

**Ordinance No. 1776**

**AN ORDINANCE** establishing the Washougal Transportation Benefit District and specifying the boundaries of the district to coincide with the city boundaries.

**WHEREAS**, RCW 35.21.225 authorizes the legislative authority of a city to establish a transportation benefit district (hereinafter “TBD”), for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the TBD, subject to the provisions of Chapter 36.73 RCW; and

**WHEREAS**, transportation improvements are defined in RCW 36.73.015 to include projects contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW36.73.020(2), and which also includes investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management, and may also include the operation, preservation, and maintenance of these facilities or programs; and

**WHEREAS**, the City of Washougal (hereinafter “City”) has the responsibility for the improvement, maintenance, protection and operation of public streets and ways within the corporate limits of the City; and

**WHEREAS**, the improvement, maintenance, protection and operation of public ways requires 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 State Transportation Plan identifies in Section II that there is no more fundamental transportation investment than existing system preservation, keeping the physical infrastructure in safe and efficient operating condition; and

**WHEREAS**, the State Transportation Plan on page 72 establishes unfunded high priorities of state-wide significance and includes the need to “[p]reserve, maintain city streets” thereby recognizing that the shortfall in funding to preserve, maintain city streets is a matter of state-wide significance and accordingly, such preservation, maintenance and operation of city streets is an eligible transportation improvement listed on the state plan within the meaning of RCW 36.73.015; and

**WHEREAS**, the City’s Capital Facilities Plan (“CFP”) and Pavement Management Comprehensive Plan (“PMCP”) as now existing and as they may exist in the future, constitute and will constitute a “transportation plan” as contemplated by RCW 36.73.015; and

**WHEREAS**, the City’s CFP and PMCP currently include evidence indicating a need for a coordinated cost efficient approach to street resurfacing improvements and other improvements that may be funded by a TBD (“CFP Projects”); and

**WHEREAS**, consistent with the State Transportation Plan and the CFP and PMCP, the Capital Assets & Pavement Services’ (“CAPS”) report dated March, 2013, and as it may be amended or updated, describes the need for street resurfacing in the City and sets forth strategies for street resurfacing programs, including funding alternatives; and

**WHEREAS**, the City Council finds therefore that the CFP and PMCP Projects; projects identified in the CAPS; the preservation, maintenance and operation of city streets; and other projects within the meaning of RCW 36.73.015 are transportation improvements within the meaning of RCW 36.73.015 and therefore are eligible TBD Projects; and

**WHEREAS**, on March 23, 2015, and April 9, 2015, the City Council conducted public hearings in accordance with RCW 36.73.050, after giving proper notice describing the TBD Projects and activities to be funded by the TBD; and

**WHEREAS**, the City Council finds that the City can most effectively undertake CFP and PMCP and other eligible Projects if it works in conjunction with a TBD; and

**WHEREAS**, the City Council finds that establishment of a TBD would enable the City, in conjunction with the process for the adoption of its annual updates to the CFP, to consider and adopt mechanisms to fund required City street resurfacing, preservation, maintenance and operation in a coordinated, efficient manner; and

**WHEREAS**, the City Council finds it to be in the best interests of the City to establish a citywide TBD to fund and implement TBD Projects consistent with Chapter 36.73 RCW, to enable the TBD to contract with the City for management and staffing of the TBD’s operations, and for the mutual undertaking and/or funding of TBD Projects; and

**WHEREAS**, the City Council wishes to establish a governing body for the TBD comprised of the City Council acting in an ex-officio and independent capacity and to provide for the continuing operations of the TBD.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WASHOUGAL as follows:**

**Section I**

1. That the Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusions of Law of the Washougal City Council; and
2. That the Washougal City Council hereby finds that it is in the public interest to help provide an adequate level of funding for transportation improvements through the establishment of a transportation benefit district.

