

ORDINANCE NO. 1457

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE GIG HARBOR TRANSPORTATION BENEFIT DISTRICT (TBD) AS ALLOWED BY CHAPTER 36.74 RCW AND FOLLOWING ITS ABOLISHING THE TBD GOVERNING BOARD UPON THE EFFECTIVE DATE OF THE ASSUMPTION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City of Gig Harbor Ordinance No. 1392, passed by the City Council on July 9, 2018 created the Transportation Benefit District with the same boundaries as the City limits;

WHEREAS, RCW 36.74.020 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... indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions, and obligations”; and

WHEREAS, the City of Gig Harbor held a public hearing on the proposed assumption of the rights, powers, functions and obligations of the Gig Harbor Transportation Benefit District on March 8, 2021; and

WHEREAS, after the public hearing, the City Council desires to assume the rights, powers, functions and obligations of the Gig Harbor Transportation Benefit District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS:

SECTION 1. Findings. The recitals listed herein are incorporated as findings.

SECTION 2. TBD Assumed.

- A. The rights, powers, immunities, functions, and obligations of the City of Gig Harbor Transportation Benefit District are hereby assumed by the City of Gig Harbor which is hereby vested with every right, power, immunity, functions, and obligation currently granted to or possessed by the TBD.
- B. All existing contracts and obligations of the Gig Harbor Transportation Benefit District shall remain in full force and effect and shall be performed by the City of Gig Harbor.
- C. All rules and regulations and all pending business before the Gig Harbor Transportation Benefit District shall be continued and acted upon by the City of Gig Harbor.

- D. All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of powers, duties and functions transferred pursuant to this chapter and available to the Gig Harbor Transportation Benefit District shall be made available to the City of Gig Harbor.
- E. All funds, credits, or other assets held in connection with powers, duties, and functions transferred pursuant to this ordinance shall be assigned to the City of Gig Harbor.
- F. Any appropriations or federal grants made out to the Gig Harbor Transportation Benefit District for the purpose of carrying out the rights, powers, functions and obligations authorized to be assumed by the City of Gig Harbor pursuant to this ordinance, on the effective date of this ordinance, shall be credited to the City of Gig Harbor for the purpose of carrying out such transferred rights, powers, functions and obligations.

SECTION 3. TBD Governing Body Abolished. Immediately following the assumption of the TBD by the City, the Gig Harbor Transportation Benefit District Board of Directors is abolished as required by RCW 36.74.030(2).

SECTION 4. Debts and Obligations. The city hereby assumes and agrees to provide for the payment of all of the indebtedness of the transportation benefit district, including the payment and retirement of outstanding general obligation and revenue bonds issued by the transportation benefit district should any exist.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

SECTION 6. Effective Date. This ordinance shall take effect five days after its publication or the publication of a summary of its intent and contents.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 13th of April, 2021.


CITY OF GIG HARBOR

Kit Kuhn
KIT KUHN, MAYOR

ATTEST/AUTHENTICATED:

By: *Molly Towslee*
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

By: 
DANIEL KENNY

FILED WITH THE CITY CLERK: 3/11/21
PASSED BY THE CITY COUNCIL: 04/12/21
PUBLISHED: 04/15/21
EFFECTIVE DATE: 04/20/21
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