CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0424

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, IMMUNITIES, AND OBLIGATIONS OF THE KENMORE TRANSPORTATION BENEFIT DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on April 16, 2012, the City Council passed Ordinance No. 12-0339 (codified as Chapter 12.90 KMC), which created the Kenmore Transportation Benefit District as authorized by Chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted RCW 36.74.010, which authorizes a city that has established a transportation benefit district with boundaries coterminous with the city to assume the rights, powers, functions, and obligations of the transportation benefit district, in accordance with Chapter 36.74 RCW; and

WHEREAS, the boundaries of the Kenmore Transportation Benefit District are coterminous with the boundaries of the City of Kenmore; and

WHEREAS, on November 14, 2016, the City Council adopted Resolution No. 16-282, which declares its intent to conduct a public hearing to consider the proposed assumption of rights, powers, functions, and obligations of the existing Kenmore Transportation Benefit District, and fixes November 28, 2016 in the Council Chambers of the Kenmore City Hall at 7:00 p.m. as the date, location and time of the public hearing; and

WHEREAS, on November 28, 2016, at the time schedule for the public hearing, the City Council held the public hearing and invited all interested persons to appear and be heard; and

WHEREAS, following the conclusion of the public hearing, the City Council determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the existing Kenmore Transportation Benefit District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Assumption of Kenmore Transportation Benefit District. Pursuant to RCW 36.74.010 and 36.74.030, the City of Kenmore hereby assumes all of the rights, powers, immunities, functions and obligations of the Kenmore Transportation Benefit District. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Kenmore Transportation Benefit District as of the effective date of this Ordinance. The right, powers, functions, and obligations previously exercised and/or performed by the governing body of the Kenmore Transportation Benefit District are hereby assumed by and transferred to the City Council.
Section 2. Abolishment of Governing Body of Transportation Benefit District. Pursuant to Chapter 36.74.030, the governing body of the Kenmore Transportation Benefit District, established in KMC 12.90.020, is hereby abolished and the City Council is vested with all rights, powers, immunities, functions, and obligations vested by law in the governing body of the Kenmore Transportation Benefit District.

Section 3. Amendment – KMC 12.90.020. KMC 12.90.020 is amended as follows:

A. The governing board of the transportation benefit district shall be the Kenmore City Council, which shall have 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 director of finance.

C. The board 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 shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

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 Kenmore Transportation Benefit District under Chapter 36.73 RCW or any other provision of law relating to transportation benefit districts. This assumption also does not 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 Kenmore Transportation Benefit District 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. Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW 36.74.050(1), all rules and regulations and all pending business before the board of the Kenmore Transportation Benefit District shall be continued and acted upon by the City Council. In addition, pursuant to RCW 36.74.050(2), all existing contracts and obligations of the Kenmore Transportation Benefit District remain in full force and effect and must 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 under the law.

Section 6. Records of the Kenmore Transportation Benefit District. Pursuant to RCW 36.74.060(1), all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions of the Kenmore Transportation Benefit District and available to the Kenmore Transportation Benefit District must be made available to the City.

Section 7. Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to Chapter 36.74.060(2), all funds, credits, or other assets held in connection with assumed powers, duties, and functions must be assigned to the City. Pursuant to Chapter 36.74.060(3), any
appropriations or federal grants made to the Kenmore 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 RCW 36.74.070, the City assumes and agrees to provide for the payment of all of the indebtedness of the Kenmore Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds issued by the Kenmore Transportation Benefit District, if any.

Section 9. Severability. If any portion or section of this Ordinance is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion or section of this ordinance.

Section 10. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of the publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF NOVEMBER, 2016.

CITY OF KENMORE

David Baker, Mayor

ATTEST.AUTHENTICATED

Patty Saffir, City Clerk

APPROVED AS TO FORM:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk: November 18, 2016
Passed by the City Council: November 28, 2016
Ordinance No. 16-0424
Date of Publication: December 2, 2016
Effective Date: December 7, 2016