

RESOLUTION NO. 362

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING THE CITY OF UNIVERSITY PLACE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT AMONG THE CITY OF FIFE, THE CITY OF LAKEWOOD, THE CITY OF TACOMA, AND THE CITY OF UNIVERSITY PLACE FOR THE ADDITION OF PIERCE COUNTY TO THE GREATER TACOMA REGIONAL CONVENTION CENTER PUBLIC FACILITIES DISTRICT


NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Authorization. City Manager or his designee is authorized and directed to execute on behalf of the City the first amendment to the interlocal agreement among the City of Fife, the City of Lakewood, the City of Tacoma, and the City of University Place for the addition of Pierce County to the Greater Tacoma Regional Convention Center Public Facilities District, as attached.

Section 2. Ratification and Confirmation. Any acts made consistent with the authority and prior to the effective date of this resolution are ratified and confirmed.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON AUGUST 12, 2002.


Jean Brooks, Mayor (MPT)

ATTEST:


Catrina Craig, City Clerk

AFTER RECORDING RETURN TO:

**Steve Victor
Assistant City Attorney
747 Market Street, Rm. 1100
Tacoma, WA 98402**

**FIRST AMENDMENT
TO THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF FIFE, THE CITY OF LAKEWOOD,
THE CITY OF TACOMA, AND THE CITY OF UNIVERSITY PLACE
FOR THE ADDITION OF PIERCE COUNTY TO THE GREATER TACOMA
REGIONAL CONVENTION CENTER PUBLIC FACILITIES DISTRICT**

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT is made and entered into this _____ day of _____, 2002, between the CITY OF FIFE ("Fife"), THE CITY OF LAKEWOOD ("Lakewood"), THE CITY OF TACOMA ("Tacoma"), and the CITY OF UNIVERSITY PLACE ("University Place"), and the COUNTY OF PIERCE ("Pierce County").

RECITALS

WHEREAS the Laws of Washington, Chapter 165, 1999 Regular Session, Sections 1 through 23, authorize the legislative authorities of any contiguous group of cities located in a county or counties, each with a population of less than one million, to enter into an agreement under RCW 39.34 for the creation and joint operation of a public facilities district ("District") to facilitate the construction and operation of a regional convention center, and

WHEREAS Fife, Lakewood, Tacoma, and University Place recognized and found that there is a public need for a new regional convention center ("Convention Center") to be located in Tacoma, and recognize the public use and benefit to the citizens of these cities to be derived from the construction and operation of such a Convention Center, and

WHEREAS Tacoma has debt financed, appropriated and expended funds for pre-construction activities including site acquisition, demolition, and design for the Convention Center. Further, Tacoma is providing the debt financing for the Convention Center, and

WHEREAS in October, 1999, Fife, Lakewood, Tacoma, and University Place created a District to facilitate the construction and operation of the Convention Center in Tacoma, and

WHEREAS the District assists in financing the Convention Center through a sales and use tax of not more than 0.033 percent collected from those persons who are taxable by the State of Washington under RCW 82.08 and 82.12 upon the occurrence of any taxable event within the District, which tax is credited against the State portion of the sales tax within the District, and, therefore, results in no tax increase to the taxpayers. Further, the District has additionally imposed admission and parking taxes through means authorized by the Laws of Washington, Chapter 165, 1999 Regular Session, Sections 4(b) &(c), 10, and 11; applicable only to admission to and parking at the Greater Tacoma Regional Convention Center facility, and

WHEREAS in November, 1999, the District entered into an agreement with Tacoma for the design, development, construction, and operation of the Convention Center providing that; Tacoma shall advertise for, select, and enter into agreements with the contractor or contractors for the design, development, and construction of the Convention Center; Tacoma shall oversee and make all decisions relative to the design, development, and construction of the Convention Center; Tacoma shall manage and administer the contracts relative to the design, development, and construction of the Convention Center; and Tacoma will issue bonds for the debt financing of the Convention Center, and

WHEREAS Laws of Washington, Third Substitute Senate Bill 5514, 2002 Regular Session, amended the prior Public Facility District Legislation to allow the legislative authority of a County to join with the legislative authorities of a contiguous group of Cities located within the County in a Public Facility District, and

WHEREAS Pierce County, Washington recognizes and finds that there is a public need for a new regional convention center ("Convention Center") to be located in Tacoma, and recognize the public use and benefit to the citizens of the County to be derived from the construction and operation of such a Convention Center and desires to join the Greater Tacoma Regional Convention Center Public Facilities District, and

NOW, THEREFORE, it is agreed by and between the parties that the Interlocal Agreement for the Greater Tacoma Regional Convention Center Public Facilities District ("Amended Agreement") is hereby amended as follows:

1. PARTIES. The parties to this Amended Agreement, as amended, are the City of Fife, the City of Lakewood, the County of Pierce, the City of Tacoma, and the City of University Place.

2. AMENDMENTS. The terms and conditions of the October 1999, Agreement ("Agreement") are hereby amended as follows:

2.1 Paragraph 3, of the Agreement is hereby repealed in its entirety, and subsequent Paragraphs renumbered accordingly.

2.2 Paragraph 5.1 of the Agreement, renumbered 4.1 in this Amended Agreement is amended addition of the following final sentence:

The District may be amended upon execution of an Amended Agreement by each party, by and through the designated public officials as authorized by the respective legislative bodies of the parties pursuant to a lawfully enacted ordinance or resolution.

2.3 Paragraph 5.3 of the Agreement, renumbered 4.3 in this Amended Agreement is amended as follows:

The District shall be coextensive with the boundaries of the Cities, and the boundaries of the County as to the unincorporated areas of the County.

2.4 Paragraph 6 of the Agreement, renumbered 5 in this Amended Agreement is amended as follows:

The Cities and County will appoint the seven members of the District Board of Directors ("Board") in accordance with the terms of Laws of Washington, Third Substitute Senate Bill 5514, 2002 Regular Session Section 1(3)(c). The City Councils of Fife, Lakewood, University Place, and the Pierce County Council shall each appoint one member for a four-year term based on the recommendations of local organizations. Tacoma shall appoint three members for four-year terms. The members appointed by Tacoma shall not be members of the Tacoma City Council. Every member or members appointed by a city or county to the Board, may be removed at will by his or her appointing authority and a new member appointed to fill the unexpired term in the same manner as described above.

2.5 The Charter of the District is hereby amended to include a reference to the participation of Pierce County. All terms and conditions of the November 1, 1999, Charter remain in full force and effect.

3. NO OTHER AMENDMENTS. All other terms and conditions of the Agreement remain in full force and effect and by executing this First Amendment, Pierce County shall become a party to the entire Interlocal Agreement with all rights, privileges and obligations attendant thereto.

4. COUNTERPARTS. This First Amendment may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same First Amendment.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement as of the day and year first written above.

CITY OF TACOMA

CITY OF UNIVERSITY PLACE

Ray E. Corpuz, Jr.
City Manager

City Manager

Countersigned:

Peter Luttrupp, Finance Director

Finance Director

William Pugh, Department Director

City Clerk

Assistant City Attorney

City Attorney

Risk Manager