

City of Kelso

Transportation Benefit District Agenda

TBD Meeting, 6:00pm
December 4, 2012
Council Chambers
203 S. Pacific
Kelso, WA 98626



Special accommodations for the handicapped and hearing impaired are available by arrangement through the City Clerk's Office at 360-423-0900

Call to Order:

TBD Business:

- Appoint Presiding Officer and Vice Presiding Officer:

Public Hearing:

- Transportation Benefit District Funding

Public Comment:

Action/Motion Items:

- Adoption
 - Rules of Procedure
- Resolution
 - Setting Regular TBD Board Meeting Schedules
- Ordinance, 1st Reading:
 - Transportation Benefit District Funding

Other Business:

Adjournment:

AGENDA SUMMARY SHEET

Business of the Kelso Transportation Benefit District City of Kelso, Washington

SUBJECT TITLE:

Motion to adopt the Rules of Procedure to govern
Board operations

Agenda Item: _____

Dept. of Origin:

For Agenda of: December 4, 2012

Cost of Item: _____

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

Council Rules of Procedure provided for reference.

SUMMARY STATEMENT:

The Transportation Benefit District Board, while a separate entity from the Council, is made of the same members and as such it is recommended that they govern in a similar manner as the Council for continuity and efficiency.

FINANCIAL SUMMARY:

None

RECOMMENDED ACTION:

Move to adopt the Kelso City Council rules of procedure as the rules of procedure for the Board with the following changes: (1) All references to "council" or "councilmember" shall mean "board" or "board member" respectively; (2) all references to "mayor" or "deputy mayor" shall mean "board chair" or "board vice chair" respectively; (3) Sections 5 and 7A are omitted.

KELSO CITY COUNCIL

Council Rules of Procedure

SECTION 1. GENERAL.

These rules constitute the official rules of procedure for the Kelso City Council. In all decisions arising from points of order which are not covered by these rules, pursuant to KMC 2.04.060, the Council shall be governed by Robert's Rules of Order (newly revised), a copy of which is maintained in the office of the Kelso City Clerk. The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at the Council meeting.

SECTION 2. ORGANIZATION.

- A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk or delegate. The swearing in will occur at the first meeting of the City Council held in January following certification of the election.
- B. Election of Mayor and Deputy Mayor. The motion to elect the Mayor and the Deputy Mayor will be placed on the Agenda of the first regular City Council meeting in January following certification of the election and the Mayor and Deputy Mayor will serve in office for a term as specified by city charter. During the election of Mayor and Deputy Mayor, the city clerk shall serve as Chair.

In the event the Mayor is unable to serve the remainder of the term, due to his or her removal from office, or his or her resignation as Mayor or from the City Council, or upon his or her death, the Deputy Mayor shall serve as Mayor for the remainder of that term and a new Deputy Mayor shall be elected.

In the event the Deputy Mayor is unable to serve the remainder of the term, a new Mayor shall be elected at the next regular meeting.

- 1. Nomination Procedure. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second vote. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the chair will ask again for further nominations and if there are none the Chair will declare the nominations closed. A motion to close the nominations is not necessary.
 - 2. Voting Procedure. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Councilmembers will be asked for a raise of hands. As soon as one of the nominees receives a majority vote (four votes), then the Chair will declare the nominee elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receive a majority vote, the Chair will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Deputy Mayor is opened for nominations.
- C. General Decorum.
 - 1. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or

the peace of the Council, nor disrupt any member while speaking, nor refuse to obey the orders of the Council or the Mayor, except as otherwise provided in these Rules.

2. Any person making personal or slanderous remarks or who becomes disorderly while addressing the Council or while in the Council Chamber while the Council is in session, shall be asked to leave by the Presiding Officer.

D. Confidentiality.

1. Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington or under Public Disclosure Ordinance adopted by the Council.
2. If the Council, after Executive Session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City staff representative handling the issue. Councilmembers should consult with the City Manager and/or City Attorney prior to discussing such information with anyone other than other Councilmembers, the City Attorney or City staff designated by the City Manager. Any Councilmember having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the City Manager and Council in a timely manner.

- E. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any Council Meeting, the City Manager shall appoint a Clerk Pro Tempore for that meeting only.

SECTION 3. OFFICERS.

