

**ORDINANCE NO. 1539**

**AN ORDINANCE OF THE TOWN OF FRIDAY HARBOR establishing a Transportation Benefit District, setting the boundaries thereof, specifying the improvements to be funded thereby and the method of funding; providing for severability; and establishing an effective date.**

**WHEREAS**, RCW 35.21.225 authorizes the Friday Harbor Town Council, as the Town's legislative authority to establish a Transportation Benefit District (TBD or District) to acquire, construct, improve and fund certain transportation improvements within the TBD consistent with the provisions of Chapter 36.73 RCW; and

**WHEREAS**, "Transportation Improvements" are defined in RCW 36.73.015 to include projects contained in the Town's current Six Year Transportation Improvement Program; and

**WHEREAS**, on May 15, 2014 the Town Council held a public hearing consistent with the requirements of RCW 36.73.050; and

**WHEREAS**, the Town Council finds it in the public interest to establish a Transportation Benefit District and implement the TBD Projects through the imposition by the TBD of a voter-approved sales and use tax in accordance with RCW 82.14.0455, consistent with Chapter 36.73 RCW; and

**WHEREAS**, the Town Council shall establish a governing body for the TBD comprised of the Council acting in an *ex officio* and independent capacity.

**NOW, THEREFORE, THE TOWN COUNCIL OF FRIDAY HARBOR DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings:** The Town Council finds it in the public interest to provide adequate levels of funding for transportation improvements through establishment of a Transportation Benefit District (TBD or District). The Council further finds the TBD Projects included within the Town's Six-Year Transportation Improvement Program constitute transportation improvements that may be funded by a TBD.

**Section 2. Formation of a Transportation Benefit District:**

A. Establishing a Transportation Benefit District. Pursuant to RCW 35.21.225 and chapter 36.73 RCW, there is created Transportation Benefit District ("TBD"). The geographical boundaries of the TBD shall be comprised of the corporate limits of the Town, including any adjustment to these boundaries following future annexations.

B. Governing Board.

1. Consistent with RCW 36.73.020(3), the governing board of TBD (the "TBD Board") shall be the Town Council acting in an *ex officio* and independent capacity. The TBD Board shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW.

2. Consistent with RCW 36.73.020(4), the secretary/treasurer of TBD shall be the Town Finance Officer acting in an *ex officio* capacity.

3. As required by RCW 36.73.160(1), the District Board shall develop a "Material Change Policy" to address major plan changes affecting project delivery or the ability to finance the plan including material changes to cost, scope and schedule the level of change that requires the board's involvement and how the board will address those changes. .

4. Meetings of the TBD Board shall be governed by the procedural rules applicable to meetings of the Town Council, as those rules may be amended from time to time by it. TBD Board actions shall be taken in the same manner and follow the same procedures as for adoption of Town Council resolutions.

5. The TBD Board shall elect a Chair to preside over meetings of the said Board.

C. Powers of Transportation Benefit District. The District possesses all the powers and authority of a Transportation Benefit District authorized under Chapter 36.73 RCW including (without limitation) the power to request voter approval of, and thereafter imposition and collection of a sales and use tax in accordance with RCW 82.14.0455.

D. Transportation Improvements Funded. The funds imposed and generated by the District shall be used for the District Projects generally identified in Section 1 of this Ordinance and such others as may be included in compliance with the requirements of RCW 36.73.050(2)(b) and with the Material Change Policy described in Subsection 2(B)(3) above.

E. Annual Report to the Public. As required by RCW 36.73.160(2), the TBD shall issue an annual report indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the TBD.

F. Dissolution of Transportation Benefit District. The TBD shall be dissolved consistent with procedures described in Chapter 36.73 RCW, when all indebtedness, if any, of TBD has been retired and when the District's responsibilities have been met.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This ordinance shall be published in the official newspaper of the Town, and take effect and be in full force five (5) days after the date of publication.

TOWN OF FRIDAY HARBOR

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Carrie Lacher, Mayor

SEAL of the  
Town of Friday Harbor  
ATTEST:

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Amy E. Taylor, Town Clerk