

**CITY OF GRANITE FALLS**  
**Granite Falls, Washington**

**ORDINANCE NO. 911-2016**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE GRANITE FALLS TRANSPORTATION BENEFIT DISTRICT; AMENDING GRANITE FALLS MUNICIPAL CODE CHAPTER 10.85 ADDING NEW SECTION 10.85.015, AMENDING SECTIONS 10.85.020, 10.85.030 AND 10.85.040 AND REPEALING SECTION 10.85.050 OF THE GRANITE FALLS MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Ordinance No. 809-15, the City of Granite Falls City Council established a transportation benefit district to be known as the Granite Falls Transportation Benefit District (“District” or “TBD”), with geographical boundaries comprised of the corporate limits of the City of Granite Falls as they now exist or may hereafter be altered by future annexations; and

**WHEREAS**, the 2015 Legislature adopted Second Engrossed Substitute Senate Bill (“2ESSB”) 5987, the majority of which became effective on July 15, 2015 – Codified as Chapter 36.74 RCW; and

**WHEREAS**, RCW 36.74.010 (Section 301 of 2ESSB 5987) authorizes any city in which a transportation benefit district (“TBD”) has been established pursuant to chapter 36.73 RCW with boundaries coterminous with the boundaries of the city to assume the rights, powers, functions, and obligations of the TBD, by adoption of an ordinance or resolution of the city legislative authority; and

**WHEREAS**, RCW 36.74.020 (Section 302 of 2ESSB 5987) 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 a resolution by the city legislative authority, indicating its intention to consider the assumption of such rights, powers, functions, and obligations and setting a public hearing at which all interested parties may appear and be heard and at which the city does then consider the proposed assumption of the rights, powers, functions, and obligations of the transportation benefit district; and

**WHEREAS**, on March 2, 2016 the Granite Falls City Council adopted Resolution 2016-04, which declared the City Council’s intention to consider the assumption of the rights, powers, functions and obligations of the District, and set a public hearing for April 6, 2016; and

**WHEREAS**, on April 6, 2016, the City Council held a public hearing at which all interested parties were invited to appear and be heard; and

**WHEREAS**, following the conclusion of the public hearing, the City Council determined that the public interest and welfare would be satisfied by the City's assumption of the rights, powers, functions and obligations of the District, because such assumption would provide for more efficient administration of transportation maintenance and improvement funds previously authorized to be collected and expended by the District;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS DO ORDAIN AS FOLLOWS:**

**Section 1. Assumption of Granite Falls Transportation Benefit District.**

Pursuant to RCW 36.74.030 (1)(Section 303, subsection (1) of 2ESSB 5987), the City of Granite Falls does hereby assume all of the rights, powers, immunities, functions, and obligations of the Granite Falls Transportation Benefit District, and the City of Granite Falls is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Granite Falls Transportation Benefit District as of the effective date of this Ordinance. The rights, powers, functions and obligations previously exercised and/or performed by the governing body of the Granite Falls Transportation Benefit District are hereby assumed by and transferred to the City of Granite Falls City Council.

**Section 2. New Section 10.85.015 SMC Adopted.**

A new Section 10.85.015 of the Granite Falls Municipal Code is hereby adopted to read as follows:

**10.85.015. Assumption of transportation benefit district.**

From and after the effective date of this Ordinance, the City of Granite Falls assumes all of the rights, powers, immunities, functions, and obligations of the Granite Falls Transportation Benefit District previously established in this chapter, and the City of Granite Falls is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Granite Falls Transportation Benefit District under Chapter 36.73 RCW, this chapter, and/or any other applicable law as of the effective date of this Ordinance. The rights, powers, functions and obligations previously exercised and/or performed by the governing body of the Granite Falls Transportation Benefit District pursuant to Section 10.85.020 of this chapter are hereby assumed by and transferred to the City of Granite Falls City Council.

**Section 3. Section 3.40.020 GFMC Amended.**

Pursuant to RCW 36.74.030 (2)(Section 303, subsection (2) of 2ESSB 5987), the governing body of the Granite Falls Transportation Benefit District established in Section 10.85.020 of the Granite Falls Municipal Code is hereby abolished, and Section 10.85.020 of the Granite Falls Municipal Code is hereby amended to read as follows:

#### **10.85.020 Governing board.**

(A) The Granite Falls City Council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.

~~(A) The governing board ("board") of the transportation benefit district shall be the members of the Granite Falls 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 "Granite Falls transportation benefit district board.~~

(B) The treasurer of the ~~t~~Transportation ~~b~~Benefit ~~d~~District shall be the city of Granite Falls clerk/treasurer.

(C) The City shall implement the material change policy previously adopted by the Granite Falls Transportation Benefit District that addresses 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).

~~(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). 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.~~

(D) ~~The board~~City Council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). [Ord.890 §2, 2015]

#### **Section 4. Section 10.85.030 GFMC Amended.**

Section 10.85.030 of the Granite Falls Municipal Code is hereby amended to read as follows:

#### **10.85.030 Authority of the ~~district~~ City.**

(A) ~~The district~~City, acting by and through its City Council, may authorize a vehicle tax fee of up to \$20.00 per vehicle as provided for by RCW 82.80.140.

