

CITY OF MARYSVILLE

ORDINANCE No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON ASSUMING THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS, AND OBLIGATIONS OF THE MARYSVILLE TRANSPORTATION BENEFIT DISTRICT, AS AUTHORIZED BY SECTIONS 301 THROUGH 307 OF CHAPTER 44 LAWS OF 2015 3RD SPECIAL SESSION

WHEREAS, on January 13, 2014, the City Council adopted Ordinance 2938 establishing the Marysville Transportation Benefit District and adopting a new chapter 12.06 of the municipal code; and

WHEREAS, during the third special session of the 2015 legislative session the legislature passed and the governor signed 2ESSB 5987, which became effective July 15, 2015, as chapter 44 Laws of 2015 3rd Special Session; and

WHEREAS, sections 301 through 307 of chapter 44 Laws of 2015 3rd Special Session constitute a new chapter in Title 36 RCW, but have not yet been codified;

WHEREAS, chapter 44 Laws of 2015 3rd Special Session sections 301 through 307 authorize a city to assume the rights, powers, functions, immunities, and obligations of a transportation benefit district that has boundaries coterminous with the boundaries of the city; and

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

WHEREAS, by Resolution No. 2383, the Council scheduled a public hearing to take testimony as to whether assuming the rights, powers, immunities, functions, and obligations of the Marysville Transportation Benefit District would be in the public interest or welfare; and

WHEREAS, notice of the public hearing was posted on the city's website and published twice in the Everett Herald, a daily newspaper published in Snohomish County, Washington, and was published in the Marysville Globe; and

WHEREAS, the public hearing was held on November 2, 2015; and

WHEREAS, after the public hearing the City Council determined that assuming the rights, powers, immunities, functions, and obligations of the Marysville Transportation Benefit District would be in the public interest and welfare; and

WHEREAS, after the public hearing and determination of public interest, the City Council voted to assume the rights, powers, immunities, functions, and obligations of the Marysville Transportation Benefit District; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings in support of its actions:

1. During the third special session of the 2015 legislative session the legislature passed and the governor signed 2ESSB 5987, which became effective July 15, 2015, as chapter 44 Laws of 2015 3rd Special Session.
2. Sections 301 through 307 of 2ESSB 5987 authorize a city to assume the rights, powers, functions, immunities, and obligations of a transportation benefit district that has boundaries coterminous with the boundaries of the city.
3. The Marysville Transportation Benefit District was created by the City Council when it adopted Ordinance 2938 on January 13, 2014, and adopted a new chapter 12.06 of the municipal code.
4. The boundaries of the Marysville Transportation Benefit District are coterminous with the boundaries of the City of Marysville.
5. On February 3, 2014, the City of Marysville (City) and the Marysville Transportation District (TBD) executed an interlocal agreement setting forth the obligations of the TBD, the undertakings to be performed by the City, and providing that all streets and transportation infrastructure preserved, maintained, or constructed with TBD funds would remain the property of the City.
6. On May 27, 2014, the City and the TBD executed a second interlocal agreement whereby the City would provide short-term funding to the TBD of \$600,000.00 and providing that the TBD would repay the funding at \$200,000 per year plus interest beginning on March 1, 2015.
7. In accordance with the interlocal agreements, the City has provided staff to perform the operations of the TBD since its inception.
8. In accordance with RCW 36.73.020, the City Council has acted as the governing authority of the TBD.
9. The TBD approved Resolution 2014-01 that placed a measure on the ballot to ask voters to authorize a 0.2% sales tax to fund transportation projects. Voters approved the measure on April 22, 2014.
10. On May 5, 2014, the TBD Board adopted Resolution No. 2014-4, approving a material change policy.
11. The TBD has approved budgets for 2014 and 2015 and funded various transportation projects in Marysville.

12. The City's assumption of the rights, powers, functions, immunities, and obligations of the TBD will significantly simplify the administration of the TBD and is in the public interest and will promote the general welfare.

Section 2. Assumption of the Marysville Transportation Benefit District.

There City hereby assumes all rights, powers, immunities, functions, and obligations of the Marysville Transportation Benefit District and by this action of the Marysville Transportation Benefit District will cease to exist as a separate entity. The short-term funding referred to in section 6 of the findings will be repaid to the city budget fund that provided the funding to the TBD.

Section 3. Amendment of Municipal Code.

The municipal code is amended as set forth in Exhibit "A."

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance .

Section 5. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of November 2015.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to from:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____
Effective Date (5days after publication): _____

EXHIBIT A

Chapter 12.06 MARYSVILLE TRANSPORTATION BENEFIT DISTRICT

Sections:

[12.06.010](#) ~~Establishing Assumption of powers and functions of~~ transportation benefit district.

~~[12.06.020](#)—Governing board.~~

~~[12.06.030](#)—[12.06.020](#) Functions of the district and Authority.~~

~~[12.06.040](#)—[12.06.020](#) Transportation improvements funded.~~

~~[12.06.050](#)—Dissolution of district.~~

12.06.010 ~~Establishing Assumption of powers and functions of~~ transportation benefit district.

~~As authorized by chapter 44 Laws of 2015 3rd Special Session sections 301 through 307 and 2ESSB 5987, as now enacted or hereafter amended, all rights, powers, immunities, functions, and obligations that were possessed and exercised by the Marysville Transportation Benefit District are vested in the City of Marysville.~~

~~The city will at all times act in conformance with chapter 36.73 RCW and chapter 44 Laws of 2015 3rd Special Session sections 301 through 307, as now enacted or hereafter amended, and all actions taken pursuant to the authority conferred on a transportation benefit district will be specifically identified. There is created a transportation benefit district to be known as the “Marysville transportation benefit district” or “district,” with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations. (Ord. 2938 § 2, 2014).~~

12.06.020 ~~Governing board. Functions and Authority~~

~~(1) The governing board (“board”) of the transportation benefit district shall be the Marysville 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. The board shall be known as the “Marysville transportation benefit district board.”~~

~~(2) The treasurer of the transportation benefit district shall be the city finance director.~~

~~(3) 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\(1\)](#). At a minimum, if~~

~~a transportation improvement exceeds its original cost by more than 20 percent, as identified in the district's original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.~~

~~(4) The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). (Ord. 2938 § 2, 2014).~~

~~12.06.030 Functions of the district.~~

~~(1)~~

~~(2)~~ The ~~district board~~city council may authorize a vehicle tax fee of up to \$20.00 per vehicle as provided for by RCW 82.80.140. Any expansion of the ~~purposes~~ authorized ~~purposes of the district~~by chapter 36.73 RCW 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).

~~(23)~~ When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of city streets. Additional transportation improvements may be added in accordance with chapter 36.73 RCW~~to the functions of the district upon compliance with the requirements of said chapter.~~

~~(3) The board shall have and exercise all powers and functions provided by Chapter 36.73 RCW to fulfill the functions of the district. (Ord. 2938 § 2, 2014).~~

~~12.06.040-030~~ Transportation improvements funded.

The funds generated by ~~any taxes, fees, charges, or tolls authorized by the city council under the authority granted by chapter 36.73 RCW~~ the transportation benefit district shall be used for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the city, consistent with the requirements of ~~Chapter~~chapter 36.73 RCW, and may include but shall not be limited to "transportation improvements" as defined in RCW 36.73.015(4). The funds may be utilized for any lawful purpose under the chapter; but all funds raised through ~~the TFD~~the authority granted in chapter 36.73 RCW shall be expended only for such preservation, construction, maintenance and operation in accordance with the provisions of ~~Chapter~~chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended ~~by the district~~ shall preserve, maintain and operate the city's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the city's infrastructure investments, and continue the optimal performance of the transportation system. Additional

transportation improvement projects may be funded only after compliance with the provisions of RCW [36.73.050](#)(2)(b) following notice, public hearing and enactment of an authorizing ordinance. (Ord. 2938 § 2, 2014).

~~12.06.050 Dissolution of district.~~

~~The 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. Street preservation, maintenance and operation are ongoing, long term obligations of the city. Pursuant to RCW [36.73.050](#) and [36.73.170](#), the district shall automatically dissolve when all indebtedness of the district has been retired and anticipated responsibilities have been satisfied, but in no event without further action of the Marysville city council shall the district extend more than 20 years from the effective date of this chapter. (Ord. 2938 § 2, 2014).~~

CITY CLERK

**Notice of Public Hearing
Before the Marysville City Council**

Notice is hereby given that the Marysville City Council will hold a Public Hearing at 7:00 p.m., on Monday, November 9, 2015 in the Council Chambers of Marysville City Hall located at 1049 State Avenue, Marysville, Washington.

The purpose of the public hearing is to take testimony as to whether the Marysville City Council assuming the rights, powers, immunities, functions, and obligations of the Marysville Transportation Benefit District would be in the public interest or welfare.

Any person may appear at the hearing and be heard in support of or opposition to this proposal. Additional information may be obtained at the Marysville City Clerk's Office, 1049 State Avenue, Marysville, Washington 98270, (360) 363-8000.

The City of Marysville

April O'Brien
Deputy City Clerk

Dated: October 27, 2015

Published: The Marysville Globe: October 31, 2015 and November 7, 2015
The Herald of Everett: October 31, 2015 and November 1, 2015

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the City Clerk's Office at (360) 363-8000 or 1-800-833-6384 (voice relay), 1-800-833-6388 (TDD relay) two days prior to the meeting date if any special accommodations are needed for this meeting.

**THIS NOTICE IS NOT TO BE REMOVED, MUTILATED OR
CONCEALED IN ANY WAY BEFORE DATE OF HEARING.**