

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-15-584

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE MAPLE VALLEY TRANSPORTATION BENEFIT DISTRICT; AMENDING CHAPTER 12.35 OF THE MAPLE VALLEY MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance O-12-516, and codified in Chapter 12.35 of the Maple Valley Municipal Code (hereinafter “MVMC”), the City of Maple Valley City Council established a transportation benefit district to be known as the Maple Valley Transportation Benefit District, with geographical boundaries comprised of the corporate limits of the City of Maple Valley at the time the ordinance was adopted or as they may exist after future annexations; and

WHEREAS, the 2015 Legislature adopted Second Engrossed Substitute Senate 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 has been established pursuant to Chapter 36.73 RCW within boundaries coterminous with the boundaries of the city, to assume the rights, powers, functions, and obligations of the TBD, by way of 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 conduct a hearing concerning the assumption of such rights, powers, functions, and obligations, setting a time and place at which the city legislative authority will consider the proposed assumption of the rights, powers, functions and obligations of the transportation benefit district, and stating that all persons interested may appear and be heard; and

WHEREAS, on October 26, 2015, the Maple Valley City Council adopted Resolution No. R-15-1063, declaring the City Council’s intention to consider the assumption of the rights, powers, functions and obligations of the Maple Valley Transportation Benefit District, and set public hearing for November 9, 2015; and

WHEREAS, on November 9, 2015, 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 Maple Valley Transportation Benefit District; and

WHEREAS, Section 303(2) of 2ESSB 5987 provides that upon assumption of the rights, powers, immunities, functions, and obligations of the transportation benefit district by the city, the governing body established pursuant to RCW 36.73.020 must be abolished and the city legislative authority is vested with all rights, powers, immunities, functions and obligations otherwise vested by law in the governing board of the transportation benefit district; and

WHEREAS, the intent of this Ordinance is therefore to eliminate the separate entity status of the Maple Valley Transportation Benefit District;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Maple Valley, Washington, as follows:

Section 1. Amendment. Chapter 12.35 MVMC entitled "Transportation Benefit District" is hereby amended as follows (new text in underline, deleted text in ~~strikethrough~~):

ASSUMPTION OF MAPLE VALLEY TRANSPORTATION BENEFIT DISTRICT

Sections:

12.35.010 **Assumption of Maple Valley Transportation Benefit District**

~~**12.35.010**~~ ~~**Boundaries of the Maple Valley Transportation Benefit District**~~

12.35.020 ~~**Governing Body Board—Officers—Duties of Board.**~~

12.35.030 ~~**Authority of the City District.**~~

~~**12.35.040**~~ ~~**Regular meetings established.**~~

12.35.0540 **Use of funds.**

~~**12.35.060**~~ ~~**Dissolution of District**~~

~~**12.35.070**~~ ~~**Liberal Construction**~~

12.35.010 Assumption of Maple Valley Transportation Benefit District.

From and after the effective date of this Ordinance, the City of Maple Valley assumes all of the rights, powers, immunities, functions and obligations of the Maple Valley Transportation Benefit District previously established in this chapter. The City of Maple Valley is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Maple Valley 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 governing body of the Maple Valley Transportation Benefit District is abolished

and the rights, powers, functions and obligations previously exercised and/or performed by the governing body of the Maple Valley Transportation Benefit District are vested in the City of Maple Valley City Council.

~~12.35.010~~ Boundaries of the Maple Valley Transportation Benefit District.

~~The geographical boundaries of the Maple Valley Transportation Benefit District shall be comprised of the corporate limits of the City of Maple Valley as they currently exist or as they may exist following future annexations. (Ord. O 12-516 § 1).~~

~~12.35.020~~ Governing Body~~Board~~ ~~Officers~~ ~~Duties of Board.~~

~~A. The Governing Board of the Maple Valley Transportation Benefit District shall be the Maple Valley City Council acting in an ex officio and independent capacity, which shall have the be vested with the authority to exercise the all statutory powers set forth in Chapter 36.73 RCW and this Chapter.~~

~~B. The Treasurer of the Maple Valley Transportation Benefit District shall be the City of Maple Valley Finance Director.~~

~~C. The Chief Executive Officer of the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Manager.~~

~~D. The Attorney for the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Attorney.~~

~~E. The Clerk/Secretary for the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Clerk, or his/her designee.~~

~~FB. The Board Maple Valley City Council shall ~~develop~~ implement 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).~~

~~GC. The Board Maple Valley City Council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).~~

~~12.35.030~~ Authority of the District of the City.

~~The Board City shall have and may exercise any all powers and functions provided by law to fulfill the purposes of ~~the Maple Valley Transportation Benefit District~~ Chapter 36.73 RCW and this Chapter. (Ord. O-12-516 § 1).~~

~~12.35.040 Regular meetings established.~~

~~A. The Board shall meet at least quarterly, on the second Monday of the quarter, at 6:30 p.m.~~

~~B. The location for the Board meetings shall be the Tahoma School District Administrative Offices located at: 25720 Maple Valley Black Diamond Road (SR 169), Maple Valley, Washington, unless otherwise noticed. When the location has changed, the change in location shall be noticed as a special meeting.~~

~~C. Any Board meeting that falls on a Monday which is a legal holiday shall occur the following Tuesday, and shall be noticed as a special meeting.~~

~~D. All Board regular and special meetings shall be open to the public, except for such times when the Board adjourns into executive session as provided by law, or when the Board is legally allowed to meet in closed session.~~

~~E. Special meetings may be called pursuant to RCW 42.30.080, as written or hereafter amended. The business to be transacted at a special meeting must be properly noticed in a notice of special meeting, and final disposition shall not be taken on any other matter by the Board. (Ord. O 12 516 § 1).~~

12.35.0540 Use of funds.

The funds generated by the ~~Maple Valley Transportation Benefit District~~ by the exercise of the powers granted in by Chapter 36.73 RCW may be used for any lawful purpose that includes the maintenance, improvement and preservation of existing transportation facilities 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 funds ~~generated by the Maple Valley Transportation Benefit District~~ may also be used for any lawful operation of the City District in order to carry out the purpose of this Chapter and/or Chapter 36.73 RCW~~the District~~. The maintenance of transportation facilities, the transportation improvements constructed and the preservation of existing transportation facilities ~~funded by the District~~ by the exercise of the powers granted in Section 12.35.030 and/or Chapter 36.73 RCW shall be made in an effort to: (A) reduce the risk of transportation facility failure and improve safety; (B) decrease travel time; (C) increase daily and peak period trip capacity; (D) improve modal connectivity; (E) preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future; and (F) for general improvement of transportation facilities ~~to serve the needs of the electors of the District.~~

Additional transportation improvements may be funded only after compliance with the provisions of RCW 36.73.050(b) following public notice, public hearing,

and enactment of an authorizing ordinance. (Ord. O-12-516 § 1).

~~12.35.060 Dissolution of District.~~

~~The Maple Valley Transportation Benefit District shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied. (Ord. O-12-516 § 1).~~

~~12.35.070 Liberal construction.~~

~~This chapter is to be liberally construed to accomplish the purpose of establishing a Transportation Benefit District. (Ord. O-12-516 § 1).~~

Section 2. No Existing Right Impaired. Pursuant to 2ESSB 5987 Section 304, this assumption does not impair or alter any existing rights acquired by the Maple Valley TBD under Chapter 36.73 RCW, this chapter 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 Maple Valley TBD 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 3. Rules, Regulations, Pending Business, and Contracts. Pursuant to 2ESSB 5987 Section 305(1), all rules and regulations pending business before the board of the Maple Valley TBD shall be continued and acted upon by the City Council. In addition, pursuant to Section 305(2), all existing contracts and obligations of the Maple Valley TBD shall 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 4. Records of the Maple Valley Transportation Benefit District. Pursuant to 2ESSB 5987 Section 306(1), all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Maple Valley TBD must be made available to the City.

Section 5. Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to 2ESSB 5987 Section 306(2), all funds, credits, or other assets held in connection with assumed powers, duties, and functions must be assigned to the City. Pursuant to Section 306(3), any appropriations or federal grant made to the Maple Valley TBD 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 6. Assumption of Indebtedness. Pursuant to 2ESSB 5987 Section 307, the City assumes and agrees to provide for the payment of all of the indebtedness of the Maple Valley TBD, including the payment and retirement of outstanding general obligation and revenue bonds issued by the Maple Valley TBD.

Section 7. 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 8. Effective Date. The Ordinance shall be effective five (5) days following passage and publication as provided by law.

Section 9. Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY,
WASHINGTON ON THIS ____ DAY OF DECEMBER 2015.

William A. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

DATE OF PUBLICATION:

EFFECTIVE DATE: