

ORDINANCE NO. 15-10xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE BLACK DIAMOND TRANSPORTATION BENEFIT DISTRICT, AS ALLOWED BY SSB 5987.

WHEREAS, the City Council of the City of Black Diamond has adopted Ordinance No. 1057 creating the Black Diamond Transportation Benefit District with the same boundaries as the City limits;

WHEREAS, Second Engrossed Substitute Senate Bill 5987, in Section 302, which took effect on July 15, 2015, 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 resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions and obligations”; and

WHEREAS, the City of Black Diamond held a public hearing on the proposed assumption of the rights, powers, functions and obligations of the Black Diamond Transportation Benefit District on October 1st, 2015 at the Council Chambers 25510 Lawson Street; and

WHEREAS, after the public hearing, the City Council voted to assume the rights, powers, functions and obligations of the Black Diamond Transportation Benefit District; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings to support the actions described herein:

A. BACKGROUND

1. The 2015 legislature included in its transportation funding bill 2nd Engrossed Substitute Senate Bill 5987 the authority to take over and assume the rights, powers, functions and obligations of the Black Diamond Transportation Benefit District
2. This action will significantly simplify the administration and of the funds collected for streets for greater efficiency of government.
3. The Black Diamond Transportation Benefit District has not yet collected any funds, does not have any contracts, has not committed to any projects and has not spent any funds, which simplifies the transfer of authority.

4. The Black Diamond Transportation Benefit District as yet does not have any assets, simplifying the transfer of authority.

Section 2. Assumption of the Black Diamond Transportation Benefit District

The City hereby assumes all the rights, powers, functions and obligations of the Black Diamond Transportation Benefit District and by this action the Black Diamond Transportation Benefit District will cease to exist as a separate entity.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this ____ day of _____, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE NO: