

ORDINANCE NO. 660

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE UNIVERSITY PLACE TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 4.70 OF THE UNIVERSITY PLACE MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 634, the City of University Place City Council established a transportation benefit district to be known as the University Place Transportation Benefit District ("District" or "TBD"), with geographical boundaries comprised of the corporate limits of the City of University Place 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 chapter 36.73 RCW 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 November 2, 2015 the University Place City Council adopted Resolution No. 797, which declared the City Council's intention to consider the assumption of the rights, powers, functions and obligations of the District, and set a public hearing for November 16, 2015; and

WHEREAS, on November 16, 2015, the City 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 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 UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

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

Section 2. New Section 4.70.015 UPMC Adopted. A new Section 4.70.015 of the University Place Municipal Code is hereby adopted to read as follows:

4.70.015. Assumption of transportation benefit district.

From and after the effective date of this Ordinance, the City of University Place assumes all of the rights, powers, immunities, functions, and obligations of the University Place Transportation Benefit District previously established in this chapter, and the City of University Place is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the University Place Transportation Benefit District under Chapter 36.73 RCW, this chapter, and/or any other applicable law 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 University Place Transportation Benefit District pursuant to Section 4.70.020 of this chapter are hereby assumed by and transferred to the City of University Place City Council.

Section 3. UPMC Sections 4.70.020, 030, and 040 Repealed and Replaced. Pursuant to Section 303, subsection (2) of 2ESSB 5987, the governing body of the University Place Transportation Benefit District established in Section 4.70.020 of the University Place Municipal Code is hereby abolished, and Sections 4.70.020, 030 and 040 of the University Place Municipal Code are hereby repealed. New UPMC Sections 4.70.020, 030 and 040 are hereby adopted to read as follows:

4.70.020 Governing board.

The University Place City Council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.

The treasurer shall be the City Finance Manager.

The City shall implement the material change policy previously adopted by the University Place Transportation Benefit District 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.

The City Council shall issue an annual report pursuant to the requirements of RCW 36.73.

4.70.030 Transportation improvements funded.

The revenues generated by exercise of the powers granted in Section 4.70.030 and/or Chapter 36.73 RCW shall be used for transportation improvements that preserve, maintain and operate existing infrastructure of the city consistent with the requirements of Chapter 36.73 RCW. Expenditures of such revenues shall preserve, maintain and operate the city's previous investments in transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the optimal performance of the transportation system. Any change or expansion of these authorized purposes shall be undertaken in accordance with State law.

4.70.040 Establishment of vehicle license fee revenue source.

The City, acting by and through its City Council, shall have the authority to establish an annual vehicle license fee in the amount of \$20.00, consistent with RCW 36.73, to be collected by the Washington Department of Licensing on qualifying vehicles, set

forth in RCW 82.80 and Chapters 36.73 and 46.16 RCW.

Section 4. No Existing Right Impaired. Pursuant to Section 304 of 2ESSB5987, nothing in this Ordinance shall be construed as impairing or altering any existing rights acquired by the University Place TBD 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 University Place TBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City hereunder.

Section 5. 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 University Place 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 University Place 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 in Sections 1 and 2 of this Ordinance.

Section 6. Records of the University Place Transportation Benefit District. Pursuant to Section 306, subsection (1) of 2ESSB 5987, all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the University Place Transportation Benefit District shall be made available to the City.

Section 7. 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 University Place 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 grant made to the University Place 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 8. Assumption of Indebtedness. Pursuant to Section 307 of 2ESSB5987, the City assumes and agrees to provide for the payment of all of the indebtedness of the University Place Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds (if any) issued by the University Place Transportation Benefit District.

Section 9. Effective Date. This ordinance shall be effective following the expiration of five (5) days following passage and publication as provided by law.

Section 10. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 11. Severability. If any one or more sections, subsections, sentences, clauses or phrases 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 preempted by state or federal law or regulation, such decision or preemption 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.

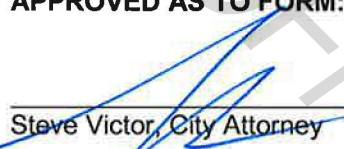
PASSED BY THE CITY COUNCIL ON NOVEMBER 16, 2015.


Denise McCluskey, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Publication Date: 11/18/15
Effective Date: 11/23/15