TRANSPORTATION BENEFIT BOARD RESOLUTION NO. 0003.TBD

A RESOLUTION OF THE DES MOINES TRANSPORTATION BENEFIT DISTRICT BOARD authorizing a vehicle license fee increase and superseding Resolution No. 0001.TBD.

WHEREAS, chapter 36.73 RCW and RCW 35.21.255 authorize the City Council to establish a Transportation Benefit District within the City's jurisdiction for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district, that are consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, the City Council of the City of Des Moines found it to be in the best interests of the City to establish a citywide Transportation Benefit District for the preservation and maintenance of the City's transportation infrastructure consistent with chapter 36.73 RCW, to protect the City's long-term investments in that infrastructure, to reduce the risk of transportation facility failures and improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future, and

WHEREAS, in Ordinance No. 1578 (originally Ordinance No. 1447, which was repealed and replaced with Ordinance No. 1578), the City Council of the City of Des Moines established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to the provisions of RCW 36.73, and

WHEREAS, the Transportation Benefit District includes the entire City of Des Moines as the boundaries currently exist, and

WHEREAS, pursuant to RCW 36.73.020(3), the members of the City Council, acting *ex officio* and independently, constitute the governing body of the Transportation Benefit District, and

WHEREAS, on December 22, 2008, the Des Moines Transportation Benefit District approved and imposed a twenty dollar ($20) vehicle license fee to be collected which was used for eligible expenditures on the City's arterial roadways, and

WHEREAS, recent Washington State Legislative changes (effective July 1, 2015) to RCW 36.73.065 authorize a Transportation Benefit District to impose, by majority vote of the district's governing board, up to forty dollars ($40.00) of the vehicle fee authorized in RCW 82.80.140, provided a vehicle fee of twenty dollars ($20.00) has been imposed for at least twenty-four months, and

WHEREAS, the City of Des Moines has not been able to fund the pavement overlay program within the City since 2009, and

WHEREAS, the Governing Board of the City of Des Moines Transportation Benefit District finds it in the best interests of the District to increase the annual vehicle fee twenty dollars ($20.00) to a total of forty dollars ($40.00) for the purposes of pavement preservation of the arterial infrastructure of the City of Des Moines, consistent with chapter 36.73 RCW; now therefore,

THE DES MOINES TRANSPORTATION BENEFIT DISTRICT BOARD RESOLVES AS FOLLOWS:

Sec. 1. **Increase the annual vehicle fee.** Increase the annual vehicle fee in the amount of twenty dollars ($20.00) to a total of forty dollars ($40.00), 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 chapters 36.73 and 46.16 RCW.

Sec. 2. **Severability.** Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this resolution be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

Sec. 3. **Effective date.** This Resolution shall take effect and be in full force immediately after its passage, approval, and publication in accordance with law.

ADOPTED BY the Des Moines Transportation Benefit District Board this 20th day of August, 2015 and signed in authentication thereof this 20th day of August, 2015.

CHAIR

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

City Clerk