

ORDINANCE NO. 1634

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON assuming the rights, powers, functions and obligations of the Des Moines Transportation Benefit District ("TBD"); amending chapter 12.30 DMMC; codifying a new section in chapter 12.30 DMMC; and providing for severability and an effective date.

WHEREAS, in Ordinance No. 1578, the City Council of the of Des Moines established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to the provisions of chapter 36.73 RCW, and

WHEREAS, the Transportation Benefit District includes the entire City of Des Moines as the boundaries currently exist, and

WHEREAS, the 2015 Legislature adopted Second Engrossed Substitute 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 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 October 29, 2015 the Des Moines City Council adopted Resolution No. 1310 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 12, 2015, and

WHEREAS, on November 12, 2015 the City Council held a public hearing at which all 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 DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. A new section is added to chapter 12.30 DMMC to read as follows:

Assumption of the transportation benefit district. From and after the effective date of this Ordinance, the City of Des Moines assumes all of the rights, powers, immunities, functions, and obligations of the Des Moines Transportation Benefit District previously established in this chapter, and the City of Des Moines is hereby vested with each and every right, power, immunity, function, and obligations granted to or possessed by the Des Moines Transportation Benefit District under chapter 36.73 RCW, this chapter, and/or any other applicable law as of the effective date of this Ordinance. References to the rights, powers, functions and obligations previously exercised and/or performed by the governing body of the Des Moines Transportation Benefit District pursuant to chapter 12.30 DMMC are hereby assumed by and transferred to the City of Des Moines City Council.

Sec. 2. DMMC 12.30.060 and section 97 of Ordinance No. 1578 are amended to read as follows:

(1) The governing board of the Transportation Benefit District shall be the Des Moines City Council and it shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW and in this chapter.

(2) The treasurer shall be the City Finance Director.

(3) The City shall implement the material change policy previously adopted by the Des Moines 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 36.73.160(1).

(4) The City Council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). The City Clerk shall file, maintain and make available for public inspection the ~~board's~~ annual reports.

Sec. 3. DMMC 12.30.080 and section 99 of Ordinance No. 1578 are amended to read as follows:

Establishment of vehicle license fee revenue source.

The City Council shall have the authority to establish an annual vehicle license fee in the amount of \$40.00, consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles, set forth in RCW 82.80.140 and chapters 36.73 and 46.16 RCW.

Sec. 4. Codification. Section 1 of this Ordinance shall be codified as a new section to chapter 12.30 DMMC, entitled "Assumption of the transportation benefit district."

Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 6. Effective date. This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council.

PASSED BY the City Council of the City of Des Moines this 12th day of November, 2015 and signed in authentication thereof this 12th day of November, 2015.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: November 18, 2015

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1634, Adopted November 12, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance assumes the rights, powers, functions and obligations of the Des Moines Transportation Benefit District ("TBD"); amends chapter 12.30 DMMC; codifies a new section in chapter 12.30 DMMC; and provides for severability and an effective date.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins

City Clerk

Published: November 18, 2015