

WSR 20-07-074
PERMANENT RULES
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed March 16, 2020, 8:27 a.m., effective April 16, 2020]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to Title 133 WAC to bring community economic revitalization board rules into alignment with policy and statutory changes that have occurred since that [the] last WAC update.

Citation of Rules Affected by this Order: Repealing WAC 133-20-120; and amending WAC 133-10-010, 133-10-020, 133-10-030, 133-20-010, 133-20-020, 133-20-030, 133-20-040, 133-20-050, 133-20-070, 133-20-080, 133-20-090, 133-20-100, 133-20-110, 133-40-010, 133-40-020, 133-40-030, 133-40-040, 133-40-050, 133-40-060, and 133-05-020.

Statutory Authority for Adoption: RCW 43.160.050(8).

Adopted under notice filed as WSR 20-04-069 on February 3, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 20, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 13, 2020.

Sarah Coggins
Rules Coordinator

OTS-2006.1

AMENDATORY SECTION (Amending WSR 95-24-089, filed 12/5/95, effective 1/5/96)

WAC 133-10-010 Organization and operation of the community economic revitalization board. (1) The community economic revitalization board, hereinafter referred to as the board, is a ((nineteen)) twenty member board created pursuant to section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.030.

(2) ((The board consists of eleven persons appointed by the governor, as well as the director of community, trade, and economic development, the director of revenue, the commissioner of employment security, the secretary of transportation and the chair and one minority member of the committee on trade and economic development of the house of representatives and the committee on commerce and trade of the senate, or the equivalent standing committees. The state agency heads shall serve as nonvoting advisory members of the board. The appointive

~~members are as follows: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of small businesses each from: (a) The area west of Puget Sound or the Interstate 5 corridor, (b) the area east of the Cascade range and west of the Columbia River; and (c) the area east of the Columbia River; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members are initially appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms, which includes the chair. Thereafter each succeeding term shall be for three years.~~

~~(3)) Pursuant to RCW 43.160.030, membership consists of: Twelve members appointed by the director of the department of commerce, four members appointed by legislative leadership: One member of the two major caucuses of the house of representatives and the senate, or designee, and four nonvoting ex-officio members consisting of the director or designee of: Department of revenue, employment security department, and department of transportation.~~

~~(3) Voting members appointed by the department of commerce serve three-year terms.~~

~~(4) The chair of the board ((shall be)) is appointed by the ((governor)) director of the department of commerce.~~

~~(5) The board may elect such other officers for such terms as it may from time to time deem necessary, in accordance with the board's ((bylaws)) policies.~~

~~((4)) (6) The board's staff ((support)) and office space is provided by the department of ((community, trade, and economic development)) commerce, P.O. Box ((48300)) 42525, Olympia, Washington ((98504-8300; phone (360) 753-2200.~~

~~(5) The overall purpose of the board is to aid the development of economic opportunities in the state of Washington. The board's general objectives include: (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies; (b) encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment; and (c) providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.~~

~~(6) In order to carry out its objectives, the board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including the development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. Grants may also be authorized for such purposes, but only when grants are uniquely required. Additional powers and duties of the board are as set forth in chapter 40, Laws of 1982 1st ex. sess. and chapter 43.160 RCW, and in particular section 5 thereof, and RCW 43.160.050.) 98504-2525; phone 360-725-3151.~~

~~(7) The community economic revitalization board is a unique statewide economic development resource. The board provides awards that help communities to:~~

~~(a) Respond rapidly to immediate business siting and expansion needs;~~

- (b) Build feasible industrial sites for future business development;
- (c) Target expansions in manufacturing, food processing, assembly, warehousing, industrial distribution, advanced technology, and other key sectors; and
- (d) Spur creation and retention of higher wage jobs.

(8) The board provides low-interest loans (and in unique circumstances, grants) to help finance the local public infrastructure necessary to develop or retain stable business and industrial activity in furtherance of economic development. These improvements include industrial water, general-purpose industrial buildings and port facilities, sanitary and storm sewers, industrial wastewater treatment facilities, railroad spurs, telecommunications (broadband), electricity, natural gas, roads, and bridges.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-089, § 133-10-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-10-010, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-089, filed 12/5/95, effective 1/5/96)

WAC 133-10-020 Board meetings. (1) Regular meetings of the board are held on the third Thursday of January, March, May, July, September and November commencing at 9:00 a.m. Notice of the times and places of the regular meetings will be published annually in a January edition of the *Washington State Register*. ~~((A copy of the schedule of regular meetings may also be obtained upon request from the board.))~~ The meeting schedule is published on the board's website biennially.

