

ORDINANCE NO. 1867

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON, ESTABLISHING A  
TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR  
THE TRANSPORTATION BENEFIT DISTRICT, AND SPECIFYING THE  
MAINTENANCE, PRESERVATION AND IMPROVEMENTS OF EXISTING  
TRANSPORTATION IMPROVEMENTS.

**WHEREAS**, the City Council of the City of Dayton has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

**WHEREAS**, the improvement, maintenance, and protection of public ways requires maintaining and preserving existing transportation improvements to avoid catastrophic failure of the improvements which would require significant additional funds to reconstruct; and

**WHEREAS** the Washington State Transportation Commission (the "Commission") is mandated pursuant to RCW 47.01.071(4) to adopt the Washington Transportation Plan (WTP 2030) which is a comprehensive and balanced statewide transportation plan that establishes a 20- year vision for the development of the statewide transportation system, from state highways and ferries to sidewalks and bike paths, county roads, city streets, public transit, air and rail; and

**WHEREAS**, the WTP 2030 identifies the total unfunded statewide need over 20 years, identifies significant statewide transportation issues, and recommends statewide transportation policies and strategies reflecting the priorities of government based on six transportation policy goals established by the Legislature and set forth at RCW 47.04.280; and

**WHEREAS**, the number one priority in WTP 2030 is to maintain the capacity of the existing transportation system by providing for ongoing maintenance, upgrades, and replacement of aging infrastructure to ensure continued safety, improve mobility and preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

**WHEREAS** existing city street systems will continue to be the backbone of cities' transportation system; however, pavement ratings show the statewide average declined from an average score of 72 out of 100 in 2006 to 69 out of 100 in 2010; and

**WHEREAS**, The Palouse RTPPO supports the investment guidelines and key policy recommendations of the Washington Transportation Plan; and

**WHEREAS**, the City has limited transportation funding to pay for necessary transportation preservation and maintenance and current revenues will not sustain the current City transportation system, and

**WHEREAS**, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the reduction of revenue sources such as the ongoing annual decrease in Gas Tax revenues; 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 necessitated by existing or reasonably foreseeable congestion levels; 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 Dayton as the boundaries currently exist; and

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

**WHEREAS**, the City provided notice of and conducted the public hearing October 27, 2014, on the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

**WHEREAS**, the City Council of the City of Dayton finds it to be in the best interests of the City to establish a city-wide



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 failures and 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 Dayton 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, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY ORDAINS 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.

**Section 2. Findings.**

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 and maintain the transportation infrastructure of the City of Dayton, consistent with Chapter 36.73 RCW.

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

The City Council further finds that annually recurring projects listed under "Pavement Preservation Programs" within the City's Six-Year Transportation Improvement Program constitute transportation improvements and shall be known as "TBD Projects".

**Section 3. Creation of New City Code Chapter Providing for Formation of a Transportation Benefit District.** The City of Dayton adopts a new chapter to the Dayton Municipal Code, Chapter 8-11 entitled "Transportation Benefit District", which is set forth as follows:

**8-11.010 Establishing Transportation Benefit District.** There is created a Transportation Benefit District ("District") with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

**8-11.020      Governing Board.**

- A. The governing board of the Transportation Benefit District ("Board") shall be the Dayton 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. Meetings of the Board shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended by the City Council from time to time. Board actions shall be taken in the same manner and follow the same procedure as for the adoption of City Council resolutions. Meetings of the Board shall, whenever possible, take place on the same dates scheduled for City Council meetings.
- C. The Mayor shall serve as the chair of the Board and shall preside over all meetings of the Board.
- D. The treasurer of the Board shall be the City Clerk-Treasurer.
- E. 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).
- F. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

**8-11.030      Establishment of Revenue Sources.**

- A. The Board shall have the authority granted by chapter 36.73 RCW to request voter approval of and, if approved by a majority of the voters voting on a transportation improvement proposition at a general or special election, thereafter impose and collect sales and use tax in accordance with RCW 82.14.0455.
- B. The Board shall have and may exercise any and all powers and functions provided by chapter 36.73 RCW to fulfill the purposes of the District.

