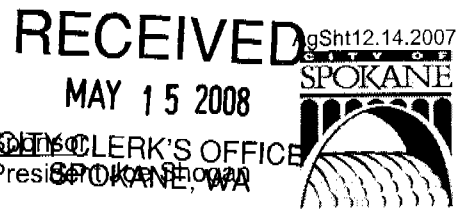


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AGENDA SHEET FOR COUNCIL MEETING OF: May 28, 2008



Submitting Dept.
Office of the City Attorney

Contact Person/Phone No.
Mike Piccolo 625-6225

Council District
Council President

ADMINISTRATIVE SESSION

- Contract
- Report
- Claims

LEGISLATIVE SESSION

- Emergency Ord
- Resolution
- Final Reading Ord
- First Reading Ord
- Special Consideration
- Hearing

CITY PRIORITY

- Communications
- Economic Development
- Growth Management
- Human Services
- Neighborhoods
- Public Safety
- Quality Service Delivery
- Racial Equity/Cultural Diversity
- Rebuild/Maintain Infrastructure

CLERK'S FILE
RENEWS
CROSS REF
ENG
BID
REQUISITION

OPR 2003-0982

RES 07-148

STANDING COMMITTEES

(Date of Notification)
 Finance _____
 Neighborhoods _____
 Planning/Community & Econ Dev _____

Public Safety _____
 Public Works _____

Neighborhood/Commission/Committee Notified:
 Action Taken: _____

AGENDA

WORDING:

(If contract, include the term.)

Amendment No. 1 to Interlocal Cooperation Act Agreement for Establishment of Spokane County Tourism Promotion Area.

BACKGROUND:

(Attach additional sheet if necessary)

In March of 2004, the City of Spokane entered into an interlocal agreement with Spokane County and the City of Spokane Valley regarding the establishment of a Tourism Promotion Area. The Agreement and the corresponding Spokane County ordinance had a termination clause of December 31, 2008 unless all three governmental entities agreed to a continuance and an additional three year period. In September of 2007, the Tourism Promotion Area Commissioners requested that the governmental entities amend the County ordinance and interlocal agreement to remove the termination clause so that the interlocal agreement and the TPA would continue without a sunset clause unless terminated pursuant to other provisions of the agreement. The City Council passed Resolution 07-0148 on January 7, 2008 supporting the proposed amendment set forth in Amendment No. 1.

RECOMMENDATION: APPROVE

Fiscal Impact:	<input type="checkbox"/> N/A	Budget Account:	<input type="checkbox"/> N/A
<input type="checkbox"/> Expenditure: \$		#	
<input type="checkbox"/> Revenue: \$		#	
<input type="checkbox"/> Budget Neutral			

ATTACHMENTS: Include in Packets: AGREEMENT, RES 07-148
 On file for Review in Office of City Clerk:

SIGNATURES:

Department Head

Michael Piccolo
 Legal

Division Director

David M. Wilson
 Chief Administrator

Finance

 Council President

DISTRIBUTION: Harry Sladich - Spokane Regional C&VB

COUNCIL ACTION:

APPROVED BY
 SPOKANE CITY COUNCIL:
May 27, 2008

 CITY CLERK

8 0644

**AMENDMENT NO. 1 TO INTERLOCAL COOPERATION ACT AGREEMENT FOR
ESTABLISHMENT OF SPOKANE COUNTY TOURISM PROMOTION AREA**

THIS AMENDMENT NO. 1 AGREEMENT, made and entered into among **Spokane County**, a political subdivision of the State of Washington, having offices for the transaction of business at 1116 West Broadway Avenue, Spokane, Washington 99260, hereinafter referred to as the "County," the **City of Spokane**, a municipal corporation of the State of Washington having offices for the transaction of business at 808 West Spokane Falls Blvd. Spokane, Washington 99201, hereinafter referred to as the "City", and the **City of Spokane Valley**, a municipal corporation of the State of Washington, having offices for the transaction of business at the Redwood Plaza, 11707 East Sprague Avenue, Suite 106, Spokane Valley, Washington 99206, hereinafter referred to as "Spokane Valley" jointly referred to as the "Parties."

WITNESSETH:

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), Spokane County, through the Board of County Commissioners of Spokane County, has the care of county property and the management of county funds and business; and

WHEREAS, in 2003, the Washington State Legislature recognized the importance of tourism promotion and passed Engrossed Substitute Senate Bill No. 6026, now codified as chapter 35.101 RCW. That legislation authorized the establishment of a Tourism Promotion Area by a county and the levy of special assessments on lodging businesses to fund tourism promotion therein; and

WHEREAS, pursuant to the provisions of RCW 35.101.080, the Board of County Commissioners of Spokane County adopted an Ordinance No. 04-0211 which established a Tourism Promotion Area having certain boundaries to include the unincorporated area of Spokane County, the City of Spokane, and City of Spokane Valley. Ordinance No. 04-0211 addressed the termination of the Tourism Promotion Area and provided as follows:

