

ORDINANCE NO.1887

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, ASSUMING ALL RIGHTS, POWERS, IMMUNITIES, FUNCTIONS AND OBLIGATIONS OF THE DAYTON TRANSPORTATION BENEFIT DISTRICT PURSUANT TO THE AUTHORITY OF SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987 (2ESSB 5987), ABOLISHING THE DAYTON TRANSPORTATION BENEFIT DISTRICT AND REPEALING SECTION 3 OF ORDINANCE NO. 1867.

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts (TBD) and the levying of additional revenue sources for transportation improvements within such districts; and

WHEREAS, the City of Dayton adopted Ordinance No. 1867 on October 27, 2014, creating Dayton Municipal Code Chapter 8-11 entitled "TRANSPORTATION BENEFIT DISTRICT"; forming the Dayton Transportation Benefit District entirely within the geographical boundaries comprised of the corporate city limits of the City of Dayton Washington; and

WHEREAS, the State adopted 2ESSB 5987 that, effective July 15, 2015, authorizes a city or county that has established a TBD with the same boundaries as the city or county to absorb the TBD and assume all of the TBD's "rights, powers, functions and obligations" with the result that the TBD would cease to exist as a separate municipal entity; and

WHEREAS, the City of Dayton passed Resolution No. 1275 on October 12, 2015, setting a public hearing for 7:00 P.M. on November 9, 2015, at City Council Chambers, for the purpose of considering the assumption of the Dayton Transportation Benefit District coexistent with the City's boundaries and to exercise all rights, powers, functions and obligations of the Dayton Transportation Benefit District; and

WHEREAS, Resolution No. 1275 was published at least two times during the two weeks preceding the November 9, 2015, public hearing in a newspaper of daily general circulation printed or published in the City of Dayton or Columbia County; and

WHEREAS, a public hearing occurred on November 9, 2015, at City Council Chambers, during which time the City Council considered the assumption of rights, powers, functions, and obligations of the Dayton Transportation Benefit District, and also heard those appearing and all protests and objections to

same;

WHEREAS, having received testimony, the City Council has determined that the public interest and welfare would be satisfied by the City of Dayton assuming the rights, powers, immunities, functions, and obligations of the Dayton Transportation Benefit District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. INTENT.

It is the intention of the City of Dayton to assume all rights, powers, immunities, functions and obligations of the Dayton Transportation Benefit District.

SECTION 2. ASSUMPTION.

- A. The City of Dayton hereby assumes all rights, powers, immunities, functions and obligations of the Dayton Transportation Benefit District. The City of Dayton is hereby vested with every right, power, immunity, function and obligation currently granted to or possessed by the Dayton Transportation Benefit District.
- B. All rules and regulations and all pending business before the Dayton Transportation Benefit District shall be continued and acted upon by the City of Dayton.
- C. All existing contracts and obligations of the Dayton Transportation Benefit District shall remain in full force and effect and shall be performed by the City of Dayton.
- D. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of powers, duties and functions transferred pursuant to this chapter and available to the Dayton Transportation Benefit District shall be made available to the City of Dayton.
- E. All funds, credits, or other assets held in connection with powers, duties, and functions transferred pursuant to this ordinance shall be assigned to the City of Dayton.
- F. Any appropriations or federal grants made out to the Dayton Transportation Benefit District for the purpose of carrying out the rights, powers, functions and obligations authorized to be assumed by the City of Dayton pursuant to this ordinance, on the effective date of this ordinance, shall be credited to the City of Dayton for the purpose of carrying out such transferred rights, powers, functions and obligations.

G. The City of Dayton hereby assumes and agrees to provide for the payment of all indebtedness of the Dayton Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds issued by the Dayton Transportation Benefit District.

SECTION 3. TBD ABOLISHED.

The Dayton Transportation Benefit District is hereby abolished.

SECTION 4. REPEAL.

Section 3 of Ordinance No. 1867 (and by virtue thereof Ch. 8-11 of the Dayton Municipal Code) is hereby repealed.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and in effect five (5) days after publication of this ordinance or a summary thereof in the official newspaper of the City of Dayton, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 9TH DAY OF NOVEMBER, 2015.

City of Dayton, Washington

/s/

By: Craig George, Mayor

Attest:

/s/

Trina Cole, City Clerk-Treasurer

Approved as to form:

/s/

Quinn N. Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
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WASHINGTON, ASSUMING ALL RIGHTS, POWERS, IMMUNITIES, FUNCTIONS
AND OBLIGATIONS OF THE DAYTON TRANSPORTATION BENEFIT DISTRICT
PURSUANT TO THE AUTHORITY OF SECOND ENGROSSED SUBSTITUTE SENATE
BILL 5987 (2ESSB 5987), ABOLISHING THE DAYTON TRANSPORTATION
BENEFIT DISTRICT AND REPEALING SECTION 3 OF ORDINANCE NO. 1867.

The full text of Ordinance 1887 adopted the 9th day of November,
2015 is available for examination at the City Clerk's Office, 111
S. 1st St., Dayton, WA during normal business hours, 9:00 a.m. to
4:00 p.m.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Quinn P. Plant, City Attorney

The Times