

**BAINBRIDGE ISLAND
TRANSPORTATION BENEFIT DISTRICT
REGULAR MEETING
TUESDAY, SEPTEMBER 8, 2015
(FOLLOWING ADJOURNMENT OF THE CITY COUNCIL MEETING)**

**LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- | | | |
|-----------|--|-------------------|
| 1. | CALL TO ORDER / ROLL CALL
Chair: Sarah Blossom
Board members: Anne Blair Michael Scott
Steve Bonkowski Val Tollefson
Wayne Roth Roger Townsend | Action |
| 2. | ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE | |
| 3. | CHANGES FROM 2015 LEGISLATIVE SESSION | Information |
| 4. | CONSENT AGENDA
A. TBD Meeting Minutes, June 9, 2015 | Consider Approval |
| 5. | ADJOURNMENT | |

Times listed on this agenda are approximate. Public comment may be limited to allow time for Board to deliberate.



Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

CITY OF BAINBRIDGE ISLAND
TRANSPORTATION BENEFIT DISTRICT

MEMORANDUM

TO: TBD Board members

FROM: Ellen Schroer, Treasurer

DATE: September 8, 2015

RE: New state legislation affecting Transportation Benefit Districts

As you may know, part of the transportation funding bill passed by the Washington State legislature changes some of the provisions related to Transportation Benefit Districts. Two aspects in particular may be worth discussion at our upcoming meeting.

First, effective July 15th 2015, a municipality may assume the rights, powers, functions, and obligations of a transportation benefit district (TBD) when the boundaries of the TBD are the same as the boundaries of the municipality. This provision would apply to the Bainbridge Island Transportation Benefit District (TBD).

Second, the maximum vehicle license fee that does not require voter approval increases from \$20 to \$40, with the limitation that any increase must occur more than 24 months after the initial fee went into effect, and that 24 months after that time, the nonvoted fee can be increased to \$50. The Bainbridge Island TBD has a \$20 vehicle license fee which the board approved in March 2013 for collection starting August 1, 2013.

I'm attaching a summary of the effects of the legislation written by the Municipal Research and Services Center (MRSC). This summary provides useful explanations and links if you'd like to refer to the new sections of the Revised Code of Washington (RCW) and the bill passed by the legislature.

Please let me know if you have any questions or would like additional information.



New Legislation Affecting Transportation Benefit Districts

August 6, 2015 by [Bob Meinig \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=103\)](#)

Category: [Transportation \(/Home/Stay-Informed/MRSC-Insight.aspx?catID=149&cat=Transportation\)](#), [Finance \(/Home/Stay-Informed/MRSC-Insight.aspx?catID=158&cat=Finance\)](#)



The 2015 Legislature included within its large transportation funding bill, [2ESSB 5987](#)

(<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf>), a number of changes to the laws governing transportation benefit districts (TBDs). To me, the most interesting of these changes is a provision that basically allows a city or county that has a TBD with the same boundaries as the city or county to absorb the TBD and assume all the TBD's "rights, powers, functions, and obligations," with the result that the TBD would cease to exist as a separate entity. But more significantly, this legislation increased the permissible amount of the nonvoted vehicle license fee that certain TBDs may impose – up to a maximum of \$50. This legislation was effective on July 15.

[Section 301 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52\)](#) of [2ESSB 5987 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf\)](#) authorizes this assumption of control over a TBD by a city or county with the same boundaries as the TBD. The process to accomplish this is set out in [Sections 302-303 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52\)](#), and it begins with the city or county legislative authority passing a resolution or ordinance indicating its intention to hold a public hearing on the proposed assumption of the rights, powers, functions, and obligations of the TBD, and setting the time and place of the hearing. The ordinance or resolution must be published according to the requirements in [Section 302 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52\)](#), and, at the hearing, the legislative authority must hear all protests and objections to the proposed assumption. If, after the hearing, the legislative authority determines that "public interest or welfare would be satisfied" by the assumption of the TBD, it passes an ordinance or resolution assuming the rights, powers, functions, and obligations of the TBD. The passage of the ordinance abolishes the TBD governing

body and vests the city or county legislative authority with all the rights, powers, functions, and obligations that the TBD governing body possessed. See [Section 303 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52).

