



Don Anderson
Mayor

November 15, 2016

Jason Whalen
Deputy Mayor

Mary Moss
Councilmember

Michael D. Brandstetter
Councilmember

John Simpson
Councilmember

Marie Barth
Councilmember

Paul Bocchi
Councilmember

John J. Caulfield
City Manager

NOTICE

LAKWOOD TRANSPORTATION BENEFIT DISTRICT BOARD MEETING

Notice is hereby given that the Lakewood Transportation Benefit District Board will be meeting on Monday, November 21, 2016, following the City Council regular meeting which begins at 7:00 p.m., at Lakewood City Hall, Council Chambers, 6000 Main Street SW, Lakewood, Washington.

The purpose of the meeting is to discuss the approval of claims vouchers in the amount of \$7,933.06 for the period January 1, 2016 through October 11, 2016; Ordinance No. TBD 03 adopting the 2017-2018 Transportation Benefit District Budget and review of the Transportation Benefit District assumption.

Alice M. Bush, MMC
City Clerk



**LAKESWOOD
TRANSPORTATION BENEFIT DISTRICT
BOARD AGENDA**

Monday, November 21, 2016
Following City Council Meeting
City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

Page No.

Call to Order

Roll Call

- (3) **Approval of the meeting minutes of February 16, 2016.**
- (4) **Approval of claims vouchers in the amount of \$7,933.06 for the period January 1, 2016 through October 11, 2016.**
- (5) **Ordinance No. TBD-03**
Adopting the 2017-2018 Transportation Benefit District Budget.
- (9) **Review of Transportation Benefit District assumption.**

Adjournment

The Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

City Hall will be closed 15 minutes after adjournment of the meeting.



**LAKWOOD
TRANSPORTATION BENEFIT DISTRICT
BOARD AGENDA**

Tuesday, February 16, 2016
City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

CALL TO ORDER

Chair Anderson called the meeting to order at 9:00 p.m.

ROLL CALL

Councilmembers Present: 6 – Mayor Don Anderson; Deputy Mayor Jason Whalen; Councilmembers Mary Moss, Mike Brandstetter, Marie Barth and Paul Bocchi.

Councilmembers Excused: 1 – Councilmember John Simpson.

APPROVAL OF THE MEETING MINUTES OF NOVEMBER 23, 2015.

BOARD MEMBER BOCCHI MOVED TO APPROVE THE MEETING MINUTES OF NOVEMBER 23, 2015. SECONDED BY BOARD MEMBER MOSS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

APPROVAL OF THE 2015 TRANSPORTATION BENEFIT DISTRICT ANNUAL REPORT

BOARD MEMBER MOSS MOVED TO APPROVE THE 2015 TRANSPORTATION BENEFIT DISTRICT ANNUAL REPORT. SECONDED BY BOARD MEMBER BOCCHI. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

ADJOURNMENT

There being no further business the meeting adjourned at 9:09 p.m.

DON ANDERSON, CHAIR

ATTEST:

ALICE M. BUSH, MMC
BOARD CLERK

REQUEST FOR BOARD ACTION

DATE ACTION IS REQUESTED: November 21, 2016	TITLE: Approval of voucher payments for fiscal years 2015 and 2016.	TYPE OF ACTION: — ORDINANCE NO. — RESOLUTION NO. <u>X</u> MOTION — OTHER
REVIEW:	ATTACHMENTS:	

SUBMITTED BY: Tho Kraus, Assistant City Manager/Administrative Services

RECOMMENDATION: The Transportation Benefit District (TBD) Board approves the vouchers as presented.

DISCUSSION: Transportation benefit districts operating as a separate entity are required by state law to obtain TBD Board approval of vouchers in an open public meeting prior to payment. If some or all payments are made prior to TBD Board approval in an open public meeting, the City must have presented the vouchers to the legislative body for approval. The following vouchers were previously presented and approved by the City Council.

<u>Check #</u>	<u>Invoice Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
78278	1/1/2016	WCIA	TBD 2015 Liability Assessment	\$2,500.00
81910	1/1/2016	WCIA	TBD 2016 Liability Assessment	\$2,500.00
83973	7/12/2016	State Auditor's Office	6/16 TBD Audit Services	\$535.33
84145	8/10/2016	State Auditor's Office	7/16 TBD Audit Services	\$1,932.23
84631	9/12/2016	State Auditor's Office	8/16 TBD Audit Services	\$279.30
84944	10/11/2016	State Auditor's Office	9/16 TBD Audit Services	\$186.20

ALTERNATIVE(S): Approval of the vouchers by the TBD Board is necessary to be in compliance with state law as it pertains to transportation benefit districts that are operating as a separate entity.

FISCAL IMPACT: The vouchers were paid from the \$20 vehicle licensing fee revenue and accounted for in the Transportation Benefit District Fund.

_____ Prepared by	 _____ Chief Executive Officer Review
_____ Department Director	

REQUEST FOR BOARD ACTION

DATE ACTION IS REQUESTED: November 21, 2016	TITLE: Adopting the 2017-2018 Transportation Benefit District budget.	TYPE OF ACTION: <input checked="" type="checkbox"/> ORDINANCE NO. TBD-03 <input type="checkbox"/> RESOLUTION NO. <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
REVIEW:	ATTACHMENTS: Ordinance Ordinance summary	

SUBMITTED BY: Heidi Ann Wachter, City Attorney

RECOMMENDATION: It is recommended that the Transportation Benefit District Board (TBD) adopts Ordinance relative to the 2017-2018 Transportation Benefit District of the City of Lakewood.

DISCUSSION: The 2017/2018 Transportation Benefit District Biennial Budget amounts to \$685,000 in 2017 and \$685,000 in 2018.

On August 6, 2012 the City of Lakewood established the Transportation Benefit District by adopting Ordinance No. 550 , as authorized by RCW 35.21.255 and subject to the provisions of Chapter 36.73 RCW. A public hearing was held on August 25, 2014, and an annual vehicle license fee in the amount of \$20 was established, consistent with RCW 36.73.065 to be collected by the Washington Department of Licensing on qualifying vehicles, as set forth in RCW 82.80.140 and Chapter 36.73 RCW.

The Board of the City of Lakewood, Transportation Benefit District, which is the governing board of the District, must establish a biennial budget for the purpose of funding transportation improvements within the District.

ALTERNATIVE(S): The requirement for a budget is found in state law. The amounts are the result of the \$20 annual vehicle license fee which has been established by Ordinance TBD-01. That fee is tied to specific projects. Thus, available options relate exclusively to the format of the budget.

FISCAL IMPACT: There is no fiscal impact to the adoption of the budget. The fiscal impact of the budget itself is as reflected in the budget document.

_____ Prepared by	 _____ Chief Executive Officer Review
_____ Department Director	

ORDINANCE NO. TBD-03

AN ORDINANCE of the Transportation Benefit District of the City of Lakewood, Washington, adopting the 2017-2018 Transportation Benefit District budget.

WHEREAS, on August 6, 2012 the City of Lakewood established the Transportation Benefit District by adopting Ordinance No. 550 , as authorized by RCW 35.21.255 and subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, a public hearing was held on August 25, 2014, and an annual vehicle license fee in the amount of \$20 was established, consistent with RCW 36.73.065 to be collected by the Washington Department of Licensing on qualifying vehicles, as set forth in RCW 82.80.140 and Chapter 36.73 RCW; and

WHEREAS, the Board of the City of Lakewood Transportation Benefit District, which is the governing board of the District, is required by state law to establish a budget for the purpose of funding transportation improvements within the District.

NOW, THEREFORE, THE BOARD OF THE CITY OF LAKEWOOD TRANSPORTATION BENEFIT DISTRICT DO ORDAIN as follows:

Section 1. 2017-2018 Transportation Benefit District Budget. The budget for the 2017-2018 biennium is hereby adopted in the amounts of \$685,000 for 2017 and \$685,000 for 2018.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3: Effective Date. This Ordinance shall be effective November 21, 2016.

ADOPTED by the City Council this 21st day of November, 2016.

CITY OF LAKEWOOD

Don Anderson, Chair of Board

Attest:

Alice M. Bush, MMC, TBD Clerk

Approved as to Form:

Heidi Ann Wachter, TBD Attorney

City of Lakewood
Lakewood City Hall
6000 Main Street SW
Lakewood, WA 98499
(253) 589-2489

(Legal Notice)

November 22, 2016.

**NOTICE OF ORDINANCE PASSED
BY THE TRANSPORTATION BENEFIT DISTRICT BOARD**

The following is a summary of an Ordinance passed by the City of Lakewood Transportation Benefit District Board on the 21st day of November, 2016.

ORDINANCE NO. TBD-03

AN ORDINANCE of the Transportation Benefit District of the City of Lakewood, Washington, adopting the 2017-2018 Transportation Benefit District budget.

Section 1. 2017-2018 Transportation Benefit District Budget. The budget for the 2017-2018 biennium is hereby adopted in the amounts of \$685,000 for 2017 and \$685,000 for 2018.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3: Effective Date. This Ordinance shall be effective November 21, 2016. The full text of the Ordinance is available at the City Clerk's Office, Lakewood City Hall, 6000 Main Street SW, Lakewood, Washington 98499, (253) 589-2489. A copy will be mailed out upon request.

Alice M. Bush, MMC, TBD Clerk

Published in the Tacoma News Tribune: _____



To: Transportation Benefit District Board

From: Heidi Ann Wachter, TBD Attorney

Through: John J. Caulfield, Chief Executive Officer

Date: November 21, 2016

Subject: Review of Transportation Benefit District Assumption

This is to review with the Transportation Benefit District (TBD) recommendation that the Lakewood City Council assume the City of Lakewood TBD. On October 12, 2015 the Council was presented with an overview of recent changes to state law regarding Transportation Benefit Districts. At that time recommendation was that the Council assume the City of Lakewood TBD as provided by the change in state law.

Assumption of the TBD by the City will retain the governing body and eliminate duplicated and repetitive tasks performed by both City employees and elected officials. In addition, the TBD would no longer have to pay \$2,500 to WCIA for risk management assessment coupled with there being no need to hold separate meetings. All of the requirements for managing the TBD would remain in place, including separate line items for TBD funding and all TBD business would have to be conducted in compliance with the same open government laws that regulate current operations.

Background

On August 6, 2012, the Lakewood City Council adopted Ordinance No. 550 to establish a TBD in order to fund selected transportation projects. This is codified in the Lakewood Municipal Code as Chapter 12A.16. The boundaries of the City of Lakewood TBD are coextensive with the City limits.¹ In its current state, the City of Lakewood TBD is a quasi-municipal corporation and independent taxing district created for the sole purpose of acquiring, constructing, improving, providing and funding transportation improvements within the district.

In the 2015 legislative session, as part of a larger transportation package, the state legislature amended the authorizing law regarding TBDs to allow cities to assume TBDs when the boundaries

¹ LMC 12A.16.010 specifies the boundaries of the TBD to be the City limits “as they currently exist or may exist following future annexations.”

are coextensive.² The City assumes all rights, powers and functions of the TBD and the TBD ceases to exist as a separate entity.³

Process

Below are a couple options to assume the TBD by the end of the current biennium. The assumption is accomplished by Council action and therefore can occur at any Council meeting once the predicate steps are taken.

