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7/22/10

ORDINANCE NO. 3804

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE CHAPTER 3.65 EDMONDS TRANSPORTATION BENEFIT DISTRICT, SECTIONS 3.65.030 FUNCTIONS OF DISTRICT, 3.65.040 TRANSPORTATION IMPROVEMENTS FUNDED, AND 3.65.050 DISSOLUTION OF DISTRICT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, Ordinance No. 3707 was adopted creating the Edmonds Transportation Benefit District in order to provide funding for the improvement, maintenance, protection and operation of existing public ways within the City, and

WHEREAS, the Edmonds Transportation Benefit District was established pursuant to the authorization of Chapter 36.73 RCW, and

WHEREAS, such Chapter has since been amended to permit the funding of projects listed on local transportation plans, and

WHEREAS, the Edmonds Comprehensive Plan and Transportation Improvement Plan lists many projects which are necessary for the City to maintain concurrency under the Growth Management Act and have been determined as a part of the planning process to be essential to the transportation needs and safety of current and future residents of the City, and

WHEREAS, Chapter 3.65 authorizes expansion of the functions of the system provided so long as the requirements of Chapter 36.73 are met, and

WHEREAS, notice of public hearing regarding the adoption of this ordinance expanding the role of the District was provided and a public hearing held on August 3, 2010, and

WHEREAS, the Edmonds City Council finds it to be in the public interest to expand the functions of the District in accordance with the provisions of State law, NOW, THEREFORE,

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

Section 1. ECC 3.65.030 Functions of the District is hereby amended to read as follows:

3.65.030 Functions of the district.

A. The district board may authorize a vehicle fee of up to \$20 per vehicle as provided for by RCW 82.80.140. When authorized by the voters pursuant to the requirements of 36.73 RCW, other taxes, fees, charges and tolls or increases in these revenue sources may be assessed for the purposes provided for in the subparagraphs of this section.

1. Pursuant to the initial authorization of Ordinance No. 3707, the district board may and has authorized a vehicle fee of up to \$20 per vehicle as provided for by RCW 82.80.140 for the purpose of the preservation, maintenance and operations of the City streets.

2. As authorized by the voters pursuant to the requirements of Chapter 36.73, additional taxes, fees, charges and tolls or increases in those revenue sources may be assessed for the construction, reconstruction, updating or improvement of public transportation facilities shown on the Edmonds Comprehensive Plan and Transportation Improvement Plan. This additional function of the district has been authorized by ordinance amendment in compliance with the provisions of Chapter 36.73 RCW. These additional transportation projects authorized pursuant to the vote of the Transportation Benefit District shall be deemed funded and effective when approved by a vote of the people in accordance with the provisions of state law. The projects authorized shall be limited to those specifically identified in the proposition put to the voters.

B. Additional transportation improvements may be added to the functions of the district upon compliance with Chapter 36.73 RCW.

C. The Board shall have and exercise all powers and functions provided for by Chapter 36.73 RCW in order to fulfill the functions of the District.

Section 2. The Edmonds City Code, Section 3.65.040 Transportation

Improvements Funded is hereby amended to read as follows:

3.65.040 Transportation Improvements Funded.

Two separate sets of functions have been established by ordinance for the Transportation Benefit District. The funds generated by a vehicle fee of up to \$20 per vehicle authorized by the Board in accordance with RCW 82.80.140 shall be used solely for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. Upon authorization by the voters, additional funds from other taxes, fees, charges and tolls or increases in these revenue sources may be utilized for the construction of transportation improvements specifically described in the proposition submitted to the voters. Funds raised from either revenue source may be utilized for any lawful purpose under Chapter 36.73 RCW; but all funds raised through the TBD shall be expended only for the purposes specified, i.e.:

1. For the preservation, maintenance and operation of the existing City street transportation improvement infrastructure or;
2. For projects specifically designated in a ballot proposition approved by the voters and utilizing the funding source approved by the voters.

Such improvements are intended to comply with the provisions of the Growth Management Act and the City's Comprehensive Plan and reduce the risk of transportation facilities' failure, improve safety, continue the costs effectiveness of the City's infrastructure improvements and to encourage the optimum use of the transportation system. Additional transportation improvements project may be funded only after compliance with the provisions of RCW 36.73.050(B) following notice, public hearing and enactment of an additional authorizing ordinance.

Section 3. The Edmonds City Code Section 3.65.050 Dissolution of District is

hereby amended to read as follows:

3.65.959 Dissolution of district.

The transportation district has been authorized to fulfill two separate functions. Each function of the District shall expire and be dissolved upon its completion.

1. Street preservation, maintenance and operation are ongoing, long-term obligations of the City. In order to comply with the dissolution requirement of RCW 36.73.050, a street resurfacing cycle of 20 years was adopted and the district shall be deemed authentically dissolved with respect to the function of street preservation, maintenance and operation 18 years from the effective date of the original ordinance No. 3707, to wit, November 28, 2026.

2. Upon authorization by the voters, the additional transportation improvements, specifically described in the proposition shall be deemed authorized. In accordance with the dissolution requirements of RCW 36.73.050, the powers, duties and functions of the district shall be deemed dissolved with respect to such voter approved projects when all indebtedness of the districts with regard to such projects has been retired and all transportation improvements described in such project list have been completed. Upon dissolution with respect to these functions, the voters' authorization for funding to construct such funding shall be deemed to automatically expire. Nothing herein shall be interpreted to prohibit the Edmonds City Council on the recommendation of the Edmonds Transportation Benefit District to dissolve the district in whole or in part and/or reformulate it in accordance with the provisions of Chapter 36.73.050.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Effective Date. Pursuant to RCW 35A.47.040, this ordinance has been passed at least five (5) days after its first introduction and by a majority of the whole membership of the City Council at a regular meeting. This ordinance being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall

take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:



MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	07-30-2010
PASSED BY THE CITY COUNCIL:	08-03-2010
PUBLISHED:	08-10-2010
EFFECTIVE DATE:	08-15-2010
ORDINANCE NO. <u>3804</u>	

SUMMARY OF ORDINANCE NO. 3804

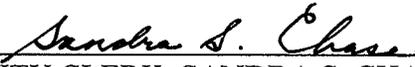
of the City of Edmonds, Washington

On the 3rd day of August, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3804. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE CHAPTER 3.65 EDMONDS TRANSPORTATION BENEFIT DISTRICT, SECTIONS 3.65.030 FUNCTIONS OF DISTRICT, 3.65.040 TRANSPORTATION IMPROVEMENTS FUNDED, AND 3.65.050 DISSOLUTION OF DISTRICT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of August, 2010.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.
DATED this 4th day of August, 2010.

CITY CLERK, SANDRA S. CHASE

Published: August 10, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3804

Edmonds City Code Chapter 3.65

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

August 10, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Groll

Principal Clerk

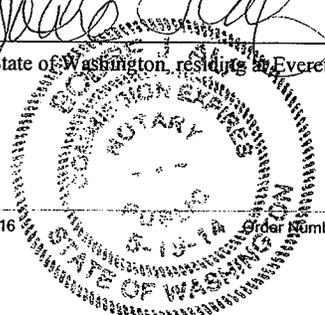
Subscribed and sworn to before me this

10th

day of August, 2010

[Signature]

Notary Public in and for the State of Washington, residing in Everett, Snohomish County.



RECEIVED

AUG 17 2010

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001706458