

ORDINANCE 2019 - 02

**AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON,
AMENDING THE SUNNYSIDE MUNICIPAL CODE TO ENACT A NEW
CHAPTER 12.50 SUNNYSIDE TRANSPORTATION BENEFIT
DISTRICT, ESTABLISHING THE BOUNDARIES, AND SPECIFYING
THE MAINTENANCE AND PRESERVATION OF EXISTING
TRANSPORTATION IMPROVEMENTS**

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

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

WHEREAS, the number one priority in the “Washington Transportation Plan for 2007-2026” adopted by the Washington Transportation Commission is to preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

WHEREAS, the “Washington Transportation Plan for 2007-2026” identifies in Section II that there is no more fundamental transportation investment than existing system preservation – keeping the physical infrastructure in safe and efficient operating condition; and

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation, maintenance, and reduction of congestion on its streets; and

WHEREAS, the funding dedicated for the preservation and maintenance of the City’s transportation infrastructure has been dramatically reduced due to the loss of Local Vehicle License fees, the ongoing annual decrease in Gas Tax revenues, and changes in Washington State laws; 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, RCW 36.73 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 RCW 36.73; and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Sunnyside 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 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 on February 11, 2019, regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Sunnyside finds it to be in the best interests of the City to establish a Transportation Benefit District for the preservation and maintenance of the City's transportation infrastructure consistent with RCW 36.73 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 Sunnyside 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 SUNNYSIDE, WASHINGTON, 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 construct or reconstruct the transportation infrastructure of the City of Sunnyside, consistent with RCW 36.73.

Section 2. Sunnyside Municipal Code Chapter 12.50 is hereby enacted to be entitled "Sunnyside Transportation Benefit District", to read as follows:

12.30.010 Establishing Transportation Benefit District.

There is created a transportation benefit district to be known as the "Sunnyside 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.

12.30.020 Governing Board.

- A. The governing board of the transportation benefit district shall be the Sunnyside City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in RCW 36.73.
- B. The treasurer of the transportation benefit district shall be the Finance & Administrative Services Director.
- 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).
- D. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

12.30.030 Functions of the District.

- A. The District board shall have the authority to establish fees and other revenue sources consistent with RCW 36.73.60 and RCW 36.73.065.
- B. The District board may authorize an annual vehicle 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 36.73.120 or a vote of the people pursuant to RCW 36.73.160.
- C. When authorized by the voters pursuant to the requirements of RCW 36.73, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the construction, 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.
- D. The District Board shall have all powers and functions provided for by RCW 36.73, as it now exists or is hereafter amended, to fulfill the purposes of the District.

12.30.040 Transportation Improvements Funded.

The funds generated by the transportation benefit district shall be used for transportation improvements that construct, preserve, maintain and operate the existing and future transportation infrastructure of the City, consistent with the requirements of RCW 36.73, as it now exists or is hereinafter amended. The transportation improvements funded by the district shall preserve and maintain the City's previous and future 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.

12.30.050 Dissolution of District.

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.

12.30.060 Liberal Construction.

This Chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district with the broadest possible authority under RCW 36.73 as it now exists or is hereafter amended.

12.30.070 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter.

Section 3. 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 4. This Ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

PASSED by the City Council this 11th day of March, 2019.

APPROVED:



JULIA HART, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:



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