

ORDINANCE NO. 5076

AN ORDINANCE of the City Council of the City of Bremerton, Washington, establishing a Transportation Benefit District within the corporate limits of the City of Bremerton, specifying the maintenance and preservation of existing transportation improvements, providing for additional transportation improvements and amending the Bremerton Municipal Code to enact a new chapter 11.25 entitled “Bremerton Transportation Benefit District”.

WHEREAS, the City of Bremerton has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to Chapter 35.22 RCW; and

WHEREAS, the improvement, maintenance, and protection and operation of public ways requires providing necessary transportation improvements and preserving existing transportation improvements to avoid catastrophic failure of the improvements which would require significant additional funds to reconstruct, as well as their gradual deterioration; and

WHEREAS, the number one priority in the “Washington Transportation Plan for 2007-2026” adopted by the Washington Transportation Commission (“State Transportation Plan”) is to preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

WHEREAS, the State Transportation Plan identifies that there is no more fundamental transportation investment than existing system preservation – keeping the physical infrastructure in safe and efficient operating condition; 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, 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 in recent years due to the action of several statewide initiatives, however, the ongoing annual costs to preserve and maintain the City’s transportation infrastructure continue to rise making it difficult for the City to sufficiently address these issues; and

WHEREAS, the City desires to improve its modal connectivity to facilitate better overall transportation within the City of Bremerton; 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 which includes the entire City of Bremerton as the boundaries currently exist or are hereafter expanded due to annexation; and

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

WHEREAS, the City provided proper notice, conducted a public hearing on February 4, 2009 and took public comment regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Bremerton finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for transportation improvements that improve modal connectivity and for the preservation and maintenance of the City's transportation infrastructure consistent with Chapter 36.73 RCW, to protect the City's long term investments in that 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 implement the City's Transportation Improvement Plan, and

WHEREAS, the City Council of the City of Bremerton shall establish a governing body for the Transportation Benefit District comprised of the City Council acting in an ex officio and independent capacity; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, 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 it is in the public interest to provide adequate levels of funding to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels as provided in Chapter 36.73 RCW. Council further finds that it is in the public interest to provide for transportation improvements that improve modal connectivity and that specifically focus on protecting the City's long term investments in its infrastructure,

reducing the risk of transportation facility failure, improving safety, continuing optimal performance of the infrastructure over time, and avoiding more expensive infrastructure replacements in the future.

SECTION 3. A new chapter, Chapter 11.25 of the Bremerton Municipal Code entitled Transportation Benefit District, is hereby created to read as follows:

**Chapter 11.25
Transportation Benefit District**

11.25.010 Transportation Benefit District Established. There is created a transportation benefit district to be known as the Bremerton Transportation Benefit District or “District” with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

11.25.020 Governing Board.

(a) The governing board of the Transportation Benefit District shall be the Bremerton 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 Financial Services Director.

(c) The 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).

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

11.25.030 Authority of the District. The Board shall have and may exercise any powers provided by law to fulfill the purpose of the District.

11.25.040 Use of Funds. The funds generated by the Transportation Benefit District may be used for any purpose allowed by law including to operate the District 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. The transportation improvements funded by the district 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 Bremerton. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(b).

11.25.050 Dissolution of District. The Transportation Benefit District shall be automatically dissolved when all indebtedness of the district has been retired and when all of the District’s anticipated responsibilities have been satisfied. However, in no event shall the

Bremerton Transportation Benefit District continue to exist past six (6) years from the date the Bremerton Transportation Benefit District is created.

11.25.060 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. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 4th day of February, 2009

CECIL McCONNELL, Council President

Approved this _____ day of _____, 2009

CARY BOZEMAN, Mayor

ATTEST:

APPROVED AS TO FORM:

CAROL ETGEN, City Clerk

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 10th day of February, 2009
EFFECTIVE the 20th day of February, 2009
ORDINANCE NO. 5076

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