

ORDINANCE 2018-001

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE ARLINGTON TRANSPORTATION BENEFIT DISTRICT, RETROACTIVELY TO JANUARY 1, 2018; AMENDING ARLINGTON MUNICIPAL CODE CHAPTER 3.94 ADDING NEW SECTION 3.94.015, AMENDING SECTIONS 3.94.020, 3.94.030 AND 3.94.050 OF THE ARLINGTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND A RETROACTIVE EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance 2013-005, the City of Arlington City Council established a transportation benefit district to be known as the Arlington Transportation Benefit District ("District" or "TBD"), with geographical boundaries comprised of the corporate limits of the City of Arlington as they now exist or may hereafter be altered by future annexations; and

WHEREAS, the Legislature Revised Code of Washington (RCW) Chapter 36.74; and **WHEREAS**, RCW 36.74.010 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, RCW 36.74.020 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 January 16, 2018 the Arlington City Council adopted Resolution 2018-003, which declared the City Council's intention to consider the assumption of the rights, powers, functions and obligations of the District, retroactive to January 1, 2018, and set a public hearing for February 5, 2018; and

WHEREAS, on February 5, 2018 2018, 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 ARLINGTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Assumption of Arlington Transportation Benefit District.

Pursuant to RCW 36.74.030, the City of Arlington does hereby assume all of the rights, powers, immunities, functions, and obligations of the Arlington Transportation Benefit District; and the City of Arlington is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Arlington 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 Arlington Transportation Benefit District are hereby assumed by and transferred to the City of Arlington City Council.

Section 2. New Section 3.94.015 AMC Adopted. A new Section 3.94.015 of the Arlington Municipal Code is hereby adopted to read as follows:

3.94.015. Assumption of transportation benefit district.

From and after the effective date of this Ordinance, the City of Arlington assumes all of the rights, powers, immunities, functions, and obligations of the Arlington Transportation Benefit District previously established in this chapter, and the City of Arlington is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Arlington 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 Arlington Transportation Benefit District pursuant to Section 3.94.030 of this chapter are hereby assumed by and transferred to the City of Arlington City Council.

Section 3. Section 3.94.020 AMC Amended.

Pursuant to RCW 36.74.030, the governing body of the Arlington Transportation Benefit District established in Section 3.94.020 of the Arlington Municipal Code is hereby abolished, and Section 3.94.020 of the Arlington Municipal Code is hereby amended to read as follows:

3.94.020 Governing board.

- (1) The Arlington City Council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.
- (2) The treasurer of the Transportation Benefit District shall be the city finance director.
- (3) The City shall implement the material change policy previously adopted by the Arlington Transportation Benefit District at address major plan changes that affect project delivery of 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).

Section 4. Section 3.94.030 AMC Amended. Section 3.94.030 of the Arlington Municipal Code is hereby amended to read as follows:

3.94.030 - Functions of the district.

(a) The City, acting by and through its City Council, may authorize a vehicle tax fee of up to twenty dollars (\$20.00) per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the district shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).

(b) When authorized by the voters pursuant to the requirements of RCW Chapter 36.73, other taxes, fees, charges and tolls or increases in these revenue sources may be assessed for the preservation, maintenance and operations of city streets or other transportation improvements specified in an adopted transportation plan. Additional transportation improvements may be added to the functions of the district upon compliance with the requirements of said chapter and approval of the board.

(c) The City shall have and exercise all powers and functions provided by RCW Chapter 36.73 to fulfill the purposes of RCW Chapter 36.73 and this chapter.

Section 5. Section 3.94.040 AMC Amended. Section 3.94.040 of the Arlington Municipal Code is hereby amended to read as follows:

3.94.040 Transportation improvements funded.

The revenues generated by exercise of the powers granted in Section 3.94.030 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, or reduce congestion. Any change or expansion of these authorized purposes shall be undertaken only after notice, hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050(b)(2) or a vote of the people pursuant to RCW 36.73.065(c).

Section 6. Section 3.94.050 AMC repealed. AMC 3.94.050 Entitled "Dissolution of the District" is hereby repealed.

Section 7. No Existing Right Impaired. Pursuant to RCW 36.74.040, nothing in this Ordinance shall be construed as impairing or altering any existing rights acquired by the Arlington TBD under chapter 36.73 ROW, 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 Arlington TBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City hereunder.

Section 8. Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW 36.74.050, all rules and regulations and all pending business before the board of the Arlington Transportation Benefit District shall be continued and acted upon by the Arlington City Council. In addition, all existing contracts and obligations of the Arlington 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 9. Records of the Arlington Transportation Benefit District. Pursuant to RCW 36.74.060, all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Arlington Transportation Benefit District shall be made available to the City.

Section 10. Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to RCW 36.74.060, all funds, credits, or other assets held in connection with rights, powers, duties, and functions of the Arlington 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 Arlington 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 11. Assumption of Indebtedness. Pursuant to RCW 36.74.070, the City assumes and agrees to provide for the payment of all of the indebtedness of the Arlington Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds (if any) issued by the Arlington Transportation Benefit District.

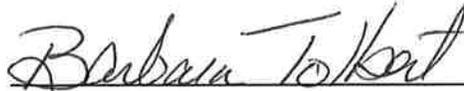
Section 12. Effective Date. Notwithstanding the general rule that ordinances are effective following publication as provided by law, the City Council expressly intends that this ordinance be effective retroactively to January 1, 2018.

Section 13. 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 14. Severability. If any one or more section, subsection, sentence, clause or phrase 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 AND APPROVED by the Arlington City Council this 20th day of February, 2018.

CITY OF ARLINGTON


Barbara Tolbert, Mayor

ATTEST:

By: 
Kristin Banfield, City Clerk

APPROVED AS TO FORM:

By: 
Steven J. Peiffle, City Attorney

CERTIFICATION OF ORDINANCE

I, Kristin Banfield, being the duly appointed and acting Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2018-001 was approved at the February 20, 2018 City Council meeting.

ORDINANCE NO. 2018-001

"AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE ARLINGTON TRANSPORTATION BENEFIT DISTRICT, RETROACTIVELY TO JANUARY 1, 2018; AMENDING ARLINGTON MUNICIPAL CODE CHAPTER 3.94 ADDING NEW SECTION 3.94.015, AMENDING SECTIONS 3.94.020, 3.94.030 AND 3.94.050 OF THE ARLINGTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND A RETROACTIVE EFFECTIVE DATE."

A true and correct copy of the original ordinance is attached.

Dated this 21st day of February, 2018.



Kristin Banfield
City Clerk for the City of Arlington