

## **BURIEN TRANSPORTATION BENEFIT DISTRICT NO. 1**

### **RESOLUTION NO. 3**

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#### **A RESOLUTION OF THE BURIEN TRANSPORTATION BENEFIT DISTRICT BOARD AUTHORIZING AN INCREASE IN THE VEHICLE LICENSE FEE IN THE AMOUNT OF TEN DOLLARS AND PLEDGING THE FEE INCREASE TOWARD THE CITY OF BURIEN'S ANNUAL PAVEMENT MANAGEMENT PROGRAM**

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WHEREAS, chapter 36.73 RCW and RCW 35.21.255 authorize the City Council of the City of Burien (the "City") 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, pursuant to chapter 36.73 RCW and City Ordinance No. 516 adopted on July 20, 2009, as amended by City Ordinance No. 542 adopted on June 21, 2010, the City established a citywide transportation benefit district known as the Burien Transportation Benefit District No. 1, or TBD No. 1 (the "District"), for the purpose of financing, constructing and otherwise facilitating asphalt overlays and other street related improvements throughout the City (the "Project"), 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 District (the "Board"), and

WHEREAS, RCW 36.73.065 and RCW 82.80.140 authorizes the District to impose an annual vehicle fee in an amount not to exceed \$20 without a public vote; and

WHEREAS, pursuant to Resolution No. 2 adopted by the Board on July 19, 2010, the District imposed an annual vehicle fee in the amount of \$10.00 (the "2010 Vehicle Fee") on qualifying vehicles within the District and pledged revenues of the 2010 Vehicle Fee toward the payment of the City's Limited Tax General Obligation Bonds, 2010A and Limited Tax General Obligation Bonds, 2010B (Taxable Build America Bonds – Direct Payment to Issuer (together, the "2010 Bonds") issued for the purpose of financing a portion of the Project; and

WHEREAS, pursuant to Resolution No. 2 and an Interlocal Agreement between the City and the District (the "Interlocal Agreement"), the District covenanted and agreed to collect the 2010 Vehicle Fee so long as the 2010 Bonds remain outstanding and to remit the revenue received from the 2010 Vehicle Fee to the City for the purpose of paying debt service on the 2010 Bonds; and

WHEREAS, in 2015, 2ESSB 5987 increased the allowable nonvoted vehicle license fee up to a maximum of \$50 with the following conditions:

- A transportation benefit district may only impose a nonvoted license fee above \$20 as follows:
  - Up to \$40, but only if a \$20 fee has been in effect for at least 24 months.
  - Up to \$50, but only if a \$40 fee has been in effect for at least 24 months. Any nonvoted fee higher than \$40 is subject to potential referendum, as provided in RCW 36.73.065(6).

WHEREAS, the City has determined that it is in the best interest of its inhabitants to expand the annual pavement program and to increase the funding required to maintain the current street index level; and

WHEREAS, the Board finds it in the best interests of the District to impose an additional annual vehicle fee in the amount of ten dollars (\$10.00) (the “Additional Vehicle Fee”), bringing the total vehicle fee imposed by the District to \$20.00, on qualifying vehicles registered within the District and to remit revenue of the Additional Vehicle Fee to the City for the purpose of financing a portion of the Project, including the expanded annual pavement management program;

NOW, THEREFORE, THE BOARD OF THE BURIEN TRANSPORTATION BENEFIT DISTRICT NO. 1 HEREBY RESOLVES AS FOLLOWS:

Section 1. Increase the Annual Vehicle Fee. The annual vehicle fee is hereby increased by ten dollars (\$10.00) (the “Additional Vehicle Fee”), bringing the total vehicle fee imposed by the District to \$20.00, 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.

Section 2. Use of Additional Vehicle Fee Revenue. Revenues from the Additional Vehicle Fee imposed under Section 1 of this resolution shall be remitted to the City and used to for the Project, including but not limited to the expanded annual pavement management program, which may include the payment on bonds or other obligations issued by the City for the purpose of providing long-term financing for the Project. The District hereby pledges the Additional Vehicle Fee for such purposes.

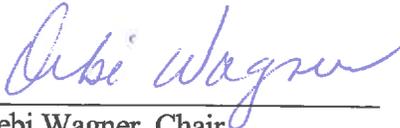
Section 3. Resolution No. 2 and Interlocal Agreement. Nothing in this resolution shall amend, reduce, or otherwise modify the District’s obligations under Resolution No. 2 and the Interlocal Agreement to impose and levy the 2010 Vehicle Fee and to remit the proceeds of such 2010 Vehicle Fee to the City for the purpose of paying debt service on the 2010 Bonds so long as such bonds are outstanding.

Section 4. Severability. Should any section, paragraph, 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

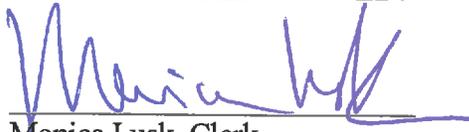
regulation, such decision or preemption shall not affect the validity of the remaining portions of this resolution or its application to other persons or circumstances.

Section 5. Effective date. This resolution shall take effect and be in full force immediately after its passage and approval.

BURIEN TRANSPORTATION BENEFIT DISTRICT NO. 1

  
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Debi Wagner, Chair

ATTEST/AUTHENTICATED:

  
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Monica Lusk, Clerk

Approved as to form:

  
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Lisa Marshall, Attorney

Filed with the Clerk: November 1, 2016  
Passed by TBD No. 1: November 7, 2016  
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