RCW 35.21.735 Public corporations—Declaration of public purpose—Power and authority to enter into agreements, receive and expend funds—Security—Special funds—Agreements to implement federal new markets tax credit program. (1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation. The provisions of RCW 35.21.730 through 35.21.755 and 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection, federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this section; (d) any proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special
fund as authorized under this section, or both, and to perform other
duties and functions in connection with the transactions authorized
under this section. If the bonds, notes, or other evidences of
indebtedness and related agreements comply with subsection (6) of this
section, then any such funds held by any such trustee or custodian, or
by a public corporation, shall not constitute public moneys or funds
of any city, town, or county and at all times shall be kept segregated
and set apart from other funds.

(5) For purposes of this section, "lawful public purpose"
includes, without limitation, any use of funds, including loans
thereof to public or private parties, authorized by the agreements
with the United States or any department or agency thereof under which
federal or private funds are obtained, or authorized under the federal
laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to
any private party or used to guarantee any obligations of any private
party, then any bonds, notes, other evidences of indebtedness issued
or entered into for the purpose of receiving or causing the receipt of
such federal or private funds, and any agreements to repay or
reimburse guarantors, shall not be obligations of any city, town, or
county and shall be payable only from a special fund as authorized in
this section or from any of the security pledged pursuant to the
authority of this section, or both. Any bonds, notes, or other
evidences of indebtedness to which this subsection applies shall
contain a recital to the effect that they are not obligations of the
city, town, or county or the state of Washington and that neither the
faith and credit nor the taxing power of the state or any municipal
corporation or subdivision of the state or any agency of any of the
foregoing, is pledged to the payment of principal, interest, or
premium, if any, thereon. Any bonds, notes, other evidences of
indebtedness, or other obligations to which this subsection applies
shall not be included in any computation for purposes of limitations
on indebtedness. To the extent expressly agreed in writing by a city,
town, county, or public corporation, this subsection shall not apply
to bonds, notes, or other evidences of indebtedness issued for, or
obligations incurred for, the necessary support of the poor and infirm
by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued
by, or reimbursement obligations incurred by, a city, town, county, or
public corporation consistent with the provisions of this section but
prior to May 3, 1995, and any loans or pledges made by a city, town,
or county in connection therewith substantially consistent with the
provisions of this section but prior to May 3, 1995, are deemed
authorized and shall not be held void, voidable, or invalid due to any
lack of authority under the laws of this state.

(8) All cities, towns, counties, public corporations, and port
districts may create partnerships and limited liability companies and
enter into agreements with public or private entities, including
partnership agreements and limited liability company agreements, to
implement within their boundaries the federal new markets tax credit
program established by the community renewal tax relief act of 2000
(26 U.S.C. Sec. 45D) or its successor statute. [2007 c 230 § 2; 1995
c 212 § 2; 1985 c 332 § 3; 1974 ex.s. c 37 § 3.]

Purpose—2007 c 230: "The purpose of this act is to assist
community and economic development by clarifying how cities, towns,
counties, public corporations, and port districts may fully participate in the federal new markets tax credit program." [2007 c 230 § 1.]

Construction—2007 c 230: "The authority granted by this act is additional and supplemental to any other authority of any city, town, county, public corporation, or port district. This act may not be construed to imply that any of the power or authority granted in this act was not available to any city, town, county, public corporation, or port district under prior law. Any previous actions consistent with this act are ratified and confirmed." [2007 c 230 § 3.]

Severability—2007 c 230: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2007 c 230 § 4.]

Purpose—1995 c 212: "The purpose of this act is to assist community and economic development by clarifying the authority of all cities, towns, counties, and public corporations to engage in federally guaranteed "conduit financings" and to specify procedures that may be used for such conduit financings. Generally, in such a conduit financing a municipality borrows funds from the federal government or from private sources with the help of federal guarantees, without pledging the credit or tax revenues of the municipality, and then lends the proceeds for private projects that both fulfill public purposes, such as community and economic development, and provide the revenues to retire the municipal borrowings. Such conduit financings include issuance by municipalities of federally guaranteed notes under section 108 of the housing and community development act of 1974, as amended, to finance projects eligible under federal community development block grant regulations." [1995 c 212 § 1.]

Severability—1995 c 212: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 212 § 3.]

Construction—1995 c 212: "The authority granted by this act is additional and supplemental to any other authority of any city, town, county, or public corporation. Nothing in this act may be construed to imply that any of the power or authority granted hereby was not available to any city, town, county, or public corporation under prior law. Any previous actions consistent with the provisions of this act are ratified and confirmed." [1995 c 212 § 4.]

Effective date—1995 c 212: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 3, 1995]." [1995 c 212 § 5.]