

**ORDINANCE NO. 6377**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF AUBURN, SPECIFYING THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS, PROVIDING FOR ADDITIONAL TRANSPORTATION IMPROVEMENTS AND CREATING A NEW CHAPTER 3.23 OF THE AUBURN CITY CODE ENTITLED "AUBURN TRANSPORTATION BENEFIT DISTRICT"**

WHEREAS, the City of Auburn has responsibility, to the extent of its resources, for the improvement, maintenance, and protection of public ways within the corporate limits of the City; and

WHEREAS, the improvement, maintenance, and protection and operation of public ways requires providing necessary transportation improvements and preserving existing transportation improvements to avoid 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 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 investment principles from the Puget Sound Regional Council "Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound Region" states that the first priority should be to maintain, preserve, make safe and optimize existing transportation infrastructure and services; and

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

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced in recent years due to the action of several statewide initiatives, however, the ongoing annual costs 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, the City desires to improve its modal connectivity to facilitate better overall transportation within the City of Auburn; 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 Auburn as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, the City, after giving proper notice, conducted a public hearing on September 19, 2011 and took public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DOES HEREBY ORDAIN as follows:

**SECTION 1. Purpose.** The purpose of this Chapter is to establish a Transportation Benefit District pursuant to RCW 35.21.255 and 36.73 RCW.

**SECTION 2. Findings.** The City Council finds it is in the public interest to form a Transportation Benefit District to provide adequate levels of funding for transportation improvements that are consistent with existing state, regional and local

transportation plans and are necessitated by existing or reasonably foreseeable congestion levels, as provided in Chapter 36.73 RCW.

The City Council further finds that it is in the public interest to provide for transportation improvements that improve modal connectivity and that protect the City's long term investments in its infrastructure, reduce the risk of transportation facility failure, improve safety, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future.

The City Council further finds that the City's six-year (2011-2016) Transportation Improvement Program shall be annually updated to identify projects that constitute transportation improvements that may be funded by the TBD (collectively the "TBD Projects") as funding becomes available.

The City Council further finds that annually recurring projects listed under "Pavement Preservation Programs" within the City's Six-Year Transportation Improvement Program constitute transportation improvements and shall be "TBD Projects," until such time as the City obtains and can sustain an average system wide pavement condition rating of 80 within the City's Arterial Street System.

**SECTION 3.** A new chapter, Chapter 3.23 of the Auburn City Code entitled "Transportation Benefit District," is hereby created to read as follows:

**Chapter 3.23  
Transportation Benefit District**

**Sections:**

- 3.23.010 Transportation Benefit District Established.
- 3.23.020 Governing Board.
- 3.23.030 Authority of the District.
- 3.23.040 Use of Funds.
- 3.23.050 Dissolution of District.
- 3.23.060 Liberal Construction.

**3.23.010 Transportation Benefit District Established.**

There is created a transportation benefit district to be known as the Auburn 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.

**3.23.020 Governing Board.**

A. The governing board of the Transportation Benefit District shall be the Auburn 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. Meetings of the TBD Board shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended by the City Council from time to time. TBD Board actions shall be taken in the same manner and follow the same procedure as for the adoption of City Council resolutions. Meetings of the TBD Board shall, whenever possible, take place on the same dates scheduled for City Council meetings.

C. The Mayor shall serve as the chair of the TBD Board and shall preside over all meetings of the TBD Board.

D. Auburn City Attorney will serve as legal advisor to the TBD Board, except where separate counsel is engaged by the TBD or the City Attorney has a conflict of interest

E. The treasurer of the Transportation Benefit District shall be the City Financial Services Director.

F. 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).

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

H. The Board may authorize an Advisory Committee, consisting of up to seven (7) city residents who are stakeholders in the city's arterial system, to advise the Board as requested on matters relating to project priorities and material changes. Advisory Member candidates shall be nominated by the Mayor and confirmed by the Board.

**3.23.030 Authority of the District.**

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

**3.23.040 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 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 Auburn. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(2).

**3.23.050 Dissolution of District.**

The Transportation Benefit District shall be automatically dissolved, pursuant to the procedures set forth in chapter 36.73 RCW, when all indebtedness of the district has been retired and when all of the District's anticipated responsibilities have been satisfied.

**3.23.060 Liberal Construction.**

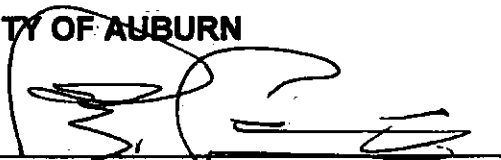
As authorized pursuant to Chapter 36.73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

**SECTION 4. Severability.** If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

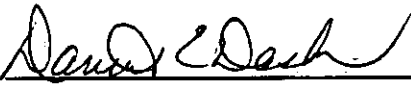
**SECTION 5. Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: SEP 19 2011

PASSED: SEP 19 2011  
APPROVED: SEP 19 2011

CITY OF AUBURN  
  
PETER B. LEWIS, MAYOR

ATTEST:

  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

  
Daniel B. Heid, City Attorney

Published: September 22, 2011