

Ordinance 784

An ordinance repealing and replacing Clallam County Code, Chapter 5.40, Opportunity Fund

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Existing Clallam County Code (CCC) 5.40 is hereby repealed in its entirety and replaced by the following:

Section 1. Imposition of sales or use tax is added to read:

Pursuant to Chapter 366, Laws of 1997, there is imposed a sales or use tax, as the case may be, upon every taxable event, as defined in RCW 82.14.020, occurring within Clallam County. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapter 82.08 or 82.12 RCW. The tax imposed by this section is in addition to other sales and use taxes imposed under the Clallam County Code.

Section 2. Tax rate is added to read:

The rate of the tax imposed by this chapter shall be 0.08 percent of the selling price or value of the article used, as the case may be. 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 82.08 or 82.12 RCW.

Section 3. Administration and collection of tax is added to read:

The tax imposed by this chapter shall be administered and collected in accordance with RCW 82.14.050. The Chair of the Board of County Commissioners is authorized and directed to execute any contracts with the Department of Revenue that may be necessary to provide for the administration or collection of the tax.

The proceeds from the tax imposed by this chapter shall be deposited in a special revenue fund known as the Opportunity Fund.

Section 4. Use of proceeds is added to read:

Moneys received from this tax shall only be used by Clallam County for the purpose of financing public facilities serving economic development purposes in accordance with Washington statutes. The public facility must be listed as an item in the officially adopted Clallam County overall capital facilities plan, or the economic development section of Clallam County's comprehensive plan, or the comprehensive plan of a city or town located within Clallam County.

For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

For purposes of this section, "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in Clallam County. Economic development purposes may be accomplished through construction of public facilities that have direct job creation or by construction of public facilities, such as infrastructure, that create an environment for business development and job creation.

Costs for administration of the Opportunity Fund shall be charged to the fund in accordance with the County's Administrative Policies and Cost Allocation Plan.

Section 5. Opportunity Fund Board created is added to read:

In implementing this chapter, the Board of Commissioners shall create an Opportunity Fund Board (OFB). The OFB shall operate in accordance with Clallam County Administrative Policies regarding Boards and Committees.

The OFB shall consist of no more than seven (7) members. The Port of Port Angeles and the cities of Forks, Port Angeles, and Sequim shall each have the right to recommend at least one representative for the OFB. Clallam County shall have the right to appoint three (3) members.

Members of the OFB should possess the technical knowledge necessary to evaluate project proposals based on their technical and economic development merits. No public officials shall serve on the OFB.

Section 6. Responsibilities of Opportunity Fund Board is added to read:

The OFB shall be responsible for evaluating project proposals and for making recommendations to the Board of Clallam County Commissioners. Recommendations should include whether the project funding request should be approved or denied and, if approved, the amount recommended and whether funding should be in the form of a grant, a loan, or a combination of both.

When evaluating applications for funding, the OFB should consider, at a minimum, the following:

- (1) The cost of the proposal in relation to the project's potential to create economic development as defined in this chapter.
- (2) The priority of the project with other economic development projects included in the public facilities and/or comprehensive plans of the County or Cities.
- (3) The readiness of the project, including availability of project financing and arrangements completed for cooperative efforts necessary between governmental jurisdictions.
- (4) Whether a loan should be considered for a portion of the funding proposal, particularly if the project is for a utility that, when completed, has the potential to generate revenue through user rates.
- (5) The need to retain funds for known future projects that have high priority in the community.

Section 7. Effective date and expiration date is added to read:

The tax collected under this chapter shall take effect July 1, 1998 and shall expire June 30, 2023, unless otherwise authorized by statute.


Section 8. Severability is added to read:


If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected.

ADOPTED this sixth day of December 2005

BOARD OF CLALLAM COUNTY COMMISSIONERS


Michael C. Chapman, Chair


Howard V. Doherty, Jr.


Stephen P. Tharinger

ATTEST:


Trish Perrott, CMC, Clerk of the Board