

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: February 10, 2025

SUBJECT: Ordinance of Jefferson County Board of Commissioners by which Jefferson County Assumes the Rights, Powers, Functions, and Obligations of the Jefferson County Transportation Benefit District and Amending Jefferson County Code Chapter 3.90 Jefferson County Transportation Benefit District

STATEMENT OF ISSUE:

Jefferson County approved Ordinance No. [10-1216-24](#) on December 16, 2024, establishing the Jefferson County Transportation Benefit District (JCTBD) for unincorporated Jefferson County pursuant to Chapter [36.73](#).

ANALYSIS:

Chapter [36.74](#) RCW allows the Jefferson County Board of Commissioners (BoCC) to assume the powers and responsibilities of the Transportation Benefit District. Assuming those powers would allow the BoCC to continue the work and functions of the JCTBD as defined in state law and Ordinance No. [10-1216-24](#) without the necessity of maintaining a separate entity. For example, assumption would eliminate the need for separate meetings, agendas, and an ILA with Jefferson County for staff support services.

The procedural steps for assumption are outlined in chapter [36.74](#) RCW. The BoCC adopted a resolution stating its intention to assume the TBD on January 13, 2025. On January 27, 2025, the BoCC set a public hearing for Monday, February 10, 2025 at 11:00 a.m. The BoCC published notice of the public hearing for two weeks preceding the public hearing on January 29, 2025, and February 5, 2025. The BoCC must now hold a public hearing on the matter.

After the public hearing, the BoCC may consider an ordinance or resolution to assume the rights, powers, functions, and responsibilities of the JCTBD. Lastly, the BoCC will need to amend chapter 3.90 of the Jefferson County Code (JCC) to update the governing body by removing references to the Transportation Benefit District Board, and clarifying that those powers have been assumed by, and vested in, the BoCC.

FISCAL IMPACT:

If Jefferson County assumes the JCTBD, an interlocal agreement with Jefferson County would no longer be

necessary, as JCTBD matters would be handled directly by the BoCC. Since no funding has actually been collected yet, there is little to no impact on staff resources at this time.

RECOMMENDATION:

Move to approve the proposed ordinance assuming the JCTBD's Rights, Powers, Immunities, Functions, and Obligations and amending Chapter 3.90 JCC accordingly.

REVIEWED BY:



Mark McCauley, County Administrator

Date 1/23/25

STATE OF WASHINGTON
County of Jefferson

In the Matter of an Ordinance of Jefferson County Board of Commissioners by which Jefferson County Assumes the Rights, Powers, Functions, and Obligations of the Jefferson County Transportation Benefit District and Amending Jefferson County Code Chapter 3.90 Jefferson County Transportation Benefit District

ORDINANCE NO.

WHEREAS, pursuant to chapter [36.73](#) RCW, the Jefferson County Board of Commissioners (BoCC) on December 16, 2024, adopted Ordinance No. [10-1216-24](#), and codified in chapter 3.90 Jefferson County Code (JCC) creating the Jefferson County Transportation Benefit District (JCTBD) for unincorporated Jefferson County with the same boundaries as Jefferson County's jurisdictional limits; and

WHEREAS, RCW [36.74.010](#) authorizes any county in which a transportation benefit district has been established pursuant to chapter [36.73](#) RCW, with boundaries coterminous with the boundaries of the county, to assume the rights, powers, functions, and obligations of the transportation benefit district; and

WHEREAS, on January 13, 2025, the BoCC adopted a Resolution expressing the county's intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the JCTBD; and

WHEREAS, on January 27, 2025, the BoCC set a public hearing for February 10, 2025, and notice of the hearing was published in The Jefferson County & Port Townsend Leader twice in the two weeks prior to the scheduled hearing, on January 29, 2025, and February 5, 2025; and

WHEREAS, the BoCC held a public hearing on February 10, 2025, and took public testimony from all interested parties on the assumption of the rights, powers, functions, and obligations of the JCTBD; and

WHEREAS, after receiving testimony, the BoCC has considered whether the public interest or welfare is satisfied by the county assuming the rights, powers, immunities, functions, and obligations of the JCTBD, and the BoCC declared its intent and assume such rights, powers, immunities, functions, and obligations through ordinance, providing that the county is vested with every right, power, immunity, function, and obligation currently granted to or possessed by the JCTBD; and

WHEREAS, the BoCC desires to continue the work and functions of the JCTBD as defined in state law and Ordinance No. [10-1216-24](#) without the necessity of maintaining a separate entity; and

WHEREAS, the county's assumption of rights, powers, functions, and obligations of the JCTBD would provide for more effective and efficient administration of transportation

maintenance and improvement funds previously authorized to be collected by the JCTBD; and

