

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1998

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE FIFE TRANSPORTATION BENEFIT DISTRICT, ABOLISHING THE TBD GOVERNING BOARD FOLLOWING ITS ASSUMPTION, AND AMENDING SECTIONS 3.90.030 AND 3.90.040 OF THE FIFE MUNICIPAL CODE

WHEREAS, the City Council of the City of Fife adopted Ordinance No. 1895 creating the Fife Transportation Benefit District (TBD) with the same boundaries as the City limits, pursuant to chapter 36.73 RCW; and

WHEREAS, RCW 36.74.010 provides that “[a]ny city or county in which a transportation benefit district has been established pursuant to chapter 36.73 RCW with boundaries coterminous with the boundaries of the city or county may by ordinance or resolution of the city or county legislative authority assume the rights, powers, functions, and obligations of the transportation benefit district in accordance with this chapter;” and

WHEREAS, the City Council on October 9, 2018 adopted Resolution No. 1846 expressing its intent to assume the TBD and setting a public hearing for November 13, 2018; and

WHEREAS, notice of the public hearing was published in the News Tribune once a week for two consecutive weeks prior to the hearing, as required by law: and

WHEREAS, the public hearing was held on November 13, 2018 as noticed, at which time interested persons were given the opportunity to be heard; and

WHEREAS, the City Council finds that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the TBD; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Recitals set forth above are hereby adopted and incorporated as findings.

Section 2. TBD Assumed. The rights, powers, immunities, functions, and obligations of the Fife Transportation Benefit District are hereby assumed by the City of

Fife which is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the TBD.

Section 3. TBD Governing Board Abolished. Immediately following the assumption of the TBD by Fife, the Fife Transportation Benefit District governing board is abolished.

Section 4. Section 3.90.030 of the Fife Municipal Code is hereby amended to read as follows:

3.90.030 Governing body.

A. The governing body of the District shall be the Fife City Council, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

B. The treasurer of the District shall be the City Finance Director-Treasurer.

C. The governing body shall develop a 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 the District funding participation in a transportation improvement exceeds its original cost by more than twenty 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.

D. The governing body shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

Section 5. Section 3.90.040 of the Fife Municipal Code is hereby amended to read as follows:

3.60.040 Authority of the district.

A. The District, by a majority vote of its governing body, may authorize a motor vehicle license fee of up to \$20 as provided in RCW 82.80.140 for the purposes set forth in this chapter and as may be subsequently authorized according to law.

B. The District may impose additional taxes, fees, or charges authorized by RCW 36.73.040 or ad valorem property taxes authorized by RCW 36.73.060 only if approved by District voters pursuant to RCW 36.73.065.


C. The District shall have and may exercise any and all powers and functions provided by Chapter 36.73 to fulfill the purposes of the District, including the power to issue general obligation bonds and revenue bonds.

Section 6. Severability. If any section, subsection, sentence, clause, paragraph, 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, paragraph, phrase or word of this chapter.

Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

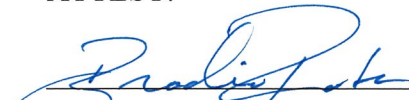
Introduced the 27th day of November 2018.

Passed by the City Council on the 11 day of Dec. 2018.



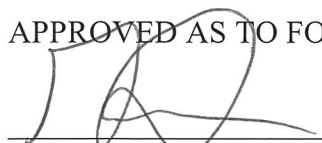
Hyun Kim, City Manager

ATTEST:



Brodie Rota, City Clerk

APPROVED AS TO FORM:



Gregory F. Amann, City Attorney

Published: Dec. 13, 2018

Effective Date: Dec. 18, 2018