- A. Presiding Officers. The Mayor, or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.
- B. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:
1. Call the meeting to order
 2. Keep the meeting to its order of business
 3. Control discussion in an orderly manner
 - a. Every Councilmember who wishes an opportunity to speak must be recognized by the chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
 4. State each motion before it is discussed and before it is voted upon.
 5. Put motions to a vote and announce the outcome.
- C. Presiding Officer, Question or Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.

- D. Request for Written Motions. Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

SECTION 4. DUTIES AND PRIVILEGES OF COUNCILMEMBERS.

- A. Forms of Address. The Mayor shall be addressed as "Mayor (surname)." "Your Honor," or Mr./Madam Mayor. Members of the Council shall be addressed according to their preference as "Councilmember (surname)," "Councilor (surname)," or Mr./Mrs./Miss/Ms. (surname).
- B. Seating Arrangement at Regular Meetings. The Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the right hand of the Mayor. Other Councilmembers are to be seated in accordance with KMC 2.04.070. If there is a dispute, seating shall be in position order.

SECTION 5. CITY ADVISORY COMMITTEES

The City of Kelso's Commissions, Committees, and Task Forces provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Council in the decision-making process. Effective citizen participation is an invaluable tool for local government. All City Advisory Committees are advisory to the City Council and are not authorized to take independent action representing the City with other agencies or bodies.

- A. Establishment of Advisory Bodies. These advisory bodies will be established by City Resolution or Ordinance, if required by state statute. The enacting resolution will set forth the size of each advisory group, which will be related to its duties and responsibilities; the term of office of its members; a statement of its purpose and function; and time lines, if relevant to the scope of work. The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.
- B. Appointments to Advisory Bodies. Vacancies may be advertised so that any interested citizen may submit an application. Applicants are urged to be citizens of the City of Kelso, but applications from residents living outside of the corporate boundaries may be considered if authorized by the resolution or ordinance establishing the advisory body.

Appointments to advisory bodies will be made by the City Council during a regularly scheduled meeting. Newly appointed members will receive a briefing by the Commission, Committee, or Task Force Chairperson and/or City staff regarding duties and responsibilities of the members of the advisory body. Appointees to advisory bodies may be removed prior to the expiration of their term of office by a majority vote of the City Council.

- C. Conduct of Business. The advisory body will normally adopt rules for transaction of business, and will determine the number of meetings necessary for the business needs of the advisory group, unless otherwise established in the enacting resolution or ordinance. All meetings are subject to the public meetings laws of the State of Washington and City Ordinance.

SECTION 6. COUNCIL COMMITTEES/APPOINTMENTS

Council committees are policy review and discussion arms of the City Council. Committees may study issues and develop recommendations for consideration by the City Council. Committees may not take binding action on behalf of the City.

The City Council may meet for study or special project purposes as a Committee of the Whole or may establish Council subcommittees with three or fewer members.

Council Committee structure shall be as determined by the City Council in January of each year and may include:

- A. Council Committee of the Whole - (Seven Councilmembers)
- B. Subcommittees of the City Council - Ad hoc and informal working or study group (three or fewer Councilmembers)
- C. Councilmember appointments - to task teams or City advisory boards, commissions and committees (three or fewer Councilmembers)
- D. Liaison/Representative Appointments - to other advisory bodies or groups.

SECTION 7. MEETINGS.

All Council Meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings and Special Meetings of the Council shall be open to the public.

The City Manager, or his or her designee, shall attend all meetings of the City Council including Regular meetings, special meetings, and executive session, except if Council meets in Executive Session with the City Attorney on matters of potential conflict for the City Manager.

- A. Regular Meetings. The Council shall hold Regular Meetings on the first and third Tuesday of each month. The Regular Meeting will begin at 7:00 p.m., unless an Executive Session is scheduled at the beginning of the agenda.
- B. Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any three members of the City Council by notice delivered by regular or electronic mail to each member of the Council and to each local media outlet which has requested notice at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered.
- C. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW Chapter 42.30.110. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended. No formal action or decision of the Council may be taken in Executive Session.
- D. Emergency Meetings. If at any time there is a need for expedited action by the City Council to meet an emergency situation, the Mayor, or in the absence of the Mayor, the Deputy Mayor or any three members of Council, may call an emergency meeting at a place and time as necessary, and the noticing requirements of Chapter 42, RCW, or City ordinance or rule, may be waived.
- E. Adjournment. Regular and Special Council Meetings shall adjourn no later than 10:00 p.m. The adjournment times established hereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. During regular and special meetings, any Councilmember may call for a "Point of Order" at 9:30 p.m. to review agenda priorities.
- F. Meeting Place. Council Meetings will be a time and place as Council directs. Regular and/or Special meetings shall generally be held within the boundaries of the City. The Council will not take final action on items during meetings held outside the boundaries of the City.
- G. Public Notice. The City shall comply with the provisions of RCW 35A.12.160.

