



ORDINANCE NO. 28099

1 AN ORDINANCE relating to transportation funding; establishing a
 2 Transportation Benefit District within the limits of the City of Tacoma,
 3 specifying the maintenance and preservation of existing transportation
 4 improvements, providing for additional transportation improvements;
 5 creating a new Chapter 10.28 in the Tacoma Municipal Code ("TMC")
 6 entitled "Transportation Benefit District"; and declaring an emergency
 7 under Tacoma City Charter Section 2.13.

8 WHEREAS RCW 35.21.225 and RCW 36.73.020 provide that the City
 9 Council may establish a quasi-municipal, independent taxing district, in the form of
 10 a Transportation Benefit District ("TBD"), for the purposes of acquiring,
 11 constructing, improving, providing, and funding transportation improvements within
 12 the TBD consistent with any state, regional, or local transportation plans, and
 13 necessitated by existing or reasonably foreseeable congestion levels, and

14 WHEREAS the TBD, once established, may impose taxes, fees, charges,
 15 and tolls, including vehicle registration fees as authorized by RCW 82.80.140, to
 16 fund local transportation projects, and

17 WHEREAS the increased funding afforded by the imposition of such taxes,
 18 fees, charges, or tolls will allow the TBD to identify and make transportation
 19 improvements that include increasing transit capacity and connectivity, and
 20 improving accessibility for persons with special transportation needs; freight
 21 mobility; and the overall performance, cost-effectiveness, and efficiency of the
 22 TBD's transportation system as a whole, and

23 WHEREAS the City wishes to establish a TBD within its boundaries in an
 24 effort to preserve and maintain transportation infrastructure, improve public safety,
 25



1 and implement projects identified in the City's Capital Improvement Plan, the
2 Transportation Element of the Comprehensive Plan, as well as in the City's
3 Six-Year Comprehensive Transportation Improvement Program, and

4 WHEREAS RCW 36.73.050(1) provides that a public hearing must be held
5 to receive public comment on the proposed establishment of a TBD, and

6 WHEREAS, the City after giving proper notice under RCW 36.73.050(1),
7 conducted a public hearing on January 10, 2012, and took public comment
8 regarding the proposed establishment of a TBD, and

9 WHEREAS, although not required by state law, a second hearing was held
10 on November 13, 2012, in order to maximize the opportunity for public input, and

11 WHEREAS, to become effective on November 26, 2012, a first reading of
12 this ordinance must take place on November 13, 2012, and

13 WHEREAS an emergency exists under Tacoma City Charter § 2.13 so that,
14 upon passage, this ordinance shall take effect immediately after publication for the
15 preservation of the public peace, health, or safety; Now, Therefore,
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17
18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That a new chapter 10.28 of the Tacoma Municipal Code is
20 hereby created, as set forth in the attached Exhibit "A."
21

22 Section 2. That an emergency is hereby declared to exist under Tacoma
23 City Charter § 2.13 so that, upon passage, this ordinance shall become
24



effective immediately after publication for the preservation of the public peace,
1 health, or safety.

2
3 Passed NOV 20 2012

4 *Mark Ford*
5 Mayor

6 Attest:

7 *Doris Seum*
8 City Clerk

9 Approved as to form:

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11 *JHC*
12 Deputy City Attorney

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Exhibit A

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Chapter 10.28 Transportation Benefit District.

10.28.010 Short Title

This Chapter may be referenced as the "Transportation Benefit District Code."

10.28.020 Transportation Benefit District—Statement of Purpose

The purpose of this chapter is to establish a transportation benefit district within the limits of the City of Tacoma under the authority set forth in RCW 35.21.225 and chapter 36.73 RCW, as the City Council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding the transportation improvements set forth in City's Capital Improvement Plan, the Transportation Element of the Comprehensive Plan, and the City's Six-Year Comprehensive Transportation Improvement Program.

10.28.030 Transportation Benefit District Established.

In order to fulfill the purpose of this chapter, there is hereby created a transportation benefit district to be known as the Tacoma Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may be modified in any future annexations.

10.28.040 Governing Board.

- A. The governing board of the Transportation Benefit District shall be the Tacoma 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. Meetings of the governing board shall be governed by the same procedural rules applicable to meetings of the City Council, and shall be held, whenever possible, on the same dates scheduled for City Council meetings. Governing board actions shall be taken in the same manner and follow the same procedure as for the adoption of resolutions by the City Council.



10.28.050 Authority and Duties of the Transportation Benefit District.

1 A..The Board shall have and may exercise any powers provided by law to fulfill
2 the purpose of the Tacoma Transportation Benefit District, including, without
3 limitation, the power to assess vehicle registration fees as authorized by RCW
82.80.140, to fund local transportation projects.

4 B. The Board shall develop a material change policy to address major plan
5 changes that affect project delivery or the ability to finance the plan, pursuant to
6 the requirements set forth in RCW 36.73.160(1).

