

## RESOLUTION NO. 972

### A RESOLUTION OF THE CITY OF LYNDEN CITY COUNCIL ADOPTING A MATERIAL CHANGE POLICY AND ANNUAL REPORTING FOR TRANSPORTATION BENEFIT DISTRICT FUNDED PROJECTS

WHEREAS, the City of Lynden ("City") approved Ordinance No. 1524 on March 21, 2017, assuming the rights, powers, functions, and obligation of the Lynden Transportation Benefit District (TBD) as allowed by Chapter 36.74 Revised Code of Washington and abolished the TBD Governing Board following its assumption; and

WHEREAS, the City has assumed the obligations of the TBD and is required by RCW 36.73.160 to adopt a policy to address major plan changes that affect project delivery or the ability to finance the plan, and address material changes to cost, scope and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes; and

WHEREAS, the City has assumed the obligations of the TBD and is also required by RCW 36.73.160 to 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.

NOW, THEREFORE, THE LYNDEN CITY COUNCIL, LYNDEN, WASHINGTON, HEREBY RESOLVES THAT THE MATERIAL CHANGE POLICY OF THE TRANSPORTATION BENEFIT DISTRICT FUND SHALL BE AS FOLLOWS:

Section 1. Material Change to Cost. In the event an approved transportation improvement project exceeds its original cost by more than twenty percent (20%), as identified in the budget, the City Council shall hold a public hearing to solicit comments from the public regarding how the cost change should be resolved. City staff shall consult the Public Works Committee prior to setting the public hearing.

Section 2. Material Change to Scope. In the event the scope of a transportation improvement project materially changes from that originally anticipated at the project approval, City staff shall consult with and review the changes with the Public Works Committee. Any change in project scope that would change the cost of the project by more than twenty percent (20%) shall be considered material. The Public Works Committee shall determine whether or not to convene a meeting of the full City Council for approval.

Section 3. Material Change to Schedule. In the event that the schedule of a transportation improvement project is extended by more than ninety (90) days or in a way that significantly impacts other TBD projects or funding, City staff shall consult with and review such changes with the Public Works Committee who shall then determine whether or not to convene a meeting of the full City Council for approval.

Section 4. Annual Report. The Public Works Department shall prepare and provide to the City Council an annual report at the end of each fiscal year, indicating the status of transportation district improvement costs, expenditures, revenues, and construction schedules which, upon approval by Council, will be issued to the public and to the newspaper of record.

Section 5. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 7. This Resolution shall be in full force and effect on **November 6**, 2017.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF 5 IN FAVOR,  
AND 0 IN OPPOSITION, AND SIGNED BY THE MAYOR THIS 7 DAY OF  
November, 2017.**

  
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MAYOR SCOTT KORTHUIS

ATTEST:

  
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CITY CLERK PAMELA D BROWN

APPROVED AS TO FORM:

  
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CITY ATTORNEY ROBERT CARMICHAEL