

ORDINANCE 2012-2

**AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING THE TOPPENISH MUNICIPAL CODE TO ENACT A NEW CHAPTER 12.18 ENTITLED TOPPENISH TRANSPORTATION BENEFIT DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT, AND SPECIFYING THAT FUNDS GENERATED BY THE DISTRICT MUST BE USED FOR THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS**

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

WHEREAS, the improvement, maintenance, protection and operation of public ways requires preservation of existing transportation improvements to avoid both failure and deterioration as well as funding for system improvements and economic development; and

WHEREAS, the City has limited transportation funding available for necessary transportation preservation, maintenance and improvements; and

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the passage of initiatives and reductions in available state and federal funds for infrastructure improvements; and,

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve, maintain, and improve the City's transportation infrastructure continue to rise leaving the City in an uncertain and unstable position for providing adequate maintenance and improvement of the transportation system; 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 Toppenish as the boundaries currently exist or as they may exist following future annexations; and

WHEREAS, the City provided notice of and conducted the public hearing on March 12, 2012, 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 Toppenish 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, to support economic development and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council of the City of Toppenish shall be the governing body for the Transportation Benefit District acting in an ex officio and independent capacity;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and RCW 36.73. The City Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve, maintain and as appropriate construct or reconstruct the transportation infrastructure of the City of Toppenish, consistent with Chapter 36.73 RCW.

Section 2. New City Code Chapter. The City of Toppenish adopts a new chapter to the Toppenish Municipal Code, entitled "Chapter 12.18 Toppenish Transportation Benefit District," which is set forth as follows:

## **Chapter 12.18**

### **TOPPENISH TRANSPORTATION BENEFIT DISTRICT**

#### Sections:

- 12.18.010 Establishing transportation benefit district.
- 12.18.020 Governing board.
- 12.18.030 Functions of the District.
- 12.18.040 Transportation improvements funded.
- 12.18.050 Dissolution of District.

#### **12.18.010 Establishing transportation benefit district.**

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

### **12.18.020 Governing board.**

- A. The governing board of the transportation benefit district shall be the Toppenish 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 Finance Director/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).

### **12.18.030 Functions of the District.**

- A. The District board may authorize a vehicle tax fee of up to \$20 per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the District shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).
- B. When authorized by the voters pursuant to the requirements of Chapter 36.73, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of City streets. Additional transportation improvements may be added to the functions of the District upon compliance with the requirements of said chapter.
- C. The Board shall have and exercise all powers and functions provided by Chapter 36.73 to fulfill the functions of the District.

### **12.18.040 Transportation improvements funded.**

The funds generated by the transportation benefit district shall be used for transportation improvements that preserve, maintain, operate and/or improve the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the Chapter; but all funds raised through the Transportation Benefit District shall be expended only for such preservation, maintenance, operation and/or improvement in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall preserve, maintain, operate, and/or improve the City's existing investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the improvement 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.

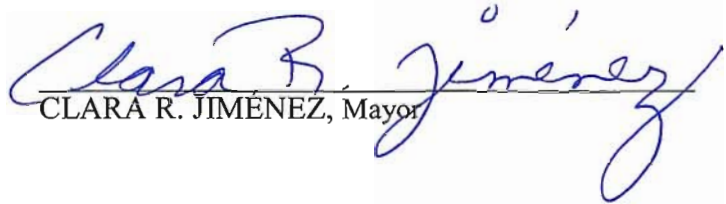
**12.18.050 Dissolution of District.**

The transportation benefit 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.

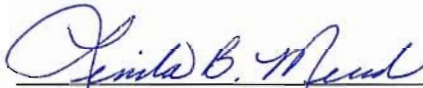
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five (5) days after publication of a summary thereof.

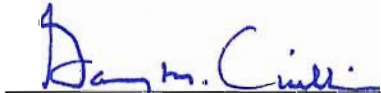
PASSED by the Toppenish City Council at its regular meeting held on March 26, 2012.

  
CLARA R. JIMENEZ, Mayor

ATTEST:

  
LINDA B. MEAD, CMC, Finance Director/City Clerk

APPROVED AS TO FORM:

  
GARY M. CUILLIER, City Attorney