

**Agenda Sheet for City Council Meeting of:**

06/21/2021

Date Rec'd	6/9/2021
Clerk's File #	ORD C36065
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	SHAUNA 828-0185 HARSHMAN
Contact E-Mail	SHARSHMAN@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0320 - RELATED TO THE FUNCTIONS OF THE TBD AND CTAB

Agenda Wording

Modifying the functions and transportation improvements of the Transportation Benefit District and codifying the Citizens Transportation Advisory Board.

Summary (Background)

Summary: • Formalizes the CTAB in SMC to remedy conflicting resolutions governing CTAB membership. • Expands the number of CTAB members to provide a greater diversity of perspectives on the board. • Clarifies term limits for board members. • Shifts from time period to system outcome to determine when the TBD has accomplished its objective of residential street maintenance - the TBD would be dissolved when the City can sustain an average pavement index rating of 80, with no street lower than 25.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Budget Account**Approvals**

Dept Head	ALLERS, HANNAHLEE
Division Director	
Finance	HUGHES, MICHELLE
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	5/24/21 PIES
Council Sponsor	CP Beggs

Distribution List

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Additional Approvals**Purchasing**

PASSED BY
SPOKANE CITY COUNCIL:

FIRST READING OF THE ABOVE
ORDINANCE HELD ON

AND FURTHER ACTION WAS DEFERRED

CITY CLERK

CITY CLERK

Briefing Paper

PIES Committee

Division & Department:	City Council
Subject:	Ordinance modifying the functions and transportation improvements of the Transportation Benefit District
Date:	May 7, 2021
Author (email & phone):	Shauna Harshman (sharshman@spokanecity.org) 828-0185
City Council Sponsor:	CP Beggs
Executive Sponsor:	
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	The Transportation Benefit District (TBD), created by Ordinance C34648, codified in Chapter 8.16 of the Spokane Municipal Code.
Strategic Initiative:	
Deadline:	Will file for Council consideration following committee.
Outcome: (deliverables, delivery duties, milestones to meet)	Citizens Transportation Advisory Board will be formalized in SMC. The modifications to the functions and transportation improvements will eliminate the need for continual update of the Spokane Municipal Code as each six-year plan is updated.
<p>Background/History:</p> <p>The Transportation Benefit District (TBD), created in 2010, established a \$20 annual vehicle fee to help pay for the preservation and maintenance of the City's existing transportation improvements, facilities, and programs set forth in the Six-Year Pavement Maintenance Program of the City's Comprehensive Street Program. Spokane's TBD also allocates a small portion of revenue generated, a minimum of ten percent, to implement the pedestrian program of the City's comprehensive Street Program, the Pedestrian Master Plan.</p> <p>The Citizen's Transportation Advisory Board (CTAB) was created in 2010 by Ordinance C-34648 to review and make recommendations for projects under consideration for TBD funding. The CTAB has not been formalized in SMC, but has been governed by conflicting resolutions, which has caused confusion for CTAB members and Council Staff. This ordinance would create a new section of the SMC related to CTAB and help clarify membership, terms and duties and functions of the board.</p>	
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Formalizing the CTAB in SMC will remedy conflicting resolutions governing CTAB membership. • In addition, expanding the number of CTAB members will provide a greater diversity of perspectives on the board. • Term limits for board members ensures a greater number of community voices are heard. • Modifications to the transportation improvements to align SMC with updates to the Revised Code of Washington 36.73. • Removing plan dates from the SMC is not only best practice but eliminates the need for annual updates to the SMC. • Recommending a shift from time period to system outcome to determine when the TBD has accomplished its objective of residential street maintenance. Rather than referencing a specific six-year time horizon, the TBD would be dissolved when the City obtains and can 	

sustain an average system wide pavement index rating of 80, with no street receiving a rating of less than 25, within the City's residential street system.

- *Also included in the packet are the resolution setting a hearing and hearing notice.*

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No

Annual/Reoccurring expenditure? ☒ Yes ☐ No

If new, specify funding source: There is no expense associated with the ordinance

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No

Requires change in current operations/policy? ☐ Yes ☒ No

Specify changes required: This ordinance will not require changes to current operations or policies.

Known challenges/barriers: None identified.

