

ORDINANCE NO. 1257

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, INCREASING THE TRANSPORTATION BENEFIT DISTRICT ANNUAL VEHICLE LICENSE FEE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park Transportation Benefit District (“the District”) was established in chapter 12.35 of the Lake Forest Park Municipal Code (“LFPMC”) pursuant to RCW 35.21.225 and chapter 36.73 RCW by Ordinance No. 983 in October 2008; and

WHEREAS, in November 2015, by Ordinance No. 1107, the Lake Forest Park City Council assumed the rights, immunities, functions, and obligations of the District; and

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WHEREAS, in LFPMC 12.35.010 the City established the boundaries of the District, which are coterminous with the boundaries of the corporate limits of the City; and

WHEREAS, LFPMC 12.35.030 provides that funds generated by the District shall be used for transportation improvements that preserve, maintain, and operate the planned and/or existing transportation infrastructure of the City/District in accord with the requirements of chapter 36.73 RCW; and

WHEREAS, RCW 36.73.065(4)(a)(iii) authorizes transportation benefit districts to impose, by a majority vote of the governing body, a fee of up to \$50.00 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of \$40.00 has been imposed for at least 24 months and the City complies with the provisions in RCW 36.73.065(6) regarding a possible petition and citizen vote process; and

WHEREAS, in accordance with RCW 82.80.140(4), the new vehicle license fee may not be collected until six (6) months after approval of this action by the City Council; and

WHEREAS, the City Council finds it has been at least 24 months since the District’s vehicle license fee has been \$40.00, and it is in the best interest of the City/District to increase the vehicle license fee by an amount \$10.00 to a total of \$50.00 for the purpose of preserving, maintaining, operating, constructing, or reconstructing the transportation infrastructure of the City/District and funding transportation improvements

within the City/District that are consistent with chapter 36.73 RCW and chapter 12.35 LFPMC; and

WHEREAS, on November 10, 2022, the City Council as the governing board of the District, held a public hearing regarding this matter, has given this matter careful review and consideration, and finds that the best interest of the City will be served by passage of this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. INCORPORATION OF RECITALS . The above recitals are incorporated as though fully set forth herein.

Section 2. ANNUAL VEHICLE LICENSE FEE INCREASED . The City Council of Lake Forest Park as the governing board of the District finds that it is in the best interest of the City and District to hereby increase the annual vehicle license fee by \$10.00 for a total of \$50.00 as authorized by RCW 36.73.065(4)(a)(iii), as written or hereafter amended, to be collected by the Washington State Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140, as written or hereafter amended.

Section 3. TRANSPORTATION IMPROVEMENTS. The revenue received from the \$50.00 vehicle license fee shall only be expended for projects identified in the City's Capital Improvement Plan and in accord with chapter 36.73 RCW and chapter 12.53 LFPMC.

Section 4. VEHICLE LICENSE FEE COLLECTION EFFECTIVE DATE.

A. Pursuant to RCW 6.73.065(4)(iii) the City Clerk is directed to publish a notice in 2023, in one or more newspapers of general circulation within the District, of the intention to increase the District's vehicle license fee to \$50.00.

B. In accord with RCW 36.73.065(6), if within 90 days of the date of publication of such notice, a petition is filed with the King County Auditor containing the signatures of 8 percent of the number of voters registered and voting in the District for the office of governor at the last preceding gubernatorial election, then the King County Auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the City Council within two weeks. If the petition is found sufficient by the King County Auditor, the proposition to raise the vehicle license fee must be submitted to the voters in the District at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The vehicle license fee shall only then be imposed if approved by a majority of the voters of the District voting for the proposition.

C. The annual vehicle license fee shall take effect for notices sent in 2023 for vehicle license renewals due on or after May 18, 2023, or as soon thereafter as the

Washington State Department of Licensing (“DOL”) is reasonably able to incorporate collection of the fee and as time is allowed for the process in A. and B. above to be completed; but in no event shall a vehicle license fee be collected sooner than 180 days after approval of this Ordinance pursuant to RCW 36.73.065 and RCW 82.080.140(4). The vehicle license fee shall be collected during the term of the existence of the District as set forth in LFPMC 12.35.050, or as subsequently amended. The vehicle license fee shall cease to be collected upon dissolution of the District.

Section 5. NOTICE TO DEPARTMENT OF LICENSING. The Finance Director is instructed to submit this Ordinance to the Washington State Department of Licensing (“DOL”) and to request that DOL to take all steps necessary to implement collection of this fee in accordance with RCW 82.80.140.

Section 6. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. CORRECTIONS. The City Clerk is 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 references thereto.

Section 8. EFFECTIVE DATE. This ordinance shall take effect five days after passage and publication.

APPROVED BY A MAJORITY the Lake Forest Park City Council this XXX day of XXX, 2022.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced: _____
Adopted: _____
Posted: _____
Published: _____
Effective: _____

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