CLARKSTON TRANSPORTATION BENEFIT DISTRICT
AGENDA
829 5th Street
MONDAY, August 25, 2014
Special Meeting

1. CALL TO ORDER: 7:30 P.M. (or at conclusion of City Council meeting)

2. ROLL:

3. AGENDA CHANGES:

4. APPROVAL OF MINUTES
   July 14 and August 11, 2014

5. UNFINISHED BUSINESS
   A. Ordinance No. TBD 001, Establishing Organizational Rules – 2nd Reading for Action

6. NEW BUSINESS:
   A. Ordinance No. TBD 002, Establishing Vehicle License Fee – 1st Reading

7. ADJOURN

Individuals with disabilities may request reasonable accommodations by calling (509) 769-0131 at least three days prior to meeting.

CLARKSTON TRANSPORTATION BENEFIT DISTRICT
July 14, 2014

DRAFT

BOARD:

☒	Beadles	☒	Nash
☒	Provost	☐	Baumberger, excused
☒	Kolstad	☒	Blackmon
☒	Manchester		

STAFF:
☒ Chief Hastings ☒ Chief Cooper ☒Clerk Storey ☒ CityAttorney Grow☒ PWD Martin
Motion by BEADLES / BLACKMON to excuse Councilmember Baumberger.

CALL TO ORDER: The meeting was called to order at 8:28 p.m. by Mayor Warren.

AGENDA CHANGES:

UNFINISHED BUSINESS:

NEW BUSINES.

A. **Appoint Chairperson**
MOTION BY BEADELS/PROVOST to appoint Kelly Blackmon as chairperson. Motion carried.

Motion by Kolstad/Blackmon to appoint George Nash as vice chair of the board. Motion carried.

B. **Resolution No. TBD 2014-01, Interlocal with City of Clarkston**
MOTION BY BEADLES/NASH to approve Resolution No. TBD 2014-01. Motion carried.

ADJOURNMENT:

Meeting adjourned at 8:35p.m.

Vickie Storey, Board Clerk

Kelly Blackmon, Board Chair

	,	

CLARKSTON TRANSPORTATION BENEFIT DISTRICT
August 11, 2014

BOARD:

- ☒ Beadles
- ☒ Provost
- ☒ Kolstad
- ☒ Manchester
- ☒ Nash
- ☒ Baumberger
- ☒ Blackmon

STAFF:

☒ Chief Hastings ☒ Chief Cooper ☒Clerk Storey ☒ City Attorney Grow☒ PWD Martin

CALL TO ORDER: The meeting was called to order at 7:57 p.m. by Chair Blackmon.

AGENDA CHANGES:

UNFINISHED BUSINESS:

NEW BUSINES.

A. **Resolution No. TBD-2014-02, Adopting Bylaws**
MOTION BY PROVOST/KOLSTAD to approve Resolution No. TBD-2014-02. Motion carried.

B. **Ordinance No. TBD 001, Establishing Organization Rules – 1st Reading**
Ordinance No. TBD 001 was read by title.

ADJOURNMENT:

Motion by Beadles/Baumberger to hold a special meeting on August 25.

Meeting adjourned at 8:02p.m.

Vickie Storey, Board Clerk

Kelly Blackmon, Board Chair

DRAFT

CLARKSTON TRANSPORTATION BENEFIT DISTRICT
ORDINANCE TBD 001

AN ORDINANCE OF THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT ESTABLISHING ORGANIZATIONAL RULES FOR THE CONDUCT OF ITS AFFAIRS, AND PROVIDING THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

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 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 Clarkston 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 streets and related 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 1525, the City Council of the City of Clarkston established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to the provisions of RCW 36.73; 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, the Board Members desire to establish operating rules for the conduct of the affairs of the District;

WHEREAS, the Board of the Clarkston Transportation Benefit District finds it in the best interest of the District to establish the Organizational Rules attached to this ordinance;

NOW, THEREFORE, THE BOARD OF THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT ORDAINS AS FOLLOWS:

Adoption of Organizational Rules.

Section 1. The Organizational Rules attached hereto as Exhibit "A" are hereby adopted as the Organization Rules of the Clarkston Transportation Benefit District.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Clarkston Transportation Benefit District Board this ____ day of _____, 2014.

