

CITY OF LYNNWOOD

ORDINANCE NO. 2837

AN ORDINANCE AMENDING THE LYNNWOOD MUNICIPAL CODE TO ENACT A NEW CHAPTER 12.14 TRANSPORTATION BENEFIT DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; AND PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City Council of the City of Lynnwood has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, protection and operation 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, protection and operation of public ways requires building sufficient capacity to adequately accommodate existing congestion and anticipated future congestion, and also requires maintaining and 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, the City is committed to completing various transportation projects identified in the City of Lynnwood Comprehensive Plan Transportation Element 20-Year List of Projects; and,

WHEREAS, the City has limited transportation funding to pay for necessary transportation projects that may alleviate congestion and preserve and maintain existing infrastructure; and,

WHEREAS, the ongoing annual costs to combat congestion and to preserve and maintain the City's transportation infrastructure continue to rise making it difficult for the City to sufficiently address these issues; and,

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts and for the levying of additional revenue sources for the purpose of acquiring, constructing, improving, providing, and funding 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, the state, regional, and local transportation plans all emphasize the importance of maintaining level of service standards so as to reduce congestion and the need to preserve and maintain current infrastructure in order to maximize investment and avoid costly reconstruction; 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 Lynnwood as the boundaries currently exist or as they may exist following future annexations; 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 April 26, 2010, 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 Lynnwood shall be the 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 LYNNWOOD, WASHINGTON, DO 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.

Section 2. Findings. The City Council finds it is in the public interest to provide adequate levels of funding to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels as provided in Chapter 36.73 RCW. Council further finds that it is in the public interest to provide for transportation improvements that specifically focus on reducing the risk of transportation facility failure and improving safety, decreasing travel time, increasing daily and peak period trip capacity, improving modal connectivity, and preserving and maintaining optimal performance of transportation infrastructure over time so as to avoid more expensive infrastructure replacement in the future.

Section 3. Creation of New City Code Chapter Providing for Formation of a Transportation Benefit District. The City of Lynnwood adopts a new chapter of the Lynnwood Municipal Code 12.14 entitled "Transportation Benefit District," which is set forth as follows:

12.14.010 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.

12.14.020 Governing board.

A. The governing board of the Transportation Benefit District shall be the Lynnwood 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).

12.14.030 Authority of the District.

A. The District may authorize a vehicle tax fee up to the maximum fee provided for in RCW 36.73.065.

B. When authorized by the voters pursuant to the requirements of Chapter 36.73, other taxes, fees, charges and tolls or increases in revenue services may be assessed for the preservation, maintenance and operation of City streets.

C. The Board shall have and may exercise any powers provided by law to fulfill the purpose of the District.

12.14.040 Use of Funds.

The funds generated by the Transportation Benefit 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 of Chapter 36.73 RCW, provided that no less than twenty (20) percent of the Transportation Benefit District Funds collected in any calendar year shall be spent on non-motorized transportation elements of the City's transportation plan. The transportation improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

12.14.050 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.

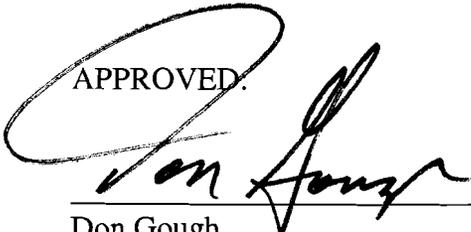
12.14.060 Liberal Construction.

This chapter is to be liberally construed to accomplish the purpose of establishing a Transportation Benefit District.

Section 4. 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 or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL, the 24th day of May, 2010 and approved by the Mayor this 3rd day of June, 2010.

APPROVED:


Don Gough
Mayor

ATTEST/AUTHENTICATED:



Vicki Heilman
Acting Finance Director

APPROVED AS TO FORM:



Eric Frimodt
City Attorney

PASSED BY THE CITY COUNCIL: 5/24/10

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2837