

OCT 20 2016

RESOLUTION NO. 1043

CITY OF LACEY

AT 10:15 AM/PM
BY: email - jw DEPUTY

A RESOLUTION OF THE COUNCIL OF THE CITY OF LACEY, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON FEBRUARY 14, 2017 TO IMPOSE A SALES AND USE TAX IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT (0.2%) WITHIN THE BOUNDARIES OF THE DISTRICT FOR A PERIOD OF TEN (10) YEARS TO FUND OR FINANCE SPECIFIED TRANSPORTATION PROJECTS.

WHEREAS, the Lacey City Council approved Ordinance No. 1485 on January 28, 2016, creating the Lacey Transportation Benefit District ("District") of the City of Lacey, Washington (The "District") pursuant to Chapter 36.73 RCW; and

WHEREAS, The City Council approved Ordinance No. 1486 on February 11, 2016, whereby the Council assumed the rights, powers, functions, and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 302 (July 15, 2015); and

WHEREAS, the City Council has identified the sales and use tax as an authorized source of revenue identified in Chapter 36.73 RCW to finance the transportation capital improvements identified in the "Washington Transportation Plan for 2007 - 2026" and/or the City's Transportation Plan; and

WHEREAS, the District is authorized, pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455 in the amount of two-tenths of one percent (0.2%) for a period of ten (10) years upon a favorable vote of the qualified electors within the District for the purpose of funding or financing certain transportation improvements; and

WHEREAS, with voter approval, the District may impose a sales and use tax upon the occurrence of any taxable event within the boundaries of the District to fund or finance transportation improvements; and

WHEREAS, projects related to public transportation are included in the definition of a transportation improvement project pursuant to RCW 36.73.015(6) and are eligible Transportation Benefit District projects; and

WHEREAS, if approved by the voters, the sales and use tax will apply to persons who shop and thereby use the roads in the City of Lacey and not just to City residents; and

WHEREAS, the sales and use tax is estimated to generate an average of \$1,600,000.00 of revenue per year, which will be used entirely to fund the shortfall in funding for the projects included in the Washington Transportation Plan for 2007-2026 and/or the City's Transportation Plan as adopted or hereafter amended and as allowed by state law and other transportation projects identified in Ordinance No. 1485 creating the Lacey Transportation Benefit District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON as follows:

Section 1. Current Purpose and Need.

The City Council hereby finds that the best interests of the inhabitants of the District require the District to impose a sales and use tax through this Resolution in the amount of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a) and RCW 82.14.0455 for the purpose of providing a portion of the funds necessary to finance transportation improvement projects.

The following items are identified as proposed transportation improvements ("TBD Projects"):

- Pavement Management Program. This project will provide for pavement maintenance and preservation to improve the condition and extend the life cycle of the City street system through the use of structural rehabilitation, pavement repair, patching, asphalt resurfacing, slurry seal, and other restoration and resurfacing methods, and shall include pedestrian improvements to provide for repair of City sidewalks and curb ramp repairs or replacements completed in conjunction with the Pavement Management Program.
- The cost of all necessary design, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses, and other costs incurred in connection with the foregoing TBD Projects shall be deemed a part of the costs of the TBD Projects.

The City Council shall determine the application of moneys available for the TBD Projects so as to accomplish, as nearly as may be practical, all of the TBD Projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the District legally available therefore, are insufficient to accomplish all of the TBD Projects, the City Council shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the City Council most necessary and in the best interests of the District.

The City Council shall determine the exact locations and specifications for the elements of the

TBD Projects as well as the timing, order, and manner of implementing or completing the TBD Projects. The City Council may alter, make substitutions to, and amend the TBD Project descriptions as it determines is in the best interests of the District consistent with the general descriptions provided above and in accordance with the material change policy adopted by the City Council and the notice, hearing, and other procedures described in Chapter 36.73 RCW, in each case as the same may be amended from time to time.

If the Board Shall determine that it has become impractical to acquire, construct, or implement all or any portion of the TBD Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of sales and use tax proceeds estimated to be available, or acquisition by a superior governmental authority, the City Council shall not be required to acquire, construct, or implement such portions. If all of the TBD Projects have been acquired, constructed, implemented or duly provided for, or found to be impractical, the City Council may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements then identified in the City's Transportation Improvement Program in accordance with the material change policy adopted by the City Council and the notice, hearing, and other procedures described in Chapter 36.73 RCW, in each case as the same may be amended from time to time.

Section 2. Findings of Fact.

1. The Lacey Transportation Benefit District is permitted to place a ballot measure before the voters and is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.
2. The provisions of Ordinance No. 1485 adequately state the purpose and need for the Transportation Benefit District.
3. The provisions of Ordinance No. 1486 assign to the City Council of Lacey the rights, powers, functions, and obligations of the TBD.

Section 3. Ballot Measure.

It is hereby found and declared that the best interests of the District require the submission to

the qualified electors of the District a proposition whether the District shall impose a sales and use tax within the limitations established in RCW 82.14.0455 for their ratification or rejection at a special election to be held on February 14, 2017 for the purpose of providing funds necessary to pay or finance a portion of the costs of the TBD Project(s) as identified in Section 1 herein. The Thurston County Auditor, as *ex officio* supervisor of elections in Thurston County, Washington, is hereby requested to call and conduct such special election to be held within the District on such date and to submit to the qualified electors of the District for their approval or rejection, a proposition to impose a sales and use tax in the amount of two-tenths of one percent (0.2%) of the selling price in the case of a sales tax, or value of the article used in the case of the use tax. The sales and use tax authorized by this section is in addition to any other taxes authorized by law, shall be collected from those persons who are taxable by the State of Washington under Chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the District, and shall be imposed for a period of ten years from its first date of collection. Upon approval of the voters of the proposition hereinafter set forth, the District may use proceeds of such sales and use tax for the purpose of paying or financing a portion of the costs of TBD Projects. The City Clerk is hereby authorized and directed to certify said proposition to said official in the following form:

**LACEY TRANSPORTATION BENEFIT
DISTRICT, LACEY, WASHINGTON
SALES AND USE TAX FOR
TRANSPORTATION IMPROVEMENTS**

The City Council of Lacey, Washington adopted Resolution 1038 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 82.14.0455 for a term of ten (10) years. Such revenues would be used for the purpose of funding the following transportation improvement projects:

- 1. Pavement Management Program to provide for pavement maintenance and preservation to improve the condition and extend the life cycle of the City street system through the use of structural rehabilitation, pavement repair, patching, asphalt resurfacing, slurry seal, and other restoration and resurfacing methods and shall include pedestrian improvements to provide for repair of City sidewalks and curb ramp repairs or replacements completed in conjunction with the Pavement Management Program.

Should this proposition be:

Approved

Rejected

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY WASHINGTON,
this 8th day of September, 2016.


CITY COUNCIL:

By: 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