APPROVED:

_____
District Board Chair

ATTEST:

_____
Vickie Storey, District Secretary/Treasurer

APPROVED AS TO FORM:

_____
James Grow, District Attorney

EXHIBIT "A"

ORGANIZATIONAL RULES

of the

CLARKSTON TRANSPORTATION BENEFIT DISTRICT

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ORGANIZATIONAL RULES

of the

CLARKSTON TRANSPORTATION BENEFIT DISTRICT

WHEREAS, the City Council (the "Council") of the City of Clarkston, Washington (the "City") has determined that it is in the best interests of the City and its citizens to create a Transportation Benefit District coextensive with the boundaries of the City in order to exercise the powers available under Chapter 36.73 RCW (the "Statute"); and

WHEREAS, pursuant to Ordinance 1525 of the City (the "Ordinance"), passed on May 27, 2014, the City authorized and approved the creation of a Transportation Benefit District, designated as the Clarkston Transportation Benefit District (the "District"), coextensive with the boundaries of the City, for the purpose of exercising certain powers available under the Statute as limited by the ordinance, codified as Chapter 12.01 of the Clarkston Municipal Code (CMC);

NOW, THEREFORE, these Organizational Rules are hereby approved by the District.

ARTICLE I
NAME

Section 1.01 Name. The name of the Transportation Benefit District shall be the "Clarkston Transportation Benefit District."

ARTICLE II
NATURE AND PURPOSES

Section 2.01 Nature of the District. The District shall be a Transportation Benefit District organized pursuant to Chapter 36.73 RCW, Ordinance 1525 and Chapter 12.01 CMC. The boundaries of the District shall be coextensive with the boundaries of the City. The District shall be a municipal corporation, an independent taxing "authority" within the meaning of Article VII, Section I of the Constitution of the State of Washington (the "Constitution"), and a "taxing district" within the meaning of Article VII, Section 2 of the Constitution. The District shall be an entity independent of and separate from the City.

Section 2.02 Purposes. The purpose of the District shall be to provide a separate legal entity pursuant to Statute and Ordinance to exercise the powers available under the Statute, to, but only to the extent authorized by the Ordinance. The primary purpose of the District shall be the acquisition, construction, improvement, provision and/or funding of the maintenance of City streets and related infrastructure in a manner which is:

2.02.01 Consistent with state, regional, and local transportation plans;

2.02.02 Necessitated by reasonably foreseeable congestion levels attributable to economic growth; and

2.02.03 Funded by local government or private developer contributions or any combination thereof.

Section 2.03 Limitations on Liability. All debts, liabilities and other obligations incurred by the District ("Obligations") shall be satisfied: (a) in the case of Obligations which, by their terms, are not payable from a special or limited source of funds, exclusively from the revenues, assets and properties of the District, and (b) in the case of Obligations which, by their terms, are payable from a special or limited source of funds, exclusively from such revenues, assets and properties of the District as shall be specifically pledged thereto or otherwise identified as being the source of payment thereof. No creditor, claimant or other person shall have any right of action against or recourse to the City or its revenues, assets or properties on account of or with respect to any such Obligations, or otherwise on account of or with respect to any acts or omissions of the District or its officers, employees or agents.

Section 2.04 Mandatory Disclaimers. A disclaimer in substantially the following form shall be posted in a prominent place accessible to the public in the District's principal office which shall be the Clarkston City Hall. It shall also be printed or stamped on all contracts, bonds and other documents that evidence or create any Obligation which, by its terms, is not payable from a special or limited source of funds.

> The Clarkston Transportation Benefit District is a Transportation Benefit District established pursuant to Ordinance 1525 of the City of Clarkston, Washington, and the laws of the State of Washington, including, but not limited to, Chapter 36.73 of the Revised Code of Washington. All debts, liabilities and other obligations incurred by the District shall be satisfied exclusively from the revenues, assets and properties of the District. No creditor, claimant or other person shall have any right of action against or recourse to the City of Clarkston, the State of Washington, or any other political subdivision of the State of Washington on account of or with respect to any debts, liabilities or other obligations of the District, or otherwise on account of or with respect to any acts or omissions of the District or its officers, employees or agents.

ARTICLE III
DISSOLUTION

Section 3.01 Dissolution. The District shall exist until dissolved in accordance with the requirements of RCW 36.73.170 and CMC 12.01.050. The retirement of debt, notice of dissolution and payment of creditors shall all comply with the provisions of the Statute. The District shall be automatically dissolved when all indebtedness of the District has been retired, and when all the District's anticipated responsibilities have been satisfied.

ARTICLE IV
POWERS; INDEMNIFICATION

Section 4.01 Powers. Except as otherwise provided herein, the District shall have and may exercise all lawful powers conferred upon a Transportation Benefit District as of the date hereof by the laws of the State of Washington, limited as provided in the Ordinance. Such powers shall include, but are not limited to, the following:

(a) To hire employees, staff, and services, to enter into contracts, to direct agents and services acquired pursuant to contract or interlocal agreement,

and to sue and be sued. Public works contract limits applicable to the City of Clarkston shall apply to any contract entered into by the District. In the event that City staff is utilized, the general fund of the City shall be reimbursed to, but only to the extent required by RCW 43.09.210. The annual budget of the District shall provide estimates of all such charges and the final cost of all projects shall indicate such charges.

(b) To authorize a vehicle tax of up to $20 per vehicle as provided for by RCW 82.80.140.

(c) When authorized by the voters pursuant to the requirements of Chapter 36.73, to authorize other taxes, fees, charges and tolls or increases in these revenue sources, and to use such funds assessed for the preservation, maintenance and operation of City streets in accordance with the provisions of a state or regional plan.

(d) The Board shall have, and may exercise, all powers and functions provided by the Statute to fulfill the functions of the District.

(e) Additional powers and authorities may be conferred upon the District only in accordance with the requirements of the Statute following a public hearing and other procedural requirements as set forth in the Statute.

(f) To issue its general obligation bonds and revenue bonds pursuant to the requirements of the Statute.

Section 4.02 Indemnification. To the extent permitted by law, the District shall protect, defend, hold harmless and indemnify any director, officer, employee, or agent of the District who is a party or threatened to be made a party to a proceeding by reason related to that person's conduct as a director, officer, employee, or agent of the District, against judgments, fines, penalties, settlements and reasonable expenses (including reasonable attorneys' fees) incurred by him or her in connection with such proceeding, if such person acted in good faith and reasonably believed his or her conduct to be in the District's best interests and if, in the case of any criminal proceedings, he or she had no reasonable cause to believe that his or her conduct was unlawful. The indemnification and protection provided herein shall not be deemed exclusive of any other rights to which a person may be entitled as a matter of law, by City ordinance, or by contract or by vote of the Board of Directors. The District may purchase and maintain appropriate insurance covering such risks.

ARTICLE V
BOARD OF DIRECTORS

Section 5.01 Board Powers. All powers of the District shall be exercised by or in the name of the Board of Directors (the "Board"). The powers of the Board shall include, but are not limited to, the following:

(a) To establish and implement the policies and programs of the District, and the procedures for the management and administration of the District's affairs;

(b) To appoint and remove, at the pleasure of the Board, the District's officers, agents, and employees, (except as expressly provided herein) and to prescribe their respective powers and duties consistent with the provisions hereof;

(c) To borrow money and incur indebtedness in accordance with the Act; and

(d) To provide for the investment of the District's funds.

(e) Any other powers which could be exercised by the Board of Directors under State Law or Ordinances of the City of Clarkston including but not limited to the passage of Ordinances and Resolutions as deemed necessary by the Board of Directors.

Section 5.02 Board Composition. The Board shall be composed of the seven (7) members of the Clarkston City Council, who shall serve in an ex-officio and independent capacity. A Board member may be removed only when removed from his or her office as a Council Member. Any vacancy shall be filled only by the appointment or election of a new City Council Member.

Section 5.03 Board Officers. The Board shall include two or more officers. The same person shall not occupy both the office of Chair and any office responsible for the custody of funds and maintenance of finances and accounts. The initial officers of the Board shall be the Chair and Vice-Chair. Additional officers may be provided for in the Bylaws of the District. The Chair shall be the agent of the District for purposes of receiving service of process; provided that the Bylaws may designate additional officers of the District as agents to receive or initiate process. The District may contract with the City of Clarkston for such service as it may require.

Section 5.04 Treasurer. The Treasurer of the District shall be the City's Clerk/Treasurer. The Clerk/Treasurer is required by the Statute to serve as Treasurer and is not subject to removal by the Board. The Treasurer shall have the authority to issue refunds to persons who paid Transportation Benefit District Fees if he or she determines, after reasonable investigation, that those fees were collected in error by the Washington State Department of Licensing. The Treasurer shall submit a report explaining the reason for the refund to the Board at its meeting next following the refund, for approval by the Board. The Treasurer shall notify the Washington State Department of Licensing about any billing error verified by the Treasurer, which led to the refund by the District.