SECTION 8. COUNCIL ORDER OF BUSINESS.

- A. Order of Business for Regular Meetings. Pursuant to KMC 2.04.050, the order of business for each Regular Meeting shall be as follows:
1. Call to Order
 2. Roll Call, Flag Salute
 3. Approval of Minutes of Previous Meeting
 4. Commendations/Presentations
 5. Citizens' business
 6. Public Hearing
 7. Consent agenda and Auditing of Accounts
 8. Ordinances, Resolutions and Motions
 9. Reports of City Manager and Department Heads
 10. Council Comments/Council Committee Reports
 11. Executive Session (as necessary)
 12. Adjournment
- B. Council Agenda. When necessary, the Mayor or other Councilmember, with the consent of the Council, may change the order of business. All ordinances or resolutions must be on the agenda to be voted upon; a motion to suspend the rules would be necessary in order to vote on an ordinance or resolution not on the agenda.

SECTION 9. CONDUCT OF BUSINESS

- A. Motions. Business is brought before the council by motions, which constitute a formal procedure for taking actions. To make a motion, a member must first be recognized by the presiding officer. After the member has made a motion (and after the motion is seconded if required) the chair must then restate it or rule it out of order, then call for discussion.
- B. Debate. As required by Robert's Rules of Order, a member may speak twice on each motion. Each time a Councilmember is recognized, the Councilmember may speak to the motion for no longer than five minutes. No Councilmember may speak a third time to a motion without the consent of the Council.
- C. Staff Input. During regular or special meetings of the Council, the presiding officer will call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Councilmembers; additional staff input will be limited to providing clarification on issues if requested by a Councilmember.
- D. Reconsideration. A motion to reconsider is in order during the meeting after a motion has been acted upon either at the same meeting or at the next regular or special meeting of the Council. It must be made by a member who voted on the prevailing side, i.e., if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

SECTION 10. PUBLIC TESTIMONY.

A. Public Comment

During Regular or Special Meetings of the Council, public comments will be invited during the Public Comment portion of the agenda. The public is also invited to provide written comment on any non-quasi-judicial or legislative matter. It is encouraged that such written comments be filed

with the clerk by 1:00 p.m. of the Wednesday preceding the Regular Meeting. If written comments are given at the meeting, the presenter should provide eleven copies for the Council and staff.

In addition, public oral testimony may be taken on other non-quasi-judicial or legislative matters as they arise during the course of the meeting agenda. However, once a motion is pending, debate is limited to Councilmembers and no further public comment will be taken, unless a Councilmember requests further testimony.

Public comments should be limited to no more than five minutes per person. The Presiding Officer may, with consent of the Council, further limit individual comment length and total comment time allocated to a topic.

- B. Identification of Speakers. Persons testifying shall identify themselves for the record as to name, address and organization.
- C. Instructions for Speakers. An instruction notice and signup sheet will be provided at the entrance to the Council chambers. Persons testifying should address their comments to the City Council, not the audience.
- D. Addressing Council Outside of a Public Hearing or Public Comments. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

SECTION 11. CONSENT AGENDA.

- A. The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent agenda which: (a) have been previously discussed or policies set by the Council, or (b) based on the information delivered to members of the Council, by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.
- B. The motion to adopt the Consent agenda shall be non-debatable and have the effect of moving to adopt all items on the Consent agenda. Since adoption of any item on the Consent agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.

SECTION 12. PUBLIC HEARINGS.

The Public Hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy-decision-making process. In addition, public hearings are required on quasi-judicial actions which determine the legal rights, duties, or privileges of specific parties. The following rules shall be observed during public hearings:

- A. Legislative/Information Gathering Public Hearing;
 - 1. Open Public Hearing - The Mayor will open the public hearing.
 - 2. Staff Presentation - For an initial presentation of background information from a City Department, a City Board, Commission, or Committee, or an organization such as the Fire District, the Library District, or the School District, no more than 20 minutes will be allowed, unless otherwise authorized by the Presiding Officer.
 - 3. Citizen Comments - Comments will be limited to four minutes from individuals or from persons speaking as a representative of an organization, club, or group. The Presiding Officer may allow additional time for receipt of written testimony, when needed.

