ORDINANCE NO. 2012-14

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to transportation; amending Title 12 of the Bainbridge Island Municipal Code (BIMC) to create a new chapter, Chapter 12.29, for the purpose of establishing a Transportation Benefit District.

WHEREAS, the City of Bainbridge Island has the responsibility for the improvement, maintenance, protection and operation of public streets and ways within the corporation limits of the City; and

WHEREAS, the improvement, maintenance, protection and operation of public streets and ways requires preserving existing transportation improvements to avoid both catastrophic failure that would require significant additional funds for reconstruction and to avoid their gradual deterioration that would lead to reduced safety margins and increased congestion; and

WHEREAS, the Washington Transportation Plan 2007-2026 approved by the Washington Transportation Commission states the highest priority is to preserve and extend prior investments in existing transportation facilities, and specifically recognizes the preservation, maintenance and operations of city streets as a matter of state-wide significance; and

WHEREAS, the Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound approved by the Puget Sound Regional Council states that the first priority is to maintain, preserve, make safe, and optimize existing transportation infrastructure; and

WHEREAS, the City has limited funds to pay for such necessary preservation, maintenance and operation of streets and ways; and

WHEREAS, on-going costs of preservation, maintenance and operation of streets and ways continue to increase, while dedicated revenues have decreased due in significant part to the loss of Motor Vehicle Excise Tax revenues formerly available to the City; and

WHEREAS, chapter 36.73 RCW provides for the establishment of transportation benefit districts and for additional revenue sources for transportation improvements within the district that are consistent with existing state, regional or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, the City desires to form a transportation benefit district to include the entire boundaries of the City of Bainbridge Island as such boundaries now exist or may hereafter be extended by future annexations; and

WHEREAS, the City has provided public notice and conducted a public hearing regarding the proposed establishment of the transportation benefit district as required by RCW 36.73.050; and

WHEREAS, it is in the best interests of the City to establish a city-wide transportation benefit district for the improvement, preservation, maintenance and operation of the City's transportation infrastructure to improve and protect the City's long-term investment in such infrastructure, to reduce the risk of transportation facility failure, to improve safety, to avoid more expensive infrastructure replacements in the future, and to reduce congestion or stem the expected increase in congestion created by failing roads;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added a new chapter of the Bainbridge Island Municipal Code to read as follows:

Chapter 12.29
TRANSPORTATION BENEFIT DISTRICT

Sections:

12.29.010 Transportation Benefit District Established.
12.29.020 Governing Board.

12.29.030 Purpose of the District.
12.29.040 Authority of the District.
12.29.050 Use of funds.
12.29.060 Dissolution of the District.

12.29.010 Transportation Benefit District Established.

There is hereby established a transportation benefit district to be known as the Bainbridge Island Transportation Benefit District ("District") with geographical boundaries comprised of the corporate limits of the City of Bainbridge Island as they now exist or may hereafter be altered by future annexations.

12.29.020 Governing Board.

A. The governing board ("Board") of the District shall be the Bainbridge Island 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 District shall be the City's Director of Finance and Administrative Services.

C. The Board shall develop a material change policy to address major plan changes that affect project delivery of 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).

12.29.030 Purpose of the District.

The purpose of the District is to improve and protect the City's long term investment in its transportation infrastructure, to reduce the risk of transportation facility failure, to improve safety, to avoid more expensive infrastructure replacements in the future, and to reduce congestion or stem the expected increase in congestion created by failing roads.

12.29.040 Authority of the District.

A. The District shall have and may exercise any and all powers and functions provided by chapter 36.73 RCW to fulfill the purposes of the District, and this chapter of the Bainbridge Island Municipal Code shall be liberally construed to permit the accomplishments of the District's purposes.

B. The District may impose a fee of up to $20 of the vehicle fee authorized in RCW 82.80.140, and/or a fee or charge in accordance with RCW 36.73.120.

C. When authorized by the votes pursuant to the requirements of chapter 36.73 RCW, the District may assess other taxes, fees, charges and tolls or increases in these revenue sources for the improvement, preservation, maintenance and operation of city streets and ways.

D. The District may issue general obligation bonds or revenue bonds in accordance with the provisions of RCW 36.73.070.

12.29.050 Use of funds.

The revenues of the District shall be used for transportation improvements that improve, preserve, maintain and operate existing transportation infrastructure of the city consistent with the requirements of chapter 36.73 RCW. Expenditures of District revenues shall improve, preserve, maintain and operate the city's previous investments in transportation infrastructure, reduce the risk of transportation facility failure, improve safety, or to reduce congestion or stem the expected increase in congestion created by failing roads. Any change or expansion of these authorized purposes shall be undertaken only after notice, hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050.

12.29.060 Dissolution of the District.

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

Section 2. If one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 22nd day of August, 2012.

APPROVED BY THE MAYOR this 22nd day of August, 2012.

Debbi Lester, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 3, 2012
PASSED BY THE CITY COUNCIL:	August 22, 2012
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