WHEREAS, on January 13, 2025, the JCTBD Board by a majority vote approved and adopted Resolution No. 03-0113-25 imposing an a one-tenth of one percent sales and use tax pursuant to RCW [36.73.065\(4\)\(a\)\(v\)](#) and RCW [82.14.0455](#) and Resolution No. 04-0113-25 imposing an annual vehicle fee pursuant to RCW [36.73.065\(4\)\(a\)\(1\)](#) and RCW [82.80.140](#); and

WHEREAS, the BoCC finds that the public interest and welfare would be satisfied by the county assuming the rights, powers, functions, and obligations of the JCTBD;

NOW, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above “Whereas” clauses as Findings of Fact supporting this ordinance.

Section 2. Assumption of JCTBD. Pursuant to Chapter [36.74](#) RCW, the BoCC hereby assumes all the rights, powers, functions, and obligations of the JCTBD. The county is hereby vested with each and every right, power, function, immunity, and obligation currently granted to or possessed by the JCTBD as of the effective date of this ordinance. The rights, powers, functions, and obligations previously exercised or performed by the governing body of the JCTBD are hereby assumed and transferred to the BoCC.

Section 3. Amendment to JCC 3.90. Chapter 3.90 Jefferson County Code is amended in substantially the same form as set forth in Attachment A.

Section 4. No Existing Right Impaired. Pursuant to RCW [36.74.040](#), this assumption does not impair or alter any existing rights acquired by the JCTBD under chapter [37.73](#) RCW or any other provision of law relating to transportation benefit districts, nor does this assumption impair or alter any actions, activities, or proceedings validated thereunder; any civil or criminal proceedings instituted thereunder; any rule, regulation, or order promulgated thereunder; and administrative action taken thereunder; or the validity of any act performed by the JCTBD or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by the county as authorized under the law.

Section 7. Corrections. Notwithstanding any provisions to the contrary in chapter [1.01.110](#) JCC, staff and the Code Revisor are authorized to update and incorporate changes adopted in the Jefferson County Code. Staff and Code Revisor are further authorized to make non-substantive edits relating to numbering, grammar, spelling, and formatting consistent with this ordinance.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or section of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 9. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800\(19\)](#).

Section 10. Effective Date. This ordinance shall take effect and be in full force immediately upon adoption by the BoCC.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED this _____ day of February, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

ATTACHMENT A (REDLINE)

CHAPTER 3.90 JEFFERSON COUNTY CODE ESTABLISHING A JEFFERSON COUNTY TRANSPORTATION BENEFIT DISTRICT (JCTBD)

Sections:

3.90.010 Transportation benefit district established.

3.90.015 Assumption of the Transportation benefit district.

3.90.020 Governing body, board and Treasurer.

3.90.030 Material change policy required.

3.90.040 Annual report required.

3.90.050 Powers of the district.

3.90.060 Use of funds.

3.90.070 Dissolution of the district.

3.90.080 Liberal construction.

3.90.010 Transportation benefit district established.

The Jefferson County Transportation Benefit District (JCTBD or district) with geographical boundaries comprised of the unincorporated limits of Jefferson County, Washington is hereby established.

3.90.015 Assumption of the Transportation benefit district.

Pursuant to chapter 36.74 RCW, from and after the effective date of this ordinance, Jefferson County assumes all of the rights, powers, immunities, functions, and obligations of the Jefferson County Transportation Benefit District (JCTBD) previously established in this chapter, and Jefferson County is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the JCTBD under chapter 37.73 RCW, this chapter, and any other applicable law as of the effective date of this ordinance. The governing body of the JCTBD is abolished and the rights, powers, immunities, functions and obligations previously exercised or performed by the governing body of the JCTBD are vested in the Jefferson County Board of County Commissioners (BoCC).

3.90.020 Governing body, board and Treasurer.

~~(1) The governing board of the transportation benefit district shall be the board of Jefferson County Commissioners 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.~~

~~(2) The treasurer of the transportation benefit district shall be the Jefferson County Treasurer.~~

Jefferson County Board of County Commissioners (BoCC) shall be vested with the authority to exercise the statutory powers set forth in chapter 36.73 RCW and this chapter.

3.90.030 Material change policy required.

~~The governing 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 of RCW 36.73.160(1).~~

The BoCC shall implement the material change policy previously adopted by the JCTBD that addresses major plan changes that affect project delivery or other ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

3.90.040 Annual report required.

~~The governing board~~ The BoCC shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.90.050 Powers of the district.

