

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 14-2017

ESTABLISHING A HEALTH SCIENCES & SERVICES AUTHORITY AS PROVIDED FOR IN CHAPTER 35.104 RCW AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Yakima County (hereinafter referred to sometimes as the "Board) has the care of County property and management of County funds and business; and

WHEREAS, pursuant to the provisions of chapter 35.104 RCW, the 60th Washington Legislature adopted legislation establishing a health sciences and services program to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health; and

WHEREAS, pursuant to the provisions of RCW 35.104.030, a local government, defined as a city, town or county, must establish by ordinance or resolution a health sciences and services authority ("Authority"), which ordinance must at a minimum (1) specify the powers to be exercised by the authority; (2) reserve the local government's right to dissolve the authority after its contractual responsibilities have expired; (3) establish an administrative board, including: (a) the number of board members; (b) the times and terms of appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filing vacancies; and (e) the qualifications for the appointment of individuals to the board; (4) establish the authority's boundaries, which must be contiguous tracts of land; (5) ensure that private and public funds provided to the authority will be segregated; (6) establish guidelines under which the authority may invest its funds; (7) provide the requirements for auditing the records of the authority; and (8) require the local government's legal counsel to also provide legal services to the authority.

WHEREAS, pursuant to the provision of RCW 35.104.030, the Board of County Commissioners of Yakima County desires to adopt a resolution establishing a health sciences and services authority, said resolution to address to matters set forth in RCW 35.104.030.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Yakima County, pursuant to the provisions of RCW 35.104.030, that the Board does hereby establish a health sciences and services authority as follows:

SECTION 1. PURPOSE:

The purpose of this resolution is to establish a health sciences and services authority to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health as provided for in chapter 35.101 RCW.

SECTION 2. DEFINITIONS:

The definitions in this section apply throughout this resolution unless the context clearly requires otherwise.

- (1) "Authority" means a health sciences and services authority created pursuant to this resolution.
- (2) "Board" means the governing board of trustees of the Authority.
- (3) "Board of County Commissioners" means the governing authority of Yakima County.
- (4) "County" means Yakima County governed by and through its Board of County Commissioners.
- (5) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.

SECTION 3. ESTABLISHMENT OF HEALTH SCIENCES & SERVICES AUTHORITY-BOUNDARIES:

The County hereby establishes an Authority having the same boundaries as Yakima County.

SECTION 4. POWERS THAT MAY BE EXERCISED BY THE AUTHORITY:

The Authority shall have all powers and duties as set forth in RCW 35.104.060 as it presently exists or as it may be hereinafter amended.

SECTION 5. DISSOLUTION OF THE AUTHORITY:

The County may dissolve the Authority by resolution of the Board of County Commissioners upon a finding that all of the Authority's responsibilities have expired.

The Board may petition the Board of County Commissioners to dissolve the Authority upon a showing that the Authority has no reason to exist and that any assets it retains must be returned to the state treasurer.

SECTION 6. ESTABLISHMENT OF BOARD, TERMS, COMPENSATION:

- (1) There is created a Board to oversee the Authority. The Board shall not have more than fourteen (14) members. Board members must have some experience with the purpose of the Authority set forth in SECTION 1. The Board members shall be appointed as follows:
 - (A) The governor shall appoint three members;
 - (B) The Board of County Commissioners shall appoint three members;
 - (C) The Mayor of the largest city within the boundaries of the Authority shall appoint three members; and
 - (D) Up to five additional members may be appointed by the Board.

The initial terms of the Board shall be as follows: One member from 1(a), (b), (c) and (d) shall be appointed for one (1) year; one member from 1(a), (b), (c) and (d) shall be appointed for two (2) years and one member from 1(a), (b), (c) and (d) shall be appointed for (3) years. Any members beyond three (3) in (d) shall be appointed for four (4) years. Thereafter successors to the first members shall be appointed for four (4) year terms.

The appointing authority shall determine which of his/her/its appointees shall have initial terms of one(1), two (2), three (3) or four (4) years respectively.

- (2) A simple majority of the Board members shall constitute a quorum.
- (3) The Board shall annually elect a chair, secretary and any other officers it deems necessary.

- (4) The Board shall annually elect a chair, secretary and any other officers it deems necessary.
- (5) The Board may adopt bylaws or rules for their own governance.
- (6) Meeting of the Board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the Board so requests. Meetings of the Board may be held at any location and Board members may participate in a meeting of the Board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.
- (7) Members of the Board shall serve without compensation and/or per diem. Provided Board members may receive reasonable travel expenses and determined by the Board of County Commissioners for travel to and from their usual places of business or home to the place of a regular or special meetings of the Authority.
- (8) Vacancies occurring for any reason other than expiration of the term shall be filled by appointment by the appointing authority for the unexpired portion of the term.
- (9) Any Board member may be removed by his/her appointing authority for inefficiency, neglect of duty, malfeasance, or failure to attend three (3) consecutive meetings unless excused due to illness of the Board member or his/her family.

SECTION 7. DESIGNATION OF TREASURER OF AUTHORITY:

The Yakima County Treasurer is designated to serve as treasurer of the Authority. The Treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession. The Treasurer shall ensure that private and public funds provided to the Authority are segregated. The Treasurer may invest funds in its possession and not needed for immediate expenditure by the Authority in the manner consistent with applicable state statutes regarding the investment of other funds in his/her possession and not needed for immediate expenditure of the Authority.

SECTION 8. AUDITING OF AUTHORITY RECORDS:

The Authority shall keep proper records of accounts and shall be subject to annual audit by the office of state auditor and by an independent certified public accountant.

SECTION 9. DESIGNATION OF LEGAL COUNSEL:

The Yakima County Prosecuting Attorney or his/her duly appointed deputies or special deputies are designated to provide legal services to the Authority.

SECTION 10. COUNTY AUTHORIZED TO USE EXCISE TAX IN RCW 82.14.480 & INDICTING INTENT TO INCUR INDEBTEDNESS:

The County intends to impose sales and use tax in accordance with the terms of chapter 82.14 RCW. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.02 and 82.12 RCW upon the occurrence of any taxable events within Yakima County. The rate of the tax shall not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax. The tax imposed shall be deducted from the amount of tax otherwise required to be collected or paid over to the Department of Revenue under chapter 82.02 or 82.12 RCW. The tax shall expire January 1, 2023.

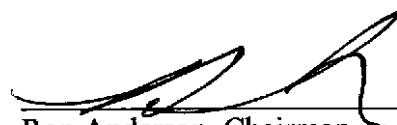
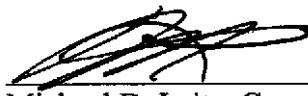
The Department of Revenue shall perform the collection of the tax on behalf of the Authority at no cost to the Authority.

The amounts received under this Section may only be used in accordance with RCW 35.104.060 or to finance and retire the indebtedness incurred pursuant to RCW 35.104.070 in whole or in part.

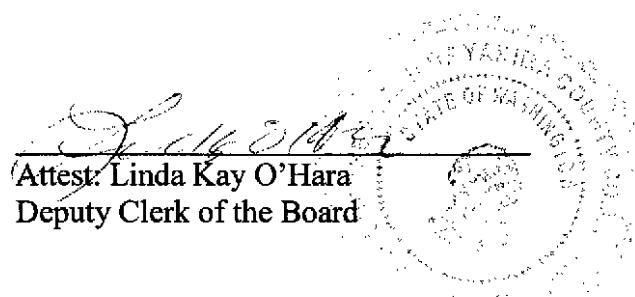
The County intends to incur indebtedness in conjunction with financing grants and other programs of the Authority in the amount of Forty (40 Million Dollars).

BE IT FURTHER RESOLVED by the Board of County Commissioners of Yakima County, that the chairperson of the Board or a majority of the Board be and are hereby authority to sign/executive, at other than an open meeting, an application to be submitted to the Washington Higher Education Coordinating Board, as provided for in RCW 35.104.040, for Yakima County's designation as a Health Science and Services Authority under chapter 35.104 RCW. A copy of any such application upon signature shall be provided to the Clerk of the Board.

DONE this 9th day of January, 2018


Ron Anderson, Chairman
Michael D. Leita, Commissioner

Attest: Linda Kay O'Hara
Deputy Clerk of the Board


J. Rand Elliott, Commissioner
*Constituting the Board of County Commissioners
for Yakima County*