

ORDINANCE NO. 1486

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ASSUMPTION OF THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE LACEY TRANSPORTATION BENEFIT DISTRICT (TBD) AS ALLOWED BY SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987, SECTION 302, AMENDING CHAPTER 12.40.020 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City Council of the City of Lacey has adopted Ordinance No. 1485 creating the Lacey Transportation Benefit District (TBD) 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 adopted Resolution 1038 expressing the city’s intent to assume the rights, powers, functions and obligations of the Lacey TBD on January 28, 2016, and

WHEREAS, Resolution 1038 set a public hearing for February 11, 2016 and notice of said resolution was published twice in the official newspaper of record for the City of Lacey in the two weeks prior to the scheduled hearing, and

WHEREAS, the City Council held a public hearing for the purpose of taking testimony from all interested parties on the assumption of the rights, powers, functions and obligations of the Lacey TBD on February 11, 2016; and

WHEREAS, the City Council finds it to be in the public interest for the city to assume the rights, powers, immunities, functions, and obligations of the Lacey TBD; and

WHEREAS, the City Council desires to continue the work and functions of the Lacey TBD as defined in state law and Ordinance No. 1485 without the necessity of maintaining a separate entity;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1.     **Findings.** The recitals listed herein are hereby incorporated as Findings.

Section 2.     **Assumption of the Lacey TBD.** The rights, powers, immunities, functions, and obligations of the Lacey Transportation Benefit District are hereby assumed by the City of Lacey 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 Lacey Transportation Benefit District Board of Directors is abolished as required by Section 303 (2) of Second Engrossed Substitute Senate Bill 5987.

Section 4.     Section 12.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

**12.40.020**     Governing Board.

A.     The governing board of the Transportation Benefit District shall be the Lacey 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 and this chapter.

B.     The treasurer of the Transportation Benefit District shall be the City Finance Director.

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 5.     **Severability.** The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is

held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 6.     **Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7.     The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 11<sup>th</sup> day of  
February, 2016.

CITY COUNCIL

By: 

Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

**SUMMARY FOR PUBLICATION**

**ORDINANCE NO. 1486**

**CITY OF LACEY**

**The City Council of the City of Lacey, Washington, passed on February 11, 2016, Ordinance No.1486, entitled “AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ASSUMPTION OF THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE LACEY TRANSPORTATION BENEFIT DISTRICT (TBD) AS ALLOWED BY SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987, SECTION 302, AMENDING CHAPTER 12.40.020 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”**

The main points of the Ordinance are described as follows:

1. The Ordinance establishes the city’s assumption of the rights, powers, functions and obligations of the Lacey Transportation Benefit District.
2. The Ordinance amends Chapter 12.40.020 of the Lacey Municipal Code.
3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: February 15, 2016.