

TRANSPORTATION BENEFIT DISTRICT AGENDA ITEM
SHORELINE TRANSPORTATION BENEFIT DISTRICT

AGENDA TITLE: Adoption of Shoreline TBD Bylaws
DEPARTMENT: Finance
PRESENTED BY: Debbie Tarry, Finance Director

PROBLEM/ISSUE STATEMENT:

On June 22, 2009, the Shoreline City Council adopted Ordinance No. 550 (Attachment A) forming the Shoreline Transportation Benefit District (Shoreline TBD) and designating its purpose, functions and powers. The governing board of the Transportation Benefit District is the Shoreline City Council acting in an independent capacity as required by this ordinance and RCW 36.73.020(3).

The July 6, 2009 Transportation Benefit District Board meeting is the first meeting of this newly formed entity. One of the first acts needing to be performed by the TBD is to adopt bylaws which will lay a foundation for how the TBD is to function. Bylaws are essentially rules made by a local authority to regulate its own affairs. To minimize confusion with the operation of the independent district, the bylaws propose to use the Shoreline Council Rules to govern meeting procedures and responsibilities of the chair. City administrative policies will apply to the administration of the District's activities. The same defense and indemnification is provided to officials and employees acting for the District as is afforded to City employees and officials.

FINANCIAL IMPACT:

There is no financial impact for taking this action.

RECOMMENDATION

Staff recommends that the TBD Board adopt the recommended bylaws by motion.

Approved By: City Manager  City Attorney 

ATTACHMENTS

Attachment A – Ordinance No. 550, forming a Transportation Benefit District
Attachment B – Draft bylaws of the Shoreline Transportation Benefit District

ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT COTERMINOUS WITH THE SHORELINE CITY LIMITS TO PROVIDE ADDITIONAL FUNDING FOR THE MAINTENANCE AND PRESERVATION OF EXISTING CITY TRANSPORTATION IMPROVEMENTS; AND ENACTING A NEW CHAPTER 3.60 *SHORELINE TRANSPORTATION BENEFIT DISTRICT* IN THE SHORELINE MUNICIPAL CODE

WHEREAS, the limited transportation funding for preservation and maintenance of its public streets was dramatically reduced with the passage of State Initiative 695 in 1999 and Initiative 776 in 2002, which reduced the Motor Vehicle Excise Taxes and King County Vehicle License Fees available for Shoreline transportation funding; and

WHEREAS, funding for annual maintenance of Shoreline's transportation infrastructure continues to rise, exacerbating the inadequacy of funding sources available to the City for this program; and

WHEREAS, the State Legislature recognized local governments could not increasingly rely on unrestricted funds to support transportation systems, and, through recent amendments to transportation benefit district laws, provided a dedicated revenue source for transportation improvements needed to address existing and future congestion that are consistent with existing state, regional and local transportation plans; and

WHEREAS, the "Washington Transportation Plan for 2007-2026" adopted by the Washington Transportation Commission ("State Transportation Plan") identifies as the highest priority the preservation, operation and extension of prior investments in existing transportation facilities to keep these facilities safe and efficient; and

WHEREAS, the first priority identified in the Puget Sound Regional Council's (PSRC) "Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound Region" is to preserve, maintain, make safe, and optimize existing transportation infrastructure and services and this priority is reflected in PSRC Regional Transportation Policy 8.3; and

WHEREAS, the Shoreline "2009-2014 Capital Improvement Plan" Policy J states it is the City's policy to ensure adequate resources are allocated to preserve the City's existing infrastructure before building new facilities in order to protect past investments;

WHEREAS, a public hearing was held on June 22, 2009 following publication of a notice of hearing to take public comment concerning the formation of a Transportation Benefit District and the functions and activities proposed to be funded by the District; and

WHEREAS, the Council considered comments presented and evaluated the public transportation improvements proposed to be funded under the criteria for selecting improvements under RCW 36.73.020; and

WHEREAS, preservation of existing transportation infrastructure is necessitated by existing and foreseeable congestion levels, and meeting this need through the formation of a Transportation Benefit District is in the public interest in that it reduces the risk of transportation facility failure; is a cost-effective investment that reduces more expensive facility replacement in the future; optimizes performance of the transportation system; and improves traffic safety and travel time; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. New Chapter. A new chapter 3.60 *Shoreline Transportation Benefit District* is added to the Shoreline Municipal Code to read as follows:

3.60.010 Transportation Benefit District established

There is created a Transportation Benefit District to be known as the Shoreline Transportation Benefit District with boundaries comprised of the corporate limits of the City, including changes to boundaries from future City annexations.

