

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: January 13, 2025

SUBJECT: In the Matter of a Resolution of the Jefferson County Board of Commissioners Stating its Intent to Assume the Jefferson County Transportation Benefit District's Rights, Powers, Functions, and Obligations, and Setting a Public Hearing.

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](#). The JCTBD held its first, separate meeting on January 6, 2025. At the JCTBD Board meeting, the Jefferson County Board of Commissioners (BoCC) sat as the JCTBD Board, in an independent and ex officio capacity.

ANALYSIS:

Any city or county that forms a TBD with the same boundaries as the city or county may absorb the Transportation Benefit District (TBD) and assume all of its "rights, powers, functions, and obligations," with the result that the TBD ceases to exist as a separate legal entity (RCW [36.74](#)).

The procedural steps for assumption are outlined in chapter [36.74](#) RCW.

Pursuant to RCW [36.74.020](#)(1):

The assumption of the rights, powers, functions, and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or a resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions, and obligations. If the city or county legislative authority adopts such an ordinance or a resolution of intention, the ordinance or resolution must set a time and place at which the city or county legislative authority will consider the proposed assumption of the rights, powers, functions, and obligations of the transportation benefit district, and must state that all persons interested may appear and be heard. The ordinance or resolution of intention must be published at least two times during the two weeks preceding the scheduled hearing in newspapers of daily general circulation printed or published in the city or county in which the transportation benefit district is to be located.

BoCC must initiate the assumption process by stating its intention to assume by adopting a resolution stating as much. Then, BoCC must hold a public hearing according to the requirements of RCW [36.74.020](#) and RCW [36.74.030](#). If, after the hearing, the BoCC determines that “public interest or welfare would be satisfied” by the assumption of the JCTBD, it passes an ordinance or resolution that abolishes the JCTBD governing body and vests the county legislative authority with all the rights, powers, functions, and obligations that the JCTBD governing body possessed.

Per MRSC, about 85% of the cities and towns that have established TBDs have also assumed their powers. <https://mrsc.org/explore-topics/finance/revenues/transportation-benefit-districts#assumption>

Since no revenue has been collected yet, the process of assumption would be simplified by assuming prior to any actual collection of revenue.

FISCAL IMPACT:

If the JCTBD is assumed by Jefferson County an interlocal agreement with Jefferson County would no longer be necessary.

RECOMMENDATION:

Move to Approve the attached Resolution Stating the BoCC’s Intent to Assume the Jefferson County Transportation Benefit District’s Rights, Powers, Functions, and Obligations, and Setting a Public Hearing on January 27, 2025 at 10:00 a.m.

REVIEWED BY:


Mark McCauley, County Administrator


Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

In the Matter of a Resolution of the Jefferson County Board of Commissioners Stating its Intent to Assume the Jefferson County Transportation Benefit District's Rights, Powers, Functions, and Obligations, and Setting a Public Hearing.

RESOLUTION NO.

WHEREAS, Jefferson County Board of Commissioners (BoCC) 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](#); and

WHEREAS, the boundaries of the JCTBD for unincorporated Jefferson County are coterminous and identical to the county's jurisdictional limits; and

WHEREAS, Chapter [36.74](#) RCW allows the BoCC to assume the rights, powers, functions, and obligations of the JCTBD after holding a public hearing; and

WHEREAS, RCW [36.74.020](#) requires that the BoCC adopt a resolution setting forth the date, time and location for the public hearing and publish notice of the public hearing at least two times during the two weeks preceding the public hearing; and

WHEREAS, the BoCC desires to complete 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 BoCC believes the county's assumption of rights, powers, immunities, functions, and obligations of the JCTBD would provide for more effective and efficient administration of any potential transportation maintenance funds collected by the JCTBD; and

WHEREAS, the BoCC hereby sets a public hearing to consider the assumption of the JCTBD;

NOW, THEREFORE, THE JEFFERSON COUNTY BOARD OF COMMISSIONERS, WASHINGTON, HEREBY RESOLVES 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.

Section 2. Notice of Public Hearing. The BoCC will conduct a public hearing concerning the assumption of the JCTBD's rights, powers, immunities, functions, and obligations on January 27, 2025 at or around 10:00 a.m., in the Jefferson County Board of Commissioners Chambers. All interested persons may appear and be heard at that time.

Section 4. Publication. The Clerk of the Board is hereby instructed to send notice of the public hearing to occur by publication in The Jefferson County & Port Townsend Leader, on January 15, 2025, and January 22, 2025.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase 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 6. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800](#)(19).

Section 6. Effective Date. This resolution shall take effect and be in full force immediately upon approval and adoption by the BoCC.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED and APPROVED this _____ day of _____, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
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