

ORDINANCE NO. 6739

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, ASSUMING THE RIGHTS,
POWERS, FUNCTIONS, IMMUNITIES, AND OBLIGATIONS
OF THE AUBURN TRANSPORTATION BENEFIT DISTRICT**

WHEREAS, on September 19, 2011, the City Council adopted Ordinance No. 6377 creating the Auburn Transportation Benefit District ("Auburn TBD") with geographical boundaries comprised of the corporate limits of the City, all in accordance with chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 (SESSB 5987) codified in Chapter 36.74 RCW, which, in Section 36.74.030, authorizes the City to assume the rights, powers, functions, and obligations of the existing Auburn TBD; and

WHEREAS, the Auburn Transportation District does has not collected or spent any funds, does not have any contracts, has not committed to any projects, and does not have any assets; and

WHEREAS, on November 4, 2019, the City Council adopted Resolution No. 5462, the City declared its intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the existing Auburn TBD; and

WHEREAS, on November 18, 2019, the City Council conducted the public hearing allowing all persons interested in the proposed assumption the opportunity to be heard; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the existing Auburn TBD;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Assumption of Auburn Transportation Benefit District. Pursuant to RCW 36.74.020, the City of Auburn hereby assumes all of the rights, powers, immunities, functions, and obligations of the Auburn TBD. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Auburn 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 Auburn TBD are hereby assumed by and transferred to the Auburn City Council.

Section 2. Amendment to Auburn City Code. Chapter 3.23 of the Auburn City Code is amended to read as set forth in Exhibit A.

Section 3. Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW 36.74.050, all rules and regulations and all pending business before the board of the Auburn TBD shall be continued and acted upon by the City Council. In addition, pursuant to Section 305(2), all existing contracts and obligations of the Auburn TBD remain in full force and effect and must 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 under the law.

Section 4. Records of the Auburn TBD. Pursuant to RCW 36.74.060, all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Auburn TBD must be made available to the City.

Section 5. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____