

ORDINANCE NO. 15103

AN ORDINANCE establishing a transportation benefit district within unincorporated Thurston County, Washington, providing for transportation improvements within the district in accordance with chapter 36 73 RCW, and adding a new chapter to title 2 TCC

WHEREAS, Thurston County maintains over 1,000 centerline miles of roads plus bridges, sidewalks, drainage systems, traffic signals, bicycle and pedestrian facilities and trails, and the existing transportation systems are aging; and

WHEREAS, according to the Washington Transportation Plan 2007-2026 approved by the Washington Transportation Commission, the highest priority is to maintain the capacity of the existing transportation system. Aging infrastructure requires ongoing maintenance, upgrades, and replacement to maintain and improve safety and mobility needs. A reliable and well-functioning transportation system provides a return on investment through job creation, shared prosperity, and enhanced competitiveness. Continuous investment in the transportation system is a critical economic development requirement for retaining and attracting companies to locate in Washington; and

WHEREAS, the 2025 Regional Transportation Plan for the Thurston Region approved by the Thurston Regional Planning Council emphasizes System Management as an essential function associated with owning and operating the transportation system. System Management focuses on enhancing safety and maintenance, increasing system efficiency through demand management, harnessing technologies to improve safety and efficiency; and improving freight mobility, and

WHEREAS, the Thurston County Comprehensive Plan includes a goal to provide transportation systems that enhance the health, safety and welfare of Thurston County citizens; and

WHEREAS, the cost to construct, maintain, operate and preserve transportation infrastructure has escalated while funding for improvements to the transportation infrastructure has declined in Thurston County. However, transportation safety, preservation, and other transportation needs are increasing due to aging infrastructure, population growth, development, and other causes; and

WHEREAS, RCW 36.73.020 authorizes the legislative authority of a county to establish a transportation benefit district within the county for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district consistent with existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, a transportation benefit district is a quasi-municipal corporation, an independent taxing authority and a taxing district within the meaning of Article VII, sections 1 and 2 of the Washington State Constitution; and

WHEREAS, RCW 82.80.140 authorizes a transportation benefit district created by a county to impose, by a majority vote of the governing board of the district, an annual vehicle fee of up to twenty dollars provided the district includes all of the territory within the county and if the county negotiates with the cities an interlocal agreement that distributes the revenues of the vehicle fee to each city within the county. The interlocal agreement must be approved by the county and sixty percent (60%) of the cities representing seventy-five (75%) percent of the population of the cities within the county; and

WHEREAS, if the interlocal agreement in RCW 82.80.140 cannot be reached, RCW 36.73.065 authorizes a transportation benefit district that includes only the unincorporated territory of a county to impose by a majority vote of the governing body of the district an annual vehicle fee of up to twenty dollars; and

WHEREAS, two cities within Thurston County, the City of Olympia and the City of Tumwater, have established transportation benefit districts within their boundaries pursuant to chapter 36 73 RCW, and

WHEREAS, by letter dated July 19, 2011, from the Board of Thurston County Commissioners to the mayor and council of each city and town within Thurston County, the County informed those cities and towns of the County's intent to form a transportation benefit district that included all of the territory within the County, and

WHEREAS, the letter requested that each city and town within the County respond by August 15, 2011, and inform the County if the city or town would be interested in or willing to enter into interlocal agreement negotiations as required by RCW 82.80.140; and

WHEREAS, by August 15, 2011, the County received one response from one of the six cities and no response from the one town within the County, and

WHEREAS, in a letter dated August 5, 2011, and reconfirmed on December 3, 2014, the City of Olympia stated its intent not to participate in the formation of a countywide transportation benefit district, and

WHEREAS, the 2014 population of Thurston County is approximately 264,000, and of that population figure approximately 125,900 represents the incorporated territory, and

WHEREAS, the 2014 population of the three major cities in Thurston County, Olympia, Lacey and Tumwater, totals about 113,850, or 39%, 36% and 15% respectively of the total 2014 population of 125,900 of the incorporated territory; and

