



ABERDEEN CITY COUNCIL

October 11, 2017

COUNCIL MEETING AGENDA

7:15 PM – 3rd Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
 - 1. Council of Governments
- B. Additions to Agenda
- C. Department Heads
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

I. ROLL CALL

II. FLAG SALUTE

III. APPROVAL OF MINUTES

IV. ADDITIONS / DELETIONS

V. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)

VI. FINANCE COMMITTEE

- A. Committee Chair Report
- B. Approval of expenditures
 - 1. Recommend approval of expenditures and payroll.
- C. Public Hearings
- D. Reports & Communications
- E. Ordinances
 - 1. Second reading and Public Hearing of Bill No. 17-11 dissolving the Aberdeen Transportation Benefit District and assumption of the district by the City of Aberdeen.
 - 2. First reading of Bill No. 17-13 providing for the levy in 2017 upon all taxable property within the City of Aberdeen for 2018 for all municipal purposes authorized by law and fixing the amount thereof pursuant to RCW 84.55.120.

VII. PUBLIC WORKS

- A. Committee Chair Report
- B. Reports & Communication
- C. Ordinances

VIII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications
- C. Ordinances

IX. SPECIAL AGENDA ITEMS

- A. Reports & Communication
- B. Proclamation
- C. Resolutions
- D. Appointments

X. CITY COUNCIL COMMENT PERIOD

XI. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

XII. EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.

ORDINANCE NO. _____

AN ORDINANCE ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE ABERDEEN TRANSPORTATION BENEFIT DISTRICT AND AMENDING CHAPTER 3.78 OF THE ABERDEEN MUNICIPAL CODE

WHEREAS, the city council has adopted Ordinance No. 6531 creating the Aberdeen Transportation Benefit District with the boundaries coterminous with the City of Aberdeen City limits; and

WHEREAS, the State Legislature has adopted Second Engrossed Substitute Senate Bill 5987, which provides in part at Section 301 et seq., that a city may assume the rights, powers, functions, and obligations of a transportation benefit district that has been established with boundaries coterminous with the boundaries of the City; and

WHEREAS, the City Council held a public hearing on October 11, 2017 at 7:15 PM at City Hall declaring it intent to assume the rights, powers, functions, and obligations of the Aberdeen Transportation Benefit District; and

WHEREAS, the City Council took testimony at a public hearing on October 11, 2017 from any who appeared to be heard on the matter, **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. FINDINGS. The City Council makes the following findings in support of this Ordinance to assume the Aberdeen Transportation Benefit District:

1. The State Legislature has granted the authority, under 2ESSB 5987, for a city to assume all rights, powers, functions, and obligations of a transportation benefit district that has boundaries coterminous with the City's limits.
2. The City of Aberdeen, by Ordinance No. 6531, created the Aberdeen Transportation Benefit District with boundaries that are coterminous with the Aberdeen City limits.
3. This action to assume the rights, powers, functions, and obligations of the Aberdeen Transportation Benefit District is in the public interest and will promote

the public welfare because it will simplify the collection, administration, and reporting of funds collected for streets within the City, and create greater efficiency by minimizing duplicative governing procedures.

4. The Aberdeen Transportation Benefit District has not incurred any debt or financing and has not let any contracts, acquired any assets, or committed to any projects. Further, the District has transferred all funds collected to the City. These actions simplify assumption of the District by the City.

SECTION 2. ASSUMPTION OF THE ABERDEEN TRANSPORTATION BENEFIT DISTRICT. The City hereby assumes all rights, powers, immunities, functions, and obligations of the Aberdeen Transportation Benefit District and by this action the Aberdeen Transportation Benefit District will cease to exist as a separate entity.

SECTION 3. CHAPTER 3.78 ABERDEEN MUNICIPAL CODE AMENDED. The City Council hereby amends Chapter 3.78 AMC as follows:

3.78.010 Transportation Benefit District Assumed by the City

The City Council hereby assumes all rights, powers, immunities, functions and obligations of that certain transportation benefit district established by Ordinance No. 6531 and known as the Aberdeen Transportation Benefit District with geographical boundaries comprised of the corporate limits of the city as the currently exist or as they may exist following future annexations. The Aberdeen Transportation Benefit District shall hereby cease to exist as a separate entity.

~~**3.78.010 Transportation Benefit District Establishment.**~~

~~There is hereby established a transportation benefit district to be known as the Aberdeen Transportation Benefit District ("District") with geographical boundaries comprised of the corporate limits of the City of Aberdeen as they now exist or may hereafter be altered by future annexations.~~

3.78.020 Governing Body

- A. The Aberdeen City Council shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

- B. The City Finance Director shall perform all financing and treasurer functions required by Chapter 36.73 RCW.
- C. The City Council shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1). At a minimum, if a transportation improvement exceeds its original cost by more than twenty percent, as identified in the original plan, a public hearing shall be held to solicit public comment regarding how the cost changes should be resolved.
- D. The City Council shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

~~3.78.020 Governing Board.~~

~~A. The governing board ("Board") of the District shall be the Aberdeen City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in chapter 36.73 RCW.~~

~~B. The Mayor shall serve as the chair of the Board and shall preside over all meetings of the Board.~~

~~C. The Finance Director shall serve as treasurer of the District.~~

~~D. The Corporation Counsel shall serve as the legal advisor to the Board, except where separate counsel is engaged by the District.~~

~~E. Meetings of the Board shall be governed by the procedural rules applicable to meetings of the city council. Board actions shall be taken in the same manner and follow the same procedure as for the adoption of city council resolutions. Meetings of the Board shall, whenever possible, take place on the same dates scheduled for city council meetings.~~

3.78.030 Functions of the City Council

A. The City Council may, by ordinance, authorize a vehicle tax fee of up to the limits as provided by RCW 82.80.140. Any expansion of the authorized transportation improvement purposes shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).

