

ORDINANCE O-4783

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ASSUMPTION BY THE CITY OF KIRKLAND OF THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS, AND OBLIGATIONS OF THE KIRKLAND TRANSPORTATION BENEFIT DISTRICT AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 19.22 IN CONNECTION THEREWITH AND APPROVING A SUMMARY FOR PUBLICATION.

1           WHEREAS, in accordance with chapter 36.73 RCW, the City  
2 Council did establish a transportation benefit district known as the  
3 Kirkland Transportation Benefit District (KTBD) through Ordinance  
4 O-4435 in 2014; and

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6           WHEREAS, municipal code provisions related to the KTBD  
7 are codified at Kirkland Municipal Code Chapter 19.22; and

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9           WHEREAS, at its November 16, 2021 meeting, the Council  
10 considered ways in which revenue generating options available to  
11 the KTBD through chapter 36.73 RCW and KMC 19.22 could be  
12 activated to help fund priority active transportation projects and  
13 for other lawful purposes; and

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15           WHEREAS, at such November 16, 2021 meeting, the  
16 Council, through Resolution R-5502, amended the 2021-2022 City  
17 Work Program to include activating the KTBD for the purpose of  
18 funding Safer Routes to School Action Plan priority projects, Active  
19 Transportation Plan priority projects, Vision Zero Plan priority  
20 projects, and other active transportation projects to further the  
21 Goals of Community Safety, Vibrant Neighborhoods, Inclusive and  
22 Equitable Community, Balanced Transportation, and Dependable  
23 Infrastructure; and

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25           WHEREAS, pursuant to chapter 36.74 RCW, a city in which  
26 a transportation benefit district has been established with  
27 boundaries coterminous with the boundaries of the city may by  
28 ordinance or resolution of the city legislative authority assume the  
29 rights, powers, immunities, functions, and obligations of the  
30 transportation benefit district ("assumption") in accordance with  
31 such chapter; and

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33           WHEREAS, the boundaries of the city of Kirkland and the  
34 KTBD are coterminous; and

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36           WHEREAS, through Resolution R-5511 on February 1,  
37 2022, the Council initiated the assumption process related to the  
38 KTBD by indicating the Council's intent to conduct a public hearing  
39 on February 15, 2022, in order to consider such assumption by  
40 the City of Kirkland and providing for statutory public notice of  
41 such hearing as provided for by RCW 36.74.020; and

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WHEREAS, and following such public notice, a public hearing related to the assumption by of the KTBD by the City was held on February 15, 2022, at which time all interested persons were entitled to appear and be heard, virtually due to the ongoing COVID-19 pandemic; and

WHEREAS, having received such public comment and testimony and having engaged in further consideration of the issue of assumption, the Council has determined that the public interest or welfare would be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the KTBD; and

WHEREAS, the Council now wishes to provide for such assumption, including by abolishing the current governing body of the KTBD; namely, the City Council acting in an ex officio and independent capacity, as required by RCW 36.74.030 through an amendment to KMC Section 19.22.020.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The City of Kirkland hereby assumes the rights, powers, immunities, functions, and obligations of the Kirkland Transportation Benefit District. To the maximum extent permitted by law, the City of Kirkland is hereby vested with every right, power, immunity, function, and obligation currently granted to the Kirkland Transportation Benefit District, including those set forth in KMC Chapter 19.22, except as specifically amended by Section 3 hereof.

Section 2. The City hereby agrees to assume and provide for the payment of any indebtedness of the Kirkland Transportation Benefit District.

Section 3. Kirkland Municipal Code Section 19.22.020(a) is amended in its entirety to read as follows:

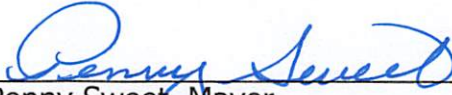
- (a) The governing board of the transportation benefit district is the city council, which shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.


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Passed by majority vote of the Kirkland City Council in open meeting this 15 day of February, 2022.

Signed in authentication thereof this 15 day of February, 2022.

  
Penny Sweet, Mayor

Attest:

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Kevin Raymond, City Attorney

Publication Date: 02/21/2022

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4783

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ASSUMPTION BY THE CITY OF KIRKLAND OF THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS, AND OBLIGATIONS OF THE KIRKLAND TRANSPORTATION BENEFIT DISTRICT AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 19.22 IN CONNECTION THEREWITH.

SECTION 1. Provides that the City of Kirkland assumes the rights, powers, immunities, functions, and obligations of the Kirkland Transportation Benefit District.


SECTION 2. Provides that the City of Kirkland assumes and provides for the payment of any indebtedness of the Kirkland Transportation Benefit District.

SECTION 3. Amends KMC 19.22.020(a) to establish the City Council as the governing board of the Transportation Benefit District.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 15 day of February 2022.

I certify that the foregoing is a summary of Ordinance 4783 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk