

**CITY OF MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-12-516**

AN ORDINANCE OF THE CITY OF MAPLE VALLEY ESTABLISHING A NEW CHAPTER 12.35, "TRANSPORTATION BENEFIT DISTRICT" WITHIN THE MAPLE VALLEY MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS.

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 Council established the Maple Valley Transportation Benefit District pursuant to Ordinance O-12-515 on November 26, 2012; and

WHEREAS, the City Council of Maple Valley desires to create a new chapter within the Maple Valley Municipal Code to establish a governing body for the Maple Valley Transportation Benefit District and to set forth the authority of the district, the use of district funds, establish the context for dissolution of the district, and such other matters as are authorized by law;

NOW, THEREFORE, THE MAPLE VALLEY CITY COUNCIL DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 12.35, Transportation Benefit District, is hereby created within the Maple Valley Municipal Code, and is set forth as follows:

Sections:

- 12.35.010 Boundaries of the Maple Valley Transportation Benefit District
- 12.35.020 Governing Board; Officers
- 12.35.030 Authority of the District
- 12.35.040 Regular Meetings Established
- 12.35.050 Use of Funds
- 12.35.060 Dissolution
- 12.35.070 Liberal Construction

12.35.010 Boundaries of the Maple Valley Transportation Benefit District.

The geographical boundaries of the Maple Valley Transportation Benefit District shall be comprised of the corporate limits of the City of Maple Valley as they currently exist or as they may exist following future annexations.

12.35.020 Governing Board; Officers; Duties of Board

A. The governing board of the Maple Valley Transportation Benefit District shall be the Maple Valley 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 Maple Valley Transportation Benefit District shall be the City of Maple Valley Finance Director.
- C. The Chief Executive Officer of the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Manager.
- D. The attorney for the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Attorney.
- E. The Clerk/Secretary for the Maple Valley Transportation Benefit District shall be the City of Maple Valley City Clerk, or his/her designee.
- F. 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).
- G. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

12.35.030 Authority of the District.

The board shall have and may exercise any powers provided by law to fulfill the purpose of the Maple Valley Transportation Benefit District.

12.35.040 Regular Meetings Established

- A. The board shall meet at least quarterly, on the second Monday of the quarter, at 6:30 p.m.
- B. The location for the board meetings shall be the Tahoma School District Administrative Offices located at: 25720 Maple Valley-Black Diamond Road (SR 169), Maple Valley, Washington, unless otherwise noticed. When the location has changed, the change in location shall be noticed as a special meeting.
- D. Any board meeting that falls on a Monday which is a legal holiday shall occur the following Tuesday, and shall be noticed as a special meeting.
- E. All board regular and special meetings shall be open to the public, except for such times when the board adjourns into executive session as provided by law, or when board is legally allowed to meet in closed session.
- F. Special meetings may be called pursuant to RCW 42.30.080, as written or hereafter amended. The business to be transacted at a special meeting must be properly noticed in a notice of special meeting, and final disposition shall not be taken on any other matter by the board.

12.35.050 Use of Funds.

The funds generated by the Maple Valley Transportation Benefit District may be used for any lawful purpose that includes the maintenance, improvement and preservation of existing

transportation facilities 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 funds generated by the Maple Valley Transportation Benefit District may also be used for any lawful operation of the district in order to carry out the purpose of the district. The maintenance of transportation facilities, the transportation improvements constructed and the preservation of existing transportation facilities funded by the district shall be made in an effort to: (1) reduce the risk of transportation facility failure and improve safety; (2) decrease travel time; (3) increase daily and peak period trip capacity; (4) improve modal connectivity; (5) preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future; and(6) for general improvement of transportation facilities to serve the needs of the electors of the district.

Additional transportation improvements may be funded only after compliance with the provisions of RCW 36.73.050(b) following public notice, public hearing, and enactment of an authorizing ordinance.

12.35.060 Dissolution of District.

The Maple Valley 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.

12.35.070 Liberal Construction.

This chapter is to be liberally construed to accomplish the purpose of establishing a Transportation Benefit District.

Section 2. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 3. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and this ordinance shall take effect and be in full force five days after adoption and publication pursuant to RCW 35A.13.190.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF NOVEMBER, 2012.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Christy A. Todd, City Attorney

Date of Publication: December 4, 2012

Effective Date: December 9, 2012