

ORDINANCE NO. O2014-019

AN ORDINANCE of the City Council of the City of Tumwater Washington, amending the Tumwater Municipal Code to enact a new Chapter 12.42 Transportation Benefit District, establishing a Transportation Benefit District, as more particularly described herein.

WHEREAS, the City Council of the City of Tumwater has the responsibility under the Constitution of the State of Washington for the construction, 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 construction, improvement, maintenance, protection and operation of public ways requires building sufficient capacity to adequately accommodate existing congestion and anticipated future congestion, and also requires maintaining and preserving existing transportation improvements to avoid both catastrophic failure of the improvements which would require significant additional funds to reconstruct, as well as their gradual deterioration; and

WHEREAS, the number one priority in the “Washington Transportation Plan for 2007-2026”, adopted by the Washington Transportation Commission (State Transportation Plan) is to preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

WHEREAS, the City has limited transportation funding to pay for necessary transportation projects that may alleviate congestion and preserve and maintain existing infrastructure; and

WHEREAS, the ongoing annual costs to combat congestion and to preserve and maintain the City's transportation infrastructure continue to rise, making it difficult for the City to sufficiently address these issues; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for the purpose of acquiring, constructing, improving, providing, and funding 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, the state, regional and local transportation plans all emphasize the importance of maintaining level of service standards so as to reduce congestion

and the need to preserve and maintain current infrastructure in order to maximize investment and avoid costly reconstruction; 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 Tumwater as the boundaries currently exist or as they may exist in the future; and

WHEREAS, the City Council of the City of Tumwater 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, prior to establishing a Transportation Benefit District, the City Council is required to conduct a public hearing upon proper notice to describe the functions and purposes of the proposed Transportation Benefit District; and

WHEREAS, the City provided proper notice, conducted a public hearing on September 16, 2014 and took public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Tumwater shall establish a governing body for the Transportation Benefit District comprised of the City Council acting in an ex officio and independent capacity;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish the Tumwater Transportation Benefit District pursuant to RCW 35.21.225 and 36.73 RCW.

Section 2. Findings. The City Council finds it is in the public interest to provide adequate levels of funding to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels as provided in Chapter 36.73 RCW. Council further finds that it is in the public interest to provide

for transportation improvements that specifically focus on reducing the risk of transportation facility failure and improving safety, decreasing travel time, increasing daily and peak period trip capacity, improving modal connectivity, and preserving and maintaining optimal performance of transportation infrastructure over time so as to avoid more expensive infrastructure replacement in the future.

Section 3. Creation of New City Code Chapter Providing for Formation of a Transportation Benefit District. The City of Tumwater adopts a new chapter 12.42 to the Tumwater Municipal Code entitled "Tumwater Transportation Benefit District" which is set forth as follows:

**Chapter 12.42
TUMWATER TRANSPORTATION BENEFIT DISTRICT**

Sections:

- 12.42.010 Establishing Transportation Benefit District
- 12.42.020 Governing Board
- 12.42.030 Authority of the District
- 12.42.040 Use of Funds
- 12.42.050 Dissolution of District
- 12.42.060 Liberal Construction

12.42.010 Establishing Transportation Benefit District. There is created a Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist in the future.

12.42.020 Governing Board.

A. The governing board of the Transportation Benefit District shall be the Tumwater 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).

D. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

12.42.030 Authority of the District. The Board shall have and may exercise any powers provided by law to fulfill the purpose of the District.

12.42.040 Use of Funds. The funds generated by the Transportation Benefit 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 reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

12.42.050 Dissolution of District. The Transportation Benefit District shall be dissolved when all indebtedness of the district has been retired and when all of the District's anticipated responsibilities have been satisfied.

12.42.060 Liberal Construction. This chapter is to be liberally construed to accomplish the purpose of establishing a Transportation Benefit District.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 5. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This ordinance, being the exercise of power specifically delegated to the City's legislative body, is not subject to referendum and shall take effect five (5) days after publication as provided by law.

ADOPTED this 16th day of September, 2014.

CITY OF TUMWATER



Pete Kmet, Mayor

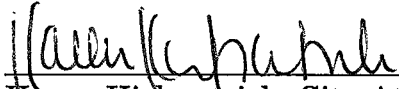
ATTEST:



~~Melody Valiant, City Clerk~~

Irene M. Koester, Acting City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney

Published: September 19, 2014

Effective Date: September 24, 2014