(B) When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, the City ~~district~~ may assess other taxes, fees, charges and tolls or increases in these revenue sources for the preservation, maintenance, enhancement, construction, reconstruction and operation of city streets and ways.

(C) ~~The board~~ City shall have and may exercise all powers and functions provided by Chapter 36.73 RCW to fulfill the purposes of ~~the district~~ Chapter 36.73 and this chapter.

**Section 5. Section 10.85.040 GFMC Amended.**

Section 10.85.040 of the Granite Falls Municipal Code is hereby amended to read as follows:

**10.85.040 Transportation improvements funded.**

The revenues generated by exercise of the powers granted in Section 10.85.030 and/or Chapter 36.73 RCW shall be used for transportation improvements that preserve, maintain and operate existing infrastructure of the city consistent with the requirements of Chapter 36.73 RCW. Expenditures of such revenues shall preserve, maintain and operate the city's previous investments in transportation infrastructure, reduce the risk of transportation facility failure, improve safety, or reduce congestion. Any change or expansion of these authorized purposes shall be undertaken only after notice, hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050(b)(2) or a vote of the people pursuant to RCW 36.73.065(c).

**10.85.040 Transportation improvements funded.**

~~The funds generated by the transportation benefit district shall be used for transportation improvements that preserve, maintain, enhance and operate the existing transportation infrastructure of the city, and to construct and reconstruct improvements and capital projects consistent with the requirements of 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 TBD shall be expended only for such preservation, construction, reconstruction maintenance and operation in accordance with the provisions of 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, fund new capital projects 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. 890 § 2, 2015.]~~

**Section 6. Section 10.85.050 GFMC is repealed.**

Section 10.85.050 Entitled Dissolution of the District is hereby repealed.

**10.85.050 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. [Ord. 890 § 2, 2015.]~~

**Section 7. No Existing Right Impaired.**

Pursuant to RCW 36.74.040 (Section 304 of 2ESSB 5987), nothing in this Ordinance shall be construed as impairing or altering any existing rights acquired by the Granite Falls TBD under chapter 36.73 RCW, this chapter or any other provision of law applicable to transportation

benefit districts. Nor does this assumption impair or alter any actions, activities, or proceedings validated thereunder; any civil or criminal proceedings instituted thereunder; any rule, regulation, or order promulgated thereunder; any administrative action taken thereunder; nor the validity of any act performed by the Granite Falls TBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the City hereunder.

**Section 8. Rules, Regulations, Pending Business, and Contracts.**

Pursuant to RCW 36.74.050 (1) (Section 305, subsection (1) of 2ESSB 5987), all rules and regulations and all pending business before the board of the Granite Falls Transportation Benefit District shall be continued and acted upon by the Granite Falls City Council. In addition, pursuant to subsection RCW 36.74.050 (2) ((2) of Section 305 of 2ESSB 5987), all existing contracts and obligations of the Granite Falls Transportation Benefit District remain in full force and effect, and will be performed by the City. The assumption does not affect the validity of any official act performed by any official or employee prior to the assumption authorized in Sections 1 and 2 of this Ordinance.

**Section 9. Records of the Granite Falls Transportation Benefit District.**

Pursuant to RCW 36.74.060 (1) (Section 306, subsection (1) of 2ESSB 5987), all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Granite Falls Transportation Benefit District shall be made available to the City.

**Section 10. Funds, Credits, Appropriations, Federal Grants, or Other Assets.**

Pursuant to RCW 36.74.060 (2) (Section 306, subsection (2) of 2ESSB 5987), all funds, credits, or other assets held in connection with rights, powers, duties, and functions of the Granite Falls Transportation Benefit District assumed hereunder shall be assigned to the City. Further, pursuant to RCW 36.74.060 (3) (Section 306, subsection (3) of 2ESSB 5987), any appropriations or federal grant made to the Granite Falls Transportation Benefit District for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by the City must, on the effective date of the assumption, be credited to the City for the purpose of carrying out such assumed rights, powers, functions, and obligations.

**Section 11. Assumption of Indebtedness.**

Pursuant to RCW 36.74.070 (Section 307 of 2ESSB 5987), the City assumes and agrees to provide for the payment of all of the indebtedness of the Granite Falls Transportation Benefit District, including the payment and retirement of outstanding general obligation and revenue bonds (if any) issued by the Granite Falls Transportation Benefit District.

**Section 12. Effective Date.**

This ordinance shall be effective April 30, 2016.

**Section 13. Corrections by City Clerk or Code Reviser.**

Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 14. Severability.**

If any one or more section, subsection, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of


this Ordinance or its application to other persons or circumstances, and the same shall remain in full force and effect.

ADOPTED by the City Council and APPROVED by the Mayor this 20<sup>th</sup> day of April, 2016.


CITY OF GRANITE FALLS

By   
Matthew Hartman, Mayor

ATTEST:

By   
Darla Reese, City Clerk

APPROVED AS TO FORM:

By   
Thom Graafstra, City Attorney

Date of Publication: 04/25/2016

Effective Date: 04/30/2016