~~(1) The governing board of the transportation benefit district Jefferson County, acting by and through its Board of County Commissioners (BoCC), shall have and may exercise all of the powers set out in chapter 36.73 RCW and this chapter to fulfill the purpose of the district.~~

(2) To carry out the purposes of chapter 36.73 RCW and this chapter, and subject to the provisions of RCW 36.73.065, as enacted or subsequently amended, the district is authorized to impose the taxes, fees, charges, and tolls set forth in RCW 36.73.040, as enacted or subsequently amended.

3.90.060 Use of funds.

- (1) The funds generated by the transportation benefit district may be used for any purpose allowed by law including to operate the district and to maintain, preserve, acquire, construct, improve, provide and fund 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, as enacted or subsequently amended.
- (2) The transportation improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety performance, increase operating efficiency and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future by prioritizing investments in programs that provide:
 - (a) Transportation System Preservation. Preserve, operate, maintain, and/or improve existing transportation infrastructures.
 - (b) Transportation System Safety. Improve the safety performance and security of those who use the transportation system.

- (c) Other Projects. Any change or expansion of these authorized purposes shall be undertaken only after notice, public hearing and adoption of an authorizing ordinance in accordance with RCW [36.73.050](#)(2)(b).

3.90.070 Dissolution of the district.

The transportation benefit district shall be dissolved when all indebtedness of the district has been retired and when all of the anticipated responsibilities of the district have been satisfied.

3.90.080 Liberal construction.

As authorized under chapter [36.73](#) RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

ATTACHMENT A (CLEAN)

CHAPTER 3.90 JEFFERSON COUNTY CODE ESTABLISHING A JEFFERSON COUNTY TRANSPORTATION BENEFIT DISTRICT (JCTBD)

Sections:

- 3.90.010 Transportation benefit district established.**
- 3.90.015 Assumption of the Transportation benefit district.**
- 3.90.020 Governing body.**
- 3.90.030 Material change policy required.**
- 3.90.040 Annual report required.**
- 3.90.050 Powers of the district.**
- 3.90.060 Use of funds.**
- 3.90.070 Dissolution of the district.**
- 3.90.080 Liberal construction.**

3.90.010 Transportation benefit district established.

The Jefferson County Transportation Benefit District (JCTBD or district) with geographical boundaries comprised of the unincorporated limits of Jefferson County, Washington is hereby established.

3.90.015 Assumption of the Transportation benefit district.

Pursuant to chapter [36.74](#) RCW, from and after the effective date of this ordinance, Jefferson County assumes all of the rights, powers, immunities, functions, and obligations of the Jefferson County Transportation Benefit District (JCTBD) previously established in this chapter, and Jefferson County is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the JCTBD under chapter [37.73](#) RCW, this chapter, and any other applicable law as of the effective date of this ordinance. The governing body of the JCTBD is abolished and the rights, powers, immunities, functions and obligations previously exercised or performed by the governing body of the JCTBD are vested in the Jefferson County Board of County Commissioners (BoCC).

3.90.020 Governing body.

Jefferson County Board of County Commissioners (BoCC) shall be vested with the authority to exercise the statutory powers set forth in chapter [36.73](#) RCW and this chapter.

3.90.030 Material change policy required.

The BoCC shall implement the material change policy previously adopted by the JCTBD that addresses major plan changes that affect project delivery or other ability to finance the plan, pursuant to the requirements set forth in RCW [36.73.160](#)(1).

3.90.040 Annual report required.

The BoCC shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.90.050 Powers of the district.

- (1) Jefferson County, acting by and through its Board of County Commissioners (BoCC), shall have and may exercise all of the powers set out in chapter 36.73 RCW and this chapter to fulfill the purpose of the district.
- (2) To carry out the purposes of chapter 36.73 RCW and this chapter, and subject to the provisions of RCW 36.73.065, as enacted or subsequently amended, the district is authorized to impose the taxes, fees, charges, and tolls set forth in RCW 36.73.040, as enacted or subsequently amended.

