

ORDINANCE 1140

AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE TERMINATING THE NORTH BONNEVILLE PUBLIC DEVELOPMENT AUTHORITY (NBPDA)

WHEREAS, by Chapter 37, Laws of 1974, extraordinary session, as amended by Chapter 322, Laws of 1985, regular session and codified as RCW 35.21.730 through RCW 35.21.757 (the "Act"), the legislature of the State of Washington authorized Cities to create public corporations, commissions and authorities; and

WHEREAS, the City Council created a Public Development Authority [PDA] with ordinance number 1028 for purposes of establishing a Board to control the retail sales of marijuana products resulting from the passage of Washington State Initiative 502; and

WHEREAS, pursuant to Sections 24 and 25 of the Ordinance No. 1028, the City Council conducted a public hearing on August 13, 2019 and after considering public comment, finds it to be in the best interests of the City to an orderly sale of the cannabis business operated by the PDA and thereafter dissolution; and

WHEREAS, the cannabis business was sold on or about June 4, 2021 for the gross sale price of \$415,000. After creditors were paid in full, there remains approximately \$207,000 remaining to pay final administrative costs and the costs of a final state audit, leaving a net to be distributed to the City of an estimated \$195,000.

WHEREAS, RCW 35.21.750 gives the Superior Court of Skamania County jurisdiction over the dissolution of a PDA. Since the final audit cannot be performed while the PDA is operating and RCW 35.21.750 provides that only assets of the PDA can be used to satisfy creditors of the PDA, the City, as the only recipient of the sale proceeds, intends to obligate itself for the final audit costs, typically under \$10,000.

NOW, THEREFORE, The City Council of the City of North Bonneville do hereby ordain as follows:

Section 1.

North Bonneville Public Development Authority (NBPDA) is hereby dissolved.

Section 2.

The City Attorney is hereby authorized to obtain an order from the Superior Court judge to terminate and dissolve the PDA.

Section 3.

The City of North Bonneville agrees to obligate itself for the costs of the state of Washington final audit of the NBPDA.

Section 4.

All net proceeds of sale after administrative costs and audit costs shall be disbursed to the City of North Bonneville current expense fund.

Section 5.

Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or 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 6.

Effective Date and Publication.

This ordinance shall take effect immediately upon adoption by a majority plus one of the councilmembers as necessary to protect public health and safety, public property or public peace.

PASSED BY THE CITY COUNCIL ON JULY 27, 2021.



Brian Sabo, Mayor

Attest:



Deanna Syron, City Clerk

Approved as to Form:



Kenneth B. Woodrich, City Attorney