3.60.020 Use of funds

A. The funds generated by the District may be used for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW, as amended. In addition to these improvements, the funds generated may be used for any other 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 District shall select projects for funding that best reduce the risk of transportation facility failure, improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, and preserve and maintain

optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

B. In addition to the foregoing the funds generated may be used for any purpose allowed by law to operate the district.

3.60.030 Functions and powers of the District.

- A. The District, by a majority vote of its governing board, may authorize a motor vehicle license fee of up to \$20 as provided in RCW 82.80.140 for the purposes set forth in this chapter and as may be subsequently authorized according to law.
- B. The District may impose additional taxes, fees, or charges authorized by RCW 36.73.040 or ad valorem property taxes authorized by RCW 36.73.060 only if approved by District voters pursuant to RCW 36.73.065.
- C. The District shall have all powers and functions provided by Chapter 36.73 to fulfill the functions of the District including the power to issue general obligation bonds and revenue bonds.

3.60.040 Governing Board and officers

- A. The governing board of the District shall be the Shoreline City Council acting in an ex officio capacity and independently of its council responsibilities. The Board shall have those powers set forth in Chapter 36.73 RCW.
- B. The Board shall develop a policy to address major changes to project delivery or financing plans as required by RCW 36.73.160(1). The policy shall include a public hearing to take comment on proposals to resolve transportation improvement project costs that exceed the District's original capital project estimates by twenty percent.
- C. The Board shall issue an annual report as required by RCW 36.73.160(2).
- D. The City Manager shall be the Chief Executive Officer and City Finance Director shall serve as the Treasurer of the District.

3.60.050 Dissolution

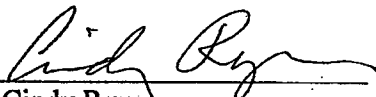
The District shall automatically dissolve upon completion of the transportation improvements authorized in this chapter or as modified under section .020, or if there is outstanding debt or obligations then in effect, it shall reduce its day-to-day activities to the collection of revenue and payment of debt service, and automatically dissolve thirty days after all debt has been retired and responsibilities satisfied. Notice of dissolution shall be published at least three times in a period of thirty days.

ORIGINAL

ATTACHMENT A


Section 3. Publication, Effective Date. This ordinance shall take effect five days after publication of a summary consisting of the title in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON JUNE 22, 2009.



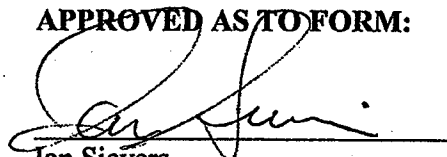
Mayor Cindy Ryu

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: June 25, 2009
Effective Date: June 30, 2009

BYLAWS
OF THE SHORELINE TRANSPORTATION BENEFIT DISTRICT

ARTICLE I
MEMBERSHIP

Section 1.1 Membership. Each member of the Shoreline City Council shall be an ex officio member of the Board of the District.

ARTICLE II
OFFICERS AND COMMITTEES

Section 2.1 Officers Designated. The officers of the District shall be the Chairperson and , Vice Chairperson of the Board , Executive Director, Treasurer and Secretary. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board. No person may simultaneously hold more than one office. In addition to the powers and duties specified below, the officers shall have such powers and perform such duties as the Board may prescribe.

The Chairperson shall be the Mayor of the City of Shoreline and the Vice Chairperson shall be the Deputy Mayor of the City of Shoreline. The Executive Director shall be the City Manager of the City of Shoreline. The Treasurer shall be the City of Shoreline Finance Director. The Secretary shall be the City Clerk

Section 2.2 Powers and Duties. The officers of the Shoreline Transportation Benefit District ("District") shall have the following duties:

(a) **Chairperson.** The Chairperson shall serve as the ceremonial head of the District and shall be the Presiding Officer of the Board and perform the duties and responsibilities with regard to conduct of meetings and emergency business designated in the District Rules of Procedure.

(b) **Deputy Chairperson.** The Deputy Chairperson shall serve in the absence of the Chairperson as the ceremonial head of the District and shall preside over Board meetings in the Chairperson's absence and shall otherwise execute the Chairperson's powers and duties. In the absence of both the Chairperson and the Vice Chairperson the Board shall elect one of the members of the Board to act as a temporary Presiding Officer.

(c) **Executive Director.** The Executive Director shall, subject to the control of the Board, exercise general supervision, direction, and control of the business and affairs of the District. On matters decided by the District, unless otherwise required under Interlocal Agreement, the signature of the Executive Director alone is sufficient to bind the District. The Executive Director or the Secretary shall be the District's registered agents for purposes of service of process.

(d) **Treasurer.** The Treasurer shall receive and faithfully keep all funds of the District and deposit the same in such bank or banks as may be designated by the District Board of Directors. The Treasurer shall also discharge such other duties as may be prescribed by the District Board of Directors.

ATTACHMENT B

(e) **Secretary.** The Secretary shall maintain minutes and other public records of the District and provide meeting notices.

Section 2.4 Establishment of Committees.

(a) **Committees of the Board.** The Board may, by resolution, designate from among its members one or more committees, each consisting of at least two members, to represent the Board and, where consistent with these Bylaws, SMC 3.60 and Chapter 36.73 RCW, act for and on behalf of the Board. The designation of any such committee and the delegation thereto of authority shall not operate to relieve any member of the Board from any responsibility imposed by law.

(b) **Citizen Committees.** The Board may, by resolution, designate from outside its membership one or more committees, each consisting of at least two members, to advise the Board.

ARTICLE III MEETINGS

Section 3.1 Meetings. Meetings shall be conducted under the District Rules of Procedure which shall consist of the Shoreline Council Rules to the extent they are not in conflict with these Bylaws. Regular Board meetings shall be held on the first Monday of November and the First Monday of May of each year in the City of Shoreline Council Chambers. At any regular meeting of the Board, any business may be transacted and the Board may exercise all of its powers. Special Meetings and Emergency Meetings may set pursuant to the Districts Rules of Procedure.

Section 3.3 Notice of Board Meetings. Notice of meetings shall be given in a manner consistent with the Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington, as amended. In addition, the District shall provide reasonable notice of meetings to any individual specifically requesting it in writing.

ARTICLE IV AMENDMENTS TO BYLAWS

Section 4.1 Proposals to Amend Bylaws. Any Board member may introduce a proposed amendment to the Bylaws (which may consist of new Bylaws) at any regular meeting, or at any special meeting for which 30 days' advance notice has been given to each Board member, which shall include the text of the proposed amendment and a statement of its purpose and effect. Changes to the proposed amendment that are within the scope of the original amendment will be permitted at the meeting at which the vote is taken.

ARTICLE V ADMINISTRATIVE PROVISIONS

Section 5.1 Books and Records. The District shall keep current and complete books and records of account and shall keep minutes of the proceedings of its Board and its committees.

ATTACHMENT B

Section 5.2 Principal Office. The principal office and mailing address of the Shoreline Transportation Benefit District shall be located in Shoreline, Washington, and be the same address as that of the City of Shoreline.

Section 5.3 Fiscal Year. The Fiscal Year of the District shall begin January 1 and end December 31 of each year..

Section 5.4 Policies Applicable to Board Members and Employees. The administrative policies of the City of Shoreline shall be the policies of the District, unless specifically supplemented, amended or restricted by the Board.

Section 5.5 Mandatory Disclaimers. A disclaimer in substantially the following form shall be posted in a prominent place accessible to the public in the District's principal office which shall be the Shoreline City Hall. It shall also be printed or stamped on all contracts, bonds and other documents that evidence or create any Obligation which, by its terms, is not payable from a special or limited source of funds.

The Shoreline Transportation Benefit District is a Transportation Benefit District established pursuant to Ordinance No. 550 of the City of Shoreline, Washington, and the laws of the State of Washington, including, but not limited to, Chapter 36.73 of the Revised Code of Washington. All debts, liabilities and other obligations incurred by the District shall be satisfied exclusively from the revenues, assets and properties of the District. No creditor, claimant or other person shall have any right of action against or recourse to the City of Shoreline, the State of Washington, or any other political subdivision of the State of Washington on account of or with respect to any debts, liabilities or other obligations of the District, or otherwise on account of or with respect to any acts or omissions of the District or its officers, employees or agents.

Section 5.6 Indemnification. Officials and employees of the District shall be defended and indemnified from claims or lawsuits brought against them according to Chapter 2.40 of the Shoreline Municipal Code, with decisions of the City Council exercised by the Board.

Approved by the Shoreline Transportation District Board on July 6, 2009