WHEREAS, the City of Olympia represents 39% of the 2014 population of 125,900 of incorporated cities, and without their participation the formation of a countywide transportation improvement district is not achievable under the requirements of RCW 82.80.140 to have 75% representation of the total population of incorporated cities; and

WHEREAS, the Board of Thurston County Commissioners therefore concludes that it would be futile to pursue negotiation of the interlocal agreement required by RCW 82.80.140, and that such an agreement cannot be reached within the meaning of RCW 36.73.065; and

WHEREAS, in order to reduce the risk of transportation facility failure, improve safety, improve travel time, promote optimal performance of the infrastructure over time, avoid more expensive infrastructure replacements in the future, and provide other benefits within the purview of chapter 36.73 RCW, the County sees the need to limit the risk to the transportation system by creating alternative revenue sources; and

WHEREAS, the best interests of Thurston County and its residents would be served by the establishment of a transportation benefit district within the unincorporated territory of Thurston County as it currently exists; and

WHEREAS, pursuant to RCW 36.73.050, having provided proper notice, held a public hearing on December 16, 2014, heard public comments including any objections regarding the formation of a transportation benefit district as provided herein, the Board of Thurston County Commissioners finds this action to be in the public interest;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS.

Section 1. The foregoing recitals are hereby adopted as findings of fact, conclusions, and purpose of this ordinance as if set forth in full herein

Section 2. A new chapter is added to Title 2 of the Thurston County Code to read:

Chapter 2.128

THURSTON COUNTY TRANSPORTATION BENEFIT DISTRICT

Sections:

- 2.128.010 Transportation Benefit District established
- 2.128.020 Governing board.
- 2.128.030 Powers of the district.
- 2.128.040 Use of funds.
- 2.128.050 Dissolution of the district
- 2.128.060 Liberal construction.

2.128.010 Transportation Benefit District established.

There is established the Thurston County transportation benefit district with geographical boundaries comprised of the unincorporated limits of Thurston County, Washington.

2.128.020 Governing board.

A. The governing board of the transportation benefit district shall be the Board of Thurston County Commissioners 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 Thurston County treasurer.

C. The governing 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 of RCW 36.73.160(1).

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

2.128.030 Powers of the district.

The governing board of the transportation benefit district shall have and may exercise the powers set out in chapter 36.73 RCW and this chapter to fulfill the purpose of the district

2.128.040 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 acquire, construct, improve, provide and fund 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, as enacted or subsequently amended. The transportation improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety performance, increase operating efficiency and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future by investing in programs that provide.

A. Transportation System Preservation. Preserve, operate, maintain, and/or improve existing transportation infrastructures.

B. Transportation System Safety. Improve the safety performance and security of those who use the transportation system

C. Transportation System Technology. Use technology-based approaches to address transportation congestion, safety performance, efficiency, and operations.

D. Other Projects. Any change or expansion of these authorized purposes shall be undertaken only after notice, public hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050(2)(b)

2.128.050 Dissolution of the district

The transportation benefit district shall be dissolved when all indebtedness of the district has been retired and when all of the anticipated responsibilities of the district have been satisfied.

2 128 060 Liberal construction.

As authorized under chapter 36 73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

Section 3. The provisions of this ordinance shall be severable, and if any provisions of this ordinance or its application to any person or circumstances is, for any reason, declared invalid, illegal or unconstitutional, in whole or in part by any court or agency of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof, and all other provisions of this ordinance shall remain in full force and effect

Section 4. This ordinance shall take effect immediately upon adoption

ADOPTED December 30, 2014

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

ATTEST:

LaBonita J. Borgman
Clerk of the Board

Karen Udenzula
Chair

APPROVED AS TO FORM:

Andrea Romero
Vice-Chair

JON TUNHEIM
PROSECUTING ATTORNEY

Cathy Stoll
Commissioner

By: Catherine Galvin
Deputy Prosecuting Attorney

CODIFY