

CITY OF ROY, WASHINGTON

ORDINANCE NO. 933

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROY,
PIERCE COUNTY, WASHINGTON, ASSUMING THE RIGHTS,
POWERS, FUNCTIONS AND OBLIGATIONS OF THE ROY
TRANSPORTATION BENEFIT DISTRICT (TBD) AS ALLOWED BY
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987, SECTION
302 AND ABOLISHING THE TBD GOVERNING BOARD FOLLOWING
ITS ASSUMPTION, AND AMENDING ROY CITY CODE TITLE 8,
*PUBLIC WAYS AND PROPERTY, CHAPTER 7, TRANSPORTATION
BENEFIT DISTRICT.***

WHEREAS, the City Council of the City of Roy adopted Ordinance No. 907 creating the Roy Transportation Benefit District with the same boundaries as the City limits; and

WHEREAS, Second Engrossed Substitute Senate Bill 5987, in Section 302, which took effect on July 15, 2015, 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 or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions and obligations”; and

WHEREAS, the City Council of the City of Roy on November 9, 2015, adopted Resolution No. 805, a resolution expressing the City’s intent to assume the TBD; and

WHEREAS, Resolution No. 805 set a public hearing for November 23, 2015, and notice of said resolution was published in The News Tribune twice in the two weeks prior to the scheduled hearing; and

WHEREAS, the City Council held a public hearing and took testimony from all parties on the assumption of the rights, powers, functions and obligations of the transportation benefit district on November 23, 2015; and

WHEREAS, the City Council finds that the public interest and welfare is satisfied by the City’s assuming the rights, powers, immunities, functions, and obligations of the Roy Transportation Benefit District; and

WHEREAS, the City Council desires to continue the work and functions of the TBD as defined in state law and Ordinance No. 907 without the necessity of maintaining a separate entity;

NOW THEREFORE, be it ordained by the City Council of the City of Roy, Washington
Section 1. Findings. The recitals listed herein are incorporated as findings.

Section 2. TBD Assumed. The rights, powers, immunities, functions, and obligations of the Roy Transportation Benefit District are hereby assumed by the City of Roy which is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the TBD.

Section 3. TBD Governing Body Abolished. Immediately following the assumption of the TBD by the City, the Roy Transportation Benefit District Board of Directors is abolished as required by Section 303(2) of Second Engrossed Substitute Senate Bill 5987.

Section 4. Roy City Code Amended. Roy City Code Title 8, *Public Ways and Property*, Chapter 7, *Transportation Benefit District*, is hereby amended as follows:

**CHAPTER 7
TRANSPORTATION BENEFIT DISTRICT**

SECTION:

- 8-7-1: Transportation Benefit District Established
- 8-7-2: ~~Governing Board~~ Transportation Benefit District Assumed
- 8-7-3: Authority Of The District
- 8-7-4: Use Of Funds
- 8-7-5: Revenue Sources
- 8-7-6: Dissolution Of District

8-7-1 TRANSPORTATION BENEFIT DISTRICT ESTABLISHED:

There is created a transportation benefit district to be known as the Roy transportation benefit district with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist in the future. The provisions and definitions of Chapter 36.73 RCW shall be incorporated as if fully set forth herein, to the extent they pertain to the city of Roy. (Ord. 907, 2-24-2014)

8-7-2 GOVERNING BOARD TRANSPORTATION BENEFIT DISTRICT ASSUMED:

The rights, powers, immunities, functions, and obligations of the Roy Transportation Benefit District are assumed by the city of Roy which is vested with every right, power, immunity, function, and obligation granted to or possessed by the Roy Transportation Benefit District. ~~A. The governing board of the transportation benefit district shall be the Roy city council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW as now enacted or hereafter amended.~~

~~B. The treasurer of the transportation benefit district shall be the city clerk treasurer.~~

~~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) as now enacted or hereafter amended.~~

~~D. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2) as now enacted or hereafter amended to the public and to its newspaper of record. (Ord. 907, 2-24-2014)~~

8-7-3 AUTHORITY OF THE DISTRICT:

The board ~~city~~ shall have and may exercise any powers provided by law to fulfill the purpose of the Roy transportation benefit district. (Ord. 907, 2-24-2014)

8-7-4 USE OF FUNDS:

The funds generated by the transportation benefit district 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 as now enacted or hereafter amended. The transportation improvements funded by the district shall be made in an effort to preserve and maintain transportation infrastructure, improve public safety, implement projects identified in Roy planning documents and invest in transportation enhancements. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(b) as now enacted or hereafter amended. (Ord. 907, 2-24-2014)

8-7-5 REVENUE SOURCES:

The board/city shall have the authority to establish fees and other revenue sources consistent with RCW 36.73.060 and as now enacted or hereafter amended. (Ord. 907, 2-24-2014)

8-7-6 DISSOLUTION OF DISTRICT:

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. (Ord. 907, 2-24-2014)

Section 5. Effective date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days from and after its passage, approval and publication as provided by law.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. All acts consistent with this ordinance are hereby authorized.

Passed and approved this 14th day of December, 2015.

Michelle F. Walker
Michelle Walker, Mayor

Attest:

Debra Dearing
Debra Dearing
City Clerk-Treasurer

Approved as to Form:

R. Tye Graham
R. Tye Graham
City Attorney, WSBA#44037

First Reading: November 23, 2015
Second Reading: December 14, 2015
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