

ORDINANCE NO. 634

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON REPEALING ORDINANCE NO. 562 AND REENACTING CHAPTER 4.70 OF THE UNIVERSITY PLACE MUNICIPAL CODE ESTABLISHING THE UNIVERSITY PLACE TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS, AUTHORIZING THE TRANSPORTATION BENEFIT DISTRICT BOARD TO ESTABLISH AN ANNUAL VEHICLE LICENSE FEE; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR SEVERABILITY

WHEREAS, the City Council of the City of University Place 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 State law; and

WHEREAS, the improvement, maintenance, and protection of public ways requires maintaining and preserving existing transportation improvements to avoid catastrophic failure of the improvements which would require significant additional funds to reconstruct; and

WHEREAS, the Washington State Transportation Commission (the "Commission") is mandated pursuant to State law to adopt the Washington Transportation Plan (WTP 2030) which is a comprehensive and balanced statewide transportation plan that establishes a 20-year vision for the development of the statewide transportation system, from state highways and ferries to sidewalks and bike paths, county roads, city streets, public transit, air and rail; and

WHEREAS, the WTP 2030 identifies the total unfunded statewide need over 20 years, identifies significant statewide transportation issues, and recommends statewide transportation policies and strategies reflecting the priorities of government based on five transportation policy goals established by the Legislature and set forth in State law; and

WHEREAS, the number one priority in the WTP 2030 is to maintain the capacity of the existing transportation system by providing for ongoing maintenance, upgrades, and replacement of aging infrastructure to ensure continued safety, improve mobility and preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce, and

WHEREAS, on average, cities invest approximately \$1 billion in transportation annually which amount is estimated to be at least \$28.7 billion in the year 2030; and

WHEREAS, existing city street systems will continue to be the backbone of cities' transportation system; however, pavement ratings show the statewide average declined from an average score of 72 out of 100 in 2006 to 69 out of 100 in 2010; 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 current revenues will not sustain the current City transportation system; and

WHEREAS, establishing a stable funding mechanism for partial funding for transportation infrastructure maintenance and preservation is essential to continued mobility and the economic health and quality of life that come from an integrated and connected transportation network; and

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the ongoing annual decrease in Gas Tax revenues; and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve and maintain the City's transportation infrastructure continue to rise leaving the City unable to continue to adequately preserve and maintain the City's transportation infrastructure; and

WHEREAS, RCW 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 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 RCW 36.73; and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of University Place as the boundaries currently exist; and

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, in 2009, the City Council enacted Ordinance number 562 which established a Transportation Benefit District but provided no funding; 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 University Place 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 RCW 36.73, to protect the City's long-term investments in that infrastructure, to reduce the risk of transportation facility failures and improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council of the City of University Place 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 UNIVERSITY PLACE, 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 it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve and maintain the transportation infrastructure of the City of University Place, consistent with RCW 36.73.

Section 2. Creation of New City Code Chapter Providing for Formation of a Transportation Benefit District. The City of University Place repeals and reenacts Chapter 4.70 to Title 4 of the University Place Municipal Code, entitled "Transportation Benefit District," which is set forth as follows:

4.70.010 Establishing Transportation Benefit District.

There is created a Transportation Benefit District to be known and referred to as the University Place Transportation Benefit District (the "District") with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

4.70.020 Governing Board.

A. The governing board (the "Board") of the District shall be the University Place City Council acting in an *ex officio* and independent capacity, which shall have the authority to exercise the statutory powers set forth in RCW 36.73.

B. The treasurer of the District shall be the City Finance Director.

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).

4.70.030 Transportation Improvements Funded.

The funds generated by the District shall be used for transportation improvements that preserve and maintain the transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW, and shall be used primarily for improvements to preserve and maintain the City's previous 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 optimal performance of the transportation system.

4.70.040 Establishment of Vehicle License Fee Revenue Source.

The Board shall have the authority to establish an annual vehicle license fee in the amount of twenty dollars (\$20), consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles, set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

4.70.050 Dissolution of District.

The University Place 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, or at such time as District funds have been completely supplanted by other funds for the identical purposes, bearing the identical restrictions in the City's budget.

Section 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the University Place Municipal Code, this ordinance is deemed to control.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage, and publication in accordance with law.

PASSED BY THE CITY COUNCIL ON DECEMBER 2, 2013.



Ken Grassi, Mayor

ATTEST:



Ernelita Genetia, City Clerk

APPROVED AS TO FORM:



Steve Victor, City Attorney

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Ord. Effective: 12/09/13