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

10.28.060 Use of Funds.

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10 The funds generated by the Transportation Benefit District may be used for any
11 purpose allowed by law including to operate the District and to make
12 transportation improvements that are consistent with existing state, regional,
13 and local transportation plans and necessitated by existing or reasonably
14 foreseeable congestion levels pursuant to Chapter 36.73 RCW. The
15 transportation improvements funded by the district shall be made in an effort to
16 preserve and maintain transportation infrastructure, improve public safety,
17 implement projects identified in the City's Capital Improvement Plan, the
18 Transportation Element of the Comprehensive Plan, and the City's Six-Year
19 Comprehensive Transportation Improvement Program, as well as to invest in
20 bicycle, pedestrian, freight mobility and transit enhancements and provide
21 people with choices to meet their mobility needs. Additional transportation
22 improvement projects of the district may be funded only after compliance with
23 the provisions of RCW 36.73.050(2)(b).

10.28.070 Revenue Sources.

24 The Board shall have the authority to establish fees and other revenue sources
25 consistent with RCW 36.73.065.

10.28.080 Dissolution of District.


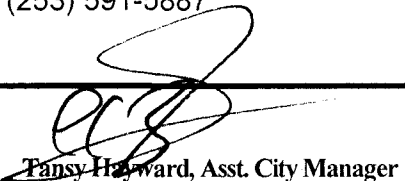
26 The Transportation Benefit District shall be dissolved when all indebtedness of
the district has been retired and when all of the District's anticipated
responsibilities have been satisfied in accordance with RCW 36.73.170.



Request #:	13385
Ord/Res #:	28099

REQUEST FOR
 ORDINANCE **RESOLUTION**

1. DATE: October 26, 2012

2. SPONSORED BY: COUNCIL MEMBER(S) N/A		
3a. REQUESTING DEPARTMENT/DIVISION Public Works Department 3b. "DO PASS" FROM <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4a. CONTACT (for questions): Kurtis Kingsolver, P.E. Asst. PW Director/City Engineer PHONE: (253) 591-5269	
	4b. Person Presenting: Dick McKinley Public Works Director PHONE: (253) 591-5732	
	4c. ATTORNEY: Debra E. Casparian, Deputy City Attorney PHONE: (253) 591-5887	
 Richard E. McKinley, Public Works Director	N/A Steve Call, Interim Finance Director	 Pansy Howard, Asst. City Manager

5. REQUESTED COUNCIL DATE: November 13, 2012

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

This date is being requested to coincide with a second hearing for the establishment of the Transportation Benefit District (TBD).

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Establishing a TBD within the City limits of Tacoma, to maintain and preserve existing transportation improvements, provide additional transportation improvements and create a new chapter of the Tacoma Municipal Code entitled "Transportation Benefit District." Declaring an emergency in the passage of this ordinance providing that the establishment of the TBD will take effect immediately upon adoption and publication.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

Adequate and dedicated funding to preserve and maintain city streets continues to be a significant challenge for the City of Tacoma. Chapter 36.73 RCW provides for the establishment of a TBD and for the levying of additional revenue sources for the purpose of acquiring, constructing, improving, providing, and funding 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. The City provided proper notice, conducted the official public hearing on January 10, 2012 and took public comment regarding the proposed establishment of a TBD in accordance with RCW 36.73.050(1). This ordinance is tentatively scheduled for first reading immediately following this second public hearing. The ordinance will be considered on an emergency basis allowing it to be effective November 26, 2012, if the second reading of the ordinance is passed at the November 20, 2012, City Council meeting.

REQUEST (CONT)

Request #:	13385
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8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Resolution No. 38381, which set the official public hearing date for January 10, 2012.	City Clerk's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. SUSTAINABILITY: IN WHAT WAYS HAVE YOU CONSIDERED THE CITY'S SUSTAINABILITY PRIORITIES?

Environment: How does this decision impact regional and local ecological well-being?

The transportation improvements funded by the TBD shall be made in an effort to preserve and maintain transportation infrastructure and improve public safety.

Equity: How does this decision promote meeting basic needs and equitable access to opportunities for all city residents?

These improvements include increasing transit capacity and connectivity, and improving accessibility for persons with special transportation needs.

Culture: How does this decision impact cultural (arts, innovation, heritage, and recreation) and quality of life for all citizens?

Adequate, well maintained infrastructure that allows for the safe and timely transportation of people and goods is critical to the quality of life of all citizens.

Economy: How does this decision impact the local economy? What are the significant financial costs/benefits?

Essential transportation infrastructure increases productivity and enhances economic development.

11. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE

APPROVAL:

RCW 35.21.225 authorizes a City Council to establish a TBD subject to the provisions of Chapter 36.73 RCW.

12. FINANCIAL IMPACT: EXPENDITURE REVENUE

- A. NO IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, (NO FISCAL NOTE)

Provide funding source information below:

Ordinance No. 28099

First Reading of Ordinance: NOV 13 2012

Final Reading of Ordinance: NOV 20 2012

Passed: NOV 20 2012

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	X			
Mr. Campbell	X			
Mr. Fey	X			
Mr. Ibsen	X			
Mr. Lonergan	X			
Mr. Mello	X			
Ms. Walker	X			
Ms. Woodards	X			
Mayor Strickland	X			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
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