

CLARK COUNTY STAFF REPORT

DEPARTMENT: Clark Regional Emergency Services Agency

DATE: TBD

REQUESTED ACTION: Consider repealing CCC 2.74 to be replaced by 2.74A by approving the ordinance creating Clark Regional Emergency Services Agency as a Public Development Authority; and approving the Charter establishing the articles of incorporation.

Consent Hearing County Manager

BACKGROUND

The requested action ensures Clark Regional Communications Agency's (CRESA's) legal formation: 1) continues to provide emergency communications and emergency management services as outlined in the current Interlocal Agreement (ILA); 2) limits the liability of CRESA and prevents recourse to participating parties of the ILA; and 3) provides the ability to own and sell real and personal property.

CRESA (formally known as Clark Regional Communications Agency) was originally established in 1975 under the state's Interlocal Cooperation Act as a separate legal entity as authorized under RCW 39.34.030(3)(b). Under this legislation, such legal entities can include: a non-profit corporation (RCW 24.03 or 24.06); a limited liability partnership (RCW 25.05); or a limited liability company (RCW 25.15). CRESA included this citation as a separate legal entity in all the following amended and replaced ILAs.

In the process of revising CRESA's current 2001 ILA, it was determined through the Department of Business Licensing that the only active entity is Clark Regional Communication Agency listed as a private corporation. However, no corporate documents are registered with the Secretary of State.

As a result, CRESA explored the options of legal formation. After a series of meetings with an ILA taskforce, the CRESA Administrative Board and current member jurisdictions, there was support for CRESA being established as a special purpose quasi-municipal corporation known as Public Development Authority or PDA authorized under RCW 35.21.730, et seq. PDA's allow cities, towns, and counties to establish public corporations, commissions, or authorities.

COUNCIL POLICY IMPLICATIONS

Repeals CCC 2.74 and replaces it with 2.74A by approving the ordinance and charter creating CRESA as a PDA. This action changes CRESA's status as a legal entity established under the Washington Interlocal Cooperation Act (RCW 39.34.030) to a special purpose quasi-municipal corporation known as Public Development Authority (RCW 35.21.730).

ADMINISTRATIVE POLICY IMPLICATIONS

If approved, the CRESA Interlocal Agreement by Bylaws will be revised to address CRESA being established as a PDA.

COMMUNITY OUTREACH

The CRESA Director has met with county councilors, city managers and other appropriate stakeholders (i.e., police and fire chiefs) and all have expressed support for CRESA becoming a PDA.

BUDGET IMPLICATIONS

YES	NO	
✓		Action falls within existing budget capacity.
	✓	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	✓	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	NA
Grant Fund Dollar Amount	NA
Account	NA
Company Name	NA

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Attachments: Ordinance No. _____
 Charter of the Clark Regional Emergency Services Agency Public Authority

 Doug Smith-Lee
 CRESA Program Manager

 Dave Fuller, Director
 Clark Regional Emergency Services Agency

Primary Staff Contact: _____ Ext. _____

APPROVED: _____
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: _____

SR# _____

APPROVED: _____
Jim Rumpeltes, Interim County Manager

DATE: _____