

ORDINANCE NO. 1464

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON authorizing the execution of an amended and restated interlocal agreement relating to the South Correctional Entity Facility; authorizing the execution of an agreement among the Cities of Renton, Auburn, Federal Way, and Des Moines, Washington, and the South Correctional Entity; and amending Ordinance No. 1450.

WHEREAS, the City of Des Moines, Washington (the "City") is authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare, and

WHEREAS, pursuant to Ordinance No. 1450 adopted by the City on December 28, 2008 and chapter 39.34 RCW, the Interlocal Cooperation Act, the City entered into a SCORE Interlocal Agreement with Renton, Auburn, Federal Way, Burien, Tukwila and SeaTac, Washington (the "Member Cities"), dated February 25, 2009 (the "Original Interlocal Agreement"), to form a governmental administrative agency known as the South Correctional Entity ("SCORE"), and

WHEREAS, the purpose of SCORE is to establish and maintain a consolidated correctional facility to be located in Des Moines (the "SCORE Facility") to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare, and

WHEREAS, the Member Cities have determined that the SCORE Facility will provide improved correctional facilities within the boundaries of the consolidated service areas at a lower total cost to the participating Member Cities than currently available alternatives or than the participating Member Cities could individually provide, and

WHEREAS, financing for the acquisition, construction, equipping, and improvement of the SCORE Facility will be provided by bonds issued by the South Correctional Entity Facility Public Development Authority (the "Authority"), a public development authority chartered by Renton pursuant to RCW 35.21.730 through 35.21.755, and

WHEREAS, pursuant to Ordinance No. 1450, the City pledged its full faith and credit toward the payment of its allocable proportion (5%) of the debt service on bonds issued by the Authority, and

WHEREAS, the Member Cities now desire to amend the Original Interlocal Agreement pursuant to the terms of an Amended and Restated SCORE Interlocal Agreement (the "SCORE Formation Interlocal Agreement" or "Interlocal Agreement") to reallocate the proportional share of debt service due from Renton, Auburn, Federal Way, Tukwila, SeaTac and Burien (the "Owner Cities") on bonds issued by the Authority and to designate the City as the "Host City", and

WHEREAS, the SCORE Formation Interlocal Agreement requires that the City enter into an agreement with SCORE and

the Owner Cities, as necessary, pursuant to which the City will pay a host city fee for the availability of the SCORE Facility, and

WHEREAS, the City has requested that SCORE, Auburn, Renton, and Federal Way enter into an agreement (the "Host City Agreement") which will provide that the City will pay a host city fee for the availability of the SCORE Facility as provided therein, and

WHEREAS, in consideration for the payments to be made by the City as required in the Host City Agreement, Renton, Auburn and Federal Way will increase their allocable percentages of debt service on bonds issued by the Authority; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Approval of amended and restated SCORE Interlocal Agreement. The City Council hereby approves the Amended and Restated SCORE Interlocal Agreement with Renton, Auburn, Federal Way, Tukwila, Burien, and SeaTac, Washington, substantially in the form as attached hereto as Exhibit A and incorporated herein by this reference (the "SCORE Formation Interlocal Agreement" or "Interlocal Agreement"). The City Manager is hereby authorized and directed to execute the SCORE Formation Interlocal Agreement, substantially in the form attached hereto with only those modifications as shall have been approved by him. The City Manager and other appropriate officers of the City are authorized and directed to take any and all such additional actions as may be necessary or desirable to accomplish the terms therein. The SCORE Formation Interlocal Agreement may be further amended from time to time as provided therein.

Sec. 2. Approval of Host City Agreement. The City Council hereby approves the Host City Agreement among the Cities of Renton, Federal Way, Auburn, and Des Moines, Washington, and the South Correctional Entity, substantially in the form as attached hereto as Exhibit B and incorporated herein by this reference (the "Host City Agreement"), pursuant to which the City will pay a host city fee for the availability of the SCORE Facility. The City Manager is hereby authorized and directed to execute the Host City Agreement, substantially in the form attached hereto with only those modifications as shall have been approved by him. The City Manager and other appropriate officers of the City are authorized and directed to take any and all such additional actions as may be necessary or desirable to accomplish the terms therein. The Host City Agreement may be amended from time to time as provided therein.

Sec. 3. Amendment to Ordinance No. 1450. Section 4 of Ordinance No. 1450 is hereby amended to read as follows (additions are underscored and deletions are shown as stricken):

The City shall pay the its allocable portion of the budgeted expenses of maintenance and operation of the SCORE Facility not paid from other sources, which allocable portion shall be

Sec. 6. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 3rd day of September, 2009 and signed in authentication thereof this 3rd day of September, 2009.


M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



Interim City Clerk

Published: September 22, 2009

Effective Date: October 3, 2009

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1464, Adopted September 3, 2009.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance authorizes the execution of an amended and restated interlocal agreement relating to the South Correctional Entity Facility; authorizes the execution of an agreement among the Cities of Renton, Auburn, Federal Way, and Des Moines, Washington, and the South Correctional Entity; and amends Ordinance No. 1450.

The full text of the ordinance will be mailed without cost upon request.

Autumn Lingle
Interim City Clerk

Published: September 22, 2009

EXHIBIT A

**Form of Amended and Restated SCORE Interlocal Agreement
(attached)**

waiting for final
approval
from
Hawaii
A. K. L. Galt

EXHIBIT B

Form of Host City Agreement

(attached)

Warning
for sign
Dennis
Ridman
at K.L. [unclear]

