

ORDINANCE NO. 1485

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ESTABLISHMENT OF A TRANSPORTATION BENEFIT DISTRICT, ADOPTING A NEW CHAPTER 12.40 TO THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City Council of the City of Lacey has the responsibility under the Constitution of the State of Washington for the construction, 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 construction, 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 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 City of Lacey 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 Lacey as the boundaries currently exist or as they may exist in the future; and

WHEREAS, the City Council of the City of Lacey finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for the improvement, 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 failure, to improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, prior to establishing a Transportation Benefit District, the City Council is required to conduct a public hearing upon proper notice to describe the functions and purposes of the proposed Transportation Benefit District; and

WHEREAS, the City provided proper notice, conducted a public hearing on January 28, 2016 and took public comment 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 Lacey 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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1.     **Purpose.** The purpose of this ordinance is to establish the Lacey Transportation Benefit District pursuant to RCW 35.21.225 and 36.73 RCW.

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 Lacey adopts a new chapter 12.40 to the Lacey Municipal Code entitled "Lacey Transportation Benefit District" which is set forth as follows:

**12.40.010** Establishment of Transportation Benefit District. There is created a Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City of Lacey as they currently exist or as they may exist in the future.

**12.40.020**      Governing Board.

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

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

**12.40.040** 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 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.

**12.40.050** Dissolution of District. The 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.

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

Section 4. **Severability.** The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 5. **Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. The Summary attached hereto is hereby approved for publication.


PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 28<sup>th</sup> day of  
January, 2016.

CITY COUNCIL

By: 

Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

## SUMMARY FOR PUBLICATION

ORDINANCE NO. 1485

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on January 28, 2016, Ordinance No. 1485, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ESTABLISHMENT OF A TRANSPORTATION BENEFIT DISTRICT, ADOPTING A NEW CHAPTER 12.40 TO THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance establishes the Lacey Transportation Benefit District
2. The Ordinance includes findings that the establishment of the Lacey Transportation Benefit District is in the public interest.
3. The Ordinance adopts a new chapter 12.40 to the Lacey Municipal Code entitled "Lacey Transportation District."
4. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: February 1, 2016.