

ORDINANCE NO. 1447

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON establishing a Transportation Benefit District, specifying the boundaries for the Transportation Benefit District, specifying the maintenance and preservation of existing transportation improvements, and authorizing the Transportation Benefit District Board to establish an annual vehicle license fee.

WHEREAS, the City Council of the City of Des Moines 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 RCW 35A.11.020 and chapter 35A.47 RCW, 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 number one priority in the "Washington Transportation Plan for 2007-2026" adopted by the Washington Transportation Commission is to preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce, and

WHEREAS, the "Washington Transportation Plan for 2007-2026" identifies in Section II that there is no more fundamental transportation investment than existing system preservation - keeping the physical infrastructure in safe and efficient operating condition, 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 Regional Transportation Policy 8.3 identifies the importance of maintaining and preserving the existing urban and rural transportation systems in a safe and usable state, and

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation and maintenance, and

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the 2003 loss of King County Local Vehicle License fees (28% revenue reduction) and the ongoing annual decrease in Gas Tax revenues (0.8% annual reduction for past seven years), 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, 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 Des Moines 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, 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 Des Moines 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 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 Des Moines 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 DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and chapter 36.73 RCW, 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 Des Moines, consistent with chapter 36.73 RCW.

Sec. 2. Creation of new City code chapter providing for formation of a Transportation Benefit District. The City of Des Moines adopts a new chapter to the Des Moines Municipal Code, 12.35 entitled "Transportation Benefit District", which is set forth as follows:

(1) **Establishing Transportation Benefit District.** There is created a 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.

(2) **Governing board.**

(a) The governing board of the Transportation Benefit District shall be the Des Moines 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 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).

(3) **Transportation improvements funded.** The funds generated by the Transportation Benefit 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) **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.

(5) **Dissolution of district.** The 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.

Sec. 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 Des Moines Municipal Code, this ordinance is deemed to control.

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

PASSED BY the City Council of the City of Des Moines this 20th day of November, 2008 and signed in authentication thereof this 20th day of November, 2008.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: December 10, 2008

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1447, Adopted November 20, 2008.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance establishes a Transportation Benefit District, specifies the boundaries for the Transportation Benefit District, specifies the maintenance and preservation of existing transportation improvements, and authorizes the Transportation Benefit District Board to establish an annual vehicle license fee.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: December 10, 2008