

CITY OF BAINBRIDGE ISLAND WASHINGTON

ORDINANCE NO. 2015-31

AN ORDINANCE OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, RELATING TO TRANSPORTATION; ASSUMING THE BAINBRIDGE ISLAND TRANSPORTATION BENEFIT DISTRICT; REPEALING CHAPTER 12.29 OF THE BAINBRIDGE ISLAND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Bainbridge Island has the responsibility for the improvement, maintenance, protection and operation of public streets and ways within the corporate limits of the City; and

WHEREAS, on August 22, 2012, the City Council adopted Ordinance No. 2012-14 establishing a city-wide transportation benefit district pursuant to Chapter 36.73 RCW for the improvement, preservation, maintenance and operation of the City's transportation infrastructure, to reduce the risk of transportation facility failure, to improve safety, to avoid more expensive infrastructure replacements in the future, and to reduce congestion or stem the expected increase in congestion created by failing roads ("Bainbridge Island Transportation Benefit District" or "the TBD"); and

WHEREAS, on July 1, 2015, the State Legislature passed Second Engrossed Substitute Senate Bill 5987, amending Chapter 36.73 RCW and authorizing cities to assume the rights, powers, functions, and obligations of transportation benefit districts with the same boundaries as the establishing city; and

WHEREAS, on October 6, 2015, the City Council passed Resolution No. 2015-17 indicating its intention to conduct a public hearing concerning the assumption of the rights, powers, functions, and obligations of the TBD; and

WHEREAS, Resolution No. 2015-17 was published in the Bainbridge Review, a newspaper of daily general circulation printed or published in the City, on October 30, and November 6, 2015; and

WHEREAS, on November 17, 2015, a public hearing was held by the City Council to consider the proposed assumption of the rights, powers, functions, and obligations of the TBD; 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 TBD and hereby declares its intent to do the same;

NOW, THEREFORE, the City Council of the City of Bainbridge Island, Washington, do ordain as follows:

Section 1. Assumption of Bainbridge Island Transportation Benefit District. The City of Bainbridge Island does hereby assume the rights, powers, immunities, functions, and obligations of the Bainbridge Island Transportation Benefit District and is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the TBD. The City Council of the City of Bainbridge Island is hereby vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the TBD as defined by Section 12.29.020 of the Bainbridge Island Municipal Code (“BIMC”).

Section 2. Bainbridge Island Transportation Benefit District Abolished. The Bainbridge Island Transportation Benefit District established pursuant to Section 12.29.010 BIMC, and the TBD governing board as defined by Section 12.29.020 BIMC, are hereby abolished.

Section 3. Repealer. Bainbridge Island Municipal Code Chapter 12.29, entitled “Transportation Benefit District,” is hereby repealed in its entirety.

Section 4. Severability. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect on December 31, 2015.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF DECEMBER, 2015.

CITY OF BAINBRIDGE ISLAND


Anne S. Blair, Mayor

ATTEST/AUTHENTICATED:

Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: September 29, 2015
PASSED BY THE CITY COUNCIL: December 1, 2015
DATE OF PUBLICATION: December 4, 2015
EFFECTIVE DATE: December 31, 2015
ORDINANCE NO.: 2015-31