

**ORDINANCE NO. 24-019**

AN ORDINANCE OF THE CITY OF CAMAS, WASHINGTON, ENACTING A NEW CHAPTER 3.90 OF THE CAMAS MUNICIPAL CODE ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT AND SPECIFYING THE BOUNDARIES THEREOF; SPECIFYING THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS; IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-TENTH OF ONE PERCENT WITHIN THE BOUNDARIES OF THE CAMAS TRANSPORTATION BENEFIT DISTRICT FOR THE PURPOSE OF FINANCING THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE DISTRICT AS AUTHORIZED BY RCW 36.73.065 AND RCW 82.14.0455; ESTABLISHING AND IMPOSING A \$20 VEHICLE LICENSE FEE WITHIN THE BOUNDARIES OF THE CAMAS TRANSPORTATION BENEFIT DISTRICT FOR THE PURPOSE OF FINANCING THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE DISTRICT AS AUTHORIZED BY RCW 36.73.065 AND RCW 82.80.140; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Camas has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, protection, and operation of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve and maintain the City's transportation infrastructure continue to rise leaving the City unable to continue to adequately preserve and maintain the City's transportation infrastructure; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation

benefit districts and for the levying of additional revenue sources for transportation improvements within the District that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a transportation benefit district subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Camas as the boundaries currently exist or as they may exist following future annexations; and

WHEREAS, prior to establishing a Transportation Benefit District, the City Council conducted the required public hearing on November 18, 2024, which was noticed in accordance with RCW 36.73.050. All persons desiring to comment were given a full and complete opportunity to be heard; and

WHEREAS, RCW 36.73.040(3)(b) authorizes transportation benefit districts to impose a vehicle license fee, subject to the provisions of RCW 36.73.065 and RCW 82.80.140; and

WHEREAS, RCW 36.73.065(4)(a)(i) authorizes transportation benefit districts to impose up to \$20 vehicle license fee in accordance with RCW 82.80.140 upon a majority vote of the governing body of the district for the purpose of financing the transportation improvements of a district; and

WHEREAS, RCW 36.73.040(3)(a) authorizes transportation benefit districts to impose a sales and use tax, subject to the provisions of RCW 36.73.065 and RCW 82.14.0455; and

WHEREAS, RCW 36.73.065(4)(a)(v) authorizes transportation benefit districts to impose a sales and use tax in accordance with RCW 82.14.0455 in an amount not exceeding

one-tenth of one percent (0.1%) for a period of ten (10) years upon a majority vote of the governing body; and

WHEREAS, the City Council of the City of Camas finds it to be in the best interests of the City to establish a Citywide Transportation Benefit District for the preservation and maintenance of the City's transportation infrastructure consistent with Chapter 36.73 RCW, to protect the City's long-term investments in that infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council of the City of Camas has carefully considered the financial needs of the City's transportation system and the imposition of the sales tax and vehicle license fee and has determined that the best interests of the City and the District will be served by adopting this ordinance.

WHEREAS, the City Council of the City of Camas shall be the governing body for the Transportation Benefit District acting in an ex officio and independent capacity;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

#### Section I

Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and RCW Chapter 36.73. The City Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve, maintain, and as appropriate, construct or reconstruct the transportation infrastructure of the City of Camas, consistent with Chapter 36.73 RCW.

## Section II

Adoption of Chapter. Camas Municipal Code Chapter 3.90, Camas Transportation

Benefit District, is hereby adopted to read as follows:

### **Chapter 3.90**

#### **CAMAS TRANSPORTATION BENEFIT DISTRICT**

**3.90.010 Establishing Transportation Benefit District.** There is created a transportation benefit district to be known as the Camas Transportation Benefit District or “District” with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

#### **3.90.020 Governing Board.**

- A. The governing board or “Board” of the transportation benefit district shall be the Camas 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 twenty percent, as identified in the District’s original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.
- D. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

#### **3.90.030 Functions of the District.**

- A. Any expansion of the authorized purposes of the District shall be undertaken only after notice, hearing, and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).
- B. When authorized by the voters pursuant to the requirements of Chapter

36.73, other taxes, fees, charges and tolls, or increases in these revenue services may be assessed for the preservation, maintenance, and operations of City streets. Additional transportation improvements may be added to the functions of the District upon compliance with the requirements of said chapter.