ORDINANCE NO. C36065

An ordinance modifying the functions and transportation improvements of the Transportation Benefit District and codifying the Citizens Transportation Advisory Board; adopting a new chapter 04.37; and amending sections 08.16.010, 08.16.040, 08.16.060 and 08.16.070 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 08.16.010 of the Spokane Municipal Code is amended to read as follows:

Section 08.16.010 Purpose

The purpose of this chapter is to establish a transportation benefit district pursuant to and consistent with RCW 35.21.225 and chapter 36.73 RCW, as the city council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding the transportation programs and improvements set forth in this chapter. The transportation programs and improvements shall include ongoing transportation improvements of the City as set forth in the most recently adopted versions of the following City of Spokane transportation plans: ((six-year pavement maintenance program of)) the((2018-2023)) Six-Year Comprehensive Street Program, the Six-Year Pavement Maintenance Program, the Bicycle Master Plan, and the Pedestrian Master Plan; including the allocation of a minimum of ten percent of revenue generated pursuant to chapter 08.16 SMC to implement the pedestrian program of the City's ((2018-2023)) six-year comprehensive street program. The transportation programs and improvements set forth in this chapter shall continue ((for a six-year period (2018 through 2023)) as reflected in the annual adoption by the City Council of the City's six-year comprehensive street program, and six-year pavement maintenance program until such time as the City obtains an average system wide pavement condition index rating of 80, with no street rating below 25, within the City's residential street system.

~~((The transportation programs and improvements established in the 2012-2017 six-year comprehensive street program as set forth in ordinances nos. C-34648, C-34783 and C-34690 and approved for implementation by the TBD Governing Board during 2017 shall continue to be implemented through December 31, 2017)).~~

Section 2. That section 08.16.040 of the Spokane Municipal Code is amended to read as follows:

Section 08.16.040 Transportation Benefit District Governance

- A. Pursuant to Chapter 36.74 RCW, the City of Spokane assumes the rights, powers, functions and obligations of the City of Spokane Transportation Benefit District (TBD). The City shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW. The City Council shall assume the rights, powers, functions and obligations of the TBD previously held by the TBD Governing Board.
- B. The City Council adopts by reference the following resolutions established by the TBD Governing Board
 - 1. TBD-RES ((2011-02)) 2011-0002 (adopted March 21, 2011) ((regarding)) adopting a material change policy pursuant to RCW 36.73.020(3) to address major plan changes that affect project delivery or the ability to finance the plan; and
 - 2. ((TBD-RES 2013-0004 regarding the establishment of the Citizens Transportation Advisory Board; and))
 - 3. TBD-RES 2011-0001 (adopted Feb. 14, 2011) ((regarding the establishment of)) establishing a twenty-dollar annual vehicle fee pursuant to RCW 36.73.065 and RCW 82.80.140.
- C. Consistent with RCW 36.73.020(4), the city treasurer shall be the *ex officio* treasurer of the TBD.

Section 3. That section 08.16.060 of the Spokane Municipal Code is amended to read as follows:

Section 08.16.060 Transportation Improvements Funded

- A. The funds generated by the TBD may be used for any purpose allowed by law including to operate the TBD and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to chapter 36.73 RCW. The funds shall be used ((specifically)) for improvements to ((for the)) operation, preservation, and maintenance of the City's ((existing transportation improvements,)) facilities, functions, activities, and programs set forth in the most recently adopted versions of the following City of Spokane transportation plans: Six-Year Comprehensive Street Program, Six-Year Pavement Maintenance Program ((element of the City's 2018-2023)) ((a copy of which is attached and)), Bicycle Master Plan, and the Pedestrian Master Plan; including ((to include)) the allocation of at least ten percent of revenue generated pursuant to chapter 08.16 SMC to implement the pedestrian program of the City's ((2018-2023)) six-year comprehensive street program.
- B. The transportation improvements funded by the TBD shall be made ((in)) with consideration of the most recent guidance for selecting transportation improvements in RCW 36.73.020, including an effort to reduce risk of transportation facility failure and improve safety, ((decrease)) improve travel time, improve air quality, increase daily and peak period trip capacity, improve modal connectivity, improve freight mobility, improve accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012, and

preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future.

- C. The transportation improvements funded by the district shall be made on an annual basis ~~((not to exceed the six-year time period of the 2018-2023 six-year comprehensive street program. Transportation improvement projects shall be completed on an annual basis))~~ as funding is made available.
- D. The district shall not be obligated to continue the operation and existence of the district ~~((for the full six years))~~ if the City Council elects to dissolve the district pursuant to chapter 36.73 RCW.
- E. The TBD projects may be amended in accordance with the material change policy described in 1 and in accordance with the notice, hearing and other procedures described in chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time.

