

ORDINANCE NO. 2016-1039

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, ASSUMING THE CITY'S TRANSPORTATION BENEFIT DISTRICT

WHEREAS, the City Council of the City of Waitsburg has the responsibility under the Constitution of the State of Washington and the Territorial Charter of the City of Waitsburg for the improvement, maintenance, and protection of public ways within the corporate limits of the City; and

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

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation and maintenance; 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 non-competitive six-year transportation planning dollars in conjunction with the ongoing annual decrease in Gas Tax revenues; 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 36.74.030 provides for the assumption 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, the City desires to assume the City's Transportation Benefit District which includes the entire City of Waitsburg as the boundaries currently exist; and

WHEREAS, prior to assuming the Transportation Benefit District, the City Council is required to conduct a public hearing upon proper notice, which must describe the functions and purposes of the proposed Transportation Benefit District; and

WHEREAS, the City provided notice of and conducted the public hearing on the proposed establishment of a Transportation Benefit District in accordance with RCW 36.74.020; and

WHEREAS, consistent with RCW 36.74.020(2), the City Council of the City of Waitsburg considered the assumption of the rights, powers, functions, and obligations of the transportation benefit district and heard any residents appearing in opposition thereto; and

WHEREAS, the City Council of the City of Waitsburg finds it to be in the best interests of the City to assume the citywide Transportation Benefit District for the preservation and

maintenance of the City's transportation infrastructure consistent with Chapter 36.74 RCW, 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

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

Section 1. Purpose. The purpose of this ordinance is to assume the Transportation Benefit District pursuant to RCW 36.74, as 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 and maintain the transportation infrastructure of the City of Waitsburg, consistent with Chapter 36.74 RCW.

Section 2. Assumption by the City of Waitsburg. The City of Waitsburg hereby assumes the rights, powers, functions, and obligations of the transportation benefit district and abolishes the prior governing body of the transportation benefit district previously established.

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. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 21 day of December, 2016.

Approved:

Attest:

Marty Dunn, Mayor

Randy Hinchliffe, City Administrator

Approved as to form:

Jared Hawkins, City Attorney