

**PACIFIC COUNTY
ORDINANCE No. 155A
(Amending Ordinance No. 155)
Pertaining to Public Development Corporations**

AN ORDINANCE OF PACIFIC COUNTY, WASHINGTON WHICH AMENDS PACIFIC COUNTY PUBLIC DEVELOPMENT CORPORATION ORDINANCE NO. 155 PROVISIONS PERTAINING TO THE PROCESS OF ESTABLISHING CHARGES FOR SERVICES, AND BY MAKING OTHER TECHNICAL CHANGES.

WHEREAS, Pacific County adopted Ordinance No. 155 on October 26, 2004, to allow for the creation of Public Development Corporations to forward the development and improvement of community infrastructure; and

WHEREAS, establishing a process by which a Public Development Authority Board may conduct a public hearing to consider adoption of fees for service for operation of infrastructure owned by such Board allows for enhanced and more direct public participation in such decisions; NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, THAT ORDINANCE NO. 155A, WHICH AMENDS PACIFIC COUNTY ORDINANCE NO. 155, IS ADOPTED AS FOLLOWS:

1. SECTION 5 – SPECIFIC POWERS

Except as otherwise limited by the State Constitution, County ordinances (including this Ordinance), or the public corporation's charter, the powers granted a public corporation by Section 4 include, but are not limited to, the power to:

- A. Purchase, lease, exchange, mortgage, encumber, improve, use or otherwise transfer or grant security interests in real or personal property or any interests therein; grant or acquire options; and contract regarding the income or receipts from real property;
- B. Issue negotiable bonds and notes in conformity with Section 38 and applicable provisions of the Uniform Commercial Code and state law in such principal amounts, as in the discretion of the public corporation, shall be necessary or appropriate to provide sufficient funds for achieving any corporate purposes or to secure financial assistance.
- C. Contract for leases, and accept transfers, gifts or loans of funds/property;
- D. Manage on behalf of and as requested by the County, any property acquired by the County through gift, purchase, construction, lease, assignment, default or exercise of the County's power of eminent domain;
- E. Recommend to the Board of Commissioners appropriate public improvements and expenditures in areas of the County in which a public corporation by its charter has a particular responsibility;
- F. Recommend to the Board of Commissioners any property which if committed or transferred to the public corporation, would materially advance the public purpose for which the public corporation was chartered;

- G. Initiate, carry out, and complete such improvements to the public interest as the Board of Commissioners may designate;
- H. Recommend to the Board of Commissioners such tax, financing, and security measures as the public corporation may deem appropriate to maximize the public interest in any area in which a public corporation, by its charter, has a particular responsibility;
- I. Lend its funds, property, or credit or services for corporate purposes, or act as a surety or guarantor for corporate purposes;
- J. Provide advisory, consultative, training, educational, and community services or advice to individuals, associations, corporations, or governmental agencies, with or without charge;
- K. Control the use and disposition of corporate property, assets, and credit;
- L. Invest and reinvest its funds;
- M. Fix and collect charges for services rendered or to be rendered by resolution of the Board, and establish the consideration for property transferred. The Board shall not approve any charge for services until it has conducted a public hearing on the matter. Notice of the public hearing shall be advertised in the Official County Newspaper at least ten (10) days prior to said hearing;
- N. Sponsor, lease, manage, construct, own, and lease or otherwise participate in housing projects where such activity furthers the public purpose for which the public corporation is chartered;
- O. Maintain books and records as appropriate for the conduct of its affairs; and
- P. Conduct corporate affairs, carry on its operations, and use its property as allowed by law and consistent with this Ordinance, its charter, and its rules and regulations; and to name corporate officials, designate agents and engage employees; prescribe their duties, qualifications and compensation; and secure the services of consultants for professional services, technical assistance, or advice.

2. SECTION 7 – LIMITATION OF POWERS

- A. A public corporation organized under this Ordinance shall have no power of eminent domain, nor any power to levy taxes or special assessments. In addition, the public corporation shall not impose any charge for services unless the charge is approved by resolution of the Board following a public hearing as required in Section 5.M.
- B. No public corporation may incur or create any liability that permits recourse by any contracting party or member of the public to or upon any assets, services or credit of the County.
- C. No funds, assets, or property of any public corporation shall be used for any partisan political activity or to further the election or defeat any candidate for

public office; nor shall any funds or substantial part of the activities of any public corporation be used for publicity or educational purposes designed to support or defeat legislation pending before the Congress of the United States, or the legislature of the State or the Board of Commissioners; provided, however, that members and officials of a public corporation may respond to requests by contacting members of Congress, State Legislators, or County Commissioners for information and appear before any such legislative body in connection with funding and other matters directly affecting the public corporation or its ability to carry out the purposes for which it is chartered.

- D. A public corporation shall not sell or otherwise encumber property transferred to the public corporation by Pacific County unless the sale or encumbrance of the property is approved by the Board of Commissioners. The Board of Commissioners shall receive thirty (30) days' advanced written notice of any proposed sale or encumbrance any property transferred to the public corporation by Pacific County.

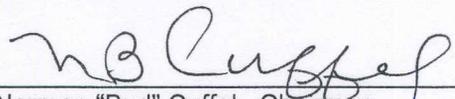
3. EFFECTIVE DATE

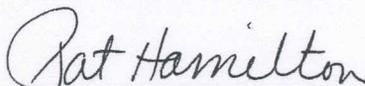
Pacific County Ordinance No. 155 is effective as of October 26, 2004. The amendments and additions to Ordinance No. 155 that are contained within Ordinance No. 155A are effective as of October 25, 2005.

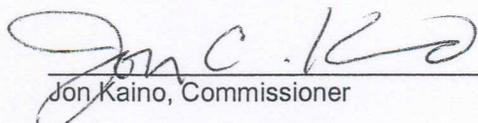
PASSED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage this 25th Day of October, 2005.

3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

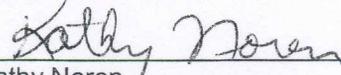
BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY WASHINGTON


Norman "Bud" Cuffel., Chairman

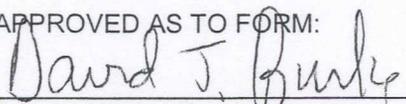

Pat Hamilton, Commissioner


Jon Kaino, Commissioner

ATTEST:


Kathy Noren,
Clerk of the Board

APPROVED AS TO FORM:


David J. Burke, Prosecuting Attorney