

**REVISION AND RESTATEMENT OF THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BELLINGHAM AND WHATCOM COUNTY, TO
EXPRESSLY INCLUDE THE CITIES OF BLAINE, EVERSON, FERNDALE,
LYNDEN, NOOKSACK, AND SUMAS, AS PARTIES TO THE PUBLIC FACILITIES
DISTRICT FOR A REGIONAL CENTER IN WHATCOM COUNTY**

This revised and restated **INTERLOCAL AGREEMENT** is made and entered into by and between the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, and Whatcom County, political subdivisions of the State of Washington, pursuant to the Interlocal Cooperation Act, RCW 39.34.

RECITALS

WHEREAS, on July 31, 2002, the City of Bellingham and Whatcom County entered into an Interlocal Agreement regarding the creation and joint operation of a Public Facilities District (the "District") for a Regional Center (the "Regional Center"), pursuant to RCW 35.57 as amended by Chapter 363, Laws of 2002; and

WHEREAS, the City and County had previously formed separate Districts; the City, pursuant to RCW 35.57 (before it was amended to allow a joint City-County district) and RCW 36.100 (which provides that a County can form a district coextensive with the boundaries of the County); and

WHEREAS, RCW 36.100 authorizes the County to form a District with boundaries that would be co-extensive with the boundaries of the County, while the statute authorizing the City to form a District, RCW 35.57, provides that the boundaries of the District shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district; and

WHEREAS, the District's projects are funded by a Washington State sales tax revenue rebate; and

WHEREAS, expressly including sales tax revenues received by the cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas, increases the base on which the sales tax revenue rebate is calculated; and

WHEREAS, the cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas are not eligible to receive the sales tax revenue rebate that goes to the Public Facilities District; and

WHEREAS, City of Bellingham and Whatcom County wish to clarify that the cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas should be expressly included as parties to the agreement for the creation and joint operation of the District as provided in

RCW 35.57.010 (2) (b) since the Regional Center is intended to be a Countywide project that serves a regional population, including residents of all Whatcom County cities; and

WHEREAS, the Regional Center project identified by the Public Facilities District Board includes renovations to the Mount Baker Theatre as well as the construction of a new Art and Children's Museum; and

WHEREAS, the cities of Whatcom County recognize the public benefits of a public facilities district created to facilitate the construction and operation of a Regional Center located in the City of Bellingham consisting of a museum facility hosting art and children's exhibitions and the renovations of an historic theatre that will be used by visitors from across Whatcom County and beyond; and

WHEREAS, citizens of all ages throughout Whatcom County, including residents, families, and schools within the small cities, participate in educational, artistic, cultural, and other similar enriching activities provided by Regional Center facilities; and

WHEREAS, the legislative bodies of the cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas find that the Whatcom Museum of History and Art, including the new Art and Children's Museum facility, and the renovated Mount Baker Theatre provide educational, artistic, and cultural opportunities for their citizens; and

WHEREAS, the cities executing this revised and restated Interlocal Agreement, and the County, all agree that continued effective operation of the District requires that one entity continue to have responsibility for the oversight and management of the Public Facilities District, and the cities agree that the City of Bellingham will continue in that role pursuant to the terms of the *Interlocal Operating Agreement Between the City of Bellingham and the Public Facilities District* dated May 20, 2003;

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. **PURPOSE.** The purpose of this agreement is to revise and restate the Interlocal Agreement Between the City of Bellingham and Whatcom County Regarding the Creation and Joint Operation of a Public Facilities District for a Regional Center to expressly include the cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas, as parties to the Interlocal Agreement dated July 31, 2002.

2. **APPOINTMENT OF DISTRICT BOARD.** The legislative authorities of the cities and of Whatcom County will appoint the seven (7) members of the District Board of Directors as provided in RCW 35.57.010 (3) (c). Board members will be nominated by the parties to the agreement in the following manner: The term of one board member is set to expire in 2008. The small cities shall meet and nominate a member to fill that open position in 2008. The legislative authorities of the small cities shall appoint the small cities

representative. The small cities will continue to fill that position on the Public Facilities Board as a vacancy occurs or the term expires. The remainder of the positions will be filled by the City of Bellingham and Whatcom County as provided in section 3 of the Interlocal Agreement dated July 31, 2002, which provides that board members will be jointly nominated by the Mayor and the County Executive and approved by a majority vote of both legislative authorities. No board members may be members of their respective legislative authorities.

3. SMALL CITIES RESPONSIBILITIES. The parties agree that the small cities shall be responsible for working with the City of Bellingham and Whatcom County in good faith toward the appointment of one of the Public Facilities District Board members as provided by state law and this agreement. It is intended by the parties that the small cities have no other responsibilities to be performed under this agreement except as may be necessary to facilitate the payment, to the benefit of the District, of the small cities portion of the sales and use tax authorized pursuant to RCW 82.14.390.

4. RATIFICATION OF EXISTING INTERLOCAL. Except as specifically provided herein, the parties agree that the terms and conditions of the Interlocal Agreement Between the City of Bellingham and Whatcom County Regarding the Creation and Joint Operation of a Public Facilities District for a Regional Center dated July 31, 2002, shall continue in full force and effect, and shall be deemed effective as of July 31, 2002. All actions taken by any persons prior to the effective date of this agreement but consistent with its provisions are ratified, approved, and confirmed with respect to all parties executing this revised and restated Interlocal Agreement.

DATED this ____ day of SEPTEMBER, 2007, for the **CITY OF BELLINGHAM:**

Mayor

Attest:

Finance Director

Approved as to form:

Office of the City Attorney

DATED this ____ day of September, 2007, for WHATCOM COUNTY:

Whatcom County Executive

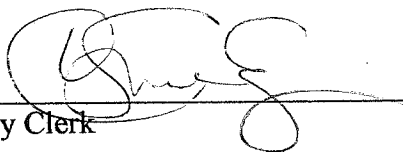
Approved as to form:

Office of the Prosecuting Attorney

DATED this 9 day of ~~September~~ ^{OCTOBER}, 2007, for the CITY OF BLAINE:


~~Mayor~~ City Manager

Attest:


City Clerk

DATED this ____ day of September, 2007, for the CITY OF EVERSON:

Mayor

Attest:

DATED this ____ day of September, 2007, for the **CITY OF FERNDAL**:

Mayor

Attest:

DATED this ____ day of September, 2007, for the **CITY OF LYNDEN**:

Mayor


Attest:

Approved as to form:

City Clerk


Office of the City Attorney

DATED this 17th day of September, 2007, for the **CITY OF NOOKSACK**:



Mayor

Attest:



City Clerk/Treasurer

Revision of Interlocal Agreement
Re Public Facilities District - 5

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

DATED this ____ day of September, 2007, for the **CITY OF SUMAS:**

Mayor

Attest:

Approved as to form:

Office of the City Attorney

Revision of Interlocal Agreement
Re Public Facilities District - 6

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