

Ordinance No, 00550

[CITY COUNCIL MEETING MINUTES AUGUST 6, 2012](#)

ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF LAKEWOOD, WASHINGTON ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; AMENDING THE LAKEWOOD MUNICIPAL CODE TO ENACT A NEW CHAPTER 12A.16.000 "TRANSPORTATION BENEFIT DISTRICT"; ESTABLISHING AN EFFECTIVE DATE; AND ESTABLISHING A TWENTY YEAR SUNSET DATE.

WHEREAS, the City Council of the City of Lakewood 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 of Lakewood pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the City is steward to over 431 lane miles of streets, 12 bridges and/or culverts, 54 miles of sidewalks, 70 signalized intersections, 4,500 street lights, 1,500 street trees, 4,500 street signs and 10 acres of landscaping representing an economic asset over \$250 million; and

WHEREAS, a recent comprehensive pavement condition analysis of the City's streets denote that to maintain the existing pavement condition requires an annual expenditure over the next 6 years of \$ 5 million; and

WHEREAS, the Transportation Element of the City's Comprehensive Plan as amended from time to time, the City's 6 year Comprehensive Transportation Improvement Plan as annually updated and the City's Non-Motorized Transportation Plan all denote key strategies, objectives and investments for improving safety, mobility and modal connectivity of the City's transportation system; and

WHEREAS, the City has limited funding and declining revenue sources to pay for necessary preservation and maintenance of its transportation infrastructure 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 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 with geographical boundaries comprised of the corporate limits of the City of Lakewood as they currently exist or as they may exist following future annexations.

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

WHEREAS, the City provided notice of and conducted the public hearing on the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Lakewood finds that it is in the public interest to establish a Transportation Benefit District for the purpose of funding ongoing transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the City of Lakewood, consistent with Chapter 36.73 RCW.

WHEREAS, the City Council of the City of Lakewood 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 LAKEWOOD, WASHINGTON, DOES HEREBY ORDAIN 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, as the City Council finds that 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 Lakewood, consistent with Chapter 36.73 RCW. The funds shall be used specifically

for annual improvements for the operation, preservation, and maintenance of the City's existing transportation improvements, facilities, functions, activities, and programs set forth in the City's 2013-2018 Transportation Improvement Program, Non-Motorized Improvement Plan, and the Lakewood City Council Ad Hoc Committee on Transportation Funding recommendations.

Section 2. Creation of a Chapter providing for formation of a Transportation Benefit District. The City of Lakewood adopts a new Chapter to the Lakewood Municipal Code, 12A.16.000, entitled "Transportation Benefit District", which is set forth as follows:

Chapter 12A.16.000

Transportation Benefit District 12A.16.010

Transportation Benefit District Established. Pursuant to RCW 35.21.225 and Chapter 36.73 RCW, there is created the Lakewood Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City of Lakewood as they currently exist or as they may exist following future annexations.

12A.16.020 Governing Board.

A. Consistent with RCW 36.73.020(3), the governing board of the Lakewood Transportation Benefit District shall be the Lakewood City Council acting in an *ex officio* and independent capacity. The board shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW.

B. Consistent with RCW 36.73.020(4), treasurer of the Lakewood Transportation Benefit District shall be the Assistant City Manager Finance/Administration Services or his/her designee acting in an *ex officio* capacity.

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. Meetings of the board shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended by the Council or the Board from time to time. Board actions shall be taken in the same manner and follow the same procedure as for the adoption of City Council resolutions.

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

F. Annual Report to the Public. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

12A.16.030 Powers of the Lakewood Transportation Benefit District. The Lakewood Transportation Benefit District shall possess all of the powers of a Transportation Benefit District authorized pursuant to Chapter 36.73 RCW, including without limitation the power to request voter approval of, and thereafter impose and collect, a sales and use tax in accordance with RCW 82.14.0455.

12A.16.040 Transportation Improvements Funded. The funds generated by the Lakewood Transportation Benefit District shall be used for the purpose of funding ongoing transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the City of Lakewood, consistent with Chapter 36.73 RCW. The funds shall be used specifically for annual improvements for the operation, preservation, and maintenance of the City's existing transportation improvements, facilities, functions, activities, and programs set forth in the City's 2013-2018 Transportation Improvement Program, non-motorized improvement plan and the Lakewood City Council Ad Hoc Committee on Transportation Funding recommendations. Lakewood Transportation Benefit District projects may be amended in accordance with the material change policy described in LMC 12A.16.020(C) and in accordance with the notice, hearing and other procedures described in chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time.

12A.16.050 Establishment of Revenue Sources. The board shall have the authority to establish fees and other revenue sources consistent with RCW 36.73.065.

12A.16.060 Dissolution of the Lakewood Transportation Benefit District. Lakewood Transportation Benefit District shall be dissolved pursuant to the procedures set forth in chapter 36.73 RCW, when all indebtedness, if any, of the Lakewood Transportation Benefit District has been retired and when all of the Lakewood Transportation Benefit District's anticipated responsibilities have been satisfied. The Lakewood Transportation Benefit District will automatically dissolve on 12:01 a.m. on July 16, 2032, unless dissolved sooner pursuant to this Section.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage and after publication as required by law.

Section 4. Sunset Clause. Unless the City Council repeals this Section 4 or timely approves an extension of this Ordinance, this Ordinance and all provisions contained herein shall be and become null and void an no longer of force or effect at 12:01 a.m. on July 16, 2032.

PASSED by the City Council this ____ day of August, 2012.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney