RESOLUTION NO. R2016-149

A Resolution of the Pierce County Council Relating to South Sound 911 and Financing for Construction of a New South Sound 911 Public Safety Communications Center Project Through a 63-20 Lease and Leaseback Financing and Delivery Arrangement; and Expressing the Council’s Policy and Intent to Utilize Certain County-Owned Real Property to Construct the Project.

Whereas, on July 5, 2011, the Pierce County Council ("Council") adopted Resolution No. R2011-84 authorizing the Pierce County Executive to enter into an Interlocal Agreement for Communications Services (hereinafter "Original ILA") establishing South Sound 911 as a new emergency communications agency to provide consolidated public safety communications services and facilities to its Member Agencies; and

Whereas, the Original ILA was executed by South Sound 911 Member Agencies and became effective January 1, 2012; and

Whereas, the Original ILA provided for construction of a new South Sound 911 consolidated public safety emergency communications center (hereinafter "the Project") financed by bonds repaid from the proceeds of a new countywide one-tenth of one percent sales and use tax (hereinafter "South Sound 911 Tax"); and

Whereas, on July 26, 2011, the Council adopted Resolution No. R2011-87, submitting the South Sound 911 Tax to Pierce County voters; and

Whereas, the South Sound 911 Tax was approved by Pierce County voters on November 8, 2011; and

Whereas, on September 9, 2014, the Council adopted Resolution No. R2014-101 authorizing the Executive to execute an Amended and Restated Interlocal Agreement for Communication Services (hereinafter "Amended ILA"). The Amended ILA provides for construction of the Project on county-owned real property utilizing a lease and leaseback financing and construction delivery arrangement authorized by Revised Code of Washington (hereinafter "RCW") 36.34.205 and U.S. Department of the Treasury, Internal Revenue Service, Revenue Ruling 63-20, the applicable operating rules of Revenue Procedure 82-26, and related revenue rulings thereunder (hereinafter "63-20 Financing"); and
Whereas, the Amended ILA was executed by South Sound 911 Member Agencies and became effective October 22, 2014; and

Whereas, on February 26, 2014, Pierce County issued Request for Qualifications (hereinafter "RFQ") No. 1254 seeking a qualified non-profit entity to assist Pierce County with constructing the Project utilizing 63-20 Financing; and

Whereas, after reviewing the responses to RFQ 1254, Pierce County selected National Development Council; and

Whereas, on March 25, 2014, the Council adopted Resolution No. R2014-34s ratifying Pierce County's selection of National Development Council to assist with constructing the Project utilizing 63-20 Financing; and

Whereas, on May 28, 2014, Pierce County and South Sound 911 entered into a Memorandum of Understanding pursuant to which the Pierce County's Facilities Management Department was to locate and negotiate an agreement to purchase a parcel of real property meeting South Sound 911's criteria for constructing the Project utilizing 63-20 Financing; and

Whereas, on June 4, 2014, Pierce County issued RFQ No. 1326 seeking a qualified development team to assist Pierce County with constructing the Project utilizing 63-20 Financing; and

Whereas, between November 17, 2014 and November 16, 2015, the Council adopted four budget ordinances appropriating funds to pay anticipated costs incurred by Pierce County's Facilities Management Department to locate and negotiate an agreement to purchase a parcel of real property meeting South Sound 911's criteria for the Project and to select a qualified development team to assist Pierce County with constructing the Project utilizing 63-20 Financing; and

Whereas, on November 21, 2014, Pierce County and South Sound 911 issued RFP No. 1429 requesting from each respondent to RFQ No. 1326 a proposal for pre-development services relating to the design and construction of the Project utilizing 63-20 Financing; and

Whereas, after reviewing the responses to RFP No. 1429, Pierce County selected the development team led by Trammell Crow Company and is currently in negotiations with Trammell Crow Company for a pre-development agreement relating to the design and construction of the Project utilizing 63-20 Financing; and

Whereas, the Pierce County Executive and the Executive Director of South Sound 911, with assistance from Pierce County's Facilities Management Department, have determined the county-owned real property commonly known as the Puget Sound Behavior Health Site, 3580 Pacific Avenue, Tacoma, Washington 98418 (hereinafter "PSBH Site") meet South Sound 911’s criteria for the Project; and
Whereas, on July 27, 2016, the South Sound 911 Policy Board and the South Sound 911 Operations Board adopted motions supporting the PSBH Site for construction of the Project; and

Whereas, on November 8, 2016, the Council adopted Ordinance No. 2016-82s appropriating $2.7 million for demolition of all structures on the PSBH Site in preparation for construction of the Project; Now Therefore,

BE IT RESOLVED by the Council of Pierce County:

Section 1. The Council hereby ratifies all previous actions of Pierce County and South Sound 911 relating to the design and construction of the Project utilizing 63-20 Financing and adopts this Resolution in furtherance of the previous actions of the County and South Sound 911 for the Project.

Section 2. The Council hereby expresses its policy and intent to move forward with constructing the Project on the PSBH Site utilizing 63-20 Financing.

Section 3. The Council hereby authorizes the Pierce County Executive, subject to budget appropriations and further Council action, to: (a) continue negotiations with South Sound 911 for a mutually acceptable legal and financial framework to construct the Project on the PSBH Site utilizing 63-20 Financing; (b) continue negotiations with Trammell Crow Company for a pre-development agreement for the design and construction of the Project on the PSBH Site utilizing 63-20 Financing; and (c) take such further action(s) as may be necessary and appropriate to facilitate construction of the Project on the PSBH Site utilizing 63-20 Financing.

ADOPTED this 8th day of November, 2016.

ATTEST:

Denise D. Johnson
Clerk of the Council

Douglas G. Richardson
Council Chair