4. Staff Comments - Additional staff comments may be requested by Council following citizen comments.

5. Close Public Hearing - At the conclusion of Citizen or Staff Comments, the Presiding Officer will close the public hearing.

6. Council Deliberation.

7. Council Action.

8. Timekeeper. The City Clerk shall be the timekeeper.

B. Quasi-Judicial Public Hearings:

Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial hearing is on the agenda, the public will be informed by the City Attorney as to what state law permits as to public comments. In addition, quasi-judicial hearings will be conducted in conformance to procedures outlined in other City ordinances.

SECTION 13. AGENDA PREPARATION.

A. The Clerk will prepare a preliminary agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council.

B. An item for a Regular Council meeting may be placed on the preliminary agenda by any of the following methods:

1. A majority vote of the Council;
2. Council consensus;
3. By any two Councilmembers, in writing or with phone confirmation, with signatures by fax or electronic mail allowed for confirmation of support, no later than 12:00 (noon) four business days prior to the meeting. The names of the requesting Councilmembers shall be set forth on the agenda;
4. By the City Manager;
5. By a Council Committee;

C. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

SECTION 14. EFFECT/WAIVER OF RULES.

It is the intent of the City Council that council procedures be periodically reviewed as needed, but no less than every two years. Accordingly, Council procedures shall be considered in the month of January of every even-numbered year, and may be considered at any other time that Council shall choose to review them.

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a two-thirds vote of those

members present and voting, determine to temporarily waive any of the provisions herein. A two-thirds vote is five of seven votes, four of six votes, four of five votes, and three of four votes.

AGENDA SUMMARY SHEET
Business of the Kelso Transportation Benefit District
City of Kelso, Washington

SUBJECT TITLE:

Motion to adopt the Resolution setting regular board meeting schedule

Agenda Item: _____

Dept. of Origin:

For Agenda of: December 4, 2012

Cost of Item: _____

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

Proposed Resolution

SUMMARY STATEMENT:

It is expected that the Transportation Benefit District Board will need to meet on an infrequent basis to evaluate the funding and projects for the district. As a consequence, it is recommended that the Board meet regularly 2 times each year prior to the City Council Meeting on the first Tuesday in March and in September. The attached resolution accomplishes this. The Board can, of course, hold special meetings at any time and so can meet as often as may be needed to address any matters that occur outside of the regular meeting times. The procedure for calling these meetings is established by Board rules adopted separately.

FINANCIAL SUMMARY:

None

RECOMMENDED ACTION:

Move to adopt Resolution setting the regular day, time, and place for regular board meetings.

RESOLUTION NO. _____

A RESOLUTION OF THE KELSO TRANSPORTATION BENEFIT DISTRICT SETTING THE DATE, TIME AND PLACE OF REGULAR BOARD MEETINGS

WHEREAS, as a newly created board, the transportation benefit district board wishes to establish a regular meeting schedule; and

WHEREAS, pursuant to board rules, the board may call such other special meetings as may be needed; and

NOW, THEREFORE,

THE BOARD OF THE KELSO TRANSPORTATION BENEFIT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Regular Meeting Schedule.

- A. The Board shall hold Regular Meetings on the first Tuesday of March and the first Tuesday of September of each year. The Regular Meeting will begin at 6:00 p.m.
- B. The Board shall hold such Special Meetings as may be needed in accordance with the Board Rules.
- C. Board Meetings will be held generally at Kelso City Hall unless a different place is indicated by the Board or set forth in the meeting notice.

SECTION 2. Effective Date. This Resolution shall be effective immediately upon passage.

