

ORDINANCE O-4435

AN ORDINANCE OF THE CITY OF KIRKLAND ENACTING A NEW CHAPTER 19.22 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "KIRKLAND TRANSPORTATION BENEFIT DISTRICT"; ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE AUTHORITY OF THE DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kirkland has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, protection and operation of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; 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, one of the key findings of the Washington Transportation Plan 2030 adopted by the Washington State Transportation Commission was that the mobility of people and goods is fundamental to the functioning of society and that investment must shift from moving vehicles to moving people and products; and

WHEREAS, the Puget Sound Regional Council, a regional planning agency, has adopted its long-range strategy, VISION 2040, and its metropolitan transportation plan, Transportation 2040, both of which call for the development of a transportation system that includes bicycle and pedestrian transportation improvements; and

WHEREAS, Transportation 2040 calls for creating a regionally integrated network of non-motorized facilities linking bicycle and pedestrian infrastructure within urban places, and connecting these facilities to regional transit services; and

WHEREAS, in addition, Transportation 2040 identifies that one way to improve transportation system efficiency is with intelligent transportation systems, by managing congestion, increasing reliability and providing convenient connections for people and goods; and

WHEREAS, Transportation 2040 calls for maintenance, preservation and operation of the transportation system as its highest priority, and calls for projects and programs that promote transportation safety, demand management and system management; and

WHEREAS, the City's Capital Improvement Program, Transportation Improvement Plan, Active Transportation Plan, Transportation Element of the Comprehensive Plan, and the Transportation Master Plan and Cross Kirkland Corridor Master Plan which are currently being developed, outline key strategies, objectives and investments for improving safety, mobility, modal connectivity, and access through providing effective transportation choices; and

WHEREAS, the City's transportation plans are consistent with the existing state and regional transportation plans described above; 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 of Kirkland has explored the establishment of a transportation benefit district since at least 2010 and included the potential revenues from a transportation benefit district in the 2011-2016 Capital Improvement Program; and

WHEREAS, King County officials recently announced a proposal to create a countywide transportation benefit district, including the City of Kirkland, and it is not clear under state law whether the establishment of a countywide transportation benefit district would preclude the City from later establishing its own transportation benefit district; and

WHEREAS, the County's proposed transportation benefit district has caused the City to accelerate its timetable for consideration of the establishment of its own transportation benefit district; and

WHEREAS, the City Council finds that establishing a stable local funding mechanism for funding a portion of transportation improvements is essential to the continued mobility and the economic health and quality of life of Kirkland; and

WHEREAS, the City Council now desires to form a transportation benefit district which includes the entire City of Kirkland; and

WHEREAS, upon proper notice describing the functions and purposes of the proposed transportation benefit district, the City Council conducted a public hearing and took public comment; and

WHEREAS, the City Council finds it in the best interest of the City to establish a citywide transportation benefit district as one tool for the funding and implementation of the transportation improvements described in the funded and unfunded projects in the Transportation Section of the adopted 2013-2018 Capital Improvement Program, the Transportation Improvement Program, the non-motorized transportation facilities in the Active Transportation Plan, Intelligent Transportation System Strategic Plan, and the Transportation Element of the Kirkland Comprehensive Plan; and

WHEREAS, the City Council of the City of Kirkland shall be the governing body for the transportation benefit district acting in an ex officio and independent capacity;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish a transportation benefit district pursuant to RCW 35.21.225 and Chapter 36.73 RCW. The City Council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding transportation improvements that preserve, maintain and, as appropriate, construct or reconstruct the infrastructure of the City of Kirkland, consistent with Chapter 36.73 RCW.

Section 2. Creation of New City Code Chapter Providing for the Establishment of a Transportation Benefit District. A new chapter is added to the Kirkland Municipal Code as follows:

Chapter 19.22 Kirkland Transportation Benefit District

19.22.010 Transportation benefit district established.

There is established a transportation benefit district to be known as the Kirkland Transportation Benefit District "District" with geographical boundaries comprised of the corporate limits of the City of Kirkland as they currently exist.

19.22.020 Governing board.

a. The governing board "Board" of the Transportation Benefit District shall be the Kirkland 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 Director of Finance and Administration.

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).

19.22.030 Authority of the District.

The Board shall have and may exercise any powers provided by Chapter 36.73 RCW to fulfill the functions of the District.

19.22.040 Transportation improvements funded.

The funds generated by the Transportation Benefit District may be used for any purpose allowed by law including the operation of the District and to make transportation improvements that are consistent with existing state, regional and local transportation plans and necessitated by reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the District shall be made in effort to preserve and maintain and operate transportation infrastructure, improve public safety, implement projects identified in the funded and unfunded projects in the Transportation Section of the adopted Capital Improvement Program, the Transportation Improvement Program, the non-motorized transportation facilities in the Active Transportation Plan, the Intelligent Transportation System Strategic Plan, and the Transportation Element of the Kirkland Comprehensive Plan, invest in bicycle and pedestrian mobility, including the Cross Kirkland Corridor, sidewalks, and transit enhancements, and to provide people with choices to meet their mobility needs. 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.

19.22.050 Public hearing before imposing fee or charge.

Prior to imposing a District fee or charge for funding transportation improvements that does not require voter approval, the Board shall hold a public hearing to solicit comment from the public on the proposed fee or charge.

19.22.060 Dissolution of District.

The Transportation Benefit District shall be dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

Section 3. Declaration of Emergency. Based upon the recitals set forth above, the City Council declares a public emergency exists requiring that this ordinance take effect immediately.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the

remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. Effective Date. This ordinance shall be in force and effect immediately upon passage by the Kirkland City Council.

Section 6. Publication. Publication of this ordinance shall be pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 10th day of February, 2014.


Signed in authentication thereof this 10th day of February, 2014.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4435

AN ORDINANCE OF THE CITY OF KIRKLAND ENACTING A NEW CHAPTER 19.22 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "KIRKLAND TRANSPORTATION BENEFIT DISTRICT"; ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE AUTHORITY OF THE DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

SECTION 1. States the purpose of the ordinance to establish a Transportation Benefit District.

SECTION 2. Creates a new City Code Chapter providing for establishment of a Transportation Benefit District.

SECTION 3. Declares that a public emergency exists requiring that the ordinance take effect immediately.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Establishes the effective date as immediately upon passage by the Kirkland City Council.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 10th day of February, 2010.

I certify that the foregoing is a summary of Ordinance O-4435 approved by the Kirkland City Council for summary publication.



City Clerk