- C. The Board shall have and exercise all powers and functions provided by Chapter 36.73 to fulfill the functions of the District.

**3.90.040 Transportation Improvements Funded.** The funds generated by the transportation benefit district shall be used for transportation improvements that preserve, maintain, and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the Chapter; but all funds raised through the TBD shall be expended only for such preservation, maintenance, and operation in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall preserve, maintain, and operate the City's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the optimal performance of the transportation system. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(b) following notice, public hearing, and enactment of an authorizing ordinance.

**3.90.045 Additional Sales and Use Tax.**

- A. Pursuant to RCW 36.73.065 and RCW 82.14.0455, there is hereby imposed an additional sales and use tax to be collected from persons who are taxable by the state under Chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the district. The amount of the additional tax shall be one-tenth of one percent (0.1%) of the selling price, in the case of the sales tax, or the value of the article used, in the case of the use tax.
- B. The tax imposed by this section shall apply for a period of ten (10) years from the date the tax is first collected within the district and shall thereafter cease to be imposed unless renewed with the affirmative vote of the voters voting at an election or a majority vote of the Camas City Council exercising its authority as the governing body of the district.
- C. The tax imposed by this Section shall be in addition to any other taxes authorized by law, including but not limited to, the sales and use taxes imposed under Chapter 3.08 of the Camas Municipal Code.

- D. The revenues received from the tax imposed by this Section shall be general revenues of the district and shall be used for those purposes set forth in CMC 3.90.050 or as otherwise authorized by law.

**3.90.050 Use of funds.** The funds generated by the district may be used for any purpose allowed by law, including to operate the district and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to protect the city's long-term investments in its infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, to avoid more expensive infrastructure replacements in the future and to improve modal connectivity within the city of Camas.

**3.90.060 Dissolution of District.** The transportation benefit district shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied. Street preservation, maintenance, and operation are ongoing, long-term obligations of the City.

### Section III

Notice to Department of Revenue. The City Clerk and the Finance Director are hereby requested to notify the Washington State Department of Revenue of the sales and use tax established under section II of this ordinance and to request that the Department take all necessary steps to implement and collect the tax imposed by this ordinance as soon as possible.

### Section IV

Annual Vehicle License Established. An annual vehicle license fee of twenty dollars (\$20.00) is hereby established. Consistent with RCW 36.73.065(4)(a)(i), as written or hereafter amended, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140, as written or hereafter amended.

### Section V

Vehicle License Fee Collection Effective Date. The annual vehicle license fee shall take

effect for notices mailed in 2025 for vehicle license renewals due on or after July 1, 2025, or as soon thereafter as the Washington Department of Licensing is reasonably able to incorporate collection of the \$20.00 fee; but in no event shall the vehicle license fee be collected sooner than one hundred and eighty (180) days after approval of this ordinance, pursuant to RCW 36.73.065 and RCW 82.80.140(4). The vehicle license fee shall be collected during the term of the existence of the District and shall cease to be collected upon the dissolution of the District.

#### Section VI

Notice to Department of Licensing. The City Clerk and the Finance Director are hereby requested to notify the Washington State Department of Licensing of the vehicle license fee established in Section IV of this ordinance and to request that the Department take all necessary steps to implement and collect the tax imposed by this ordinance as soon as possible in accordance with RCW 82.80.140.

#### Section VII

Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

#### Section VIII

Effective Date. This ordinance shall take force and be in effect five (5) days after passage and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SIGNED: \_\_\_\_\_  
Mayor

SIGNED: \_\_\_\_\_  
Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney