ORDINANCE NO. 1581

AN ORDINANCE OF THE TOWN OF FRIDAY HARBOR, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE FRIDAY HARBOR TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 3.44 OF THE FRIDAY HARBOR MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 1539, the Town of Friday Harbor established a Transportation Benefit District ("District" or "TBD"), with geographical boundaries comprised of the corporate limits of the Town of Friday Harbor as they now exist or may hereafter be altered by future annexations; and

WHEREAS, the 2015 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 ("TBD") has been established pursuant to RCW 36.73 with boundaries coterminous 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 the 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, powers, functions, and obligations of the transportation benefit district; and

WHEREAS, on September 3, 2015 the Town Council adopted Resolution No. 2131, which declared the Town Council’s intention to consider the assumption of the rights, powers, functions and obligations of the District, and set a public hearing for September 17, 2015; and

WHEREAS, on September 17, 2015, the Town Council held a public hearing at which all interested parties were invited to appear and be heard; and

WHEREAS, following the conclusion of the public hearing, the Town Council determined that the public interest and welfare would be satisfied by the Town’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, BE IT HEREBY ORDAINED by the Council of the Town of Friday Harbor, Washington, as follows;

Section 1. Purpose.

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

Section 2. A new section to be known as 3.44.015 FHMC is hereby adopted to read as follows:

“Assumption of transportation benefit district.

A. From and after the effective date of this Ordinance, the Town Council of Friday Harbor assumes all of the rights, powers, immunities, functions, and obligations of the Friday Harbor Transportation Benefit District previously established in this chapter, and the Town of Friday Harbor is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Friday Harbor Transportation Benefit District under Chapter 36.73 RCW, this chapter, and/or any other applicable law as of the effective date of this Ordinance.

B. Pursuant to Section 303, subsection (2) of 2ESSB 5987, the governing body of the Friday Harbor Transportation Benefit District established in Section 3.44.020 FHMC is hereby abolished. All references herein to the TBD Board shall mean the Town Council and references to TBD or District shall mean the Town.”

Section 3. Section 3.44.020(B) FHMC is hereby amended to read as follows:

“B. Governing Board.

1. The Town Council shall have and may exercise any and all powers and functions provided by Chapter 36.76 RCW to fulfill the purposes of this Chapter.”
Section 4. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 5. Effective Date. This ordinance shall become effective on January 1, 2016 following publication in accordance with State Law.

ADOPTED this 19th day of November 2015.

TOWN OF FRIDAY HARBOR

[Signature]
Carrie Lacher, Mayor

SEAL of the
Town of Friday Harbor

ATTEST:

[Signature]
Amy Taylor, Town Clerk