

ORDINANCE NO. O2015-013

AN ORDINANCE of the City Council of the City of Tumwater, Washington, assuming the rights, powers, functions and obligations of the Tumwater Transportation Benefit District, as allowed by SSB 5987, amending TMC Chapter 12.42.020, Tumwater Transportation Benefit District (TBD) governing body, repealing TBD Resolution No. 2014-001 Charter, repealing TBD Resolution No. 2014-002 Bylaws, and repealing TBD Resolution No. 2015-001 meeting schedule as more particularly described herein.

WHEREAS, the City Council of the City of Tumwater has adopted Ordinance No. O2014-019 creating the Tumwater Transportation Benefit District (TBD) with the same boundaries as the City limits; and

WHEREAS, Second Engrossed Substitute Senate Bill 5987, in Section 302, which took effect on July 15, 2015, provides that "the assumption of the rights, powers, functions and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions and obligations"; and

WHEREAS, the City provided proper notice, conducted a public hearing on November 2, 2015 and took public comment regarding the proposed assumption of the right, powers, functions and obligations of the Tumwater Transportation Benefit District by the Tumwater City Council; and

WHEREAS, the City Council acting in an ex officio capacity as Board of the TBD adopted TBD Resolution No. 2014-001 adopting the TBD Charter and Resolution No. 2014-002 adopting the TBD Bylaws in order to promote the orderly conduct of TBD business; and

WHEREAS, the City Council acting in an ex officio capacity as Board of the TBD adopted TBD Resolution No. 2015-001 establishing the TBD meeting schedule; and

WHEREAS, the City Council of the City of Tumwater adopted Resolution No. R2015-006 adopting Council Rules and Procedures providing for the conduct of meetings, proceedings and business including the schedule for regular meetings; and

WHEREAS, the City Council Rules govern the conduct of the City Council meetings and the TBD Charter, Bylaws and meeting schedule are contradictory and

superfluous and are no longer necessary in order to conduct TBD meetings, proceedings and business; and

WHEREAS, the City Council finds that adoption of this ordinance will promote efficiencies in the operation of the TBD and is in the best interest of the citizens of the Transportation Benefit District and supports the health safety and welfare of the residents of the City of Tumwater;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is for the Tumwater City Council to assume the rights, powers, functions and obligations of the Tumwater Transportation Benefit District and to abolish the Tumwater Transportation Benefit District Board of Directors and bring TBD policies and procedures in line with City Council Rules and Procedures.

Section 2. TBD Assumed. The City Council of the City of Tumwater hereby assumes the rights, powers, functions and obligations of the Tumwater Transportation Benefit District. All references to the TBD Board shall mean the City Council of the City of Tumwater.

Section 3. Amend TMC 12.42.020, Governing board.

Section 12.42.020 of the Tumwater Municipal Code is hereby amended to read as follows:

12.42.020 Governing ~~board~~ body.

A. The governing ~~board~~ body of the transportation benefit district shall be the Tumwater 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 finance director.

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

Section 4. Repealer. TBD, Resolution 2014-001, adopting the TBD Charter, is repealed in its entirety immediately upon the effective assumption by the City Council of the rights, powers, functions and obligations of the TBD.

Section 5. Repealer. TBD Resolution 2014-002, adopting the TBD By-laws, is repealed in its entirety immediately upon the effective assumption by the City Council of the rights, powers, functions and obligations of the TBD.

Section 6. Repealer. TBD Resolution 2015-001, adopting the TBD meeting schedule, is hereby repealed in its entirety immediately upon the effective assumption by the City Council of the rights, powers, functions and obligations of the TBD.

Section 7. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 9. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 10. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

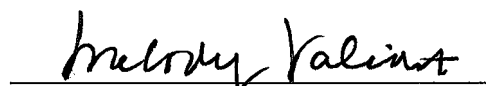
ADOPTED this 2nd day of November, 2015.

CITY OF TUMWATER

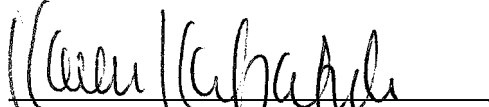


Pete Kmet, Mayor

ATTEST:


Melody Valiant, City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney

Published: 11-4-2015

Effective Date: 12-4-2015