SECTION NO. 13. TERMINATION

This Ordinance shall continue in full force and effect until December 31, 2008, at which time it shall automatically sunset, unless the Spokane County Tourism Promotion Area is disestablished in whole or part as provided for in Section No. 6 hereinabove prior to such date. The Ordinance will automatically be extended in three (3) year increments beyond December 31, 2008 if all three legislative bodies evidence their joint intention to have their boundaries, or in the case of Spokane County the unincorporated area, remain in the Spokane County Tourism Promotion Area. Evidence of such intention to remain in the Spokane County Tourism Promotion Area and extend the provision of this Ordinance shall be in the form of a resolution signed by the legislative body/mayor or written approval of its chief executive officer/administrator/manager sent by certified mail to the

Clerk of the Board of Spokane County. Such resolution or written approval must be received by the Clerk of the Board on or before July 1, 2008, for the initial term, or six (6) months prior to the expiration date of any three (3) year extension. In the event this Ordinance is extended as provided for herein it shall not be necessary to conduct another Notice of Intention Hearing as provided for in RCW 35.101.030 or adopt a new Ordinance as provided for in RCW 35.101.080.

WHEREAS, pursuant to the provisions of RCW 35.101.040(2), the Parties entered into an interlocal agreement dated March 9, 2004 entitled "INTERLOCAL COOPERATION ACT AGREEMENT FOR ESTABLISHMENT OF SPOKANE COUNTY TOURISM PROMOTION AREA" (the "Agreement") wherein a Tourism Promotion Area was formed to include properties within the boundaries of the unincorporated area of Spokane County, City of Spokane, and City of Spokane Valley. Section 8 (A) of Agreement addressed termination and provided as follows:

8. Miscellaneous Provisions:
 - A. Duration and Termination of this Agreement. (1) This Agreement shall continue in full force and effect until such time as the Spokane County Tourism Promotion Area is disestablished by action of the Board of County Commissioners of Spokane County as provided in Section 7 above. (2) This agreement shall expire December 31, 2008, PROVIDED, it may be extended in increments of three years by consent of Spokane County, City of Spokane, and City of Spokane Valley, expressed either by resolution of the legislative body or written approval of its chief executive officer. The timing of such consent should be coordinated with the needs of the Washington State Department of Revenue. (3) Following termination of this Agreement, Spokane County shall be responsible for utilizing any remaining unallocated revenue from Special Assessments for use for tourism promotion in Spokane County.

WHEREAS, the Spokane Hotel and Motel Commission, governing board of the Spokane County Tourism Promotion Area, recommended to the Board of County Commissioners, City of Spokane and City of Spokane Valley that SECTION NO. 13. TERMINATION within the Ordinance as well as Section 8A of the Agreement be modified to provide as follows:

(Ordinance No. 04-0211 modification.)

(Underlined language added, lined out language deleted.)

SECTION NO. 13. TERMINATION

This Ordinance shall continue in full force and effect until ~~December 31, 2008, at which time it shall automatically sunset, unless the Spokane County Tourism Promotion Area is modified or disestablished in whole or part as provided for in Section No. 6 hereinabove. prior to such date. The Ordinance will automatically be extended in three (3) year increments beyond December 31, 2008 if all three legislative bodies evidence their joint intention to have their boundaries, or in the case of Spokane County the unincorporated area, remain in the Spokane County Tourism Promotion Area. Evidence of such intention to remain in the Spokane County Tourism Promotion Area and extend the provision of this Ordinance shall be in the form of a resolution signed by the legislative body/mayor or written approval of its chief executive officer/administrator/manager sent by certified mail to the Clerk of the Board of Spokane County. Such resolution or written approval must be received by the Clerk of the Board on or before July 1, 2008, for the initial term, or six (6) months prior to the expiration date of any three (3) year extension. In the event this Ordinance is extended as provided for herein it shall not be necessary to conduct another Notice of Intention Hearing as provided for in RCW 35.101.030 or adopt a new Ordinance as provided for in RCW 35.101.080.~~

(Agreement modification.)

(Underlined language added, lined out language deleted.)

8. Miscellaneous Provisions:

A Duration and Termination of this Agreement. (1) This Agreement shall continue in full force and effect until such time as the Spokane County Tourism Promotion Area is modified or disestablished by action of the Board of County Commissioners of Spokane County as provided in Section 7 above. ~~(2) This agreement shall expire December 31, 2008, PROVIDED, it may be extended in increments of three years by consent of Spokane County, City of Spokane, and City of Spokane Valley, expressed either by resolution of the legislative body or written approval of its chief executive officer. The timing of such consent should be coordinated with the needs of the Washington State Department of Revenue. (3) Following termination of this Agreement, Spokane County shall be responsible for utilizing any remaining unallocated revenue from Special Assessments for use for tourism promotion in Spokane County.~~

WHEREAS, the Board of County Commissioners held a public hearing on May 13, 2008 to consider amending SECTION NO. 13. TERMINATION of the Ordinance as provided herein above. After said public hearing the Board of County Commissioners adopted Resolution No. 08-0465 modifying the Ordinance as provided for herein above. The Parties, consistent with the County's action under Resolution No. 08-0465, desire to modify Section 8 (A) of Agreement as provided for herein above.

