

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, IMMUNITIES, AND OBLIGATIONS OF THE OLYMPIA TRANSPORTATION BENEFIT DISTRICT; DISSOLVING THE OLYMPIA TRANSPORTATION BENEFIT DISTRICT BOARD, AND AMENDING CHAPTER 12.14 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, on December 16, 2008, the Olympia City Council adopted Ordinance No. 6611 creating the Olympia Transportation Benefit District ("Olympia TBD") with boundaries coterminous with the boundaries of the City, all in accordance with chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 (SESSB 5987), codified as RCW Chapter 36.74, which authorizes the City to assume the rights, powers, functions, and obligations of the existing Olympia TBD; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. M-2254 whereby the City Council declared its intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the existing Olympia TBD; and

WHEREAS, on October 19, 2021, the City Council conducted the public hearing allowing all persons interested in the proposed assumption, including those protesting or objecting, the opportunity to be heard; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the existing Olympia TBD;

NOW THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Assumption of Olympia Transportation Benefit District; Existing Rights and Obligations Not Impaired. Pursuant to RCW Chapter 36.74, the City of Olympia hereby assumes all of the rights, powers, immunities, functions, and obligations of the Olympia TBD. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Olympia TBD as of the effective date of this Ordinance. The rights, powers, functions, and obligations previously exercised and performed by the Olympia Transportation Benefit District Board are hereby assumed by and transferred to the Olympia City Council. Pursuant to RCW 36.74.040, this assumption does not impair or alter any existing rights acquired by the Olympia TBD 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 Olympia TBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City.

Section 2. Dissolution of the Olympia Transportation Benefit District Board. The Olympia Transportation District Board is hereby dissolved. By virtue of this dissolution, any and all resolutions or other orders of the Transportation Benefit District Board establishing policies or procedures for the conduct of Board business or setting the time, date, and location of Board meetings are rescinded. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Olympia TBD must be made available to the City.

Section 3. Amendment. Olympia Municipal Code (OMC) Chapter 12.14. OMC Chapter 12.14 is hereby amended to read as follows:

Chapter 12.14 TRANSPORTATION BENEFIT DISTRICT

12.14.000 Chapter Contents

Sections:

- 12.14.010 ~~Establishing~~ Transportation Benefit District Establishment and Assumption; Boundaries.
- 12.14.020 Governing Board.
- 12.14.030 Authority of the District.
- 12.14.040 Use of Funds.
- 12.14.050 Dissolution of District.
- 12.14.060 Liberal Construction

12.14.010 Establishing Transportation Benefit District Establishment and Assumption; Boundaries

~~There is created a~~ There exists a Transportation Benefit District, established in 2008 by Ordinance No. 6611, of which the City of Olympia assumed the rights, powers, functions, and obligations in 2021 by Ordinance No. _____. The geographical boundaries of the Transportation Benefit District ~~with geographical boundaries comprised of~~ are the corporate limits of the City as they currently exist or as they may exist following future annexations.

12.14.020 Governing Board

- A. The ~~governing board of the~~ Transportation Benefit District ~~shall be~~ governed by the Olympia City Council acting in an ex-officio and independent capacity, which ~~shall have~~ has the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.
- B. The treasurer of the Transportation Benefit District ~~shall be~~ the City Finance Director.
- C. The ~~Board~~ City Council, or City Staff at the City Council's direction, shall develop a material change policy 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).
- D. The ~~Board~~ City Council, or City Staff at the City Council's direction, shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

12.14.030 Authority of the District

The ~~Board~~ City ~~shall have~~ has and may exercise any powers provided by law to fulfill the purpose of the District.

12.14.040 Use of Funds

The funds generated by the Transportation Benefit District ~~maybe~~ may be used for any purpose allowed by law including to operate the District and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the District ~~shall~~ must be made in an effort to reduce risk of transportation facility failure and improve

safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

12.14.050 Dissolution of District

The City Council shall dissolve ~~The the~~ Transportation Benefit District ~~shall be dissolved~~ when all indebtedness of the District has been retired and when all of the District’s anticipated responsibilities have been satisfied.

12.14.060 Liberal Construction

This chapter is to be liberally construed to accomplish the purpose of establishing a Transportation Benefit District.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances is unaffected.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance takes effect 30 days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: