

ORDINANCE NO. 1380

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, IMMUNITIES, AND OBLIGATIONS OF THE KALAMA TRANSPORTATION BENEFIT DISTRICT.

WHEREAS, on December 5, 2012, the City Council adopted Ordinance No.1299 creating the Kalama Transportation Benefit District ("Kalama TBD") with boundaries coterminous with the boundaries of the City, all in accordance with chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 (SESSB 5987) which, at section 301, authorizes the City to assume the rights, powers, functions, and obligations of the existing Kalama TBD; and

WHEREAS, on June 15, 2016, the City Council adopted Resolution No. 639 , the City declared its intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the existing Kalama TBD; and

WHEREAS, on July 6, 2016, the City Council conducted the public hearing allowing all persons interested in the proposed assumption the opportunity to be heard; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the existing Kalama TBD;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KALAMA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Assumption of Kalama Transportation Benefit District. Pursuant to SESSB 5987 Section 301 and Section 303, the City of Kalama hereby assumes all of the rights, powers, immunities, functions, and obligations of the Kalama TBD. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Kalama TBD as of the effective date of this Ordinance. The rights, powers, functions, and obligations previously exercised and/or performed by the governing body of the Kalama TBD are hereby assumed by and transferred to the Kalama City Council.

Section 2. Kalama Municipal Code Chapter 11.25 is amended to read as follows:

11.25.010 Establishing transportation benefit district.

There is created a transportation benefit district to be known as the Kalama Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the City, as they currently exist or as they may exist following future annexations.

11.25.020 ~~Governing board.~~ Transportation Benefit District Assumed

A. ~~The rights, powers, immunities, functions, and obligations of the Kalama Transportation Benefit District are assumed by the City of Kalama which is vested with every right, power, immunity, function, and obligation granted to or possessed by the Kalama Transportation Benefit District. The governing board of the transportation benefit district shall be the Kalama City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.~~

B. ~~The treasurer of the transportation benefit district shall be the City Clerk/Treasurer.~~

C. ~~The board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).~~

D. ~~The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).~~

11.25.030 Functions of the District.

A. The District ~~board~~ may authorize a vehicle tax fee of up to ~~\$20~~ \$40 per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the District shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).

B. When authorized by the voters pursuant to the requirements of Chapter 36.73, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of City streets. Additional transportation improvements may be added to the functions of the District upon compliance with the requirements of said chapter.

C. The ~~Board~~ City shall have and exercise all powers and functions provided by Chapter 36.73 to fulfill the functions of the District.

11.25.040 Transportation improvements funded.

The funds generated by the transportation benefit district shall be used for transportation improvements that preserve, maintain, operate and/or improve the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the Chapter; but all funds raised through the Transportation Benefit District shall be expended only for such preservation, maintenance, operation and/or improvement in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall preserve, maintain, operate, and/or improve the City's existing investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost effectiveness of the City's infrastructure investments, and continue the improvement of the transportation system. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

11.25.050 Dissolution of District.

The transportation benefit district shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

Section 4. No Existing Right Impaired. Pursuant to SESSB 5987 Section 304, this assumption does not impair or alter any existing rights acquired by the Kalama TBD under chapter 36.73 RCW or any other provision of law relating to transportation benefit districts. Nor does this assumption impair or alter any actions, activities, or proceedings validated thereunder; any civil or criminal proceedings instituted thereunder; any rule, regulation, or order promulgated thereunder; any administrative action taken thereunder; or the validity of any act performed by the Kalama **TBD** or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City as authorized under the law.

Section 5. Rules, Regulations, Pending Business, and Contracts. Pursuant to SESSB 5987 Section 305(1), all rules and regulations and all pending business before the board of the Kalama TBD shall be continued and acted upon by the City Council. In addition, pursuant to Section 305(2), all existing contracts and obligations of the Kalama TBD remain in full force and effect and must be performed by the City. The assumption does not affect the validity of any official act performed by any official or employee prior to the assumption authorized under the law.

Section 6. Records of the Kalama TBD. Pursuant to SESSB 5987 Section 306(1), all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Kalama **TBD** must be made available to the City.

Section 7. Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to SESSB 5987 Section 306(2), all funds, credits, or other assets held in connection with assumed powers, duties, and functions must be assigned to the City. Pursuant to Section 306(3), any appropriations or federal grant made to the Kalama TBD for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by the City must, on the effective date of the assumption, be credited to the City for the purpose of carrying out such assumed rights, powers, functions, and obligations.

Section 8. Assumption of Indebtedness. Pursuant to SESSB 5987 Section 307, the City assumes and agrees to provide for the payment of all of the indebtedness of the Kalama TBD, including the payment and retirement of outstanding general obligation and revenue bonds issued by the Kalama TBD.

Section 9. Severability. If any portion or section of this ordinance is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion or section of this ordinance.

Section 10. Effective Date. The Ordinance and the assumption it authorizes shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 20, 2016.

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

Erin Hillier, City Attorney

Passed:

Published:

Effective:

DRAFT