ORDINANCE NO. 16-0480

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO TRANSPORTATION; ASSUMING THE EDGEWOOD TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 2.80 EMC TRANSPORTATION BENEFIT DISTRICT TO REFLECT SAID ASSUMPTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has the responsibility for the improvement, maintenance protections, and operation of public streets and ways within the corporate limits of the City; and

WHEREAS, on November 26, 2013, the City Council adopted Ordinance No. 13-0408 establishing a Transportation Benefit District pursuant to Chapter 36.73 RCW for the improvement, preservation, and maintenance of the City’s transportation infrastructure, to protect the City’s long-term improvements in that infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time and to avoid more expensive infrastructure replacements in the future, (“Edgewood Transportation Benefit District” or “the ETBD”); and

WHEREAS, the boundaries of the ETBD are coterminous with the boundaries of the City of Edgewood; and

WHEREAS, on July 1, 2015, the State Legislature passed Second Engrossed Substitute Senate Bill 5987, amending Chapter 36.73 RCW, and authorizing cities to assume the rights, powers, immunities, functions, and obligations of Transportation Benefit Districts with the same boundaries as the establishing City; and

WHEREAS, on August 23, 2016 the City Council passed Resolution No. 16-0342 indicating its intention to conduct a public hearing concerning the assumption of the rights, powers immunities, functions, and obligations of the ETBD; and

WHEREAS, Resolution No. 16-0342 was published in the News Tribune, a newspaper of daily general circulation printed or published in the City, on August 30, 2016 and September 6, 2016; and

WHEREAS, on September 13, 2016, a public hearing was held by the City Council to consider the proposed assumption of the rights, powers, immunities, functions, and obligations of the ETBD; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming rights, powers, immunities, functions, and obligations of the ETBD;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Assumption of Edgewood Transportation Benefit District. The City of Edgewood does hereby assume the rights, powers, immunities, functions, and obligations of the ETBD and is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the ETBD. The City Council of the City of Edgewood is hereby vested with all rights, powers, immunities, functions, and obligations otherwise vested bylaw in the governing board of the ETBD as defined by Section 2.80.020 of the Edgewood Municipal Code (EMC).

Section 1. Amendment of Chapter 2.80 EMC. Chapter 2.80 of the Edgewood Municipal Code is hereby retitled and amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. No Impairment. No transfer of any function made pursuant to this ordinance may be construed to impair or alter any existing rights acquired under Chapter 36.73 RCW or any other provision of law relating to transportation benefit districts, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the assumption of control of any function of the ETBD by the City, nor any transfer of rights, powers, functions, and obligations as provided in this ordinance, may impair or alter the validity of any act performed by the ETBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City as authorized under this ordinance.

Section 3. Continuation and Effect of Rules, Regulations, Pending Business, Contracts and Obligations of the ETBD. All rules and regulations and all pending business before the ETBD Board transferred pursuant to this ordinance shall be continued and acted upon by the City. All existing contracts and obligations of the ETBD shall remain in full force and effect and shall be performed by the City. The transfer authorized by this ordinance does not affect the validity of any official act performed by any official or employee prior to said transfer.

Section 4. Documents of the ETBD. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions of the ETBD transferred pursuant to this ordinance and available to the ETBD shall be made available to the City.

Section 5. Funds, Credits, Assets, Appropriations and Grants of the ETBD. All funds, credits, or other assets held in connection with the ETBD powers, duties, and functions transferred under this ordinance are hereby assigned to the City. Any appropriations or federal grants made to the ETBD for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by the City pursuant to this ordinance, on the effective date of such transfer, shall be credited to the City for the purpose of carrying out such transferred rights, powers, functions, and obligations.

Section 6. Assumption of Indebtedness. Pursuant to Section 307 of SESSB 5987, the City of Edgewood hereby assumes and agrees to provide for the payment of all of the
indebtedness of the ETBD, including the payment and retirement of outstanding general obligation and revenue bonds issued by ETBD.

Section 7. Abolishment of ETBD Governing Board and Cessation of ETBD. Upon the effective date of this Ordinance, the Governing Body of the ETBD shall be abolished and the ETBD shall thereafter cease to exist as a separate legal entity.

Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 9. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force on January 1, 2017.

Presented to Council for a Public Hearing and First Reading on September 13, 2016
Presented for its Second Reading and Adoption on September 27, 2016

PASSED BY THE CITY COUNCIL ON THE 27TH DAY OF SEPTEMBER, 2016

Mayor Daryl Eddinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

City Attorney, Zach Lell

DATE OF PUBLICATION: 09/29/16
EFFECTIVE DATE: 1/1/2017
LEGAL NOTICE

Date:

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 27th day of September, 2016, and shall take effect and be in full force on the 1st day of January, 2017.

ORDINANCE NO. 16-0480

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO TRANSPORTATION; ASSUMING THE EDGEWOOD TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 2.80 EMC TRANSPORTATION BENEFIT DISTRICT TO REFLECT SAID ASSUMPTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

The full text of the Ordinance is available at the City Clerk’s office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

Rachel Pitzel, City Clerk

Published in the News Tribune on:09/29/16
Chapter 2.80
CITY COUNCIL ASSUMPTION OF TRANSPORTATION BENEFIT DISTRICT

Sections:
2.80.010 Establishment of transportation benefit district.
2.80.015 Assumption of district by city.
2.80.020 City council authority; duties.
2.80.030 Authority of the district.
2.80.040 Use of funds.
2.80.050 Reserved.
2.80.060 Liberal construction.

2.80.010 Establishment of transportation benefit district.

The Edgewood city council created a transportation benefit district (TBD 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. The district was designated as the “Edgewood transportation benefit district.”

2.80.015 Assumption of district by city.

Pursuant to Second Engrossed Senate Bill No. 5987 (later codified in relevant part at Chapter 36.74 RCW), the Edgewood city council adopted Ordinance No.16-0480 for the purpose of assuming the rights, powers, immunities, functions, and obligations of the Edgewood transportation benefit district. In accordance with said authority, the city is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the Edgewood transportation benefit district. Without limitation of the foregoing, the city council is hereby vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the district as provided in EMC 2.80.020.

2.80.020 City council authority; duties.

A. The Edgewood city council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and Chapter 36.74 RCW.

B. The city council 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).

C. The city council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).
2.80.030 Authority of the city council.

A. The city council may authorize a vehicle tax fee up to the maximum fee provided for in RCW 36.73.065.

B. When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in revenue services may be assessed for the preservation, maintenance and operation of city streets.

C. The city council shall have and may exercise any powers provided by law to fulfill the purposes set forth in this chapter, Chapter 36.73 RCW and Chapter 36.74 RCW.

2.80.040 Use of funds.

The funds generated pursuant to this chapter may be used for any purpose allowed by law including to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant of Chapter 36.73 RCW. The transportation improvements funded pursuant to this chapter shall be made in an effort to reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

2.80.050 Reserved

2.80.060 Liberal construction.

This chapter is to be liberally construed to accomplish the purpose authorizing the city council to exercise all functions of a transportation benefit district in accordance with Chapter 36.73 RCW, Chapter 37.74 RCW and as set forth in Ordinance No.16-0480.