

MAR 10 2015

RESOLUTION NO. 2015-002

AT 10:57 *email* AM/PM  
BY: VW/Ad DEPUTY

**TUMWATER TRANSPORTATION BENEFIT DISTRICT**

A RESOLUTION of the Governing Board of the Tumwater Transportation Benefit District of the City of Tumwater, Washington, providing for a ballot proposition to be submitted to the qualified electors of the district on April 28, 2015, 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 City of Tumwater (the "City") approved Ordinance No. O2014-019 on September 16, 2014, creating the Tumwater Transportation Benefit District ("TBD") of the City of Tumwater, Washington (the "District") pursuant to Chapter 36.73 RCW; and

WHEREAS, the City 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 Tumwater and not just to City residents; and

WHEREAS, the sales and use tax is estimated to generate an average of \$812,000.00 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 Tumwater Transportation Benefit District

allowed by state law and other transportation projects identified in Ordinance No. O2014-019 creating the Tumwater Transportation Benefit District.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TUMWATER TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF TUMWATER, WASHINGTON AS FOLLOWS:**

**Section 1. Current Purpose and Need.**

The Governing Board of the District (the "Board") 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"):

A. A repair, maintenance and improvement program for existing city streets and roads and associated infrastructure. Repair, maintenance and improvement methods used will include rebuilding, repaving, sealing, patching and other methods to improve and extend the life of the pavement. Street and road repairs and maintenance may include bridge surfaces, drainage structures, and pedestrian improvements to provide for repair and infill of City sidewalks, construction of curb ramps and curb ramp repairs or replacements completed in conjunction with the authorized pavement work. All projects proposed under this program must be approved by the Tumwater Transportation Benefit District Board.

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 Board 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 Board shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the Board most necessary and in the best interests of the District.

The Board 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 Board 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 Board 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 Board 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 Board 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 Board 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 Tumwater 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. O2014-019 adequately state the purpose and need for the Transportation Benefit District Governing Board.

### **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 April 28, 2015, 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 day 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 Clerk of the Board is hereby authorized and directed to certify said proposition to said official in the following form:

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

RCW 36.73 authorizes cities to establish a transportation benefit district for the purposes of funding transportation facilities. The Tumwater City Council established a transportation benefit district on September 16, 2014 and as required by state law, designated the Tumwater City Council as the governing board of the district. On January 20, 2015, the Board of the Tumwater Transportation Benefit District, Tumwater, Washington, adopted Resolution R2015-002 concerning a sales and use tax to fund transportation improvements. This proposition would approve a sales and use tax of two-tenths of one percent (0.2%), equaling 2 cents for every \$10 in taxable sales, to be collected within the District as authorized by RCW 82.14.0455 for a term of ten (10) years. Such revenues would be used for funding the following transportation improvements projects:

1. A repair, maintenance and improvement program for existing city streets and roads and associated infrastructure. Repair, maintenance and improvement methods used will include rebuilding, repaving, sealing, patching and other methods to improve and extend the life of the pavement. Street and road repairs and maintenance may include bridge surfaces, drainage structures, and pedestrian improvements to provide for repair and infill of City sidewalks, construction of curb ramps and curb ramp repairs or replacements completed in conjunction with the authorized pavement work. All projects proposed under this program must be approved by the Tumwater Transportation Benefit District Board.

Should this proposition be:

Approved.....

Rejected.....

**Section 4. Corrections.**

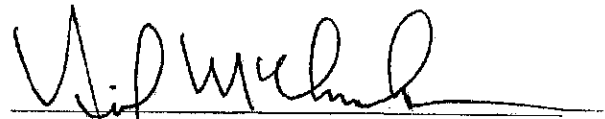
The Clerk of the District and the codifiers of this resolution are authorized by the Tumwater Transportation Benefit District Governing Board to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's/ clerical errors, references, resolution numbering, section/subsection numbers and any references thereto, and to make corrections or revisions consistent with the requirements of the City Attorney or Thurston County Prosecutor's office which do not change the substantive meaning of this resolution.

**Section 5. Severability.**

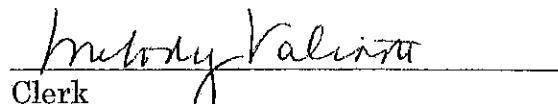
If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

**PASSED** by the Board of the Tumwater Transportation Benefit District, Tumwater, Washington, at a regular open public meeting thereof held on this 20<sup>th</sup> day of January, 2015.

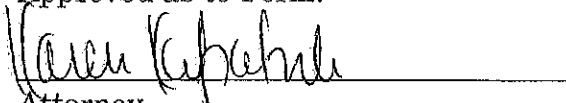
TUMWATER TRANSPORTATION BENEFIT DISTRICT BOARD

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Clerk

Approved as to Form:

  
\_\_\_\_\_  
Attorney