**8-11.040      Use of Funds.**      The funds generated by the 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 of 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, improve safety, decrease travel time, improve modal connectivity, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

**8-11.050 Dissolution of District.** The Transportation Benefit District shall be automatically dissolved twenty (20) days after all indebtedness of the District has been retired or, if no debt has been incurred, when all of the District's anticipated responsibilities have been satisfied and the construction of the transportation improvement or series of improvements, has been completed and paid in full. Notice of dissolution shall be provided in accordance of RCW 86.73.170.

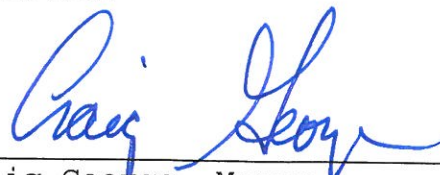
**8-11.060 Liberal Construction.** As authorized pursuant to Chapter 36.73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of its publication.

**PASSED** by the City Council, City of Dayton, this 27<sup>th</sup> day of OCTOBER, 2014.

APPROVED:

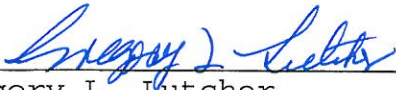
  
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Craig George, Mayor

ATTESTED:

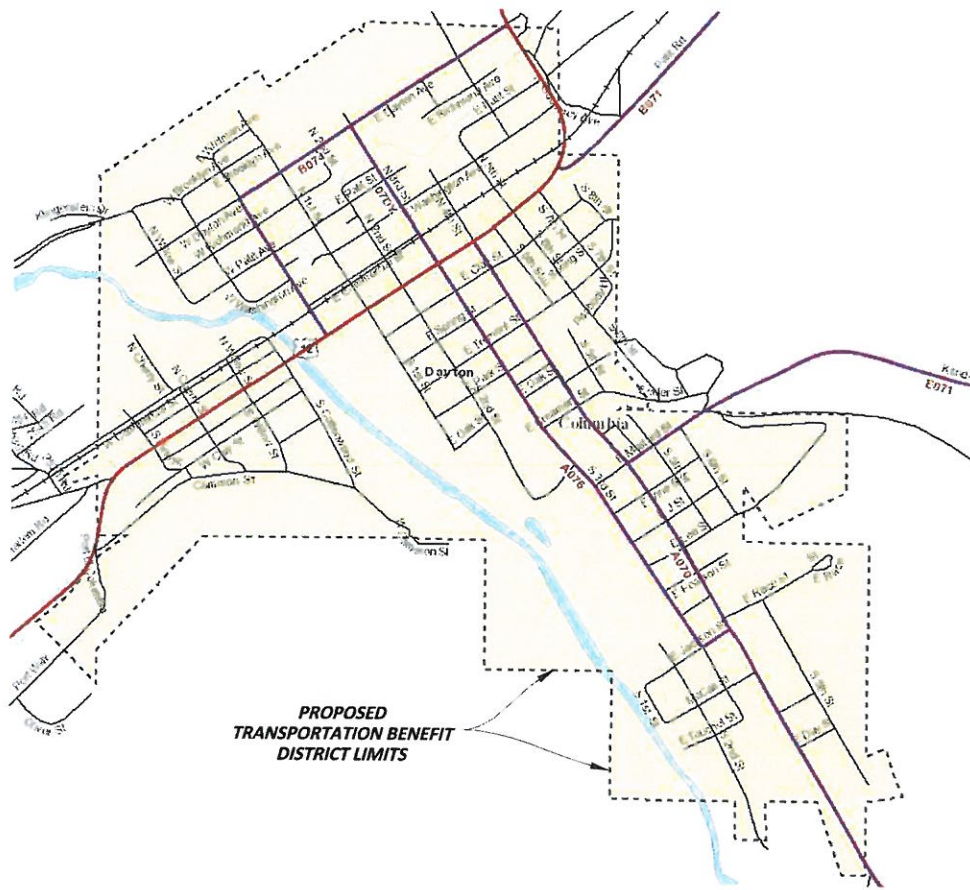


Trina Cole, City Clerk-Treasurer

Approved as to form:

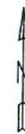


Gregory L. Dutcher  
Attorney for the City of Dayton,  
Washington



# LEGEND

- STATE HIGHWAY
- MAJOR COLLECTOR



CITY OF DAYTON, WASHINGTON

PROPOSED TRANSPORTATION BENEFIT DISTRICT LIMITS

FIGURE