WAPATO TRANSPORTATION BENEFIT DISTRICT

Wapato Council Chambers
205 E Third Street

Tuesday, November 3, 2015
6:00 PM

REGULAR BOARD MEEETING
AGENDA

Chairperson

Rick Foss

Boardmembers

Rita Alvarado

Ken Lawrence

Frank Jaime

Tony Guzman

Roberto Reyna

Administrative Staff:

Board Attorney
Sara Watkins

Board Secretary
Rita Alvarado

Wapato Clerk-Treasurer
Susan Pearson

Public Works Director

Menglou Wang

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE, WELCOME
3. ROLL CALL
4. APPROVAL OF MINUTES
5. APPROVAL OF CLAIMS
6. PUBLIC HEARING
   A. 2016 Budget Hearing
   B. 2016 Work Plan Hearing
7. BUSINESS SECTION
   A. NEW BUSINESS
      1. Ordinance TBD 0006 2016 Budget
      2. Resolution 2015-TBD-01 2016 Work Plan
   B. ACTION ITEMS-UNFINISHED BUSINESS
      1.
      2.
      3.
   C. DISCUSSION ITEMS
      1. Increase Tab Fees from $20 to $40
      2. Move the TBD to the City of Wapato
8. AUDIENCE PARTICIPATION
9. ADJOURNMENT

City of Wapato
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Wapato WA 98951-1326

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Phone: 509.877.2334
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TO: Wapato Transportation Benefit District
FROM: Sue Pearson, Clerk-Treasurer
DATE: November 3, 2015
RE: 2016 Final Budget

I know the Board is interested in proceeding with a project. Public Works Director Wang has three projects that he is requesting the Board to approve.

I recommend all three projects be approved in the 2016 Budget.

WAPATO TRANSPORTATION BENEFIT DISTRICT
TBD ORDINANCE NO. 0006

AN ORDINANCE OF THE WAPATOTRANSPORTATION BENEFIT DISTRICT ADOPTING A BUDGET FOR 2016 AT THE FUND LEVEL.

WHEREAS, the Treasurer of the Wapato Transportation Benefits District, completed and placed on file with the Secretary of the Wapato Transportation Benefits District and with the Board of the District, a budget and estimate of the amount of monies required to meet the general expenses and other expenses of government for the District for the fiscal year ending December 31, 2016; and

WHEREAS, neither RCW Chapter 36.73 nor RCW 35.21.225 specify how a Transportation Benefit District is to organize its finances or prepare and file a budget; and

WHEREAS, a notice was published that the Board would meet on the 3rd day of November, 2015 in Board Chambers at 205 West 3rd Street, Wapato, Washington, for the purpose of holding a public hearing on the 2016 Final Budget to give the public an opportunity to comment on the proposed budget; and

WHEREAS, the Board did meet on November 3, 2015, and held a public hearing on the 2015 Final Budget, wherein the public was given an opportunity to comment on the proposed budget prior to the Board Considering the matter of the proposed budget; and

WHEREAS, the proposed budget does not exceed the lawful limit allowed by law to be levied on car tab registrations for vehicles registered within the City of Wapato for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the work of the government; and

WHEREAS, the Board of the City of Wapato finds it is in the best interest of the residents of the City of Wapato to approve the 2016 budget, as proposed as required by Washington state law on or before the end of 2015;

NOW, THEREFORE, THE BOARD OF THE CITY OF WAPATO WASHINGTON TRANSPORTATION BENEFIT DISTIRCT, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Budget. The budget for the Wapato Transportation Benefit District for the fiscal year 2016 is hereby adopted at the fund level for all funds, in its final form and content as set forth in the document entitled 2016 Final Budget, a copy of which is on file in the Office of the Secretary of the District. The Treasurer is hereby authorized to make transfers and adjustments to and between individual appropriations within any one fund during the current fiscal year by order of the Chair of the District, subject to the provisions of RCW 43.09.210. Estimated resources, including fund balances or working capital for each separate fund, and aggregate totals for all such funds combined for the fiscal year 2015 are set forth Exhibit "1" attached hereto, the 2016 Final Budget.