Sections 304 (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=54>)-307 (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=55>) make it clear that the city or county steps completely into the shoes of the TBD when it assumes the rights, powers, functions, and obligations of the TBD. Of course, a city or county that has not already established a TBD will have to first establish one before it can assume the its rights, powers, functions, and obligations.

As to the increase in the nonvoted vehicle license fee, this legislation at [Section 308 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=55\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=55) amends [RCW 36.73.065 \(http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065\)](http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065) to increase the amount of that fee that a TBD governing board – or a city or county legislative authority that has assumed a TBD – may impose without a public vote. (To be authorized to enact a nonvoted vehicle license fee, the TBD must include all the territory of the jurisdiction or jurisdictions that established it. See [\(4\)](http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065) and [RCW 82.80.140 \(http://app.leg.wa.gov/RCW/default.aspx?cite=82.80.140\)](http://app.leg.wa.gov/RCW/default.aspx?cite=82.80.140).) If a \$20 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote to \$40. If, subsequently, a \$40 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote up to \$50; however, that nonvoted fee of more than \$40 is subject to referendum if a petition is filed containing the signatures of at least eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election. The petition must be filed within 90 days of the publication of the notice of the intention to increase the fee to more than \$40, which notice is to be filed by April 1st of the year in which the vehicle fee is to be imposed. The question whether the fee may be imposed is decided by majority vote.

Finally, in a change that will affect only TBDs that include a city with a population of 500,000 or more (i.e., the City of Seattle), the threshold below which such a TBD may provide rebates of vehicle fees, sales taxes, and tolls is increased from 45 percent to 75 percent of the median household income. (Rebate programs, as defined in [RCW 36.73.015 \(http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.015\)](http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.015) (4), are not authorized for other TBDs.)

For more information on TBDs, see our [Transportation Benefit Districts \(http://mrsc.org/Home/Explore-Topics/Transportation/Transportation-Funding/Transportation-Benefit-Districts.aspx\)](http://mrsc.org/Home/Explore-Topics/Transportation/Transportation-Funding/Transportation-Benefit-Districts.aspx) webpage.



About Bob Meinig

Bob has written extensively on the state Open Public Meetings Act and on municipal incorporation and annexation. At MRSC, he has also advised local governments for over 25 years on diverse legal issues.

[VIEW ALL POSTS BY BOB MEINIG ▶ \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=103\)](#)

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Comments

0 comments on New Legislation Affecting Transportation Benefit Districts

Blog post currently doesn't have any comments.

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ITEMS DISCUSSED

1. CALL TO ORDER / ROLL CALL
2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
3. 2015 SPENDING PLAN
4. CONSENT AGENDA
 - A. SPECIAL TBD MEETING MINUTES, APRIL 28, 2015
5. ADJOURNMENT

1. CALL TO ORDER / ROLL CALL 9:52 PM

TBD Chair Blossom called the meeting to order at 9:52 p.m. A quorum was present consisting of Boardmembers Blair, Bonkowski, Roth, Scott, Tollefson and Townsend. Kelly Jahraus monitored the recording of the meeting and prepared the minutes.

2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

***MOTION:** I move to accept the agenda as written.*

***BONKOWSKI/BLAIR:** The motion carried 7-0.*

3. 2015 SPENDING PLAN

Finance Director Schroer gave an overview of Resolution 2015-01, Transportation Benefit District Spending Plan.

***MOTION:** I move we approved Resolution 2015-01.*

***BONKOWSKI/ROTH:** The motion carried 7-0.*

4. CONSENT AGENDA

A. SPECIAL TBD MEETING MINUTES, APRIL 28, 2015

***MOTION:** I move to accept the meeting minutes of April 28, 2015.*

***BLAIR/TOWNSEND:** The motion carried 7-0.*

5. ADJOURNMENT

The meeting was adjourned at 9:57 p.m.

Sarah Blossom, Chair
Transportation Benefit District

Kelly Jahraus