(2) Special meetings of the board ~~((may))~~ can be called at any time by the ~~((chair of the board or by a majority of the board members))~~ board. Notice of such meetings will be as provided by law.

~~((3) In addition to the meeting notices specified above, the board will also notify all persons, organizations or agencies whose business is scheduled to come before the board at any regular or special meeting.))~~

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-089, § 133-10-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-10-020, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-089, filed 12/5/95, effective 1/5/96)

WAC 133-10-030 Communications with the board. Any and all written communications with the board ~~((7))~~ including, but not limited to, requests for information or copies of agency records, or submittals of any nature, shall be addressed to the community economic revitalization board, in care of the chair, at the address which appears in WAC 133-10-010 ~~((4)).~~ ~~Telephonic communications may be initiated by calling the phone number also listed in WAC 133-10-010(4)).~~ (6).

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-089, § 133-10-030, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-10-030, filed 5/2/83.]

OTS-2007.1

AMENDATORY SECTION (Amending WSR 95-24-086, filed 12/5/95, effective 1/5/96)

WAC 133-20-010 Purpose. The purpose of this chapter shall be to insure the compliance by the community economic revitalization board with state public records law ((RCW 42.17.250)) chapter 42.56 RCW et seq.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-086, § 133-20-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-010, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-086, filed 12/5/95, effective 1/5/96)

WAC 133-20-020 Definitions. The following definitions shall apply to this chapter:

(1) "Board" means the community economic revitalization board, created pursuant to chapter 43.160 RCW, and shall also refer to the board's officers and staff, where appropriate.

(2) "Department" means the department of ((community, trade, and economic development, and shall also refer to the department's staff, where appropriate)) commerce.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-086, § 133-20-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-020, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-030 Public records available. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW ((42.17.260 and 42.17.310)) 42.56.070 and 42.56.210, as now or may hereafter be amended((, and)) by WAC 133-20-090.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-030, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-086, filed 12/5/95, effective 1/5/96)

WAC 133-20-040 Public records officer. The board ((chair)) shall appoint ((the)) a public records officer ((for the board. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW)) who shall be responsible for implementing the board's rules regarding disclosure of public records, coordination of staff in this regard, and generally coordinating compliance by the staff and board with public records disclosure requirements per RCW 42.56.580.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-086, § 133-20-040, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-040, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-050 Records index. The board will ((make available to any person upon request a current index which provides identifying information as to the following records:

- (a) ~~Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~
- (b) ~~Those statements of policy and interpretations of policy, statutes and regulations which have been adopted by the board;~~
- (c) ~~Administrative staff manuals and instructions to staff that affect a member of the public;~~
- (d) ~~Planning policies and goals, and interim and final planning decisions;~~
- (e) ~~Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~
- (f) ~~Correspondence, and materials referred to therein, by and with the board relating to any regulatory, supervisory or enforcement responsibilities of the board, whereby the board determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.~~

(2) The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and copying)) maintain and make available for public inspection and copying an index in accordance with RCW 42.56.070(5).

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-050, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-070 Requests for public records. (~~In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:~~

~~(1) A request shall be made in writing upon a form prescribed by the board which shall be available at the board's offices, or by writing or calling the board. The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. The request shall include the following information:~~

~~(a) The name, address, and organization represented, if any, of the person requesting the record;~~

~~(b) The calendar date on which the request was made, and, when presented in person, the time of day;~~

~~(c) The nature of the request;~~

~~(d) If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;~~

~~(e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.~~

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to assist the member of the public in appropriately identifying the public record requested.)~~ (1) Any person wishing to inspect or copy public records of the board may submit the request in writing to the board, attn: Public Disclosure Officer or via email at ChairCERBBoard@commerce.wa.gov. The request should include the following information:

(a) Name of requestor;

(b) Address of requestor;

(c) Other contact information, including telephone number and email address;

(d) Identification of the public records sought adequate for the public disclosure officer to locate the records; and

(e) The date and time of day of the request.

(2) The public disclosure officer may accept public records requests by telephone or in person during the board's normal business hours. However, the requesting party may be asked to submit the request in writing or the public disclosure officer may confirm receipt of the request and restate the substance of the request in writing.

(3) Nothing in this chapter shall be construed to require the board to compile statistics or other information from material contained in public records where doing so would unduly interfere with other essential functions of the board and is not required for litigation by rules of pretrial discovery.

