

CITY OF LACEY

AN ORDINANCE PROPOSING TO THE VOTERS OF THE CITY OF LACEY THAT THE CITY ENTER INTO THE JOINT OPERATION OF A PUBLIC BUS PASSENGER TRANSPORTATION SYSTEM; ADOPTING A PLAN FOR SUCH SYSTEM; AND THE OPERATION OF SAID TRANSPORTATION SYSTEM EITHER BY CITY EMPLOYEES OR PURSUANT TO A CONTRACT TO BE ENTERED INTO WITH OTHERS; THE LEVYING AND COLLECTION OF A TRANSIT SUBSIDY TAX NOT TO EXCEED ONE DOLLAR PER MONTH PER HOUSING UNIT AS HEREIN DEFINED AND DECLARING IT TO BE A MISDEMEANOR TO REFUSE TO PAY SAID TAX; AND CALLING FOR A SPECIAL ELECTION TO SUBMIT THIS ORDINANCE TO THE VOTERS OF THE CITY OF LACEY FOR THEIR RATIFICATION OR REJECTION.

WHEREAS, the privately owned company now operating the public bus passenger transportation system in the Cities of Lacey, Olympia and Tumwater has indicated through its owners that it will not be able to continue its operations in the immediate future, and the City of Council of the City of Lacey deems it is in the best interests of the people of the City of Lacey that a municipally operated bus transportation system be organized to so serve the people of the City, NOW, THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LACEY AS FOLLOWS:

Section 1. That the public interest, welfare, convenience and necessity requires the establishment, maintenance and operation by the City of Lacey of a transit system for the carrying of passengers within the City. That the establishment of such system shall be accomplished by the purchase and/or lease and/or contracting for the use of the necessary rolling stock and other equipment and by the operation of said system with either city personnel or by entering into a contract with the privately owned company now operating the transportation system or others for the operation and maintenance of said system. That in

order to acquire and to operate said system the City Council of the City of Lacey may arrange for the purchase in the manner required by law of the necessary rolling stock and equipment necessary to establish and operate the transportation system contemplated by this ordinance and may likewise provide for the operation thereof by City employees and may enter into a contract or lease with the present private operator of said system or with others, said contract to provide for the operation and maintenance of the system. The City Council shall be responsible for fixing the amount of fares payable by passengers and the charges to be made for other transit services and for determining routes, schedules and services to be provided. The City Council, to the extent authorized by law, may enter into agreements with other governmental agencies to provide for the joint operation of a bus transit system which serves Lacey and the adjoining municipalities of Tumwater and Olympia. Said agreement may also provide that one or both of said other municipalities may purchase and/or lease the necessary rolling stock and other equipment of said privately owned bus company.

Section 2. The cost of purchasing and/or leasing buses and other equipment necessary for the operation of the system and all of the cost of the operation of said system and the costs of the replacement thereof shall be financed entirely out of revenue from the operation of the bus system and out of revenues derived from the transit subsidy tax hereafter levied and imposed or by loans from other City funds which may be made and repaid pursuant to state law out of the transit fund hereinafter provided for.

Section 3. Pursuant to Chapter 39.95 of the Revised Code of Washington and commencing January 1, 1970, an excise tax, hereinafter called a "transit subsidy tax," in the amount of fifty cents (50¢) per month per housing unit is hereby levied against and shall be collected from each person within the City of Lacey who is served and billed by the City water utility. Revenues received from this tax shall be used for transit purposes only. The City Council by subsequent ordinance or ordinances may raise or lower such tax and in setting the amount of such tax shall be governed by the financial needs of the transit system in its operation, expansion and improvement. In no case shall the tax herein authorized be raised by the City Council to exceed One Dollar (\$1.00) for each month for each housing unit as hereinafter defined. Water customers whose facilities do not include any housing unit shall each pay the same rate as established for housing units. The term "housing unit" as used herein means the residence or living quarters of one or more persons living together or in one family. If any structure or portion thereof contains one or more housing units and the occupants thereof are not each billed for the water service furnished by the City for such unit, the person who is billed for such water service shall be deemed to be served and billed therefor and shall be billed and shall pay the monthly tax on each living unit as herein levied and provided for on each and every such housing unit or units. All city water customers within the City shall be thus taxed except the United States of America and the State of Washington. The billing for the tax hereby levied shall be rendered by the Water Department of the City of Lacey at the same time as each regular water service

billing is rendered, and the billing for such item shall be included as an item in each service billing and shall be identified as the transit subsidy tax. Payment of such tax shall be made at the time payment is made for water service. All proceeds from such transit subsidy tax and all revenues from the bus system shall be forthwith paid into a fund hereby established and designated as the "Transit Fund." Money so received and deposited in said fund shall be used only for the operation, maintenance and capital needs of the public bus transportation system established by this ordinance. If the City shall cease operation of a transit system, the tax herein imposed shall be deemed rescinded as soon as all transit obligations have been met. It shall be unlawful for any person served by and billed for any water system to refuse to pay the transit subsidy taxes herein required. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not to exceed \$100.00.

Section 4. This ordinance shall be referred to the voters of the City of Lacey in the manner required by law at an election to be held in the City of Lacey on the 4th day of November, 1969 in accordance with all applicable laws. For the purpose of submitting this ordinance to the voters of the City for their ratification or rejection the proposition shall be placed on the ballot by means of a ballot title and proposition which shall read as follows:

Proposition 1:

ACQUISITION AND OPERATION OF CITY BUS SYSTEM
AND THE IMPOSITION OF A TRANSIT TAX.

Shall Ordinance No. _____ of the City of
Lacey, passed _____, 1969, be
ratified and shall the City of Lacey purchase and/or
lease buses and equipment for a bus transportation
system and thereafter operate said system by city
employees or by contract for the operation of said
system with others, and shall a transit subsidy
tax not to exceed One Dollar per month per housing
unit be levied and collected by the City of Lacey
and shall criminal punishment be imposed upon the
conviction of refusal to pay said tax; all as
contemplated by Ordinance No. _____.

For the Ordinance - - -

Against the Ordinance -

Section 5. If the proposition set forth above shall be adopted and approved at said election as by law provided, the City of Lacey may proceed to acquire the necessary equipment above set forth and to operate said system in accordance with the plan herein adopted and/or may enter into agreements with other governmental agencies for the joint operation of such a system and shall have the authority to use or borrow from other city funds any funds legally available therefor as provided by law.

Section 6. The City Clerk is hereby directed to notify the County Auditor of Thurston County, Washington of the passage of this ordinance and to do all other things necessary in the time and in the manner required by law to the end that the proposition set forth above shall be submitted to the voters of the City of Lacey as aforesaid.

Section 7. If any section or part of any section of this ordinance shall be declared invalid for any reason by

any court, such invalidity shall not affect the validity of any other section of this ordinance.

Section 8. This ordinance shall go into effect upon ratification by the voters of the City of Lacey at the election herein provided for. If this ordinance is rejected at such election, it shall be null and void and have no further force or effect.

PASSED by the Council and approved by the Mayor this 11 day of SEPTEMBER 1969.

A. B. Homann
MAYOR

ATTEST:

Walter J. Jansen
CITY CLERK

APPROVED AS TO FORM:

Ronald D. Bergquist
CITY ATTORNEY