



**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public hearing and consideration of adopting proposed Ordinance No. 542, modifying the boundaries and functions of TBD No.1		Meeting Date: June 21, 2010
Department: Legal	Attachments: 1. Proposed Ordinance No. 542	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Craig Knutson, City Attorney		
Telephone: (206) 248-5535		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Initiative Description: Street Overlay Program	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to conduct a public hearing and consider adopting proposed Ordinance No. 542, which amends Ordinance No. 516 by modifying the boundaries and functions of the Transportation Benefit District known as TBD No. 1, in order to assist in funding the Street Overlay Program.		
BACKGROUND (Include prior Council action & discussion): On April 26, 2010, the City Council approved a motion to advance the Street Overlay Program by imposing a \$ 10.00 car tab fee through a TBD to assist in supporting the program, along with approving issuance of 8.6 million in bonds to support the remainder of the program. The City Attorney and the City's bond counsel have determined that the most expedient and legally appropriate way to begin implementing the Council's direction is to modify the existing TBD No. 1. Pursuant to RCW 36.73.050, the legislative authority proposing to to modify the functions or boundaries of an existing transportation benefit district must conduct a public hearing and adopt an ordinance, which sets forth the modifications of the district's boundaries and functions. The proposed Ordinance No. 542 amends Ordinance No. 516 by modifying the boundaries of the District to comprise the corporate limits of the City, as they currently exist and as they may exist following future annexations, and by modifying the functions of the District, as they relate to funding the Street Overlay Program improvements described in the attached Exhibit A. Once Ordinance No. 542 has been published and become effective, staff will then present an interlocal agreement between the City and the TBD for the Council to consider. After the interlocal agreement is approved by the Council, the next step would be for the Council to convene as the TBD Board to approve the interlocal agreement on behalf of the TBD and to consider a resolution imposing the car tab fee. Since it will take several months for the car tab revenue to be collected, staff is recommending that the Council take action on Ordinance No. 542 as soon as possible, preferably at the June 21 st meeting. Then, the approval of the interlocal agreement and consideration of the resolution imposing the car tab fee could occur at the next available meeting, which is anticipated to be July 19 th .		
OPTIONS (including fiscal impacts): 1. Adopt Ordinance No. 542 as presented. 2. Do not adopt Ordinance No. 542 as presented.		
Administrative Recommendation: Adopt Ordinance No. 542 as presented.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Ordinance No. 542, which amends Ordinance No. 516 by modifying the functions and boundaries of the Transportation Benefit District known as TBD No. 1 in order to support the City's Street Overlay Program.		
Submitted by: Craig Knutson Administration 	Mike Martin City Manager 	
Today's Date: June 2, 2010	File Code: \\File01\records\CC\Agenda Bill 2010\060710ls-TBD PH.docx	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 542

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING ORDINANCE NO. 516 BY REVISING THE BOUNDARIES, FUNDING, AND AUTHORIZED TRANSPORTATION IMPROVEMENTS OF THE CITY'S TRANSPORTATION BENEFIT DISTRICT KNOWN AS TBD NO. 1; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 36.73 RCW provides for the establishment and modification 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, pursuant to Ordinance No. 516 adopted by the City Council of the City of Burien (the "City") on July 20, 2009, the City established a citywide transportation benefit district known as TBD No. 1 (the "District") for the purpose of funding and implementing certain transportation improvements described therein, and

WHEREAS, the City now desires to modify the boundaries of the District and to revise the funding and the list of authorized transportation improvements described in Ordinance No. 516, and

WHEREAS, pursuant to RCW 36.73.050, prior to establishing or modifying a transportation benefit district, the City is required to conduct a public hearing after giving proper notice describing the transportation improvements and activities to be funded by the transportation benefit district, and

WHEREAS, after giving proper notice and conducting the required public hearing, the City Council of the City of Burien finds it to be in the best interests of the City to modify the boundaries of the District to comprise the corporate limits of the City, as they currently exist and as they may exist following future annexations, and to modify the functions of the District for the funding and implementation of the transportation improvements described in attached Exhibit A, to be funded in part through fees collected pursuant to RCW 36.73.065 on qualifying vehicles, and

WHEREAS, the City finds that the improvements listed in Exhibit A are "transportation improvements" within the meaning of Chapter 36.73 RCW and are projects described in the City's transportation plan,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance 516 is hereby amended by amending the transportation improvements to be as described in the attached Exhibit "A", which exhibit is incorporated as though fully set forth herein.

Section 2. Section 2 of Ordinance 516 is hereby amended to read as follows:

Section 2. Formation of a Transportation Benefit District. The City of Burien, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a Transportation Benefit District to be known and referred to as TBD No. 1, subject to the following:

(1) **Establishing Transportation Benefit District.** There is created TBD No. 1 with geographical boundaries comprised of the corporate limits of the City, as they exist upon the effective date of this ordinance. ~~Future annexations shall not affect the corporate boundaries of TBD No. 1 and as they may exist following future annexations.~~

(2) **Governing Board.**

(a) The governing board of the Transportation Benefit District shall be the Burien 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 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).

(e) Meetings of the Board shall be governed by the procedural rules applicable to meetings of the Burien City Council, as the same may be amended from time to time.

(f) The first action of the Board shall be to nominate and elect a chair who shall preside over all meetings of the Board.

(3) **Powers of the TBD No. 1:** TBD No.1 shall possess all of the powers of a transportation benefit district authorized pursuant to Ch. 36.73 RCW, including the authority to issue general obligation bonds and revenue bonds; provided that, the TBD No. 1 shall have no authority to impose taxes, fees, charges, or tolls except as provided herein.

(4) **Transportation Improvements Funded.** The funds generated by the Transportation Benefit District shall be used for transportation improvements that are described in Section 1 of this Ordinance or as may be otherwise expanded in accordance with Ch. 36.73 RCW.

(5) **Establishment of Vehicle Fee Revenue Source.** The Board shall, upon approval of the majority of the voters of the district voting on a proposition at a general or special election, have the authority to impose an annual vehicle license fee in the amount of ~~twenty-five~~ ten dollars (\$~~25~~10), consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

(6) **Dissolution of District.** TBD No. 1 shall be dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

Section 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Burien Municipal Code, this ordinance is deemed to control.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after approval and publication in accordance with law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF _____, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ___ DAY OF _____, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 542
Date of Publication:

EXHIBIT A

(Description of Transportation Improvements)

Spend approximately \$8.6 million over the next two years, and \$600,000* per year for the next 18 years after that, to install asphalt overlays and other street related repairs up to 263 lane miles of streets in the City Street System, bringing the streets up to a Pavement Condition Index (PCI) of 80+.

* This amount does not include an inflation factor based on the Cost Price Index (CPI) of the greater Seattle-Tacoma Area that will be added to this figure each year.