(4) Requests must be for identifiable records. A request for all, or substantially all, of the board's public records is not a valid request.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-070, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-080 Copying. No fee shall be charged for the inspection of public records. The board may charge a fee of ~~\$(.10)~~ .15 per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-080, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-090 Exemptions. (1) The board reserves the right to determine that a public record requested (~~in accordance with the procedures outlined in WAC 133-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.~~

~~(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing)) is exempt, in whole or in part, under the provisions of chapter 42.56 RCW or other applicable provisions of law.~~

(2) In addition, there are exemptions outside the Public Records Act that restrict the availability of some documents held by the department for inspection and copying.

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-090, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-086, filed 12/5/95, effective 1/5/96)

WAC 133-20-100 Review of denials of public records requests.

(1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request for public records, the public records officer or other authorized staff member denying the request shall refer it to

the ((chair of the board. The chair or designee)) executive committee. The executive committee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision((7)) within two business days following receipt of the request for review.

~~((3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following the denial of inspection, which ever occurs first.))~~

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-086, § 133-20-100, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-100, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-20-110 Protection of public records. ~~((In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:~~

~~(1) No public records shall be removed from the offices of the board;~~

~~(2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;~~

~~(3) No public records may be marked or defaced in any manner during inspection;~~

~~(4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department.~~

~~(5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.))~~ (1) No person shall knowingly alter, deface, or destroy public records of the board.

(2) Original copies of public records of the board shall not be removed from the premises where maintained.

(3) Care and safekeeping of public records furnished pursuant to a request for inspection or copying shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-20-110, filed 5/2/83.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 133-20-120 Adoption of form.

OTS-2008.1

AMENDATORY SECTION (Amending WSR 95-24-088, filed 12/5/95, effective 1/5/96)

WAC 133-40-010 Purpose. (1) Pursuant to chapter 43.160 RCW, the community economic revitalization board may, in its discretion, ~~((make direct loans to political subdivisions of the state of Washington for the purposes of assisting the political subdivisions in financing the cost of public facilities, when such facilities will serve to improve opportunities for the successful maintenance, establishment, or expansion of industrial facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment. The board may also make grants for such purposes, when every feasible effort has been made by the board to provide loans and loans are not possible, and when the board finds that unique circumstances exist which require making a grant))~~ provide low-interest loans (and in unique circumstances, grants) to help finance the local public economic development infrastructure necessary to develop or retain stable business and industrial activity.

(2) The purpose of this chapter is to prescribe the form and manner in which ~~((political subdivisions))~~ local governments and federally recognized Indian tribes may make application to the board for ~~((financial))~~ funding assistance ~~((, and to provide for the consideration and disposition of such applications))~~.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-010, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-088, filed 12/5/95, effective 1/5/96)

WAC 133-40-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) ~~((("Public facility" or "facility" means any facility for public purposes financed in whole or in part by any port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.~~

~~((3) "Public facility costs" means any direct or indirect cost incurred or to be incurred by a political subdivision in financing any public facility, including the cost of acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities.~~

~~((4) "Responsible official" means the person so designated in the resolution of the legislative body of the political subdivision authorizing or approving submittal of the application.))~~ "Local government" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(3) "Public infrastructure and planning" or "public economic development infrastructure" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of: Bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications (broadband), transportation, natural gas, and port facilities; all for the purpose of job creation, job retention, or job expansion.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-020, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-088, filed 12/5/95, effective 1/5/96)

WAC 133-40-030 Loan and grant applications. (1) Applications for ~~((loans and/or grants))~~ funding to assist in financing public ~~((facility))~~ infrastructure and planning costs may be made by any ~~((political subdivision))~~ local government and federally recognized Indian tribe of the state of Washington.

(2) Applications shall be submitted to the board in writing, on ~~((such forms as may be prescribed by and obtained from the board, and shall contain the following information:~~

~~((a) Name and address of the political subdivision making the application for financial assistance.~~

~~((b) Complete description of the public facility for which financing assistance is sought.~~

~~((c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.~~

~~((d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.~~

~~((e) If application is being made for a loan, the applicant's proposed repayment schedule.~~

~~((f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor))~~ forms provided by the board, forty-five to sixty days prior to the next board meeting.

(3) Any application for ~~((financial))~~ funding assistance submitted to the board shall ~~((be signed and verified by a responsible official. Such official))~~ submit a signed resolution of the governing body of the applicant approving the submittal of the application. The applicant shall also provide the board with any additional materials or information in support of the application which the board or its staff may request, either prior to or at the board's ~~((deliberations on))~~ consideration of the application.