B. When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of the city streets. Additional transportation improvements may be added to the functions of the city council acting pursuant to Chapter 36.73 RCW upon compliance with the requirements of said chapter.

C. The City Council shall have and exercise all powers and functions provided by Chapter 36.73 to fulfill the functions set forth therein.

3.78.030 Authority of the District.

~~A. The District shall have the authority granted by chapter 36.73 RCW to request voter approval of and, if approved by a majority of the voters voting on a transportation improvement proposition at a general or special election, thereafter impose and collect a sales and use tax in accordance with RCW 82.14.0455.~~

~~B. The District shall have and may exercise any and all powers and functions provided by chapter 36.73 RCW to fulfill the purposes of the District, with the exception of the following actions which are not authorized:~~

- ~~1. Issuance of general obligation or revenue bonds;~~
- ~~2. Levying an ad valorem property tax;~~
- ~~3. Assessment of special fees, charges or tolls;~~
- ~~4. Assessment of a vehicle fee;~~
- ~~5. Impose fees on building construction or land development.~~

~~C. The above funding methods available to the District may be expanded only after compliance with the additional public notice, hearing, and determination provisions of RCW 36.73.050 relating to an expansion of purpose or funding.~~

3.78.040 Transportation Improvements Funded

The funds generated under the authority of Chapter 36.73 RCW shall be used for transportation improvements that construct, preserve, maintain and operate the existing transportation infrastructure of the city, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the chapter; but all funds raised pursuant to the chapter shall be expended only for such

preservation, maintenance and operation in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the City shall construct, preserve, maintain and operate the city's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the optimal performance of the transportation system. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

~~3.78.040 Transportation improvements funded.~~

~~A. The revenues of the District shall be used for transportation improvements that preserve and maintain existing infrastructure of the City consistent with the requirements of chapter 36.73 RCW. Expenditures of District revenues shall preserve and maintain the City's previous investments in transportation infrastructure, reduce the risk of transportation facility failure, improve safety, or reduce congestion.~~

~~B. 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 to newspapers of record in the district as required by RCW 36.73.160(2)~~

~~C. Where a specific transportation improvement plan has been approved by the voters at a special or general election, the Board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).~~

SECTION 4. CHAPTER 3.78 ABERDEEN MUNICIPAL CODE DELETED. The City Council hereby deletes Chapter 3.78 AMC as follows:

~~3.78.035 Fund created—revenues—authorized expenditures.~~

~~There is created in the office of the Finance Director a special fund for the operation of the District and all revenue collected under the provisions of this chapter shall be deposited and placed in said fund. Expenditures from the fund shall be made only for the transportation improvements authorized by the Board under AMC 3.78.040~~

~~3.78.050 Dissolution of District.~~

~~Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by the district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any, and to carry out the requirements of RCW 36.73.160. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid and notice is provided to the departments administering the taxes. The district shall dissolve itself and cease to exist thirty days after the financing or debt service on the transportation improvement, or series of improvements, constructed is completed and paid. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.~~

SECTION 5. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE LEVY IN 2017 UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF ABERDEEN FOR 2018 FOR ALL MUNICIPAL PURPOSES AUTHORIZED BY LAW AND FIXING THE AMOUNT THEREOF PURSUANT TO RCW 84.55.120.

WHEREAS, on October 25, 2017, after notice as required by law, the city council held a public hearing on revenue sources for the city's following year's current expense budget, including consideration of possible increases in property tax revenues;

WHEREAS, the city's annual levy amount from 2017 was \$2,815,010;

WHEREAS, the population of the city is more than 10,000;

WHEREAS, the city's assessed valuation for 2018 taxes of all taxable real and personal property for regular levy purposes within the city of Aberdeen is estimated to be \$ 900,000,000 and for special levy purposes \$ 890,000,000; **NOW, THEREFORE**,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

1) 1. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2018 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$28,150 which is a percentage increase of one (1%) from the previous year. This increase is exclusive of the special levy for collection in 2018 in the amount of \$78,041 for the 2002 Fire/Refunding Bonds previously approved by the citizens of Aberdeen; and additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made. It is understood that these amounts are based on estimated assessed valuations for 2018 tax collections and it is the intent of the City to levy the maximum amount allowed by law.

2. This Ordinance and the levies herein provided for shall be certified by the Finance Director of the City of Aberdeen to the proper officers of Grays Harbor County as provided by law.

SECTION 2. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

PASSED and APPROVED this 8th day of November, 2017.

ATTESTED:

Erik Larson, Mayor

Mike Folkers, Finance Director

Bill No. 17-13

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE LEVY IN 2017 UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF ABERDEEN FOR 2018 FOR ALL MUNICIPAL PURPOSES AUTHORIZED BY LAW AND FIXING THE AMOUNT THEREOF PURSUANT TO RCW 84.55.120.

The following is a summary of the above ordinance for the purposes of publication. The full text of the ordinance will be mailed upon request.

Section 1. Adopts the 2017 preliminary budget by reference as the final budget for 2017 and sets appropriation levels by fund and department.

Section 2. Publication by summary authorized.

PASSED and APPROVED this 8th day of November, 2017.

/s/Erik Larson, Mayor

/s/Mike Folkers, Finance Director (Attest)

