

**ORDINANCE NO. 02-13**

**AN ORDINANCE OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE TRANSPORTATION BENEFIT DISTRICT; AND CREATING A NEW CHAPTER 12.125 OF THE COVINGTON MUNICIPAL CODE ENTITLED "TRANSPORTATION BENEFIT DISTRICT."**

WHEREAS, the City of Covington ("City") has the responsibility, to the extent of its resources, for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the Washington State Transportation Plan 2007-2026 notes that adequate maintenance, preservation, and expansion of the local roads are an important element of the transportation system and that new local option taxes should be put to this purpose; and

WHEREAS, the investment principles from the Puget Sound Regional Council "Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound Region" states that the first priority should be to maintain, preserve, make safe, and optimize existing transportation infrastructure and services; and

WHEREAS, due to initiatives that have stripped away revenues, as well as rising annual costs, the City has limited transportation funding to maintain, operate, replace, and improve the transportation system; 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, 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 Chapter 36.73 RCW; and

WHEREAS, the City desires to form a Transportation Benefit District that includes the entire City of Covington as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, transportation improvements include transportation related maintenance and improvements to city streets and state highways, high capacity transportation, public transportation, transportation demand management, parking facilities, and other transportation projects designed to reduce congestion on facilities of regional or statewide significance; and

WHEREAS, in its final recommendations report, the City's Budget Priorities Advisory Committee recommends moving forward with the creation of a Transportation Benefit District; and

WHEREAS, the City, after giving proper notice, conducted a public hearing on April 9, 2013, and took public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DOES HEREBY ORDAIN as follows:**

**Section 1. Purpose.** The purpose of this ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.255 and 36.73 RCW.

**Section 2. Findings.** The City Council finds that all the "whereas" recitals above in this ordinance are true and it is in the public interest to form a Transportation Benefit District to provide adequate levels of funding for transportation improvements that are consistent with

existing state, regional, and local transportation plans and are necessitated by existing or reasonably foreseeable congestion levels, as provided in Chapter 36.73 RCW.

The city council further finds that it is in the public interest to provide for transportation improvements that, without limitation, improve modal connectivity and reduce congestion on State Highway 516 and throughout the City and that protect the City's long-term investments in its infrastructure, reduce the risk of transportation facility failure, improve safety, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future.

The city council further finds that the City's six-year Transportation Improvement Plan shall be annually updated to identify projects that constitute transportation improvements that may be funded by the Transportation Benefit District as funding becomes available.

**Section 3. Creating New City Code Chapter Providing for Formation of a Transportation Benefit District.** A new chapter, Chapter 12.125 of the Covington Municipal Code entitled "Transportation Benefit District," is hereby created to read as follows:

**Chapter 12.125  
Transportation Benefit District**

- 12.125.010 Establishing Transportation Benefit District.**
- 12.125.020 Governing Board.**
- 12.125.030 Powers.**
- 12.125.040 Transportation Improvements Funded.**
- 12.125.050 Dissolution.**
- 12.125.060 Liberal Construction.**

**12.125.010 Establishing Transportation Benefit District.** There is created a transportation benefit district to be known as the Covington Transportation Benefit District (the "TBD") with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations.

**12.125.020 Governing Board.**

(a) The governing board of the TBD (the “TBD Board”) shall be the Covington 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 Mayor shall serve as the chair of the TBD Board and shall preside over all meetings of the TBD Board.

(c) The City Finance Director shall serve as the Treasurer of the TBD Board.

(d) The City Manager shall serve as the Chief Executive Officer of the TBD Board.

(e) The Covington City Attorney will serve as legal advisor to the TBD Board, except where separate counsel is engaged by the TBD or the City Attorney has a conflict of interest.

(f) The City Clerk shall serve as the Clerk of the TBD Board.

(g) The TBD 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).

(h) The TBD Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

(i) Meetings of the TBD Board shall be governed by the procedural rules applicable to meetings of the Covington City Council, as the same may be amended from time to time. Meetings of the TBD Board shall, whenever possible, take place on the same dates scheduled for city council meetings.

**12.125.030 Powers.** The TBD and the TBD Board shall have and may exercise any powers provided by law to fulfill the purpose of the TBD.

**12.125.040 Transportation Improvements Funded.** The funds generated by the TBD may be used for any purpose allowed by law including to operate the TBD and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW, as the same may be amended from time to time. The transportation improvements funded by the TBD shall be made in an effort to protect the City’s long-term investments in its infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, to avoid more expensive infrastructure replacements in the future, and to improve modal connectivity within

the City of Covington. Additional transportation improvement project of the TBD may be funded only after compliance with the provisions of Chapter 36.73 RCW.

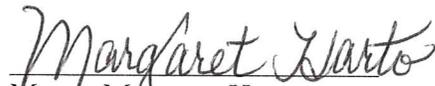
**12.125.050 Dissolution.** The TBD shall be automatically dissolved, pursuant to the procedures set forth in Chapter 36.73 RCW, when all indebtedness of the TBD has been retired and when the entire TBD's anticipated responsibilities have been satisfied.

**12.125.060 Liberal Construction.** As authorized pursuant to Chapter 36.73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

**Section 4. Severability.** If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**Section 5. Effective Date of Ordinance.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as required by law.

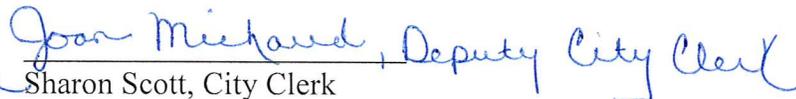
Adopted by the City Council of the City of Covington on this 9th day of April, 2013.

  
Mayor Margaret Harto

PUBLISHED: April 12, 2013

EFFECTIVE: April 17, 2013

ATTESTED:

  
for Sharon Scott, City Clerk

APPROVED AS TO FORM:

  
Sara Springer, City Attorney