

ORDINANCE NO. 1858

AN ORDINANCE OF THE FERNDALE CITY COUNCIL AMENDING CHAPTER 12.40 – TRANSPORTATION BENEFIT DISTRICT RELATED TO THE DISTRICT'S MEETING TIME

WHEREAS, the Ferndale City Council adopted Chapter 12.40 FMC – Transportation Benefit District (TBD), creating a TBD within the City limits; and

WHEREAS, Chapter 12.40 FMC provides that meetings of the TBD shall, whenever possible, take place on the same dates scheduled for City Council meetings; and

WHEREAS, Chapter 12.40 FMC also provides that board meetings of the TBD shall be governed by the procedural rules of the City Council, which calls for meetings to be held at 6 p.m. the first and third Monday of each month, except in cases of a holiday, at the City Hall Annex, 5694 Second Ave.; and

WHEREAS, these provisions related to TBD meetings are in compliance with RCW 42.30.070, which requires governing bodies of a public agency to adopt an ordinance, resolution, bylaws or whatever other rule is required to conduct business stating the time and place of its regular meetings; and

WHEREAS, it is appropriate for these meetings to be officially adopted, too, by the TBD Board via resolution, which is the designated means of adoption of Board policy; and

WHEREAS, so as to prevent confusion, it is appropriate to remove meeting language from the City's municipal code related to the TBD, which is a separate legal entity; and

WHEREAS, the City Council intends to repeal TBD meeting time and place language from the Ferndale Municipal Code with the recognition that the TBD Board will be adopting an official resolution stating the time and place for TBD regular meetings;

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

Section 1: FMC 12.40.020 Governing board is hereby amended as follows:

12.40.020 Governing board.

A. The governing board of the transportation benefit district shall be the Ferndale City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

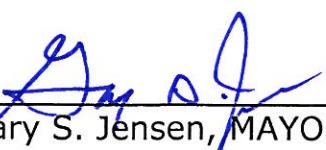
B. The treasurer of the transportation benefit district shall be the City Finance Director.

C. The board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1). At a minimum, if a transportation improvement exceeds its original cost by more than 20 percent, as identified in the TBD's original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.

D. ~~The board meetings shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended by the City Council from time to time. The board meeting actions shall be taken in the same manner and follow the same procedure as for the adoption of City Council resolutions. The board meetings shall, whenever possible, take place on the same dates scheduled for City Council meetings.~~

PASSED by the Council of the City of Ferndale, Washington, on this 6th day of October, 2014.

ATTEST:


Gary S. Jensen, MAYOR


Sam Taylor, CITY CLERK

Date: 10-7-2014