

STANWOOD TRANSPORTATION BENEFIT DISTRICT
Stanwood, Washington

RESOLUTION 2012-TBD02

A RESOLUTION OF THE GOVERNING BOARD OF THE STANWOOD TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF STANWOOD, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON FEBRUARY 12, 2013, 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 YEARS TO FUND OR FINANCE SPECIFIED TRANSPORTATION PROJECTS.

WHEREAS, the City of Stanwood (the "City") approved Ordinance No. 1328 on November 8, 2012, creating the Stanwood Transportation Benefit District ("TBD") of the City of Stanwood, 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 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 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(3) 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 and not just to City residents; and

WHEREAS, the sales and use tax is estimated to generate an average of \$200,000 of additional 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 the City's Transportation Plan as adopted or hereafter amended and as allowed by state law and other transportation projects identified in Ordinance No. 1328 creating the Stanwood Transportation Benefit District.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE STANWOOD TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF STANWOOD, 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:

1. Street Preservation which extends life cycle of street section (i.e. pavement repair, overlay, chip seal, patching)
2. Other projects as identified in the Washington Transportation Plan 2007 – 2026 and/or the City's Transportation Plan

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, including RCW 36.73.050(2)(b), 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, including RCW 36.73.050(2)(b), in each case as the same may be amended from time to time.

Section 2. Findings of Fact.

1. The Stanwood 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. 1328 still 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 February 12, 2013 for the purpose of providing funds necessary to pay or finance a portion of the costs of the Project, the Snohomish County Auditor, as *ex officio* supervisor of elections in Snohomish 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:

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

The Board of the Stanwood Transportation Benefit District, Stanwood, Washington, adopted Resolution _____ 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 from all taxable retail sales within the District in accordance with RCW 82.14.0455 for a term of ten years. Such revenues would be used for the purpose of paying for the costs of the following transportation improvement projects identified in the City of Stanwood Transportation Plan: resurfacing pavement on arterial, collector and residential streets and bicycle lanes, traffic signal repairs as well as financing other projects as identified in the City's Transportation Plan. Should this proposition be approved?

YES?....._____

NO?....._____

Section 4. Corrections.

The Clerk of the District and the codifiers of this resolution are authorized by the Stanwood 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 Snohomish 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 Stanwood Transportation Benefit District, Stanwood, Washington, at a regular open public meeting thereof held on this 13th day of December, 2012.

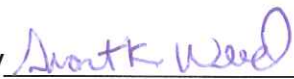
STANWOOD TRANSPORTATION BENEFIT DISTRICT

By 
Chairperson

ATTEST:

By 
Secretary/Treasurer

Approved as to form:

By 
City Attorney