

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 12-0339

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES OF THE DISTRICT, AND AUTHORIZING TRANSPORTATION BENEFIT DISTRICT FEES; ADDING A NEW CHAPTER 12.90 TO THE KENMORE MUNICIPAL CODE; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City of Kenmore has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to Chapter 35.22 RCW, RCW 35A.11.020, and Chapter 35A.47 RCW; and

WHEREAS, the cost of the estimated roadway rehabilitation is estimated at \$4,000,000 over the next 10 years; and

WHEREAS, the cost of estimated transportation capital improvements is estimated at over \$29,000,000 in the 2011 Transportation Improvement Program; and

WHEREAS, the City has limited funding and declining revenue sources to pay for necessary preservation and maintenance of its transportation infrastructure and implementation of the Transportation Improvement Program and to make targeted investments toward creating a more effective and efficient transportation system; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts (TBD) by cities and counties, to levy and impose various taxes and fees to generate revenues to support transportation improvements within the district that are consistent with state, regional or 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 TBD subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a TBD which includes the entire City of Kenmore as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, prior to establishing a TBD, the City Council is required to conduct a public hearing upon proper notice to describe the function and purposes of the proposed TBD; and

WHEREAS, the City provided proper notice, conducted a public hearing and took public comment regarding the proposed establishment of a TBD in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Kenmore finds it to be in the interest of the City and its residents and businesses to establish a citywide TBD for preserving and maintaining transportation infrastructure and improving public safety; and

WHEREAS, the City Council of the City of Kenmore shall establish a governing body for the TBD comprised of the City Council acting in an ex officio and independent capacity;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 12.90 is added to the Kenmore Municipal Code as follows:

Chapter 12.90 Transportation Benefit District

12.90.010 Transportation Benefit District Established.

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

12.90.020 Governing Board.

A. The governing board of the Transportation Benefit District shall be the Kenmore 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 Director of Finance.

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).

12.90.030 Authority of the District.

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

12.90.040 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 preserve and maintain transportation infrastructure, improve public safety, or implement projects identified in the Kenmore's Transportation Improvement Program.

12.90.050 Revenue Sources.

The Board shall have the authority to establish all fees and other revenue sources authorized by Chapter 36.73 RCW, consistent with RCW 36.73.065.

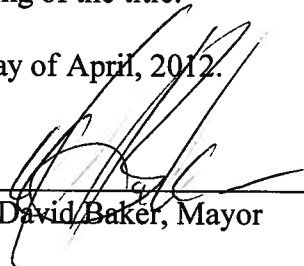
12.90.060 Dissolution of District.

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.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.


Section 3. This ordinance shall take effect and be in force five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED by the City Council this 16th day of April, 2012.



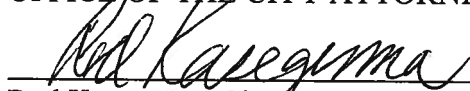
David Baker, Mayor

ATTEST/AUTHENTICATED:



Lynn Suskin, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK: April 6, 2012
PASSED BY THE CITY COUNCIL: April 16, 2012
PUBLISHED: April 20, 2012
EFFECTIVE DATE: April 26, 2012
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