NOW, THEREFORE, BE IT HEREBY AGREED among the Parties hereto that the agreement entered into among the Parties dated March 9, 2004 and entitled "INTERLOCAL COOPERATION ACT AGREEMENT FOR ESTABLISHMENT OF SPOKANE COUNTY TOURISM PROMOTION AREA" be and is hereby modified in Section 8 (A) to provide as follows:

(Underlined language added, lined out language deleted.)

8. Miscellaneous Provisions:

A. Duration and Termination of this Agreement. (1) This Agreement shall continue in full force and effect until such time as the Spokane County Tourism Promotion Area is modified or disestablished by action of the Board of County Commissioners of Spokane County as provided in Section 7 above. ~~(2) This agreement shall expire December 31, 2008, PROVIDED, it may be extended in increments of three years by consent of Spokane County, City of Spokane, and City of Spokane Valley, expressed either by resolution of the legislative body or written approval of its chief executive officer. The timing of such consent should be coordinated with the needs of the Washington State Department of Revenue.~~ (3) Following termination of this Agreement, Spokane County shall be responsible for utilizing any remaining unallocated revenue from Special Assessments for use for tourism promotion in Spokane County.

BE IT FURTHER RESOLVED among the Parties hereto, that but for that change to Section 8 (A) as set forth herein above, all other terms within the agreement dated March 9, 2004 and entitled "INTERLOCAL COOPERATION ACT AGREEMENT FOR ESTABLISHMENT OF SPOKANE COUNTY TOURISM PROMOTION AREA" shall remain in full force and effect without any change or modification whatsoever.

IN WITNESS WHEREOF the Parties have caused this Agreement No. 1 to be executed on the date and year opposite their respective signature blocks. This Agreement No. 1 may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same. The effective date of Agreement No. 1 shall be the last signature date.

(This Space Intentionally Left Blank.)



ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

By: *Daniela Erickson*
DANIELA ERICKSON
Clerk of the Board

Bonnie Mager
BONNIE MAGER, Chair

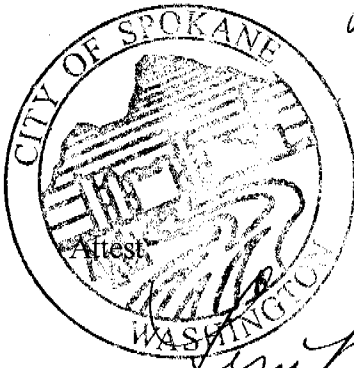
Todd Mielke
TODD MIELKE, Vice-Chair

DATED this 18th day of July, 2008

Mark Richard
MARK RICHARD, Commissioner

DATED: May 29, 2008

CITY OF SPOKANE



By: *[Signature]*

Its: City Administrator

Approved as to form:

[Signature]
City Clerk

Michael D. [Signature]
Assistant City Attorney

SPOKANE VALLEY

By: *Mike Jackson*

Title: Deputy City Manager

Approved as to form:

ATTEST:
Christie Bamberly
City Clerk

Cary P. [Signature]
City Attorney

RESOLUTION NO. 2007-0148

A resolution regarding the Tourism Promotion Area.

WHEREAS, in March of 2004, the City of Spokane entered into an interlocal agreement with Spokane County and the City of Spokane Valley for the establishment of a Tourism Promotion Area (TPA) in conjunction with Spokane County adopting a tourism promotion area ordinance;

WHEREAS, the TPA was formed in order to create the opportunity for Spokane hoteliers to assess a fee on occupied hotel rooms in order to generate additional funding for tourism marketing;

WHEREAS, the interlocal agreement provides that the agreement expires on December 31, 2008 but that the agreement may be extended for an additional three year period upon the approval of all three governmental entities;

WHEREAS, the regional marketing associations that work with the TPA are routinely working to schedule events that go far beyond the three years term of the interlocal agreement;

WHEREAS, the TPA has requested that the three governmental entities amend the interlocal agreement to renew the agreement and to eliminate the automatic sunset clause provision so that the TPA and its marketing associates and can pursue more longer term events and plans; and

WHEREAS, the Spokane County Commissioners have indicated their support for amending the ordinance and interlocal agreement to remove the sunset clause and that upon notification that both the City of Spokane and the City of Spokane Valley also support the revision, the Commissioners would initiate the required public hearing to amend the ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Spokane supports the revision of Spokane County ordinance and interlocal agreement establishing the tourism promotion area to renew the term of the agreement and of the tourism promotion area and to eliminate the automatic sunset clause provision.

Adopted this 7th day of January, 2008.

[Signature]
City Clerk

Approved as to form:

[Signature]
Assistant City Attorney

