

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6748

AN ORDINANCE establishing a Transportation Benefit District; specifying the boundaries for the Transportation Benefit District; specifying the transportation improvements to be funded by the Transportation Benefit District; and creating a new Chapter 4.22 of the Bellevue City Code entitled "Transportation Benefit District".

WHEREAS, the City has the responsibility, to the extent of its resources, for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, ongoing annual costs continue to rise and the City has limited transportation funding for the preservation, operation, and maintenance of the City's transportation infrastructure; 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 that includes the entire City of Bellevue as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, transportation improvements include transportation related maintenance and improvements to city transportation infrastructure necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, the City, after giving proper notice, conducted a public hearing 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 finds it to be in the best interest of the public to establish a citywide Transportation Benefit District to preserve, operate, and maintain the City's transportation infrastructure consistent with Chapter 36.73 RCW, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES  
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 that all the “whereas” recitals above in this ordinance are true and it is in the public interest to form a Transportation Benefit District to provide adequate levels of funding for transportation improvements that are consistent with existing state, regional, and local transportation plans and are necessitated by existing or reasonably foreseeable congestion levels, as provided in Chapter 36.73 RCW.

The City Council further finds that it is in the public interest to provide for transportation improvements that, without limitation, preserve, operate, and maintain the City’s long-term investments in its transportation infrastructure, reduce the risk of transportation facility failure, improve safety and accessibility, expand and upgrade multimodal transportation infrastructure, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future.

The City Council further finds that the City’s six-year Transportation Improvement Plan shall be annually updated to identify the projects and programs that constitute transportation improvements that may be funded by the Transportation Benefit District as funding becomes available.

Section 3. Transportation Benefit District Established – Governance - Powers. A new Chapter 4.22 is hereby added to the Bellevue City Code to read as follows:

## **Chapter 4.22 TRANSPORTATION BENEFIT DISTRICT**

Sections:

- 4.22.010 Transportation Benefit District Established.
- 4.22.020 Governing Board.
- 4.22.030 Authority of the District.
- 4.22.040 Transportation Improvements Funded.
- 4.22.050 Dissolution of the District.

### **4.22.010 Transportation Benefit District Established.**

There is created a transportation benefit district to be known as the Bellevue 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.

#### **4.22.020 Governing Board.**

A. The governing board or “Board” of the transportation benefit district shall be the Bellevue 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 Finance and Asset Management 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).

#### **4.22.030 Authority of the District.**

A. The District shall have and may exercise any and all powers and functions provided by Chapter 36.73 RCW to fulfill the purposes for which the District is established as described in this chapter. This chapter shall be liberally construed to permit the accomplishment of the District’s purposes.

B. The Board may, by majority vote, (1) impose a vehicle license fee as provided in RCW 36.73.065(4) and 82.80.140; (2) impose a fee or charge on building construction or land development as authorized by RCW 36.73.065(4) and 36.73.120; and (3) impose a one-tenth of one percent sales tax as authorized by RCW 36.73.065 and RCW 82.14.0455.

C. When approved by voters pursuant to chapter 36.73 RCW, the District may assess other taxes, fees, charges and tolls and impose increases in the same for the uses and purposes identified in this chapter.

D. The District may issue general obligation bonds or revenue bonds in accordance with the provisions of RCW 36.73.070.

#### **4.22.040 Transportation Improvements Funded.**

The funds generated through the Transportation Benefit District shall 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 as described in Chapter 36.73 RCW. The transportation improvements funded by the district shall preserve, operate, and maintain the City’s long-term investments in its transportation infrastructure, reduce the risk of transportation facility failure, improve safety and accessibility, expand and upgrade multimodal transportation infrastructure, continue optimal performance of

the infrastructure over time, and avoid more expensive infrastructure replacements in the future. Additional transportation improvement projects may be funded only after compliance with the provisions of Chapter 36.73 RCW.

**4.22.050 Dissolution of the 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. Street preservation, maintenance, and operation are ongoing, long-term obligations of the City.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Lynne Robinson, Mayor

Approved as to form:  
Kathryn L. Gerla, City Attorney

\_\_\_\_\_  
Monica Buck, Assistant City Attorney

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

Published \_\_\_\_\_