

ORDINANCE NO. 2002 - 07 - 051

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, ADDING A NEW CHAPTER 2.94 TO THE BELLINGHAM MUNICIPAL CODE AND CREATING A JOINT PUBLIC FACILITIES DISTRICT PURSUANT TO RCW 35.57, TO BE KNOWN AS BELLINGHAM-WHATCOM PUBLIC FACILITIES DISTRICT, TO UNDERTAKE THE DESIGN, CONSTRUCTION, OPERATION, PROMOTION AND FINANCING OF A REGIONAL CENTER AND/OR RELATED PARKING OR OTHER RELATED FACILITIES.

WHEREAS, the City of Bellingham is a municipal corporation operated as a charter city, organized and existing under and by virtue thereof and the laws of the State of Washington; and

WHEREAS, Whatcom County is a municipal corporation, organized under the laws of the State of Washington; and

WHEREAS, the Bellingham City Council and the Whatcom County Council have determined that it is in the best interests of the City and County and its citizens to take advantage of the provisions of RCW 35.57 and to create a joint public facilities district; and

WHEREAS, pursuant to RCW 35.57, cities and counties are authorized to enter into an agreement under RCW 39.34 for the creation and joint operation of a public facilities district; and

WHEREAS, a regional center would promote economic development, provide needed public facilities to serve local and regional business, community, family entertainment, youth recreation, and athletic organizations; and

WHEREAS, the City and County desire to set forth certain principles relating to the Bellingham-Whatcom Public Facilities District and its Board;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new chapter 2.94 is added to the Bellingham Municipal Code as follows:

2.94.010 Created – Name

The City does hereby create a public facilities district, to be known as the “Bellingham-Whatcom Public Facilities District,” co-extensive with the boundaries of the City of

Bellingham and co-extensive with the boundaries of Whatcom County, as now established or as may be reconfigured.

2.94.020 Powers – Authority

The Bellingham-Whatcom Public Facilities District shall have all the powers and authority set forth in RCW 35.57, including any amendments thereto, and including authority to acquire, design, construct, own, finance, and operate and maintain a regional center. The Mayor, the Finance Director, and other appropriate officers of the City are authorized to take any and all such additional actions as may be necessary to accomplish creation of the Bellingham-Whatcom Public Facilities District.

2.94.030 Membership – Terms

A. The Board of Directors of the Bellingham-Whatcom Public Facilities District shall consist of seven (7) members, selected as follows:

(1) Three (3) members jointly nominated by the Mayor and County Executive and approved by a majority vote of the City and County Councils; and

(2) Four (4) members nominated jointly by the Mayor and County Executive, and approved by a majority vote of the City and County Councils, based upon recommendations from local organizations that may include, but are not limited to, the Chamber of Commerce, local economic development council, and local labor council.

B. Board members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, and one must be appointed for a three-year term, and the remainder must be appointed for four-year terms. At the end of each term, and in the event of a vacancy on the Board, the nominations and approval of successor members of the Board shall be as provided in this section.

2.94.040 Conduct of Business

The business of the Bellingham-Whatcom Public Facilities District shall be carried out by the Board of Directors. The Board shall elect officers and draft a charter and by-laws governing the conduct of the District. Provided, the charter and by-laws shall not take effect unless and until approved by the City.

2.94.050 Governing Principles – Interlocal Agreement

The Mayor is authorized to negotiate and recommend to the City Council an interlocal agreement between the City, the County and the Public Facilities District. The terms of the interlocal agreement shall be consistent with the following principles:

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

- A. The District is authorized to acquire, design, construct, operate, promote, and finance a regional center or rehabilitate and improve such facilities, pursuant to RCW 35.57.020.
- B. Every effort shall be made to insure that a regional center is a first class facility that provides benefit to all citizens of Bellingham and Whatcom County.
- C. The City of Bellingham and Whatcom County declare their intention, consistent with and subject to the determination of public interest, to assist the District in the development of a regional center.
- D. The interlocal agreement may provide for capital and/or operating funding for the District, and provisions for acquisition, financing, design, construction, operation of the regional center, and such other matters as appropriate.
- E. Subject to reimbursement, the City and County may provide other financing, and necessary and reasonable support services to the District, including, but not limited to legal, accounting, and other staff services.
- F. District activity shall comply with the Open Public Meetings Act and other provisions of state law applicable to municipal corporations.
- G. The District shall report not less than quarterly to the Council on the District's activities. The report shall include a report on all financial matters, and other items as may be requested by Council.

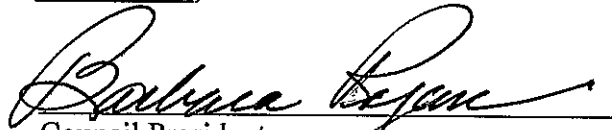
2.94.060 Dissolution of District

At such time as it is determined that the District's long term indebtedness has been paid or defeased and the District has availed itself of the full sales tax rebate at the maximum allowable rate under RCW 82.14.390, the City and County Councils may by ordinance dissolve the District. Upon dissolution of the District the assets and liabilities of the District may, at the city's option, become the assets and liabilities of the City of Bellingham.

2.94.070 Severability

If any section, sentence, clause, or phrase (i.e., provision) of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision and the remainder of this ordinance, or the application of such provisions to other persons or circumstances, shall not be affected.

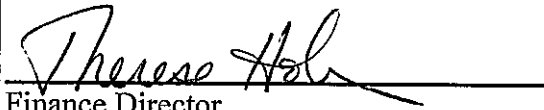
PASSED by Council this 15TH day of JULY, 2002.


Council President

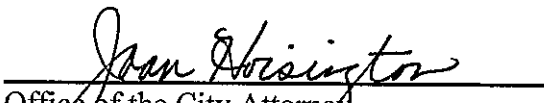
APPROVED by me this 22nd day of July, 2002.


Mayor

ATTEST:


Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published:

July 19, 2002