

# City of Kelso



## Transportation Benefit District Agenda

TBD Special Meeting, 6:00pm

October 20, 2015

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:

#### 1. Approve Minutes:

1.1. July 7, 2015 – Special Meeting

#### 2. TBD Business:

2.1. Financial Report – Trial Balance

2.2. Approval of Refunds

#### 3. Public Comment:

#### 4. Consent Items:

#### 5. Action/Motion Items:

#### 6. Other Business:

6.1. Discuss City Assumption of the TBD

### Other Items:

- City Manager Report
- Staff/Dept. Head Reports
- Board Reports
- Executive Session

**KELSO TRANSPORTATION BENEFIT DISTRICT**  
**SPECIAL MEETING**

**CITY COUNCIL CHAMBERS**  
**203 SOUTH PACIFIC AVENUE**  
**KELSO, WASHINGTON**

**Tuesday, July 7, 2015**  
**6:00 p.m.**

**CALL TO ORDER:**

The Regular Meeting of the Transportation Benefit District (TBD) was called to order by Chairman Futcher. Board Members present were Jared Franklin, Gary Archer, Dan Myers, David Futcher, Todd McDaniel, Gary Schimmel, and Rick Roberson.

**Minutes:** Upon motion by Board Member McDaniel, seconded by Board Member Myers, 'Approve the Minutes of the 3/03/15 Regular Meeting.' Motion carried, all voting yes.

**BOARD ACTION:**

**Auditing of Accounts:** Upon motion by Board Member McDaniel, seconded by Board Member Schimmel, 'Approve the Auditing of Accounts in the amount of \$938.00,' motion carried, all voting yes.

**Approval of Refunds:** Upon motion by Board Member Schimmel, seconded by Board Member Roberson, 'Approve the refunds for vehicle tab fees erroneously received due to jurisdictional inaccuracies.'

**BOARD BUSINESS:**

**2015 Legislative Session Update:**

City Manager Steve Taylor reported on two changes made to the transportation bill:

1. The State will now allow the consolidation of municipalities and TBDs. The Board directed staff to proceed with the process of merging the City and the TBD. City Manager Taylor commented that the staff will bring the appropriate ordinances to the Board for consideration in the next couple of months.
2. The Legislature amended the transportation bill to give cities the authority to make certain increases to vehicle tab fee impositions and transportation impact fees without a public vote.

**PUBLIC COMMENT:** None.

There being no further business before the Kelso TBD at this time, Chairman Futcher adjourned the meeting at 6:07 p.m.

\_\_\_\_\_  
David Futcher, Chairman

Attest:

\_\_\_\_\_  
Traci Howard  
Secretary/Deputy City Clerk

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREV PERIOD ENDING BALANCE		CURRENT TRANSACTIONS		CURRENT BALANCE	
		DEBIT	CREDIT	DEBIT	CREDIT	DEBIT	CREDIT
12511110	TRANS BEN DIST. - CASH	331128.81		13662.00	40.00	344750.81	
12529210	REVENUE CONTROL		117687.60	40.00	13662.00		131309.60
12529220	EXPENDITURE CONTROL	938.00				938.00	
12529270	FUND BALANCE		214379.21				214379.21
	BALANCE SHEET TOTALS	332066.81	332066.81	13702.00	13702.00	345688.81	345688.81
125623449000	VEHICLE LICENSING FEE		117687.60	40.00	13662.00		131309.60
	REVENUE TOTALS		117687.60	40.00	13662.00		131309.60
1256254290460	INSURANCE	938.00				938.00	
	EXPENDITURE TOTALS	938.00				938.00	

## **AGENDA SUMMARY SHEET**

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AGENDA ITEM: Approval of vehicle  
tab fee refunds.

AGENDA ITEM # \_\_\_\_\_

FOR AGENDA OF: 10/20/2015

ORIGINATING DEPT: Finance

DATE SUBMITTED: 10/16/2015

COST OF ITEM: N/A

AMT. BUDGETED N/A

CITY ATTY. APPROVAL \_\_\_\_\_

SUBMITTED BY: Brian Butterfield

CITY MGR. APPROVAL \_\_\_\_\_

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### AGENDA ITEM PAPERWORK:

#### SUMMARY STATEMENT:

Due to jurisdictional errors by Washington State, vehicle tab fees were charged to citizens that reside outside the Kelso City limits. Since the last report to the Board on July 7, 2015, we have received eleven refund requests.

#### RECOMMENDATION:

Move to approve the refunds.

