquire, construct, finance and/or operate a Regional Center and thereby to stimulate economic development by creating jobs, attracting tourism and facilitating commercial business; to generate additional sales tax and lodging tax revenues; and to provide facilities for community events;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF CHELAN COUNTY AS FOLLOWS:

Section 1. Creation and Purpose. The County Commissioners are hereby authorized to execute the interlocal agreement with the City of East Wenatchee, the City of Wenatchee, the City of Cashmere, the City of Chelan, the City of Rock Island, the City of Entiat and, Town of Waterville, and Douglas County, substantially in the form as attached hereto as Exhibit A and incorporated herein by this reference (the "Interlocal Agreement"), for the creation of the Greater Wenatchee Regional Events Center Public Facilities District.

The County Commissioners and other appropriate officers of the County are authorized and directed to take any and all such additional actions as may be necessary or desirable to accomplish the creation of the District.

Section 2. Appointment of Board of Directors. The County Commissioners are hereby authorized to select and appoint a member of the Board of Directors of the District (the "Board") by resolution in accordance with and as required by the City PFD Act and the Interlocal Agreement.

Section 3. Powers, Duties and Limitations. The County Commissioners hereby authorize the District to have all of the powers set forth in chapter 35.57 RCW, RCW 82.14.390, the Interlocal Agreement and its Charter. Except as specifically agreed in writing by 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.

Section 4. Approval of Charter and Bylaws. The Charter is hereby approved substantially in the form attached as Exhibit A to the Interlocal Agreement and incorporated herein by this reference. The Bylaws are hereby approved substantially in the form attached as Exhibit B to the Interlocal Agreement and incorporated herein by this reference.

Section 5. Severability. If any provision in this Resolution is declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provision of this Resolution and shall in no way affect the validity of the other provisions of this Resolution.

Section 6. Effective Date. This Resolution shall become effective following its passage and publication as provided by law.

PASSED this 15 day of May, 2006.

CHELAN COUNTY, WASHINGTON



By *Don Wachs*  
Commissioner

By *Kath W. Goehner*  
Commissioner

By *Buell Hawkins*  
Commissioner

May 5, 2006

RECEIVED

MAY 8 2006

CHELAN COUNTY  
COMMISSIONERS

Chelan County Board of Commissioners  
350 Orondo Avenue  
Wenatchee, WA 98801

Re: Greater Wenatchee Regional Events Center Public Facilities District

Dear Chelan County Commissioners:

You will please find enclosed the following original documents:

1. Resolution of the County of Chelan authorizing the execution of an Interlocal Agreement;
2. Interlocal Agreement;
3. Charter; and
4. Bylaws.

These documents represent the final version of the documents to be approved by each municipal entity participating in the formation of the district. We ask that you place this issue before your Board of Commissioners at the earliest possible date for approval. After approval of the Resolution, please return a copy of the signed Resolution to me.

Please let me know if you have any further questions.

Sincerely yours,

STEVE D. SMITH  
City Attorney

SDS/tls  
Enclosures

cc: Ms. Allison Williams, City of Wenatchee (w/out enc.)  
Mr. Gary Riesen (w/copy of enc. via email)