



ORDINANCE NO. 4033-24

An ORDINANCE relating to Everpark Garage and Fund 430 Everpark Garage, and repealing Ordinance 97-70

WHEREAS,

A. In 1969-1970, the City of Everett City Council, recognizing the need for off-street parking in downtown Everett, adopted ordinances that provided the financing for the construction of what is now called the Everpark Garage.

B. Ordinance 97-70, adopted in October 1970, directed the issuance of bonds for Everpark Garage construction. Section 12 of Ordinance 97-70 also established four “special funds and accounts,” including accounts for revenue, for bond and interest sinking fund, for repair and replacement reserve, and for construction.

C. The Everpark Garage was built with the proceeds of the bonds issued under Ordinance 97-70 and from other revenue sources.

D. All debt issued under Ordinance 97-70 or otherwise related to the construction of Everpark Garage has been long retired. In addition, the accounts created in Section 12 of Ordinance 97-70 have long since been superseded by Fund 430 (entitled “Everpark Garage”).

E. Fund 430 receives revenue from Everpark Garage parking fees and accumulated interest. Expenditures from Fund 430 have since 1970 been only for operation, maintenance, repair and capital improvement of the Everpark Garage.

F. Downtown Everett has significant parking needs, both on-street and off-street. Parking is a key driver of the economic health of the downtown.

G. This Ordinance reestablishes the purposes for which the revenues in Fund 430 Everpark Garage may be expended, to include both downtown off-street and downtown on-street purposes.

H. As the debt issued under Ordinance 97-70 is long retired, this Ordinance also repeals Ordinance 97-70. This repeal will eliminate any confusion about whether Ordinance 97-70 still affects City use of Everpark Garage revenue.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Fund 430 Everpark Garage is hereby revised as follows:

- A. Fund 430 Everpark Garage revenues will continue to be derived from Everpark Garage revenues, including without limitation parking receipts collected from garage customers and interest on the invested fund balance.

B. Fund 430 Everpark Garage expenditures may include, in accordance with the City budget, the following expenditures:

1. Expenditures for the Everpark Garage, including without limitation its operation, maintenance, repair, or capital improvement; or
2. After reasonable provision for the requirements of the Everpark Garage are met, then expenditures for purposes related to publicly owned off-street and on-street parking in the downtown Everett area bounded by Broadway on the east, 32nd Street on the south, West Marine View Drive on the west, and 25th Street on the north.

Section 2. Ordinance 97-70 is hereby repealed.

Section 3. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause, or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 6/12/2024

VALID: 06/12/2024

PUBLISHED: 6/15/2024

EFFECTIVE DATE: 6/27/2024


Ordinance 4033-24

Final Audit Report

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