

**CITY OF WHITE SALMON
ORDINANCE NO. 2022-12-1119**

AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, ADOPTING WHITE SALMON MUNICIPAL CODE CHAPTER 3.60 WHITE SALMON TRANSPORTATION BENEFIT DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDIARES FOR THE TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE CONSTRUCITON, RECONSTRUCTION, MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS AND FUTURE TRANSPORTATION IMPROVEMENTS, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of White Salmon 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 City has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve and maintain the City's transportation infrastructure continue to rise leaving the city unable to continue to adequately preserve and maintain the City's transportation infrastructure; 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

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 White Salmon 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 conducted the required public hearing on December 21, 2022, which was noticed in accordance with RCW 36.73.050. All persons desiring to comment were given a full and complete opportunity to be heard; and

WHEREAS, the City Council of the City of White Salmon finds it to be in the best interests of the City to establish a Citywide Transportation Benefit district for the 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, the City Council of the City of White Salmon shall be the governing body for the Transportation Benefit District acting in annex officio and independent capacity;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON 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. The City Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve, maintain, and as appropriate, construction or reconstruct the transportation infrastructure of the City of White Salmon, consistent with Chapter 36.73 RCW.

Section 2. Adoption of Chapter. White Salmon Municipal Code (WSMC) 3.60 White Salmon Transportation Benefit District, is hereby adopted to read as follows:

Chapter 3.60

WHITE SALMON TRANSPORTATION BENEFIT DISTRICT

Sections:

3.60.010	Establishing Transportation Benefit District
3.60.020	Governing Board
3.60.030	Functions of the District
3.60.040	Transportation Improvements Funded
3.60.050	Dissolution of District

3.60.010 Establishing Transportation Benefit District. There is created a transportation benefit district to be known as the White Salmon 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.

3.60.020 Governing Board.

A. The governing board or "Board" of the transportation benefit district shall be the White Salmon City Council acting in annex 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 Clerk Treasurer.
- 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). At a minimum, if a transportation improvement exceeds its original cost by more than twenty percent, as identified in the 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).

3.60.030 Functions of the District.

- A. The District Board may authorize a vehicle tax fee of up to \$20 per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the District shall be undertaken only after notice, hearing, and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).
- B. When authorized by the voters or otherwise permitted by City Council action pursuant to the requirements of Chapter 36.73, other taxes, fees, charges, and tolls, or increases in these revenue services may be assessed for the preservation, maintenance, and operations of City streets. Additional transportation improvements may be added to the functions of the district upon compliance with the requirements of said chapter.
- C. The Board shall have and exercise all powers provided by Chapter 36.73 to fulfill the functions of the District.

3.60.040 Transportation Improvements Funded. The funds generated by the transportation benefit district shall be used for transportation improvements that construct, reconstruct, preserve, maintain, and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW and as contained in the city's transportation plan. The funds may be utilized for any lawful purpose under the Chapter, but all funds raised through the TBD shall be expended only for such preservation, maintenance and operation, construction and reconstruction in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall construct, reconstruct preserve,

maintain and operate the City's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the optimal performance of the transportation system. Additional transportation improvements projects may be funded only after compliance with the provisions of RCW 36.73.050(b) following notice, public hearing, and enactment of an authorizing ordinance.

3.60.050 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. Street construction, reconstruction, preservation, maintenance and operation are ongoing, long-term obligations of the City.

Section 3. 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 of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title.

PASSED in regular session this 21st day of December, 2022.

Marla Keethler, Mayor

Stephanie Porter, Clerk/Treasurer

Approved as to form:

Kenneth B. Woodrich, City Attorney