

**ORDINANCE NO. 009/2012**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING THE MONROE CITY CODE TO ENACT A NEW CHAPTER 12.40 MONROE TRANSPORTATION BENEFIT DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED, SPECIFYING THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City Council of the City of Monroe 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 improvement, maintenance, protection and operation of public ways requires preserving existing transportation improvements to avoid both catastrophic failure of the improvements which would require significant additional funds to reconstruct, as well as their gradual deterioration; and

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

WHEREAS, the State Transportation Plan 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 State Transportation Plan on page 72 establishes unfunded high priorities of state-wide significance and includes the need to “[p]reserve, maintain and operate city streets \$6 billion” thereby recognizing that the shortfall in funding to preserve, maintain and operate city streets is a matter of state-wide significance and accordingly, an eligible transportation improvement listed on the state plan within the meaning of RCW 36.73.015; and

WHEREAS, the investment principles from the Puget Sound Regional Council “Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound Region” state that the first priority should be to maintain, preserve, make safe, and optimize existing transportation infrastructure and services, and Regional Transportation Policy 8.3 identifies the importance of maintaining and preserving the existing urban and rural transportation systems in a safe and usable state; and

WHEREAS, the City’s Comprehensive Transportation Improvement Plan and Supplemental Environmental Impact Statement includes in Chapter 3, Goals and Policies, TP1.5:

“Encourage the maintenance and preservation of existing transportation facilities over the construction of new ones.”; 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, county, regional, and city 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 Monroe as the boundaries currently exist; and

WHEREAS, transportation improvements are defined in RCW 36.73.015 to include, among others, projects contained in the transportation plan of a city, which may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs; and

WHEREAS, the City’s transportation plan includes projects listed in Attachment A, herein incorporated by reference, which constitute “transportation improvements”; 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 April 10, 2012 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 Monroe finds it to be in the best interests of the City to establish a citywide Transportation Benefit District consistent with Chapter 36.73 RCW 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 Monroe; and

WHEREAS, the City Council of the City of Monroe finds it to be in the best interests of the City to establish a citywide Transportation Benefit District consistent with Chapter 36.73 RCW to preserve and maintain 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 Monroe shall be the governing body for the Transportation Benefit District acting in an ex officio and independent capacity;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DOES 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 Chapter 36.73 RCW. The City Council finds it is in the public interest to provide adequate levels of funding for the purpose of ongoing transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the transportation infrastructure of the City of Monroe, consistent with Chapter 36.73 RCW.

Section 2. Creation of New City Code Chapter Providing for Formation of a Transportation Benefit District. The City of Monroe adopts a new chapter to the Monroe Municipal Code 12.40 "Monroe Transportation Benefit District," which is set forth as follows:

**12.40.010 Establishing transportation benefit district.**

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

**12.04.020 Governing board.**

A. The governing board of the transportation benefit district shall be the Monroe 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. 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 District's 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).

E. Meetings of the board shall be governed by the procedural rules applicable to meetings of the City Council, as these rules may be amended from time to time.

**12.40.030 Functions of the District.**

The Board shall have and exercise all powers and functions provided by Chapter 36.73 RCW to fulfill the functions of the District except the ability to impose taxes, fees, charges and tolls not requiring the approval of voters in the transportation benefit district;

**12.40.040 Transportation improvements funded.**

The funds generated by the transportation benefit district shall be used for the transportation improvements listed in Attachment A, herein incorporated by reference, including construction, operation, preservation, and maintenance thereof. These transportation improvements are projects that are consistent with transportation plans of the state, regional transportation planning organization, city, county, or eligible jurisdiction as identified by RCW 36.73.020(2) and are necessitated by existing or reasonably foreseeable congestion levels.

The funds generated by the transportation benefit district shall also be used for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds expended by the District for this purpose shall 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.

The improvements funded may be amended in accordance with the material change policy described in Section 12.40.020 in this ordinance and in accordance with the notice, hearing, and other provisions of Chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time.

**12.40.050 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 preservation, maintenance and operation are ongoing, long-term obligations of the City. In order to comply with the dissolution requirement of RCW 36.73.050, the District shall automatically be dissolved at the end of year 2026.

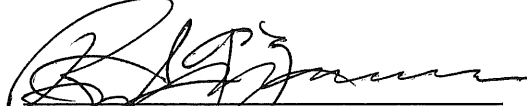
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 24th day of April 2012.

1<sup>st</sup> Reading: 04/17/2012  
2<sup>nd</sup> & Final Reading: 04/24/2012  
Published: 05/01/2012  
Effective: 05/06/2012

CITY OF MONROE, WASHINGTON:

  
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Robert Zimmerman, Mayor

ATTEST/AUTHENTICATED:

  
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Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

  
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J. Zachary Lell, City Attorney

**ATTACHMENT A**

Monroe Transportation Benefit District  
Transportation Improvements

1	Tjerne Place – Chain Lake Road to Woods Creek Road
2	Woods Creek Road/Tjerne Place Signalization
3	179 <sup>th</sup> Avenue/147 <sup>th</sup> Street Signalization
4	Fryelands Boulevard/146 <sup>th</sup> Street Signalization
5	Hill Street Extension
6	Fryelands Boulevard/Tye Street Signalization
7	179 <sup>th</sup> Avenue/154 <sup>th</sup> Street Signalization
8	Oaks Street Widening – Woods Creek Road to Old Owen Road
9	Old Owen Road/Oaks Street Signalization
10	Woods Creek Road Pedestrian Improvements