

**KITSAP PUBLIC FACILITIES DISTRICT  
KITSAP COUNTY, WASHINGTON**

**RESOLUTION 09-2003**

**A RESOLUTION of the Board of Directors of the Kitsap Public Facilities District of Kitsap County, Washington to approve and sign an Interlocal Agreement with North Kitsap Schools District dated December 11, 2003, to develop jointly the North Kitsap Regional Center and to pay North Kitsap Schools District \$5,000 as a measure of good faith in the partnership using a warrant prepared by Kitsap County Auditor's Office prior to signing of the Interlocal Agreement by the North Kitsap School District Board of Directors.**

**WHEREAS**, the Kitsap County Board of Commissioners established the PFD pursuant to Chapter 36.100 RCW to perform any function or combination of functions authorized by that Chapter; and

**WHEREAS**, the PFD is authorized by RCW 36.100.030 to acquire, construct, own, remodel, maintain, equip, re-equip, repair, and operate "regional centers" as defined in RCW 35.57.020; and

**WHEREAS**, RCW 35.57.020 defines "regional center" to include special events centers and facilities available to the public and used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances, together with related parking facilities, so long as such facilities serve a regional population and are constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least Ten Million Dollars (\$10,000,000); and

**WHEREAS**, RCW 82.14.390 authorized the PFD to impose a 0.033% sales and use tax ("the Sales Tax"), which operates to shift a share of the State's sales and use tax revenues to public facilities districts at no additional cost to tax payers; and

**WHEREAS**, the PFD has imposed the Sales Tax authorized by RCW 82.14.390; and

**WHEREAS**, the Sales Tax may be applied to acquire, remodel, finance, and operate a regional events center as defined in RCW 35.57.020; and

**WHEREAS**, the NKSD is authorized by Chapter 28A.335 and Chapter 28A.320 RCW to acquire, lease, and operate school buildings and related facilities; and

**WHEREAS**, the NKSD has undertaken the design, development, construction, and improvement of certain facilities collectively known as the North Kitsap Regional Center, which construction, improvements, and rehabilitation commenced after July 25, 1999, and the costs of which exceed Ten Million Dollars (\$10,000,000); and

**WHEREAS**, the North Kitsap Regional Center includes the North Kitsap Community Pool, North Kitsap High School gymnasium, stadium, and track, and Poulsbo Junior High and Community Auditorium, which facilities are used for purposes qualifying the North Kitsap Regional Center as a "special events center" within the meaning of RCW 35.57.020, including uses such as community events, sporting events, artistic, musical, theatrical and other cultural exhibitions, presentations, and performances; and

**WHEREAS**, the NKSD intends to further develop the North Kitsap Regional Center for the benefit of the residents of Kitsap County; and

**WHEREAS**, the PFD wishes to be a participant in the NKSD's North Kitsap Regional Center; and

**WHEREAS**, RCW 36.100.030 authorizes a county "public facilities district to enter into agreements under Chapter 39.34 RCW for the joint provision and operation of [special events centers] and may enter into contracts under Chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract"; and

**WHEREAS**, RCW 28A.320.010 empowers the NKSD as a body corporate possessing all the usual powers of a public corporation that may transact all business necessary for maintaining school and may enter into such obligations as are authorized therefor by law; RCW 28A.320.015 empowers the NKSD's board of directors to exercise broad discretion

to adopt policies that promote its efficient management and operation; RCW 28A.320.035 authorizes the NKSD's board of directors to contract, among other things, with other public organizations, agencies to implement the board's powers and duties; RCW 28A.335.090, .100, and .170 authorize the NKSD to lease its property; RCW 28A.335.190 authorizes the NKSD to competitively bid for the procurement of furniture, supplies, equipment, building, improvements, or repairs, or other work; RCW 28A.335.150 authorizes the NKSD to allow the use of and rent athletic facilities for athletic events and purposes; and RCW 28A.335.010 authorizes the NKSD to maintain, repair, furnish and insure educational facilities; and

**WHEREAS**, RCW 39.34.030 authorizes the PFD and the NKSD to enter into interlocal agreements to undertake jointly actions that each could take on its own; and

**WHEREAS**, the PFD and the NKSD intend that the North Kitsap Regional Center will be acquired, constructed, installed, improved, maintained, and operated as both a "special events center" within the meaning of RCW 36.100.030(1) and RCW 35.57.020(1) and a school district educational facility within the meaning of RCW 28A.335.100, 28A.320.010, .015, and .035; and

**WHEREAS**, in consideration of the NKSD's commitment to develop, design, construct, equip, operate, and maintain the North Kitsap Regional Center upon the terms and conditions set forth herein; and

**WHEREAS**, the PFD has approved payment of \$5,000 cash to NKSD as a measure of good faith in the partnership, as well as the financial commitments as set forth herein;

**BE IT RESOLVED**, that the PFD approves the Interlocal Agreement with North Kitsap School District dated December 11, 2003 and agrees the \$5,000.00 good faith payment can be made immediately upon execution of the agreement by NKSD with a warrant prepared by the Kitsap County Auditor prior to signing of the Interlocal Agreement by the North Kitsap School District Board of Directors.

*Adopted at a regular and open public meeting of the Kitsap Public Facilities Board of Directors on the 8<sup>th</sup> day of December, 2003, the following directors being present and voting:*

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Walter S. Draper, IV, Chair

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Linda Berry-Maraist, Vice-chair

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Stephen Stagener, Treasurer

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Andrew W. Maron

\_\_\_\_\_  
Rick Smith

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Warren VanZee

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S.N. Cy Wyse