3.90.060 Use of funds.

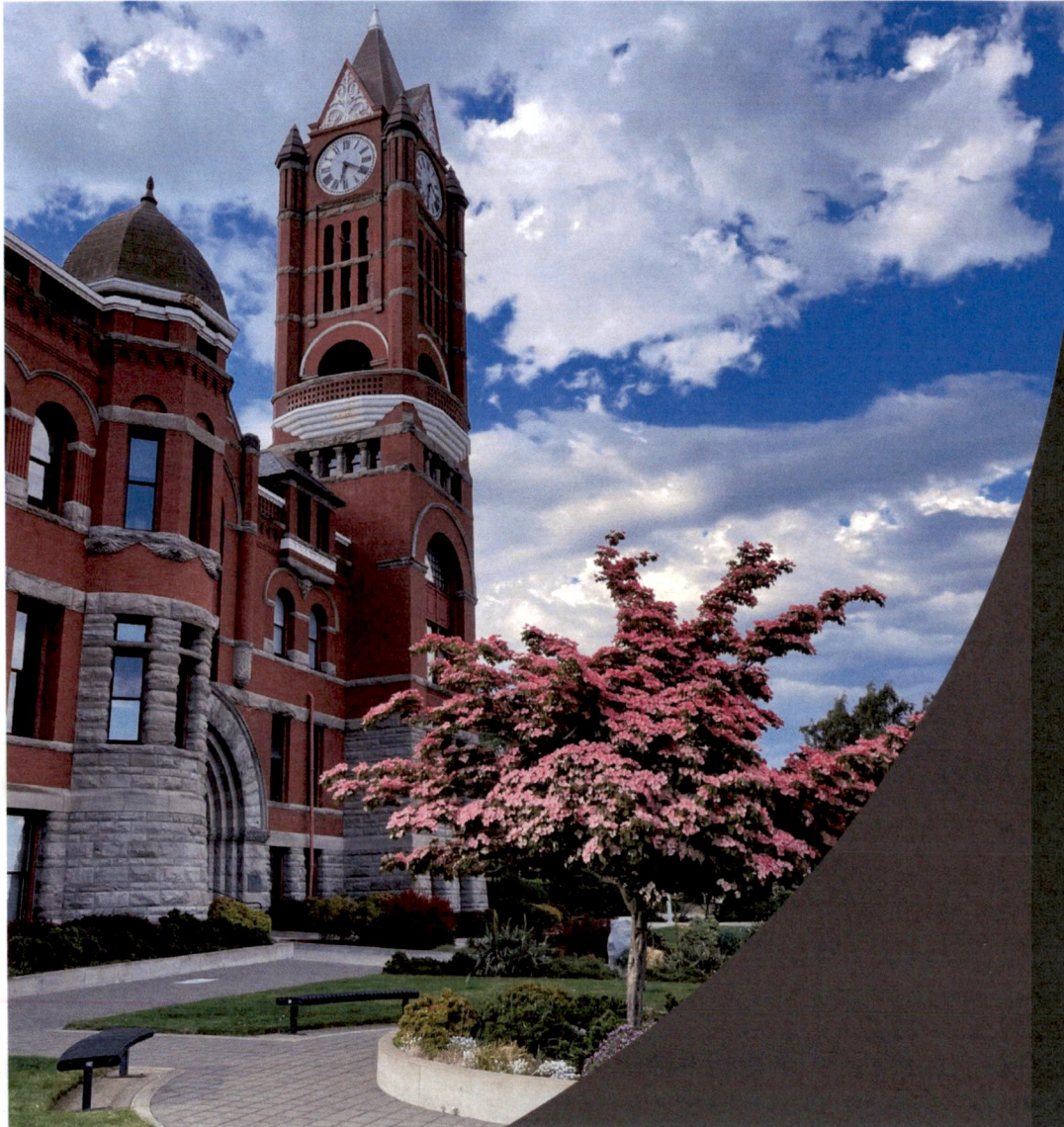
- (1) The funds generated by the transportation benefit district may be used for any purpose allowed by law including to operate the district and to maintain, preserve, acquire, construct, improve, provide and fund transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to chapter 36.73 RCW, as enacted or subsequently amended.
- (2) The transportation improvements funded by the district shall be made in an effort to reduce the risk of transportation facility failure and improve safety performance, increase operating efficiency and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure replacement in the future by prioritizing investments in programs that provide:
 - (a) Transportation System Preservation. Preserve, operate, maintain, and/or improve existing transportation infrastructures.
 - (b) Transportation System Safety. Improve the safety performance and security of those who use the transportation system.
 - (c) Other Projects. Any change or expansion of these authorized purposes shall be undertaken only after notice, public hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050(2)(b).

3.90.070 Dissolution of the district.

The transportation benefit district shall be dissolved when all indebtedness of the district has been retired and when all of the anticipated responsibilities of the district have been satisfied.

3.90.080 Liberal construction.

As authorized under chapter [36.73](#) RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.