**Section II**


1. That the City of Washougal, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a transportation benefit district to be known and referred to as the “Washougal Transportation Benefit District No. 1.”
2. That a new code section is hereby adopted establishing the Washougal Transportation Benefit District No. 1 in the City of Washougal. This Ordinance shall be codified as Chapter 3.99 of the Washougal Municipal Code. A copy of the new WMC 3.99 is attached hereto and marked as Exhibit “A” and by this reference incorporated herein.
3. That if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance and/or WMC 3.99 is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and/or WMC 3.99.

**Section III**

This ordinance shall take effect five (5) days after passage, posting, and publication according to law.

**PASSED** by the Council of the City of Washougal at regular meeting on the 13<sup>th</sup> day of April, 2015.

**City of Washougal, Washington**


  
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**Mayor**

**ATTEST:**



Finance Director / City Clerk

**APPROVED AS TO FORM:**



City Attorney

**Chapter 3.99**  
**WASHOUGAL TRANSPORTATION BENEFIT DISTRICT No.1**

Sections:

- [3.99.010](#) Purpose.
- [3.99.020](#) Establishing transportation benefit district.
- [3.99.030](#) Governing board.
- [3.99.040](#) Functions of the district.
- [3.99.050](#) Transportation improvements funded.
- [3.99.055](#) Supplanting Prohibited
- [3.99.060](#) Dissolution of district.
- [3.99.070](#) Liberal construction.

**3.99.010 Purpose.**

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The purpose of this chapter is to establish a transportation benefit district (TBD) pursuant to RCW [35.21.225](#) and Chapter [36.73](#) RCW, consistent with the public interest to provide adequate levels of funding for transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the city of Washougal (Ord. 1776 § 4, 2015)

**3.99.020 Establishing transportation benefit district.**

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There is created a transportation benefit district to be known as the "Washougal Transportation Benefit District No. 1" (hereinafter "district") with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations. (Ord. 1776 § 4, 2015)

**3.99.030 Governing board.**

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A. The governing board of the transportation benefit district shall be the Washougal 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 Clerk.

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). (Ord. 1776 § 4,2015)

### **3.99.040 Functions of the district.**

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A. The district, by a majority vote of its governing board, may authorize a motor vehicle license fee of up to twenty dollars as provided in RCW [82.80.140](#) for the purposes set forth in this chapter and as may be subsequently authorized according to law.

B. The district may impose additional taxes, fees, or charges authorized by RCW [36.73.040](#) or ad valorem property taxes authorized by RCW [36.73.060](#) only if approved by district voters pursuant to RCW [36.73.065](#).

C. The district shall have all powers and functions provided by Chapter [36.73](#) RCW to fulfill the functions of the district, including the power to issue general obligation bonds and revenue bonds. (Ord. 1776 § 4, 2015)

### **3.99.050 Transportation improvements funded.**

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The funds generated by the transportation benefit district may be used for transportation improvements that preserve, maintain, construct and reconstruct the existing transportation infrastructure of the city, consistent with the requirements of Chapter [36.73](#) RCW, as it now exists or is hereafter amended. In addition to the foregoing, the funds generated may be used for any purpose allowed by law including 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 district shall select to the extent practicable projects for funding that reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, provide for economic development, improve accessibility for persons with special transportation needs, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure construction and replacement in the future.

All funds raised through the district shall be expended only for such construction, reconstruction, preservation, and maintenance in accordance with the provisions of Chapter [36.73](#) RCW as it now exists or is hereafter amended. The funds expended by the district shall preserve, maintain, and improve the city's investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost effectiveness of the city's infrastructure investments, provide for economic development, 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](#)(2)(b) following notice, public hearing and enactment of an authorizing ordinance. (Ord. 1776 § 4, 2015)

**3.99.055 Supplanting prohibited.**

No revenue raised by the Transportation Benefit District #1 shall supplant funds currently expended by the City of Washougal.

**3.99.060 Dissolution of district.**

The 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. (Ord. 1776 § 4,2015)

**3.99.070 Liberal construction.**

This chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district with the broadest possible authority under Chapter [36.73](#) RCW as it now exists or is hereafter amended. (Ord. 1776 § 4,2015)