Section 5.05 Conflict of Interest. Board members shall comply in all respects with the conflict of interest guidelines and prohibitions of Chapter 42.23 RCW as the same exists or is hereafter amended.

Section 5.06 Attorney. The Board shall be represented by the City Attorney of the City of Clarkston, provided, however, that the Board may, in the event of conflict, engage separate legal counsel of its choosing. Any potential conflicts of interest involving the City Attorney shall be determined and resolved by reference to Title 1 of the Rules of Professional Conduct, as that Title now exists or may be amended. Charges and fees of the attorney, as well as other services provided by City employees, shall be reimbursed in accordance with Section 4.01(a).

ARTICLE VI

MEETINGS

Section 6.01 Board Meetings. Regular Board meetings shall be held on the second Monday of each month in which there is business to transact, at 7:30 p.m. or immediately following a regularly scheduled City Council meeting at the Council Chambers of the City of Clarkston. Special Board meetings shall be held from time to time as determined necessary by the Board or Board Chair.

Section 6.02 Board Quorum and Concurrence. A quorum to commence a Board meeting shall be no fewer than four (4) members. The Bylaws of the District may prescribe Board quorum restrictions that equal or exceed the quorum restrictions imposed in this Section. Passage of any motion shall require an affirmative vote of the majority present. Final action of the Board with respect to the following actions shall require the affirmative vote of four (4) members:

(a) Adoption of an annual budget for services;
(b) Levy of any tax, charge or fee;
(c) Adoption of the material change policy;
(d) Any response to a material change;
(e) Any motion or resolution to pay money.

Section 6.03 Open Public Meetings. Notice of meetings shall be given in a manner consistent with the Open Public Meetings Act, codified as Chapter 42.30 of the RCW, as may be supplemented and amended. The District shall define in its Bylaws the opportunity for public comment to be permitted at Board meetings.

Section 6.04 Minutes. Copies of the minutes of all regular or special meetings of the Board shall be available to any person or organization that requests them as required by State law; provided, however, that minutes, if any, with respect to closed executive sessions need not be made available. The minutes of all Board meetings shall include a record of individual votes on all matters requiring Board concurrence.

Section 6.05 Material Change Policy and Annual Report. The Board shall develop a material change policy to address major Plan changes that affect project delivery or the ability to finance the adopted Plan. The Plan may be contained in the Board's annual budget. At the date of adoption of a plan to execute the functions of the District, the Board shall adopt a material change plan which addresses material changes to cost, scope, and schedule, the level of change that will require Board involvement and how the Board will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost estimate by more than twenty percent (20%) as identified in the District's original finance plan or budget, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved. In addition, the District, upon approval by the Board, shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and the newspapers of record in the District. "Newspapers of record in the District" shall include all newspapers which have filed a request for public notice of meetings with the City of Clarkston.

ARTICLE VII
BYLAWS

Section 7.01 Bylaws. The Board shall adopt Bylaws to provide additional rules that are not inconsistent with these Organizational Rules, governing the District and its activities.

ARTICLE VIII
AMENDMENT TO ORGANIZATIONAL RULES

Section 8.01 Proposals to Amend Organizational Rules. Any Board member may introduce a proposal to amend the Organizational Rules at any regular meeting or special meeting of the Board, provided, however, that all amendments shall comply with the minimum requirements and provisions of RCW 36.73 and Chapter 12.01 CMC

Section 8.02 Board Consideration of Proposed Amendments. If notice of a proposal to amend the Organizational Rules and information, including the text of the proposed amendment and a statement of its purpose and effect, is provided to members of the Board fifteen (15) days prior to any regular Board meeting or any special meeting of which thirty (30) days advance notice has been given, then the Board may vote on the proposal at the same meeting at which the proposal is introduced. If such notice and information is not so provided, the Board may not vote on the proposal until the next regular meeting or a special meeting of which thirty (30) days advance notice has been given, and in each case at least fifteen (15) days prior to which meeting such notice and information is provided to Board members. Amendments to the proposal within the scope of the original proposal will be permitted at the meeting at which the vote is taken.

Section 8.03 Vote Required for Proposals to Amend the Organizational Rules. Resolutions of the Board approving proposals to amend the Organizational Rules shall require an affirmative vote of a majority of the Board members voting on the issue; provided, that the total number of Board members voting on any such proposal shall equal at least five.

Section 8.04 Public Hearings. Certain amendments of the Organizational Rules may require action of the Clarkston City Council and a public hearing pursuant to the requirements of the Statute. No consideration of any Organizational Rules amendment may occur until the City complies with such requirements.

ARTICLE IX
COMMENCEMENT

Section 9.01 Commencement. The District shall commence its existence effective upon the adoption of the Ordinance establishing these Rules. The Organizational Rules shall become effective upon the effective date of the Ordinance adopting these rules. Nothing in these Organizational Rules shall be read to create a Charter as contemplated by Chapter 35A.08 RCW. These Organizational Rules do not amend City of Clarkston Ordinance 1525.

ARTICLE X
MISCELLANEOUS

Section 10.01 Liberal Construction and Severability. These Organizational Rules shall be liberally construed in order to effect its purposes. If any section or part of the Organizational Rules is ultimately ruled invalid or illegal by a court of competent jurisdiction, such invalidity or illegality shall not affect the remaining sections or parts of these Organizational Rules.

THE ORGANIZATIONAL RULES ARE EXECUTED AS OF THIS _____ DAY OF_____, 2014.

CLARKSTON
TRANSPORTATION BENEFIT DISTRICT

APPROVED:

_____
Kelly Blackmon, District Board Chair

ATTEST:

_____
Vickie Storey, District Secretary/Treasurer

APPROVED AS TO FORM:

_____
James Grow, District Attorney

CLARKSTON TRANSPORTATION BENEFIT DISTRICT

ORDINANCE TBD 002

AN ORDINANCE OF THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT ESTABLISHING AND IMPOSING A $20.00 VEHICLE LICENSE FEE AS AUTHORIZED IN RCW 36.73.065 AND RCW 82.80.140, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

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 existing state, regional, and local transportation plans and necessitated by economic development or to improve the performance of the transportation system; and

WHEREAS, the City Council for the City of Clarkston found it to be in the best interest of the City to establish a citywide transportation benefit district for the operation, preservation, maintenance and improvement of the City's streets and related 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 1525, the City Council of the City of Clarkston established the Clarkston Transportation Benefit District as authorized by RCW 35.21.225 and subject to provisions of RCW 36.73; and

WHEREAS, the Transportation Benefit District includes the entire City of Clarkston as the boundaries currently exist or as they may be extended by annexations; 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 Clarkston Transportation Benefit District; and

WHEREAS, RCW 36.73.065 authorizes a transportation benefit district to impose, by majority vote of the district's governing board, a vehicle fee of up to $20.00 as authorized in RCW 82.80.140; and

WHEREAS, the Board of the Clarkston Transportation Benefit District finds it in the best interest of the District to establish an annual vehicle fee in the amount of $20.00 for the purpose of making transportation improvements that preserve, maintain and improve the transportation infrastructure of the City of Clarkston, consistent with Chapter 36.73 RCW;

NOW, THEREFORE, THE BOARD OF THE CITY OF CLARKSTON WASHINGTON TRANSPORTATION BENEFIT DISTRICT ORDAINS AS FOLLOWS:

Section 1. Establishment of Annual Vehicle Fee. In accordance with the authority granted to the District by RCW 82.80.140 and RCW 36.73.065, as now exist or as are hereafter amended, the City of Clarkston Washington Transportation Benefit District establishes and imposes an annual vehicle fee in the amount of Twenty Dollars ($20.00) per vehicle registered in the district, for each vehicle subject to license tab fees under RCW 46.16.0621, as now exists or as is hereafter amended, and for each vehicle subject to gross weight fees under RCW 46.16.070, as now exists or as is hereafter amended, with an unladen weight of six thousand pounds or less. The annual vehicle fee shall be collected by the Washington Department of Licensing on qualifying vehicles, as set forth in RCW 82.80.140, as now exists or as is hereafter amended, and Chapters 36.73 and 46.16 RCW, as now exists or as hereafter are amended.

Section 2. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City of Clarkston Transportation Benefit District Board this ____ day of _____, 2014.

APPROVED:

_____

Kelly Blackmon, District Board Chair

ATTEST:

_____

Vickie Storey, District Secretary/Treasurer

APPROVED AS TO FORM:

_____

James Grow, District Attorney