*Jefferson County
Transportation Benefit
District Assumption
February 10, 2025*

Presented by Mark McCauley
Jefferson County Administrator

Agenda



(1) Benefits of Assumption



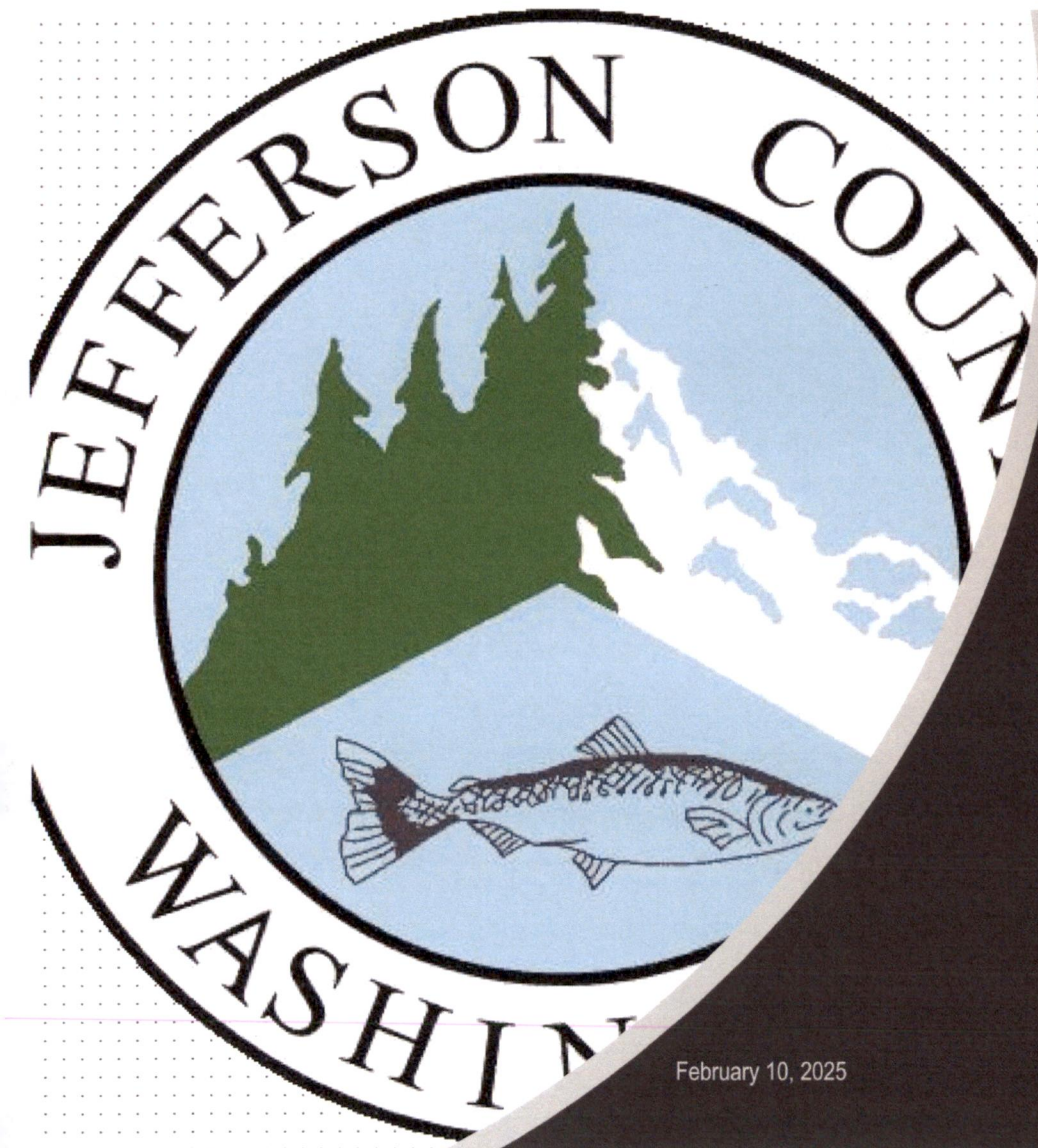
(2) Legal Authority



(3) Process



(4) Questions



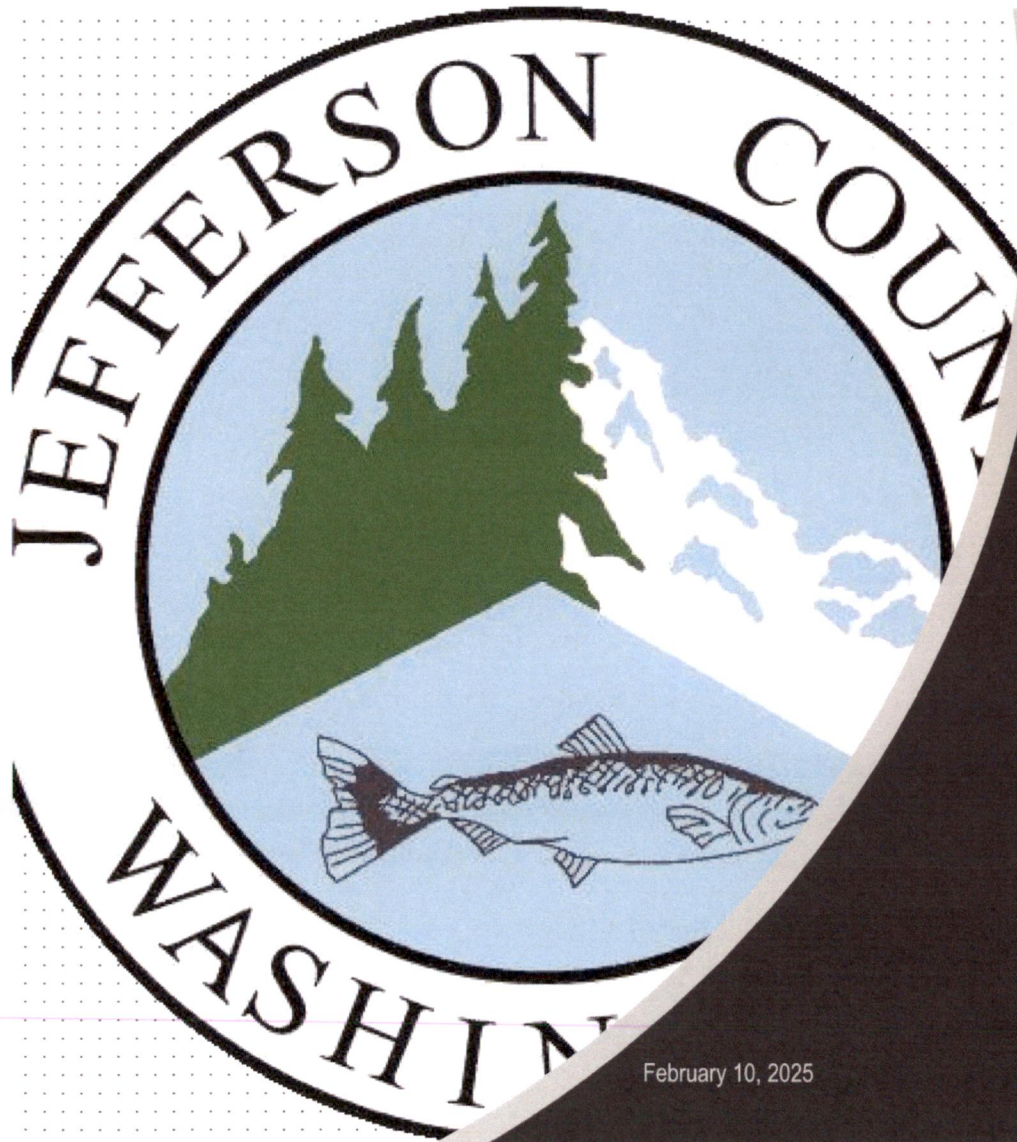
February 10, 2025

Benefits of Assumption



Benefits of Assumption

- BoCC desires to continue the work and functions of the JCTBD without the necessity of maintaining a separate entity;
- Efficient administration of transportation maintenance and improvement funds authorized to be collected by the JCTBD;
- Removes need for interlocal agreement with county for support services;
- Removes needs for separate meetings;
- About 85% of the cities and towns that have established TBDs have also assumed their powers. [MRSC - Transportation Benefit Districts \(TBDs\)](#)



February 10, 2025

Legal Authority

TRANSPORTATION BENEFIT DISTRICTS—ASSUMPTION BY COUNTY



Authorized by Chapter [36.74](#) RCW

Chapter 36.74 RCW

TRANSPORTATION BENEFIT DISTRICTS—ASSUMPTION BY CITIES AND COUNTIES

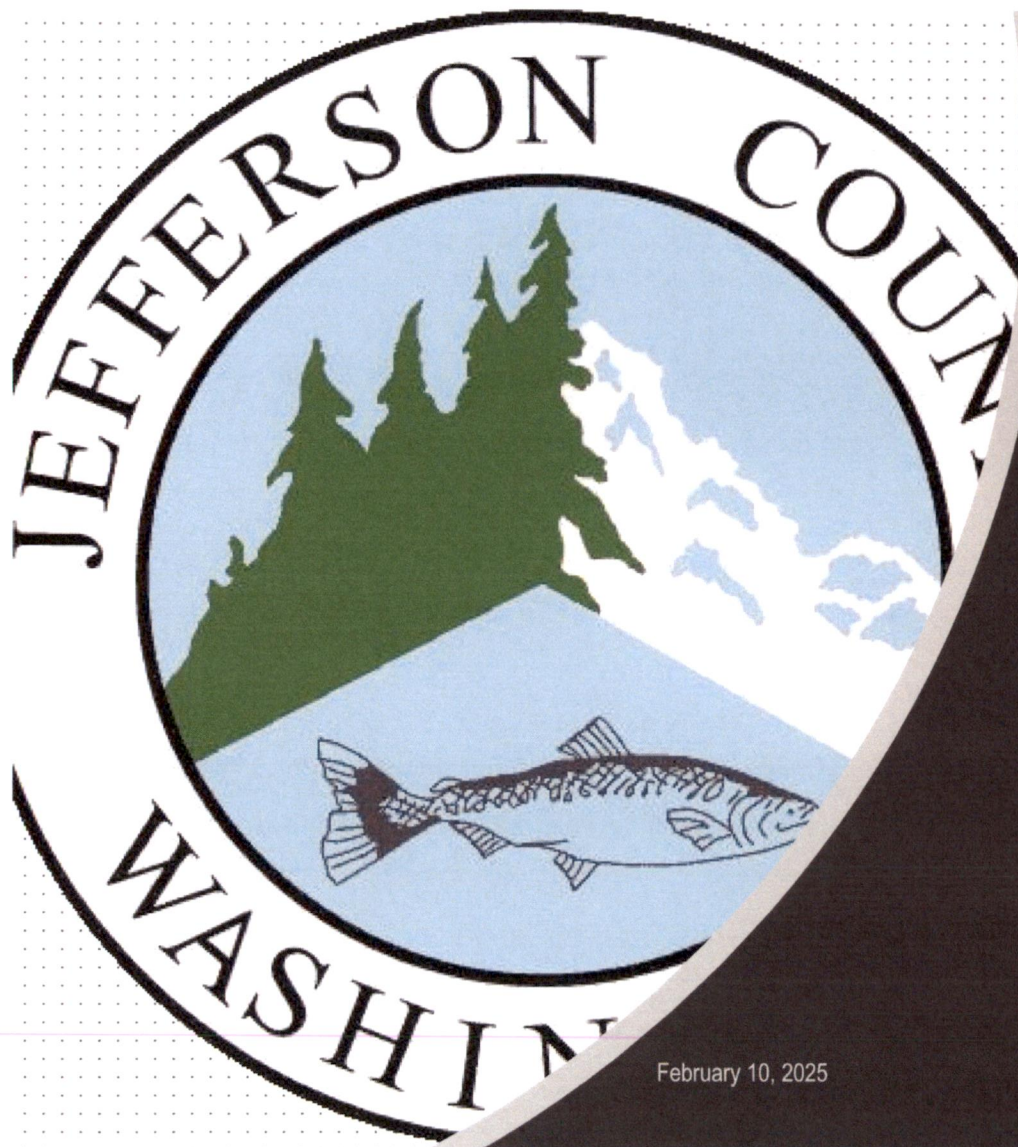
Sections

HTML	PDF	36.74.010	Assumption of rights, powers, functions, and obligations authorized.
HTML	PDF	36.74.020	Ordinance or resolution of intention to assume rights, powers, functions, and obligations—Adoption—Publication—Hearing.
HTML	PDF	36.74.030	Declaration of intention to assume—Abolition of city or county governing body—Transfer of rights, powers, immunities, functions, and obligations to city or county.
HTML	PDF	36.74.040	Existing rights, actions, proceedings, etc., not impaired or altered.
HTML	PDF	36.74.050	Rules and regulations, pending business, contracts, obligations, validity of official acts.
HTML	PDF	36.74.060	Reports, books, records, etc.—Funds, credits, assets—Appropriations or federal grants.
HTML	PDF	36.74.070	Debts and obligations.

TRANSPORTATION BENEFIT DISTRICTS—ASSUMPTION BY COUNTY



- A county in which a transportation benefit district has been established pursuant to chapter [36.73](#) RCW with **boundaries coterminous** with the boundaries of the county may by ordinance or resolution of the county legislative authority assume the rights, powers, functions, and obligations of the transportation benefit district.
- BoCC must follow **procedural steps** in RCW [36.74.020](#) and RCW [36.74.030](#) regarding statement of intent to assume, public hearing, and publication.
- **BoCC must find public interest or welfare would be satisfied** by county assuming the rights, powers, immunities, functions, and obligations of the transportation benefit district
- Upon assumption of the rights, powers, immunities, functions, and obligations of the transportation benefit district by the county, the Jefferson County Transportation Benefit District (JCTBD) Board must be abolished and the **BoCC is vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the transportation benefit district.**



February 10, 2025

Process



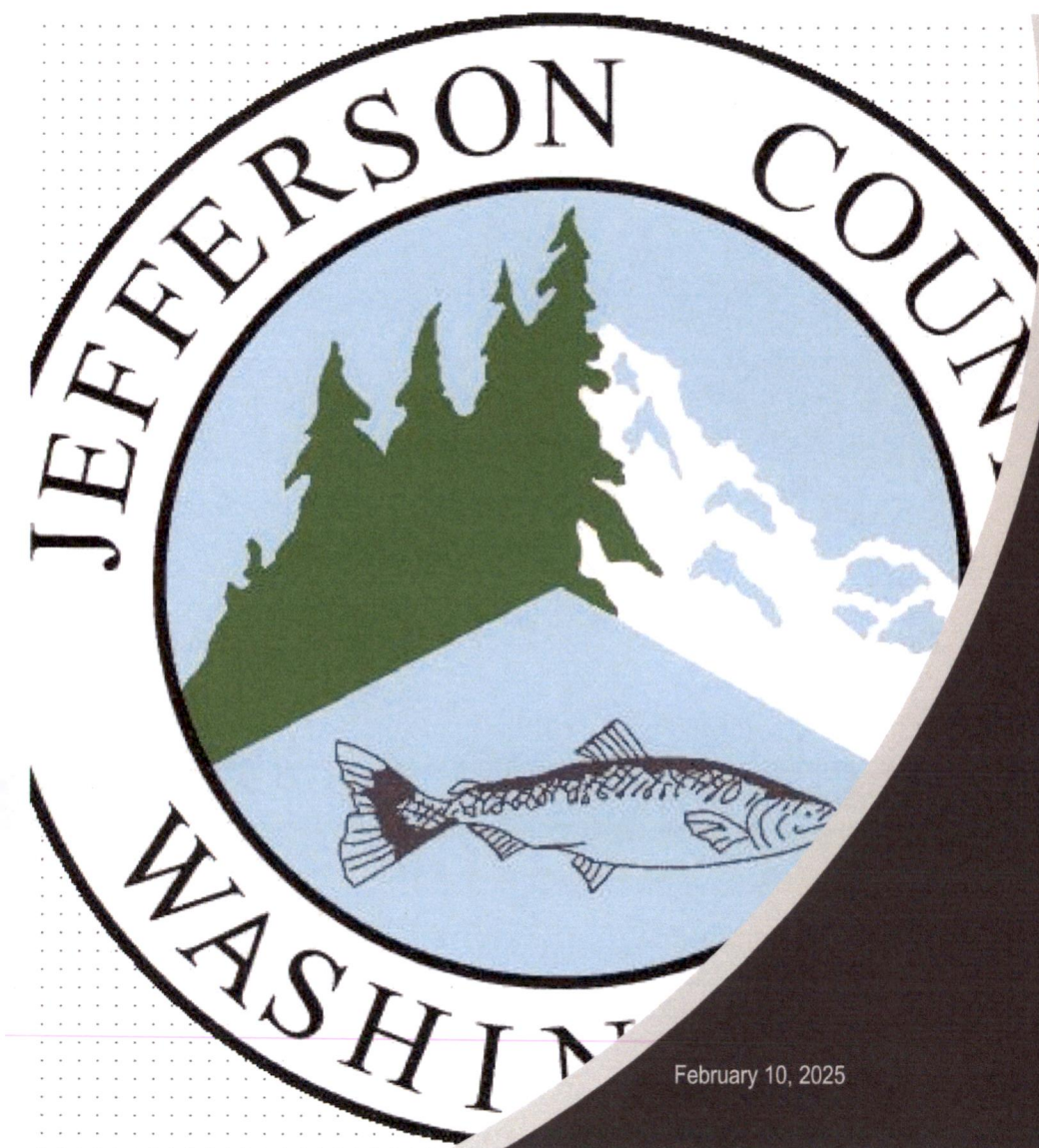
Step 1: Intent, Notice, Hearing (RCW [36.74.020](#))

- BoCC Adopted **Resolution of Intent** to Assume on January 13, 2025
- BoCC Approved **Hearing Notice** on January 27, 2025
 - **Public Hearing** Set for **February 10, 2025 at 11:00 a.m.**
 - Publication occurred **twice** on January 29, 2025, and February 5, 2025
- At the hearing, BoCC must **consider** the assumption of rights, powers, functions, and obligations of the transportation benefit district and **hear** those appearing and all protests and objections to it.



Step 2: Adopt Assumption Ordinance (RCW [36.74.030](#))

- BoCC determines whether the **public interest or welfare would be satisfied by the county assuming** the rights, powers, immunities, functions, and obligations of the transportation benefit district.
- BoCC assumes such rights, powers, immunities, functions, and obligations **by ordinance or resolution**, providing that the county is vested with every right, power, immunity, function, and obligation currently granted to or possessed by the transportation benefit district.
- **JCTBD Board must be abolished** and the BoCC is vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the transportation benefit district.



February 10, 2025

Questions?