1. Adopt a resolution	November 28 (Special Meeting)	December 5
2. Publish the resolution	December 23, 30	December 7, 14
3. Hold a hearing	December 5	December 19 (Currently no agenda/cancelled)
4. Make a determination	December 5 (Regular) or 12 (Special Meeting)	December 19 (Currently no agenda/cancelled)

1. Adopt a resolution indicating the City’s intent to conduct a hearing concerning the assumption of the rights, powers, functions and obligations of the City of Lakewood TBD.⁴ The resolution must “set a time and place at which the city ...legislative authority will consider the proposed assumption of the rights, powers, functions, and obligations of the transportation benefit district, and must state that all persons interested may appear and be heard.”⁵ Attachment A.
2. Publish the resolution at least two times during the two weeks preceding the scheduled hearing in newspapers of daily general circulation printed or published in the city or county in which the transportation benefit district is to be located.⁶
3. During the hearing the City Council must “consider the assumption of the rights, powers, functions, and obligations of the transportation benefit district and hear those appearing and all protests and objections to it.”⁷
4. After receiving testimony, if the City Council “determines that the public interest or welfare would be satisfied by the city or county assuming the rights, powers, immunities, functions

² 2ESSB 5987.SL, Part III, now codified as RCW 36.73.xxx.

³ On-going TBD obligations are production of an Annual Report, adoption of a Material Change Policy and Finance Plan, and Dissolution upon completion of the improvements and payment.

⁴ SESSB 5987 Sec. 302.

⁵ Id.

⁶ Id.

⁷ Id.

and obligations of the transportation benefit district” then the City may proceed with the assumption.⁸

The Lakewood City Council operates in an ex officio and independent capacity as the Board for the TBD. Support to the TBD is provided by City employees, for example, the City Manager for the City of Lakewood acts in an ex officio capacity as the chief executive officer for the TBD, the Assistant City Manager of Finance/Administration acts in an ex officio capacity as the treasurer for the TBD, the City Attorney acts in an ex officio capacity as the attorney for the TBD and the City Clerk acts in an ex officio capacity as the clerk for the TBD.

Recommendation

Assume the City of Lakewood TBD in order to alleviate the duplication of cost and effort without loss of transparency as to process.

⁸ SESSB 5987, Sec. 303.

RESOLUTION NO.

A RESOLUTION of the City of Lakewood, Washington, indicating the City's intent to conduct a Public Hearing concerning the assumption of the rights, powers, functions, and obligations of the City of Lakewood's Transportation Benefit District.

WHEREAS, in August 2012, the City Council adopted Ordinance No. 550 creating the City of Lakewood Transportation Benefit District ("TBD") with boundaries coterminous with the boundaries of the City, all in accordance with chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Bill 5987 (SESSB 5987) which, at Section 301 authorizes the City to assume the rights, powers, functions, and obligations of the TBD; and

WHEREAS, prior to assuming the rights, powers, functions, and obligations of the TBD, the City must indicate its intent to conduct a hearing concerning the assumption by adoption of an ordinance or resolution; and

WHEREAS, the ordinance or resolution must set the time and place for the hearing and state that all persons interested in the assumption may appear and be heard; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, as Follows:

Section 1. Intent to Conduct Public Hearing. The City Council hereby declares its intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the existing City of Lakewood Transportation Benefit District.

Section 2. Date, Time, and Place of Public Hearing. The public hearing on the proposed assumption shall be held on Monday, December 5, 2016¹ at approximately 7:00 pm in the Council Chambers located at Lakewood City Hall, 6000 Main Street SW, Lakewood, WA 98498.

Section 3. Public Testimony. All persons interested in the proposed assumption may appear at the hearing and will have the opportunity to be heard.

Effective Date. This resolution shall take effect immediately upon its adoption.

¹ The Council may hold the public hearing at any time provided the notice requirements related to both assumption and regular or special meetings are followed. 012

PASSED by the City Council this 28th day of November 2016².

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Wachter, City Attorney

DRAFT

² Id.