

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 10-16

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE BUCKLEY TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 13.18 OF THE BUCKLEY MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 13-12, the City of Buckley City Council established a transportation benefit district to be known as the Buckley Transportation District (“District” or “TBD”), with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations; and

WHEREAS, the 2015 State Legislature adopted Second Engrossed Substitute Senate Bill (“2ESSB”) 5987, the majority of which became effective on July 15, 2015; and

WHEREAS, Section 301 of 2ESSB 5987 authorizes any city in which a transportation benefit district has been established pursuant to chapter 36.73 RCW with boundaries conterminous with the boundaries of the city to assume the rights, powers, functions, and obligations of the TBD, by adoption of an ordinance or resolution of the city legislative authority; and

WHEREAS, Section 302 of 2ESSB 5987 provides that the assumption of rights, powers, functions, and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or a resolution by the city legislative authority, indicating its intention to consider the assumption of such rights, powers, functions, and obligations and setting a public hearing at which all interested parties may appear and be heard and at which the city does then consider the proposed assumption of the rights, power, functions, and obligations of the transportation benefit district; and

WHEREAS, on March 22, 2016, the Buckley City Council adopted Resolution No. 16-05, which declared the City Council’s intention to consider the assumption of rights, powers, functions and obligations of the District, and set a public hearing for April 12, 2016; and

WHEREAS, on April 12, 2016, the Buckley City Council held a public meeting at which all interested parties were invited to appear and be heard; and

WHEREAS, following the conclusion of the public hearing, the City Council determined that the public interest and welfare would be satisfied by the City's assumption of the rights, powers, functions and obligations of the District, because such assumption would provide for more efficient administration of transportation maintenance and improvement funds previously authorized to be collected and expended by the District; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. -- Findings. The Buckley City Council hereby adopts by reference the above recitals as legislative findings in support of this ordinance. Pursuant to Section 303 of 2ESSB 5987, the City Council further expressly finds, after receiving testimony at the April 12, 2016 public hearing, that the public interest and welfare would be satisfied by the City assuming the rights, powers, immunities, functions and obligations of the Buckley Transportation Benefit District.

Section 2. -- Assumption of Buckley Transportation Benefit District. Pursuant to Section 303, subsection (1) of 2ESSB 5987, the City of Buckley does hereby assume all of the rights, powers, immunities, functions, and obligations of the Buckley Transportation Benefit District, and the City of Buckley is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Buckley Transportation Benefit District 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 Buckley Transportation Benefit District are hereby assumed by and transferred to the City of Buckley City Council.

Section 3. -- New Section 13.18.001 Adopted. A new section 13.18.001 of the Buckley Municipal Code is hereby adopted to read as follows:

13.18.001. Assumption of transportation benefit district.

From and after the effective date of Ordinance No. 10-16, the City of Buckley assumes all the rights, powers, immunities, functions, and obligations of the Buckley Transportation Benefit District previously established by this chapter, and the City of Buckley is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Buckley Transportation Benefit District under Chapter 36.73 RCW, this chapter, and/or any other applicable law as of the effective date of Ordinance No. 10-16. References to the District, the rights, powers, functions and obligations previously exercised and/or performed by the governing body of the Buckley Transportation Benefit District pursuant to Section 13.18.020 of this chapter are hereby assumed by and transferred to the City of Buckley City Council.

Section 4. -- 13.18.020 BMC Amended. Pursuant to Section 303, subsection (2) of 2ESSB 5987, the governing body of the Buckley Transportation Benefit District established in Section 13.18.020 of the Buckley Municipal Code is hereby abolished, and Section 13.18.020 of the Buckley Municipal Code is hereby adopted to read as follows:

13.18.020 Governing board.

- (1) The Buckley city council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.
- (2) 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).
- (3) The city council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

Section 5. -- Section 13.18.030 BMC Amended. Section 13.18.030 of the Buckley Municipal Code is hereby amended to read as follows:

13.18.030 Authority of the district.

- (1) The city, acting by and through its city council, may authorize a vehicle tax fee up to the maximum fee provided for in RCW 36.73.065.
- (2) 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.
- (3) The city council shall have and may exercise any powers provided by law to fulfill the purposes of Chapter 36.73 RCW.

Section 6. -- Section 13.18.040 BMC Amended. Section 13.18.040 of the

Buckley Municipal Code is hereby amended to read as follows:

13.18.040 Use of Funds.

The funds generated by the exercise of the powers granted in Section 13.18.030 and/or Chapter 36.73 RCW 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 funds generated shall also be used for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the city, consistent with the requirements of Chapter 36.73 RCW. The transportation improvements funded 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.

Section 7. -- No Existing Right Impaired. Pursuant to Section 304 of 2ESSB

5987, nothing in this Ordinance shall be construed as impairing or altering any existing rights acquired by the Buckley Transportation Benefit District under chapter 36.73 RCW, this chapter or any other provision of law applicable 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; nor the validity of any act performed by the Buckley Transportation Benefit District or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the city hereunder.

Section 8. -- Rules, Regulations, Pending Business, and Contracts. Pursuant

to Section 305, subsection (1) of 2ESSB 5987, all rules and regulations and all pending business before the board of the Buckley Transportation Benefit District shall be continued and acted upon by the City Council. In addition, pursuant to subsection (2) of Section 305, all existing contracts and obligations of the Buckley Transportation Benefit

District remain in full force and effect, and will 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 by Sections 2 and 3 of this ordinance.

Section 9. -- Records of the Buckley Transportation Benefit District.

Pursuant to Section 306, subsection (1) of 2ESSB 5987, all reports, documents, surveys, books, records, files, papers, or other writings related to the administration of the powers, duties, and functions available to the Buckley Transportation Benefit District shall be made available to the city.

Section 10. -- Funds, Credits, Appropriations, Federal Grants, or Other Assets.

Pursuant to Section 306, subsection (2) of 2ESSB 5987, all funds, credits, or other assets held in connection with rights, powers, duties, and functions of the Buckley Transportation Benefit District assumed hereunder shall be assigned to the City. Further, pursuant to Section 306, subsection (3) of 2ESSB 5987, any appropriations or federal grants made to the Buckley Transportation Benefit District 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 11. -- Assumption of Indebtedness. Pursuant to Section 307 of 2ESSB 5987, the city assumes and agrees to provide for the payment of all of the indebtedness of the Buckley Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds (if any) issued by the Buckley Transportation Benefit District.

Section 12. -- Severability. If any one or more section, subsection, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or 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, and the same shall remain in full force and effect.

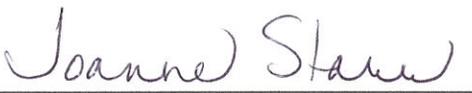
Section 13. -- Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council of the City of Buckley, Washington this 12th day of April, 2016.



Mayor

Attest:



City Clerk

Approved as to form:



City Attorney

PUBLISHED: April 20, 2016
EFFECTIVE: April 25, 2016