Section 4. That section 08.16.070 of the Spokane Municipal Code is amended to read as follows:

Section 08.16.070 Dissolution of District

- A. The TBD shall be dissolved when ~~((all transportation improvements associated with the operation, preservation, and maintenance of the City's existing transportation improvements, facilities, functions, activities, and programs set forth in the six-year pavement maintenance program and the pedestrian program of the City's 2018-2023 Six-Year Comprehensive Street Program have been completed;))~~ the City obtains an average system wide pavement condition index rating of 80, with no street receiving a rating of less than 25, within the City's residential street system; all indebtedness of the district created to accomplish the improvements has been retired and when all of the TBD's anticipated responsibilities have been satisfied.
- B. In addition to the automatic dissolution of the district as set forth above in subsection A, the City Council reserves the right, as set forth in chapter 36.73 RCW, to cause the dissolution of the district for any legal reason. ~~((including if a regional transportation district with a funding mechanism is formed pursuant to an interlocal agreement as permitted in RCW 36.73.020))~~.

Section 5. That there is enacted a new chapter 04.37 of the Spokane Municipal Code to read as follows:

Chapter 04.37 Citizens Transportation Advisory Board

Section 04.37.005 Definitions

Section 04.37.010 Membership and Terms

A. Voting Members

1. The Citizens Transportation Advisory Board (CTAB) shall consist of eleven members, who are City residents, appointed by the City Council. Membership shall consist of:
 - i. One member selected by each city council member from among the residents of the selecting city council member's district;
 - ii. One member from the Plan Commission's Transportation Sub-Committee (PCTS), as recommended by the Plan Commission;
 - iii. One member from the Pedestrian, Traffic & Transportation Committee (PeTT) of the Community Assembly, as recommended by the Community Assembly;
 - iv. One member from the Bicycle Advisory Board (BAB), as recommended by the BAB;
 - v. One member from the Spokane Human Rights Commission, as recommended by the Human Rights Commission.
 - vi. One member selected by the City Council President.

B. Liaison Members:

1. The CTAB shall include up to five (5) liaison members representing organizations including, without limitation:
 - i. Spokane Regional Health District;
 - ii. Spokane Public Schools; and
 - iii. Disability Community
2. The liaison members shall be non-voting members of the CTAB.
3. Liaison members shall be appointed by the city council after written notice provided by the respective organizations.

C. Chair

The CTAB Chair shall be selected annually by the members of the CTAB during their first meeting of each year, or at the first meeting after a vacancy occurs. No member shall serve more than three consecutive years as Chair.

D. Terms

1. The terms of all current CTAB members on the effective date of this ordinance shall be transferred to current CTAB memberships.
2. The term of each voting member shall be three years from the date of appointment. Members may be appointed to an initial term of less than three years in order to stagger membership terms. A term of less than half of the full three-year term shall not constitute a full term.
3. No voting member shall be appointed for more than two full three-year terms in total as a voting member, ~~or six years total~~, regardless of what position they fill.
4. Terms for members appointed from the PCTS, PeTT, BAB and the Human Rights Commission shall not extend beyond the expiration of their membership on their respective boards.

E. No elected official or city employee shall be appointed as a voting member of the CTAB.

F. CTAB members may be removed from office by the city council before the expiration of their terms due to a disqualifying change of residence or for cause

based upon a determination of incapacity, incompetence, the presence of irreconcilable conflicts of interest, neglect of duty (including three or more consecutive unexcused absences), or malfeasance.

- G. No CTAB member shall be affiliated with any contractor performing work or seeking the award of work for projects financed, in whole or in part, by a Spokane TBD project in any way. CTAB members shall be required to comply with the City of Spokane Code of Ethics (Chapter 04.32, SMC) during their CTAB service, including avoiding conflicts of interest, such as having a direct pecuniary or financial gain.

Section 04.37.020 Duties and Functions

- A. The CTAB makes annual recommendations to City Council regarding the allocation of TBD program funds, including the funds allocated by the Street Department for residential street maintenance. Recommendations may include but are not limited to:
1. Pavement maintenance and reconstruction;
 2. Paving unpaved streets;
 3. Sidewalk infill and maintenance;
 4. ADA accessibility improvements;
 5. Multimodal connectivity; and
 6. Other transportation projects allowed pursuant to chapter 36.73 RCW.
- City Council maintains final approval over project funding.
- B. The CTAB shall annually provide a transportation improvement report on progress made in carrying out its responsibilities. This report should be provided in writing and by appearance and presentation before the City Council by the Chair or their designee. Additional reports may be submitted when deemed appropriate by the CTAB or when requested by the city council. Pursuant to RCW 36.73.160(2), the report must be distributed to the public and newspapers of record in the district. The report should include, at a minimum:
1. A summary of the work done by the CTAB and projects that were completed within the previous calendar year or since the last report, whichever is longer including the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules.
 2. The CTAB's expected work plan for the coming year.

PASSED by the City Council on June 28, 2021.



Council President

Attest:

Leri Heste
City Clerk

Madeline Howard
Mayor



Approved as to form:

Michael D. Biech
Assistant City Attorney

July 9, 2021
Date

August 8, 2021
Effective Date