Section 2. 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 City of Wapato Transportation Benefit District Board this ____ day of _____, 2015.

_____
Richard Foss, Chairperson

ATTEST:

_____
Susan P Pearson, Wapato Clerk-Treasurer, Acting Board Secretary

APPROVED AS TO FORM:

_____
Sara L. Watkins, Board Attorney

1st Touch Date: _____
2nd Touch Date: _____
Public Hearing Held: _____
Ordinance faxed to Newspaper: _____
Ordinance Published: _____
Effective Date: _____

Estimated Expenditure

Starting Account Number: 001-000-000-508-80-00-00 Ending Cash & Investments-Unreserved

Account Number	Description	Budget 2014	Actual 2014	Budget 2015	Actual 2015	Budget 2016
Current Expense						
Expenditure						
001-000-000-508-80-00-	Ending Fund Balance	$60,000.00	$0.00	$60,000.00	$0.00	$57,500.00
001-000-000-543-10-00-00	**Management**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
001-000-000-543-10-31-00	Operating Supplies	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-35-00	Small Tools & Equipment	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-41-00	Professional Servicess	$0.00	$5,229.93	$0.00	$2,486.61	$2,500.00
001-000-000-543-10-41-49	Publications	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-42-00	Communications	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-43-00	Travel	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-46-00	Insurance	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-48-00	Repairs & Maintenance	$0.00	$0.00	$0.00	$0.00	$0.00
001-000-000-543-10-49-00	Miscellaneous	$0.00	$397.93	$0.00	$225.10	$0.00
001-000-000-543-10-51-00	Intergovernmental Prof Service	$0.00	$0.00	$0.00	$0.00	$80,000.00
Total Expenditure		**$60,000.00**	**$5,627.86**	**$60,000.00**	**$2,711.71**	**$140,000.00**
Total Current Expense		**$60,000.00**	**$5,627.86**	**$60,000.00**	**$2,711.71**	**$140,000.00**
Grand Totals		**$60,000.00**	**$5,627.86**	**$60,000.00**	**$2,711.71**	**$140,000.00**

WAPATO TRANSPORTATION BENEFIT DISTRICT
RESOLUTION NO. 2015-TBD-01

A RESOLUTION OF THE WAPATO TRANSPORTATION BENEFIT DISTRICT ADOPTING THE 2016 TRANSPORTATION WORK PLAN.

WHEREAS, by RCW 48.62 the Wapato Transportation Benefit District is required to annually adopt a comprehensive transportation work plan, and

WHEREAS, a public hearing on the proposed 2016 Work Plan was held before the Wapato Transportation Benefit District on November 3, 2015 at 6:00 pm after proper notice was provided; and

WHEREAS, the proposed plan includes information related to City street projects and how the District shall expend monies to help the City complete projects on local roads; and,

WHEREAS, the Wapato Transportation Benefits District has reviewed the proposed work plan and finds that it is in the best interests of the District to adopt the work plan and projects listed therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE WAPATO TRANSPORTATION BENEFIT DISTRICT, AS FOLLOWS:

1. The 2016 Work Plan is adopted. A copy of the work plan is attached hereto as Exhibit "1."
2. This resolution shall be effective immediately upon passage and being signed.

ADOPTED BY THE CITY COUNCIL this 4th day of November, 2015.

_____
Richard Foss, Chairman

ATTEST:

_____
Susan P. Pearson, Acting Secretary, Wapato Clerk-Treasurer

MRSC
Local Government Success

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://lawfilesext.leg.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://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52) of 2ESSB 5987 (http://lawfilesext.leg.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://lawfilesext.leg.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://lawfilesext.leg.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://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52).

Sections 304 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=54)-307 (http://lawfilesext.leg.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://lawfilesext.leg.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) 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 RCW 36.73.065 (http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065)(4) and RCW 82.80.140 (http://app.leg.wa.gov/RCW/default.aspx?cite=82.80.140)(2).) 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)(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) 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.
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