ORDINANCE NO. 2012-6

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT WITHIN. THE CORPORATE LIMITS OF THE TOWN OF EATONVILLE, SPECIFYING THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS, PROVIDING FOR ADDITIONAL TRANSPORTATION IMPROVEMENTS AND CREATING A NEW CHAPTER 3.22 OF THE EATONVILLE MUNICIPAL CODE ENTITLED "EATONVILLE TRANSPORTATION BENEFIT DISTRICT

WHEREAS, the Town of Eatonville has responsibility, to the extent of its resources, for the improvement, maintenance, and protection of public ways within the corporate limits of the Town; and

WHEREAS, the improvement, maintenance, and protection and operation of public ways requires providing necessary transportation improvements and preserving existing transportation improvements to avoid catastrophic failure of the improvements which would require significant additional funds to reconstruct, as well as their gradual deterioration; and

WHEREAS, the number one priority in the "Washington Transportation Plan for 2007-2026" adopted by the Washington Transportation Commission ("State Transportation Plan") is to preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

WHEREAS, the State Transportation Plan identifies 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 Town has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, the funding dedicated for the preservation and maintenance of the Town's transportation infrastructure has been dramatically reduced in recent years due to the action of several statewide initiatives and a downturn in the economy, however, the ongoing annual costs to preserve and maintain the Town's transportation infrastructure continue to rise making it difficult for the Town 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 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 Town Council to establish a Transportation Benefit District subject to the provisions of chapter 36.73 RCW; and

WHEREAS, the Town desires to form a Transportation Benefit District which includes the entire Town of Eatonville as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, the Town, after giving proper notice, conducted a public hearing on June 25, 2012, and took public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville as follows:

Section 1. The purpose of this Chapter is to establish a Transportation Benefit District pursuant to RCW 35.21.255 and chapter. 36.73 RCW.

Section 2. The Town Council finds it is in the public interest to form a Transportation Benefit District. to provide adequate levels of funding for transportation improvements that are consistent with existing state, regional and local transportation plans and are necessitated by existing or reasonably foreseeable congestion levels, as provided in chapter 36.73 RCW.

The Town Council further finds that it is in the public interest to provide for transportation improvements that improve modal connectivity and that protect the Town's long term investments in its infrastructure, reduce the risk of transportation facility failure, improve safety, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future.

The Town Council further finds that the Town's six-year (2011-2016) Transportation Improvement Program shall be annually updated to identify projects that constitute transportation improvements that may be funded by the TBD (collectively the "TBD Projects") as funding becomes available.

The Town Council further finds that annually recurring projects within the Town's Six-Year Transportation Improvement Program constitute transportation improvements and shall be "TBD Projects," until such time as the District is dissolved under the provisions of chapter 3.22 EMC, established by the following section.

Section 3. A new chapter, Chapter 3.22 of the Eatonville Municipal Code entitled "Eatonville Transportation Benefit District," is hereby created to read as follows:

Chapter 3.22
Transportation Benefit District

3.22.010 Transportation Benefit District Established.
3.22.020 Governing Board.
3.22.030 Authority of the District.
3.22.040 Use of Funds.
3.22.050 Dissolution of District.
3.22.060 Liberal Construction.

3.22.010 Transportation Benefit District Established.

There is created a transportation benefit district to be known as the Eatonville Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the Town of Eatonville as they currently exist or as they may exist following future annexations.

3.22.020 Governing Board

A. The governing board, referred to in this chapter as "Board", of the Transportation Benefit District shall be the Eatonville Town 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. Meetings of the District Board shall be governed by the procedural rules applicable to meetings of the Town Council, as these rules may be amended by the Town Council from time to time. District Board actions shall be taken in the same manner and follow the same procedure as for the adoption of Town Council resolutions. Meetings of the District Board shall, whenever possible, take place on the same dates scheduled for Town Council meetings.
C. The Mayor shall serve as the chair of the District Board and shall preside over all meetings of the District Board.
D. The Town Attorney will serve as legal advisor to the District Board, except where separate counsel is engaged by the District or the Town Attorney has a conflict of interest
E. The treasurer of the Transportation Benefit District shall be the Town Treasurer.
F. 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).
G. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).
H. The Board may authorize an Advisory Committee, consisting of up to seven (7) town residents who are stakeholders in the town's arterial system, to advise the Board as requested on matters relating to project priorities and material changes. Advisory Member candidates shall be nominated by the Mayor and confirmed by the Board.

3.22.030 Authority of the District

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

3.22.040 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 to chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to protect the Town's long term investments in its infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, to avoid more expensive infrastructure replacements in the future and to improve modal connectivity within the Town of Eatonville. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(2).

3.22.050 Dissolution of the District

The Transportation Benefit District shall be automatically dissolved, pursuant to the procedures set forth in chapter 36.73 RCW, when all indebtedness of the district has been retired and when all of the District's anticipated responsibilities have been satisfied.

3.22.060 Liberal Construction

As authorized pursuant to Chapter 36.73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

Section 4. If anyone or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 5. This ordinance shall take effect one day after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 06/25/2012
2ND READING: __/__/2012 / 2ND READING WAIVED (EMC 2.04.009(C))

Passed by the Council of the Town of Eatonville at a regular meeting held this _____ day of June, 2012.

_____
Ray Harper, Mayor

ATTEST:

_____
Kathy Linnemeyer, InterimTown Clerk

APPROVED AS TO FORM:

_____
Town Attorney