**MEMORANDUM  
OFFICE OF THE CITY ATTORNEY**



To: Steve Taylor, City Manager  
From: Janean Parker, City Attorney  
CC:  
Date: October 14, 2005  
Re: City Assumption of Kelso Transportation Benefit District

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This REVISED memorandum sets out a slightly different potential calendar related to the City's assumption of the TBD. After further review, it appears that requirements for dissolving the TBD as set out in RCW 36.73.170 are not triggered by this assumption process and that the assumption process is intended to be an alternative to dissolution.

In light of the Legislature's adoption of 2ESSB 5987, which allows a city to assume a TBD if it has boundaries coterminous with the city, this memorandum outlines the process and requirements for such an assumption.

In order to initiate the assumption, the City Council must adopt an ordinance or resolution that sets out its intent to conduct the public hearing and state the date, time, and location of the hearing. Notice of the hearing must also be published at least two times in the two preceding weeks in the newspaper of general circulation. I would also recommend posting or publishing the notice as we do with all other public hearing notices as well, for consistency sake.

While it is not required by the statute, I recommend also that the TBD also consider the resolution and agree the hearing and the potential assumption, since as a technical matter the TBD is a separate entity. I have enclosed a proposed resolution that would set this hearing and initiate the process.

Upon adoption of the resolution and publishing of the notice, the City can proceed to hold the public hearing. This hearing can be continued as may be necessary not to exceed 60 days in all.

At the conclusion of the hearing, and Council deliberation, if the Council wishes to assume the TBD, this can be accomplished by an ordinance. Council must determine that the public interest or welfare will be satisfied by the assumption. I have also enclosed a proposed Ordinance that would

assume the TBD and also would amend KMC 3.65 to incorporate the assumption. .

In light of further review I do not think that any additional notice or process for dissolving the TBD is necessary. This opinion is further supported because the TBD has not assumed any debt or let any contracts, so additional notice to assign these obligation is not warranted. All funds collected have been passed along to City for approved transportation projects.

REVISED Potential calendar.

October 20 Schedule Council meeting and TBD meeting on same day.  
Consider at both meetings the resolution to set the public hearing.

October 20-24? Notice at least twice in following two weeks.

October 26-30 Notice at least twice in following two weeks.

November 3 Public hearing. Consider and first reading of ordinance.  
Per staff recommendation and for ease of financial auditing purposes, the recommended effective date is December 31, 2015.

November 17 (or any meeting in December) 2<sup>nd</sup> reading of assumption ordinance, effective December 31, 2015.

December 31—TBD assumed by Council.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON,  
SETTING THE DATE FOR A PUBLIC HEARING CONCERNING  
THE CITY'S INTENT TO ASSUME THE RIGHTS, POWERS,  
FUNCTIONS, AND OBLIGATIONS OF THE BOARD OF THE  
KELSO TRANSPORTATION BENEFIT DISTRICT AS OF  
DECEMBER 31, 2015.**

WHEREAS, the City Council has adopted Ordinance No. 3778 creating the Kelso Transportation Benefit District with the boundaries coterminous with the City of Kelso City limits; and

WHEREAS, the State Legislature has adopted Second Engrossed Substitute Senate Bill 5987, which provides in part at Section 301 et seq., that a city may assume the rights, powers, functions, and obligations of a transportation benefit district that has been established with boundaries coterminous with the boundaries of the City; and

WHEREAS, the adopted legislation, 2ESSB 5987, provides that such assumption is to be initiated by an ordinance or resolution of the City indicating its intention to conduct a hearing concerning the assumption and setting a time, date, and place therefore; and

WHEREAS, the Kelso Transportation Benefit District Board also considered the adoption of this Resolution during its meeting on October 20, 2015 and determined that it wished to proceed with the public hearing and the Council's consideration of the assumption of the District;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO  
HEREBY RESOLVE:



**SECTION 1.** Intent. The Kelso City Council intends to conduct a public hearing on a proposal to assume the rights, powers, functions, and obligations of the Kelso Transportation Benefit District, as authorized by Second Engrossed Substitute Senate Bill 5987 at section 301 et.seq.

**SECTION 2.** Hearing Date. The Kelso City Council will hold this public hearing on the proposed assumption of the rights, powers, functions, and obligations of the Kelso Transportation Benefit District on **November 3**, 2015 at 6 pm. The Hearing will be held at the Council Chambers at City Hall at 203 South Pacific Avenue in Kelso. All persons may appear at the time and place of the hearing and be heard.

**SECTION 2.** Publication. This Resolution shall be published at least two times during the two weeks preceding the scheduled hearing in the newspapers of daily circulation printed or published in the City or County in which the Kelso Transportation Benefit District is located.

**ADOPTED** by the City Council and **SIGNED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST/AUTHENTICATION:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY