

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	_____
Subject:	<u>Ordinance No. 2016-1 Assuming the</u> <u>Rights, Powers, Functions, and</u> <u>Obligations of the Eatonville</u> <u>Transportation Benefit District</u>	Prepared by:	<u>Town Attorney</u>
		Atty Routing No:	<u>043-15</u>
		Atty Review Date:	<u>November 30, 2015</u>

**Summary:** On June 25, 2012, the Town created the Eatonville Transportation Benefit District ("Eatonville TBD"), with the same geographical boundaries as the Town. The Eatonville TBD was a separate entity, with a board made up of the Town Council acting in an ex officio and independent capacity.

On July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 ("SESSB 5987"), which took effect on July 15, 2015, and which allows the Town to assume the rights, powers, functions and obligations of the Eatonville TBD. Prior to assumption the Town was required to hold a public hearing and allow all interested persons the opportunity to appear and be heard. On December 7, 2015, the Town Council passed Resolution No. 2015-GG indicating the Town's intent to hold a public meeting and scheduling the meeting. The Resolution was published two times in the two weeks prior to the public hearing as required by SESSB 5987.

On January, 11, 2016, at the regularly scheduled Town Council meeting, the Town will hold a public hearing concerning the Town's assumption of the rights, powers, functions and obligations of the Eatonville TBD.

The Town's assumption of the rights, powers, functions and obligations of the Eatonville TBD will promote efficiency in government and administration and eliminate potential public confusion about distinguishing between the Town Council and the Eatonville TBD.

In order for the Town to assume the rights, powers, functions and obligations of the Eatonville TBD, the council, following the public hearing, must find that the public interest and welfare of the Town would be best served by the assumption.

**Recommendation:** Staff recommends adoption of Ordinance No. 2016-1 assuming the rights, powers, functions and obligations of the Eatonville TBD.

**Motion for consideration:** I move to adopt Ordinance No. 2016-1 assuming the rights, powers, functions and obligations of the Eatonville TBD.

**Fiscal Impact:** None

**Attachments:** Proposed Ordinance No. 2016-1

**ORDINANCE NO. 2016-1**

**AN ORDINANCE OF THE TOWN OF EATONVILLE,  
WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS,  
AND OBLIGATIONS OF THE EATONVILLE TRANSPORTATION  
BENEFIT DISTRICT**

**WHEREAS**, on June 25, 2012, pursuant to Chapter 36.73 RCW, the Eatonville Town Council adopted Ordinance 2012-6, establishing the Eatonville Transportation Benefit District ("Eatonville TBD") with geographical boundaries comprised of the corporate limits of the Town of Eatonville ("Town"); and

**WHEREAS**, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 ("SESSB 5987"), which took effect on July 15, 2015, and which authorizes the Town to assume the rights, powers, functions and obligations of the Eatonville TBD; and

**WHEREAS**, on December 11, 2015, the Town Council adopted Resolution No. 2015-GG declaring the Town's intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions and obligations of the Eatonville TBD; and

**WHEREAS**, Resolution No. 2015-GG was published on two occasions during the two weeks prior to the public hearing in the Eatonville Dispatch pursuant to Eatonville Municipal Code Section 1.08.010 and SESSB 5987, Section 302(1); and

**WHEREAS**, on January 11, 2016, the Town Council considered the Town's assumption of the rights, powers, functions and obligations of the Eatonville TBD and conducted a public hearing allowing all interested persons the opportunity to be heard pursuant to SESSB 5987, Section 302(2); and

**WHEREAS**, following the conclusion of the public hearing, the Town Council determined that the public interest and welfare of the Town would be best served by the Town assuming the rights, powers, functions, and obligations of the existing Eatonville TBD; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE  
AS FOLLOWS:**

**Section 1.** Pursuant to SESSB 5987, Sections 301 and 303, the Town of Eatonville hereby assumes all rights, powers, functions, and obligations of the Eatonville TBD. The Town is hereby vested with each and every right, power, function, and

obligation previously granted to or possessed by the Eatonville TBD 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 Eatonville TBD are hereby assumed by and transferred to the Eatonville Town Council.

**Section 2.** Eatonville Municipal Code Section 3.22.020 is hereby amended to read as follows:

**3.22.020 Governing board.**

A. The governing board, referred to in this chapter as "board," of the transportation benefit district shall be the Eatonville town 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. Meetings of the district board shall be governed by the procedural rules applicable to meetings of the town council, as these rules may be amended by the town council from time to time. District board actions shall be taken in the same manner and follow the same procedure as for the adoption of town council resolutions. Meetings of the district board shall, whenever possible, take place on the same dates scheduled for town council meetings.

C. The mayor shall serve as the chair of the district board and shall preside over all meetings of the district board.

D. The town attorney will serve as legal advisor to the district board, except where separate counsel is engaged by the district or the town attorney has a conflict of interest.

E. The treasurer of the transportation benefit district shall be the town treasurer.

F. 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).

G. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

H. The board may authorize an advisory committee, consisting of up to seven town residents who are stakeholders in the town's arterial system, to advise the board as requested on matters relating to project priorities and material changes. Advisory member candidates shall be nominated by the mayor and confirmed by the board.

**Section 3.** Pursuant to SESSB 5987, Section 304, the Town's assumption of the Eatonville TBD does not impair or alter any existing rights acquired by the Eatonville TBD under Chapter 36.73 RCW or any other provision of law relating to transportation benefit districts. Nor shall 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; or the validity of any act performed by the Eatonville TBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the Town as authorized under the law.

**Section 4.** Pursuant to SESSB 5987, Section 305, all rules, regulations and pending business before the Eatonville TBD shall be acted upon by the Town Council. All existing contracts and obligations of the Eatonville TBD shall remain in full force and effect and shall be performed by the Town. Any official act performed by any official or employee of the Eatonville TBD prior to the assumption authorized by this Ordinance shall not be affected by the assumption.

**Section 5.** Pursuant to SESSB 5987, Section 306, all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions assumed pursuant to this Ordinance shall be made available to the Town.

**Section 6.** All funds, credits, or other assets held in connection with the powers, duties, and functions of the Eatonville TBD and assumed pursuant to this Ordinance shall be assigned to the Town. Any appropriations or federal grants made to the Eatonville TBD for the purpose of carrying out the rights, powers, functions and obligations assumed pursuant to this Ordinance shall be credited to the Town.

**Section 7.** Pursuant to SESSB 5987, Section 307, the Town shall assume and agree to provide for the payment of all indebtedness of the Eatonville TBD, including the payment and retirement of outstanding general obligations and revenue bonds issued by the Eatonville TBD.

**Section 8.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise 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.

**Section 9.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/11/2016  
2<sup>ND</sup> READING: \_\_\_/\_\_\_/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_ day of January, 2016.

---

Mike Schaub  
Mayor

ATTEST:

---

Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

---

Gregory A. Jacoby  
Town Attorney