ADOPTED by the Board and **SIGNED** by the Chair this ____ day of

_____, 2012.

ATTEST/AUTHENTICATION:

Chair

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET
Business of the Kelso Transportation Benefit District
City of Kelso, Washington

SUBJECT TITLE:

**AN ORDINANCE OF THE KELSO
TRANSPORTATION BENEFIT
DISTRICT AUTHORIZING A
VEHICLE LICENSE FEE OF TWENTY
DOLLARS AND IDENTIFYING
PROJECTS TO BE FUNDED**

Agenda Item: _____

Dept. of Origin: Public Works, City Attorney

For Agenda of: December 4, 2012

Cost of Item: _____

City Manager: Steve Taylor

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance

SUMMARY STATEMENT:

The City adopted an ordinance establishing a Kelso Transportation Benefit District on November 20, 2012 as authorized under RCW 35.21.255 and subject to the provisions of RCW 36.73, which includes the entire City of Kelso as the boundaries of the district. The Legislature has granted Transportation Benefit Districts the ability to impose up to a \$20 annual vehicle license fee for transportation projects within the district by a majority vote of the Board members without voter approval. Other funding mechanisms are authorized by the Legislature, including several that require voter approval.

The use of the funding to be collected by this district is proposed to be partially funded through the City's street maintenance overlay program as more carefully described on November 6, 2012.

FINANCIAL SUMMARY:

City of Kelso could expect to receive approximately \$90,000 in 2013 for six months of revenue receipts (July-December). This is because there is a six-month delay from the date of authorization to the date the Department of Licensing starts collecting the fee. The City may expect to receive up to \$180,000 for a full-year in 2014. The caveat is that this is only an estimate and is subject to change based on actual numbers from the Department of Licensing at the time fees are collected.

OPTIONS:

One option is to do nothing. While the District has been formed, no revenues have been authorized. This would continue the status quo of severely underfunded street maintenance. Other options are to impose other funding sources authorized by the Legislature under the TBD statute as set out in the earlier materials, or to seek voter approval for a larger license fee or larger tax also as described in the earlier materials. The recommended option is to adopt the proposed \$20 fee. By adopting this \$20 fee, the Board is not precluded from seeking additional voter approved options.

RECOMMENDED ACTION:

Move to approve the proposed ordinance authorizing a vehicle license fee of \$20 and identifying the street maintenance project to be funded.

ORDINANCE NO. _____

AN ORDINANCE OF THE KELSO TRANSPORTATION BENEFIT DISTRICT AUTHORIZING A VEHICLE LICENSE FEE OF TWENTY DOLLARS AND IDENTIFYING PROJECTS TO BE FUNDED

WHEREAS, after holding a public hearing on November 6, 2012, the Kelso City Council established a Kelso Transportation Benefit District by Ordinance No. 12-3778, as authorized under RCW 35.21.255 and subject to the provisions of RCW 36.73; and

WHEREAS, the Kelso Transportation Benefit District includes the entire City of Kelso as the boundaries currently exist or as are expanded upon annexation; and

WHEREAS, RCW 36.73.065 authorizes a transportation benefit district to impose up to a \$20 annual vehicle license fee for transportation projects within the district; and

WHEREAS, a public hearing was held on December 4, 2012, regarding the adoption of the \$20 annual vehicle license fee and the selection of projects; and

WHEREAS, the Board finds that it is in the best interest of the District to establish an annual vehicle license fee in the amount of \$20 for the purposes of preserving, maintaining, operating, constructing or reconstructing the transportation infrastructure of the City of Kelso consistent with the state, regional, and local transportation plans.

NOW, THEREFORE,

THE BOARD OF THE KELSO TRANSPORTATION BENEFIT DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Fee Established. An annual vehicle license fee in the amount of twenty dollars (\$20) is hereby established, 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 RCW 36.73.

SECTION 2. Projects.

The funds generated by the transportation benefit district shall be used for transportation improvements that construct, preserve, maintain and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the Chapter; but all funds raised through the TBD shall be expended only for such construction, preservation, maintenance and operation in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall construct, preserve, maintain and operate the City's 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. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(b) following notice, public hearing and enactment of an authorizing ordinance.

SECTION 3. Collection of fee. The vehicle license fee established in this Ordinance shall take effect as soon as the Washington Department of Licensing (DOL) is reasonably able to incorporate collection of the \$20 vehicle license fee. Vehicle license fees will not be collected sooner than six months after approval as provided in RCW 82.80.140. The Board requests that the City Clerk notify DOL of the vehicle license fee and request DOL to take all steps necessary to implement the collection of this vehicle license fee in accordance with RCW 82.40.140.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the

other provisions or application of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect 5 after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2012.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK
APPROVED AS TO FORM:

CITY ATTORNEY
PUBLISHED: _____