

ORDINANCE NO. 4926

AN ORDINANCE of the City Council of the City of Bremerton authorizing the Kitsap County Consolidated Housing Authority to exercise powers of a public development authority within the City of Bremerton.

WHEREAS, by Section 9 of Ordinance No. 4870, the City of Bremerton (the "City") ratified and confirmed its prior election, by Resolution No. 2755 and Ordinance No. 4830, to authorized and assign the Kitsap County Consolidated Housing Authority (the "Kitsap Authority") to exercise the powers of a community renewal agency pursuant to Chapter 35.81 RCW; and

WHEREAS, RCW 35.82.070(12) provides that a city may authorize a housing authority to exercise not only the powers of a community renewal agency under chapter 35.81 RCW but also the powers of a public corporation, commission or authority (collectively, a "public development authority") under RCW 35.21.730 through .759; and

WHEREAS, public development authorities, and housing authorities exercising the powers of public development authorities, have useful statutory powers to execute and administer federal programs; and

WHEREAS, the City desires that the Kitsap Authority assist in (1) the allocation of federal new markets tax credits within portions of the City that may not be within the boundaries of a community renewal area, and (2) the provision of assistance to both the City and the Bremerton Housing Authority to facilitate replacement housing in connection with the renewal and revitalization of West Park, including replacement housing in areas of the City not within the boundaries of a community renewal area; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON,  
DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** The recitals set forth above are hereby incorporated as if set forth herein in full.

**SECTION 2.** Pursuant to RCW 35.82.070(12), the City of Bremerton requests and authorizes the Kitsap County Consolidated Housing Authority to exercise any powers of a public corporation, commission or authority under chapter 35.21 RCW, specifically those powers authorized by RCW 35.21.730 through .759. The Kitsap Authority is authorized to exercise such public development authority powers: (1) in conjunction with the Kitsap Authority's activities as a community renewal agency for the City of Bremerton; (2) in conjunction with the allocation and use of "new markets tax credits" under Section 45D of the Internal Revenue Code in any qualifying area of the City; (3) to facilitate replacement housing in connection with the renewal and revitalization of West Park; and (4) for such other purposes as may be subsequently approved by ordinance or resolution of the City.

**SECTION 3.** Pursuant to RCW 35.21.730(5), the liability of the Kitsap County Consolidated Housing Authority for its obligations that arise in connection with exercising the powers of a public development authority pursuant to this ordinance shall be limited to the assets and properties of the authority that are used, pledged or applied to the activities specified in Section 2 of this ordinance, and no recourse shall be permitted to the assets or credit of the City in connection therewith.

**SECTION 4.** The City Council ratifies and confirms all prior actions by officers or employees of the City or of the Kitsap Authority consistent with the provisions of this ordinance.

**SECTION 5. Severability.** If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.


**SECTION 6. Effective Date.** This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

APPROVED by the City Council the 22nd day of December, 2004


PASSED by the City Council the 29th day of December, 2004

  
DAREN NYGREN, Council President

Approved this 5th day of January, 2004

  
CARY BOZEMAN, Mayor

ATTEST:

  
PAULA JOHNSTON, City Clerk

APPROVED AS TO FORM:

  
ROGER A. LUBOVICH, City Attorney

PUBLISHED the 5th day of January, 2004  
EFFECTIVE the 15th day of January, 2004  
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