

ORDINANCE NO. 3593

AN ORDINANCE of the City of Port Angeles, Washington, by which the City assumes the rights, powers, functions, and obligations of the Port Angeles Transportation Benefit District, and amending Chapter 11.20 of the Port Angeles municipal code.

WHEREAS, pursuant to Chapter 36.73 RCW, the City Council of the City of Port Angeles on April 4, 2017 adopted Ordinance No. 3578 creating the Port Angeles Transportation Benefit District (PATBD) with the same boundaries as the City limits; and

WHEREAS, RCW 36.74.010 authorizes any city in which a transportation benefit district 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 transportation benefit district; and

WHEREAS, on October 17, 2017, the City adopted Resolution No. 23-17, a resolution expressing the City's intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the PATBD; and

WHEREAS, Resolution No. 23-17 set a public hearing for November 7, 2017, and notice of the resolution was published in The Daily News twice in the two weeks prior to the scheduled hearing; and

WHEREAS, the City Council held a public hearing on November 7, 2017, and took testimony from all parties on the assumption of the rights, powers, functions, and obligations of the PATBD; and

WHEREAS, the City Council desires to continue the work and functions of the PATBD as defined in state law and Ordinance No. 3578 without the necessity of maintaining a separate entity; and

WHEREAS, the City's assumption of the rights, powers, functions, and obligations of the PATBD would provide for more transparent and efficient administration of transportation maintenance and improvement funds previously authorized to be collected and expended by the District; and

WHEREAS, the City Council finds that the public interest and welfare would be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the PATBD.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ANGELES, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1 - Findings. The recitals set forth above are hereby incorporated as if set forth herein in full.

Section 2 – Assumption of the PATBD. Pursuant to Chapter 36.74 RCW, the City of Port Angeles hereby assumes all the rights, powers, immunities, functions, and obligations of the PATBD. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the PATBD as of the effective date of this Ordinance. The rights, powers, functions, and obligations previously exercised or performed by the governing body of the PATBD are hereby assumed by and transferred to the Port Angeles City Council.

Section 3 - Amendment. Ordinance 3578 and Chapter 11.20 of the Port Angeles Municipal Code are amended as follows:

CHAPTER 11.20 – PORT ANGELES TRANSPORTATION BENEFIT DISTRICT

11.20.010 - Establishment of Transportation Benefit District.

11.20.015 – Assumption of Transportation Benefit District.

11.20.020 - Governing ~~board~~ body.

11.20.030 - Authority of the ~~district~~ City.

- 11.20.040 - Transportation improvements funded.
- 11.20.050 - Dissolution of district.
- 11.20.060 - Liberal construction.

11.20.010 - Establishment of Transportation Benefit District.

There is created a Transportation Benefit District (TBD) to be known as the Port Angeles Transportation Benefit District 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.

11.20.015 – Assumption of Transportation Benefit District.

Pursuant to Chapter 36.74 RCW, from and after the effective date of this Ordinance, the City of Port Angeles assumes all of the rights, powers, immunities, functions, and obligations of the Port Angeles Transportation Benefit District previously established in this chapter, and the City of Port Angeles is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Port Angeles Transportation Benefit District under Chapter 36.73 RCW, this chapter, and any other applicable law as of the effective date of this Ordinance. The governing body of the Port Angeles Transportation Benefit District is abolished and the rights, powers, functions, and obligations previously exercised or performed by the governing body of the Port Angeles Transportation Benefit District are vested in the Port Angeles City Council.

11.20.020 - Governing ~~board~~ body.

- A. ~~The governing board "board" of the Transportation Benefit District shall be the members of the Port Angeles City Council acting in an ex-officio and independent capacity, which shall have be vested with the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.~~
- B. ~~The treasurer of the Transportation Benefit District shall be the City Chief Financial Officer. And, the City Clerk shall serve as the clerk of the governing board of the Transportation Benefit District.~~
- CB. ~~The board~~ City Council shall ~~develop a implement the~~ material change policy previously adopted by the Port Angeles Transportation Benefit District to that addresses 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. ~~Meetings of the board shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended by the City Council from time to time. Board actions shall be taken in the same manner and follow the same procedure as for the adoption of City Council resolutions. Meetings of the board shall, whenever possible, take place on the same dates scheduled for City Council meetings.~~
- DC. ~~The board~~ City Council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

11.20.030 - Authority of the ~~district~~City.

The ~~board~~ City, acting by and through its City Council, shall have and exercise all powers and functions provided by Chapter 36.73 law to fulfill the ~~functions of the district~~, purposes of Chapter 36.73 and this chapter, including without limitation the power to request voter approval of, and thereafter impose and collect, a sales and use tax in accordance with RCW 82.14.0455.

11.20.040 - Transportation improvements funded.

The funds generated by the Transportation Benefit District shall 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 funds may be utilized for any lawful purpose under the chapter; but all funds raised through the TBD shall be expended only for such preservation, maintenance and operation in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the district shall preserve, maintain and operate the City's previous investments in the 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. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

11.20.050 - Dissolution of district.

The Transportation Benefit District shall be automatically dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied. Street preservation, maintenance and operation are ongoing, long-term obligations of the City.

11.20.060 - Liberal construction.

As authorized pursuant to RCW 36.73, this chapter shall be liberally constructed to permit the accomplishment of its purposes.

Section 4 – No Existing Right Impaired. Pursuant to RCW 36.74.040, this assumption does not impair or alter any existing rights acquired by the PATBD under chapter 36.73 RCW or any other provision of law relating 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; or the validity of any act performed by the PATBD or

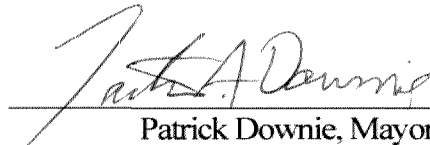
division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City as authorized under the law.

Section 5 - Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6 - Severability. If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 7 - Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.


PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 21st day of November 2017.


Patrick Downie, Mayor

APPROVED AS TO FORM:


William E. Bloor, City Attorney

ATTEST:


Jennifer Veneklasen, City Clerk

PUBLISHED: November 30, 2017
By Summary