

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF LONGVIEW, WASHINGTON, RELATING TO THE ESTABLISHMENT OF THE LONGVIEW TRANSPORTATION BENEFIT DISTRICT, IDENTIFYING THE GOVERNING BOARD, DESCRIBING THE FUNCTIONS OF THE DISTRICT, DESCRIBING THE MANNER IN WHICH TRANSPORTATION IMPROVEMENTS SHALL BE FUNDED AND DISSOLUTION OF THE DISTRICT, ALL AS ALLOWED BY CHAPTER 36.73 RCW, ADDING A NEW CHAPTER 3.63 TO THE LONGVIEW MUNICIPAL CODE.

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WHEREAS, the City Council desires to respond to the need for transportation improvements on city streets by establishing a transportation benefit district, as authorized by chapter 36.73 RCW; and

WHEREAS, the SEPA Responsible Official has determined that this Ordinance is categorically exempt under SEPA, WAC 197-11-800(19) as a program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment; and

WHEREAS, notice of a public hearing on this Ordinance establishing a transportation benefit district was provided according to RCW 36.73.050(1), including, but not limited to, publication of such notice in a newspaper in general circulation in the City, not less than ten days before the hearing; and

WHEREAS, the public hearing was held on the establishment of a transportation benefit district by the Longview City Council on August 25, 2016; and

WHEREAS, the City Council considered the adoption of this ordinance during its regular meeting of September 8, 2016 and determined that establishment of the transportation benefit district is in the public interest.

Now, Therefore,

IT IS HEREBY ORDAINED BY THE LONGVIEW CITY COUNCIL AS FOLLOWS:

**Section 1: Purpose** The purpose of this Ordinance is to establish a Transportation Benefit District (TBD) pursuant to RCW 35.21.225 and 36.73 RCW.

**Section 2: Findings** The City 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, and to

maintain and improve the performance of the transportation network, and provide for construction, operation and maintenance of the City's transportation facilities and programs, as provided in Chapter 36.73.RCW.

The City Council further finds that it is in the public interest to provide for transportation improvements that protect the City's long term investments in its infrastructure, and avoid more expensive infrastructure replacements in the future.

**Section 3.** A new chapter 3.63 shall be added to the Longview Municipal Code, which shall read as follows:

## **CHAPTER 3.63 TRANSPORTATION BENEFIT DISTRICT**

### **Sections:**

<b>3.63.010</b>	<b>Purpose.</b>
<b>3.63.020</b>	<b>Establishing the Transportation Benefit District</b>
<b>3.63.030</b>	<b>Governing Board</b>
<b>3.63.040</b>	<b>Functions of the District</b>
<b>3.63.050</b>	<b>Transportation Improvements Funded</b>
<b>3.63.060</b>	<b>Dissolution of District</b>
<b>3.63.060</b>	<b>Liberal Construction.</b>

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**3.63.010 Purpose.** The purpose of this chapter is to establish a transportation benefit district (TBD) pursuant to RCW 35.21.225 and chapter 36.73 RCW, consistent with the public interest, to provide adequate levels of funding for transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the City of Longview.

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

**3.63.030 Governing Board.**

A. The governing board of the Longview Transportation Benefit District shall be the Longview 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). The policy must at least address material changes to cost, scope and schedule, the level of change that will require governing body involvement and how the governing body will address those changes. At a minimum, if the District funding participation in a transportation improvement exceeds its original cost by more than twenty percent (20%) as identified in the District's original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.

D. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

#### **3.63.040 Functions of the District.**

A. The District, by a majority vote of its governing board, may authorize a motor vehicle license fee of up to twenty dollars as provided in RCW 82.80.140 for the purposes set forth in this chapter, and may subsequently increase such motor vehicle license fee as authorized according to law.

B. In addition to or in lieu of the motor vehicle license fee authorized above, the District may impose additional taxes, fees or charges authorized by RCW 36.73.040, or ad valorem property taxes authorized by RCW 36.73.060, only if approved by District voters pursuant to RCW 36.73.065.

C. The District shall have all powers and functions provided by chapter 36.73 RCW to fulfill the functions of the District, including the power to issue general obligation bonds and revenue bonds as provided in RCW 36.73.070, or form a local improvement district as provided in RCW 36.73.080.

**3.63.050 Transportation improvements funded.** The funds generated by the Transportation Benefit District may be used for transportation improvements that preserve, maintain, operate, construct and reconstruct the existing transportation infrastructure of the City, consistent with chapter 36.73 RCW, as it now exists or is hereafter amended. In addition to the foregoing, the funds generated may be used for any purpose allowed by law, including to operate the District and to make transportation improvements that are consistent with state, regional and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, pursuant to chapter 36.73 RCW. The District shall select to the extent practicable projects for funding that reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, provide for economic development, improve accessibility for persons with special transportation

needs, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure construction and replacement in the future.

All funds raised through the District shall be expended only for such construction, reconstruction, preservation, maintenance and operation, including administrative costs, in accordance with the provisions of chapter 36.73 RCW as it now exists or is hereafter amended. The funds expended by the District shall preserve, maintain, operate and improve the City's investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost effectiveness of the City's infrastructure investments, provide for economic development and continue the optimal performance of the transportation system.

The Longview Transportation Benefit District Improvement Plan is adopted and made part of this chapter by reference. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

**3.63.060      Dissolution of District.** The District shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities and improvements have been satisfied and completed.

**3.63.070      Liberal Construction.** This chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district with the broadest possible authority under chapter 36.73 RCW, as it now exists or is hereafter amended.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 of this Ordinance.

**Section 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2016.

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MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James McNamara  
City Attorney

Published: \_\_\_\_\_