(4) ~~((Applications for public works funding must be submitted at least forty five calendar days prior to regular meeting dates. Exceptions to this deadline will be determined by decision of the chair (or the vice chair, when acting as chair) or a majority of CERB members.))~~ Once the application has passed a threshold review, staff will work with the applicant to vet the application and the project. Staff will write a staff recommendation to be submitted to the board.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-030, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 84-21-124 (Order 84-1), § 133-40-030, filed 10/24/84; WSR 83-10-041 (Order 83-1), § 133-40-030, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 95-24-088, filed 12/5/95, effective 1/5/96)

WAC 133-40-040 Board deliberations. (1) The board will consider and approve, in whole or in part, or disapprove, all applications for ~~((loans or grants at such))~~ funding assistance at regular or special meetings of the board as it may determine ~~((, and the applicant will be notified accordingly. The board is directed to prioritize each proposed project according to relative benefit (RCW 43.160.060(3)). As long as there is more demand for loans or grants than funds available, projects are funded according to priority established in board policy. A responsible official of the applicant political subdivision shall be present during all board deliberations on the application, and shall provide all information regarding the public facility or application for financial assistance which the board may request))~~.

(2) Applicants are required to attend the board meeting at which their project is being considered. For committed private partner applications, the committed private partner identified in the application is also required to attend. RCW 43.160.060 (2)(i).

(3) Attendance under extreme hardship circumstances, approved by the chair, could include electronic attendance.

(4) Applicants will be formally notified in writing regarding any board funding decisions ~~((on whether or not to authorize a public facility loan or grant))~~.

[Statutory Authority: Chapter 43.160 RCW. WSR 95-24-088, § 133-40-040, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-040, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-40-050 Loan and grant contracts—Terms. ~~((1) If a public facility loan or grant is authorized by the board, the funds will be disbursed to the applicant political subdivision pursuant to a contract therefor, which will be offered to the political subdivision upon such reasonable terms and conditions as the board may determine: Provided, That the interest rate for loans shall not exceed ten per-~~

cent per annum: Provided further, That loans shall not exceed twenty years in duration.

~~(2) Public facility loan and/or grant contracts offered to political subdivisions shall be executed by the political subdivision and the original thereof returned to the board prior to the disbursal of any funds thereunder.)~~ (1) Upon project approval by the board, an initial offer of funding assistance will be sent to the award recipient. The initial offer must be signed by the recipient by the date stated in the initial offer. If the initial offer is not signed within this time period, it will be assumed that the award recipient has chosen to withdraw from the project.

(2) Prior to execution of a final contract, the award recipients must meet precontract conditions as stated in the initial offer of funding assistance. The award recipient must have all precontract conditions fulfilled within the time period specified in the initial offer of funding assistance.

(3) If an extension of time to meet the precontract conditions is necessary, the award recipient may make a request in writing at least three weeks prior to the precontract conditions due date.

(4) Once CERB funds have been committed to a project and precontract conditions have been met, the board will execute a contract with the award recipient.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-050, filed 5/2/83.]

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-40-060 Requests for reconsideration. ~~(1) Any ((political subdivision)) local government or federally recognized Indian tribe whose governing body ((takes exception to)) disagrees with the terms and conditions of the ((public facility loan and/or grant contract)) funding offered by the board ((upon authorization of such loan and/or grant)) may request the board in writing to reconsider, amend or modify its offer. ((Any such request shall propose specific amendments or modifications, and shall fully substantiate the reasons therefor.))~~

(2) Any ((political subdivision)) local government or federally recognized Indian tribe whose application for ((financial)) funding assistance was denied in whole or in part by the board, may petition the board in writing, within fifteen days of notification ((thereof may petition the board in writing)), to reconsider its decision. Such requests for reconsideration ((shall)) will only be ((submitted)) considered with new or additional information in support of the application that was not available to the board during its initial ((deliberations)) consideration.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-40-060, filed 5/2/83.]

OTS-2009.1

AMENDATORY SECTION (Amending WSR 83-10-041, filed 5/2/83)

WAC 133-50-020 Statement. (~~(Pursuant to WAC 197-10-800, the community economic revitalization board has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter 197-10 WAC.)~~) As a precontract condition the board requires all construction award recipients to attest that the local government or federally recognized Indian tribe has complied with the provisions of the State Environmental Protection Act (SEPA, chapter 43.21C RCW) as applicable. The board provides the attestation for the award recipient.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. WSR 83-10-041 (Order 83-1), § 133-50-020, filed 5/2/83.]