

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1895

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT, THE AUTHORITY OF THE DISTRICT AND THE IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; AND CREATING A NEW CHAPTER 3.90 OF THE FIFE MUNICIPAL CODE ENTITLED "TRANSPORTATION BENEFIT DISTRICT"

WHEREAS, the City Council of the City of Fife has the responsibility for the improvement, maintenance, protection and operation of public 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, Transportation 2040, this area's regional transportation plan, calls for transportation improvements that focus first on maintenance and preservation and after that on efficiency and mobility improvements that provide multimodal solutions; and

WHEREAS, the City Council recognizes that adequate infrastructure, including effective transportation facilities are the foundation of economic development; and

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation, maintenance and improvement and reduction of congestion on its streets; and

WHEREAS, RCW Chapter 36.73 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

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a transportation benefit district subject to the provisions of RCW Chapter 36.73; and

WHEREAS, the City Council desires to form a Transportation Benefit District which includes the entire City of Fife as the boundaries currently exist or as they may exist following future annexations; and

WHEREAS, the City provided notice of and conducted a public hearing on October 28, 2014, 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 Fife finds it to be in the best interests of the City to establish a citywide Transportation Benefit District as one tool for the funding and implementation of the transportation improvements described in the City's capital facilities plan, transportation improvement program, and the transportation element of the City's comprehensive plan, including operation, preservation and maintenance; and

WHEREAS, the City Council of the City of Fife 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 FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusions of Law of the City Council. The City Council bases its findings and conclusions on the entire record, including all written and oral testimony before the City Council.

Section 2. A new Chapter 3.90 of the Fife Municipal code entitled "Transportation Benefit District" is hereby created to read as follows:

Chapter 3.90
Transportation Benefit District

Sections:

- 3.90.010 Purpose.
- 3.90.020 Transportation Benefit District Established
- 3.90.030 Governing board.
- 3.90.040 Authority of the district.
- 3.90.050 Use of Funds.
- 3.90.060 Dissolution of district.
- 3.90.070 Liberal construction.

3.90.010 Purpose.

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 Fife.

3.90.020 Transportation Benefit District Established

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

3.90.030 Governing board.

A. The governing board of the District shall be the Fife 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 District shall be the City Finance Director-Treasurer.

C. The board shall develop a 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). At a minimum, if the District funding participation in a transportation improvement exceeds its original cost by more than twenty percent, as identified in the District's original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.

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

3.60.040 Authority of the district.

A. The District, by a majority vote of its governing board, may authorize a motor vehicle license fee of up to \$20 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 and may exercise any and all powers and functions provided by Chapter 36.73 to fulfill the purposes of the District, including the power to issue general obligation bonds and revenue bonds.

3.60.050 Use of Funds.

The funds generated by the 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 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. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(b).

3.60.060 Dissolution of district.

The District shall be automatically dissolved January 13, 2018 if no fees, taxes, or charges have been approved by the governing board or the District voters pursuant to FMC 3.60.040, by such time. Notice of dissolution shall be provided in accordance with RCW 36.73.170.

3.60.070 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.

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

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Section 4. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

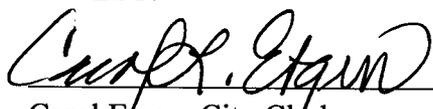
Introduced the 12th day of November 2014.

Passed by the City Council on the 27th day of January, 2015.



Subir Mukerjee, City Manager

ATTEST:



Carol Egen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney
assistant city atty