



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3356**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,  
ASSUMING THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS  
AND OBLIGATIONS OF THE LYNNWOOD TRANSPORTATION  
BENEFIT DISTRICT; AND PROVIDING FOR SEVERABILITY, AN  
EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, on May 24, 2010, the Lynnwood City Council passed Ordinance No. 2837 (in part codified as Chapter 12.14 LMC), which created the Lynnwood Transportation Benefit District as authorized by Chapter 36.73 RCW; and

WHEREAS, effective on July 15, 2015, the Washington State Legislature enacted RCW 36.74.010, which authorizes a city that has established a transportation benefit district with boundaries coterminous with the city to assume the rights, powers, functions and obligations of the transportation benefit district, in accordance with Chapter 36.74 RCW; and

WHEREAS, the boundaries of the Lynnwood Transportation Benefit District are coterminous with the boundaries of the City of Lynnwood; and

WHEREAS, on February 10, 2020, the Lynnwood City Council adopted Resolution No. 2020-03, which declares its intent to conduct a public hearing to consider the proposed assumption of rights, powers, functions and obligations of the existing Lynnwood Transportation Benefit District, and fixes March 9, 2020 at 7:00 p.m., in the Council Chambers of the Lynnwood City Hall, as the date, time and location of the public hearing; and

WHEREAS, on March 9, 2020, at the time scheduled for the public hearing, the City Council held the public hearing and invited all interested persons to appear and be heard; and

WHEREAS, following the conclusion of the public hearing, the City Council determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions and obligations of the existing Lynnwood Transportation Benefit District;

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

1 **Section 1.** Assumption of Lynnwood Transportation Benefit District. Pursuant to RCW  
2 36.74.010 and 36.74.030, the City of Lynnwood hereby assumes all of the rights, powers,  
3 immunities, functions and obligations of the Lynnwood Transportation Benefit District. The City  
4 is hereby vested with each and every right, power, immunity, function and obligation currently  
5 granted to or possessed by the Lynnwood Transportation Benefit District as of the effective  
6 date of this Ordinance. The right, powers, functions, and obligations previously exercised  
7 and/or performed by the governing body of the Lynnwood Transportation Benefit District are  
8 hereby assumed by and transferred to the Lynnwood City Council.

9  
10 **Section 2.** Abolishment of Governing Body of Transportation Benefit District. Pursuant to  
11 RCW 36.74.030, the governing body of the Lynnwood Transportation Benefit District,  
12 established in LMC 12.14.020 as that section existed before the effective date of this  
13 Ordinance, is hereby abolished and the Lynnwood City Council is vested with all rights, powers,  
14 immunities, functions and obligations otherwise vested by law in the governing body of the  
15 Lynnwood Transportation Benefit District.

16  
17 **Section 3.** No Existing Right Impaired. Pursuant to RCW 36.74.040, this assumption does  
18 not impair or alter any existing rights acquired by the Lynnwood Transportation Benefit District  
19 under Chapter 36.73 RCW or any other provision of law relating to transportation benefit  
20 districts. This assumption also does not impair or alter any actions, activities or proceedings  
21 validated thereunder; any civil or criminal proceedings instituted thereunder; any rule,  
22 regulation or order promulgated thereunder; any administrative action taken thereunder; or  
23 the validity of any act performed by the Lynnwood Transportation Benefit District, or division or  
24 any officer thereof, prior to the assumption of such rights, powers, functions and obligations by  
25 the City as authorized under the law.

26 **Section 4.** Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW  
27 36.74.050(1), all rules and regulations and all pending business before the board of the  
28 Lynnwood Transportation Benefit District shall be continued and acted upon by the Lynnwood  
29 City Council. In addition, pursuant to RCW 36.74.050(2), all existing contracts and obligations of  
30 the Lynnwood Transportation Benefit District remain in full force and effect and must be  
31 performed by the City. The assumption does not affect the validity of any official act performed  
32 by any official or employee prior to the assumption authorized under the law.

33  
34 **Section 5.** Records of the Lynnwood Transportation Benefit District. Pursuant to RCW  
35 36.74.060(1), all reports, documents, surveys, books, records, files, papers, or other writings  
36 relating to the administration of the powers, duties and functions available to the Lynnwood  
37 Transportation Benefit District must be made available to the City.

38  
39 **Section 6.** Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to  
40 Chapter 36.74.060(2), all funds, credits, or other assets held in connection with assumed  
41 powers, duties and functions must be assigned to the City. Pursuant to Chapter 36.74.060(3),  
42 any appropriations or federal grants made to the Lynnwood Transportation Benefit District for  
43 the purpose of carrying out the rights, powers, functions and obligations authorized to be

1 assumed by the City must, on the effective date of the assumption, be credited to the City for  
2 the purpose of carrying out such assumed rights, powers, functions and obligations.

3  
4 **Section 7.** Assumption of Indebtedness. Pursuant to RCW 36.74.070, the City assumes and  
5 agrees to provide for the payment of all of the indebtedness of the Lynnwood Transportation  
6 Benefit District, including the payment and retirement of outstanding general obligation and  
7 revenue bonds issued by the Lynnwood Transportation Benefit District, if any.

8  
9 **Section 8.** New Section. A new Section 12.14.015 is added to the Lynnwood Municipal  
10 Code to read as follows:

11  
12 **12.14.015 Assumption of Lynnwood Transportation Benefit District.**

13 As authorized by Chapter 36.74 RCW, from and after the effective date of the ordinance  
14 codified in this section, the City of Lynnwood assumes all of the rights, powers,  
15 immunities, functions and obligations of the Lynnwood Transportation Benefit District  
16 previously established in this chapter. The City is hereby vested with each and every  
17 right, power, immunity, function and obligation granted to or possessed by the  
18 Lynnwood Transportation Benefit District under Chapter 36.73 RCW, this chapter, and  
19 any other applicable law as of the effective date of the ordinance codified in this  
20 section. The governing body of the Lynnwood Transportation Benefit District is  
21 abolished, and the rights, powers, immunities, functions and obligations previously  
22 exercised and/or performed by the governing body of the Lynnwood Transportation  
23 Benefit District are vested in the City of Lynnwood City Council.

24  
25 **Section 9.** Amendment. LMC 12.14.020 is amended as follows:

26 **12.14.020 Governing ~~body~~board.**

27 A. ~~The governing board of the transportation benefit district shall be the Lynnwood~~  
28 ~~city council acting in an ex officio and independent capacity, which shall have the~~  
29 ~~authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this~~  
30 ~~chapter.~~

31  
32 ~~B. The treasurer of the transportation benefit district shall be the city director of~~  
33 ~~finance.~~

34  
35 B. The City Council ~~board~~ shall develop a material change policy to address major  
36 plan changes that affect project delivery or the ability to finance the plan, pursuant to  
37 the requirements set forth in RCW 36.73.160(1).

38  
39 C. The City ~~board~~ shall issue an annual report, pursuant to the requirements of  
40 RCW 36.73.160(2).

1 **Section 10.** Amendment. LMC 12.14.030 is amended as follows:  
2

3 **12.14.030 Authority of district.**  
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5 A. The City district may authorize a vehicle license tax fee up to the maximum fee  
6 provided for in RCW 36.73.065.  
7

8 B. When authorized by the voters pursuant to the requirements of Chapter 36.73  
9 RCW, other taxes, fees, charges and tolls or increases in revenue services may be  
10 assessed for the preservation, maintenance and operation of city streets.  
11

12 C. The City Council board shall have and may exercise any powers provided by law  
13 to fulfill the purposes of Chapter 36.73 RCW and of this chapter ~~of the district~~.  
14

15 **Section 11.** Amendment. LMC 12.14.040 is amended as follows:  
16

17 **12.14.040 Use of funds.**

18 The funds generated by the exercise of powers granted in Chapter 36.73 RCW or this  
19 chapter transportation benefit district may be used for any purpose allowed by law  
20 including to ~~operate the district and to~~ make transportation improvements that are  
21 consistent with existing state, regional, and local transportation plans and necessitated  
22 by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW.  
23 The transportation improvements funded by these revenues ~~the district~~ shall be made  
24 in an effort to reduce the risk of transportation facility failure and improve safety,  
25 decrease travel time, increase daily and peak period trip capacity, improve modal  
26 connectivity, and preserve and maintain optimal performance of the infrastructure over  
27 time to avoid expensive infrastructure replacement in the future.  
28

29 **Section 12.** Repealer. LMC 12.14.050 is repealed.  
30

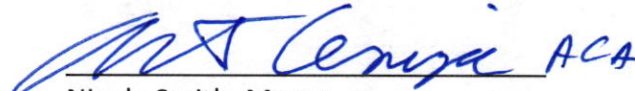
31 **Section 13.** Severability. If any section, sentence, clause or phrase of this Ordinance should  
32 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
33 unconstitutionality shall not affect the validity or constitutionality of any other section,  
34 sentence, clause or phrase of this Ordinance.  
35

36 **Section 14.** Publication/Effective Date. This Ordinance or a summary thereof consisting of  
37 the title shall be published in the official newspaper of the City and shall take effect and be in  
38 full force five (5) days after publication.  
39

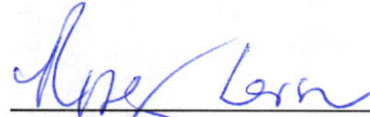
40 PASSED BY THE CITY COUNCIL, the 23rd day of March 2020.  
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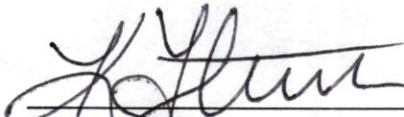
APPROVED:

  
\_\_\_\_\_  
Nicola Smith, Mayor  
Act Ceriza For Mayor Smith  
DSA 5-11-2020

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Karen Fitzthum, Acting City Clerk

PASSED BY THE CITY COUNCIL: 03/23/2020  
PUBLISHED: 04/02/2020  
EFFECTIVE DATE: 04/07/2020  
ORDINANCE NUMBER: 3356




On the 23<sup>th</sup> day of March 2020 the City Council of the City of Lynnwood, Washington, passed ordinance 3356. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO 3356**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ASSUMING THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS AND OBLIGATIONS OF THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

The full text of this ordinance will be mailed upon request.

DATED this 7<sup>th</sup> day of April 2020..

  
\_\_\_\_\_  
Debbie Karber, Deputy City Clerk

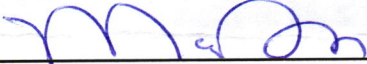
# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Maggie Boyd being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH896018 ORDINANCE 3356 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/07/2020 and ending on 04/07/2020 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$30.20.

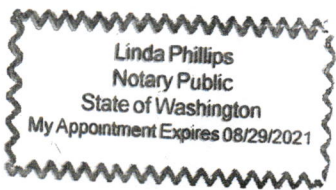


Subscribed and sworn before me on this  
10<sup>th</sup> day of April,  
2020.



Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBER





CITY OF LYNNWOOD, WASHINGTON

On the 23th day of March 2020 the City Council of the City of Lynnwood, Washington, passed ordinance 3356. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO 3356

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ASSUMING THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS AND OBLIGATIONS OF THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.  
DATED this 7th day of April 2020.

Debbie Karber, Deputy City Clerk  
EDH896018

Published: April 7, 2020.