

**RESOLUTION NO. 2012-593**  
**City of Waitsburg Transportation Benefit District**

**A RESOLUTION of the City Council of the City of Waitsburg's Transportation Benefit District calling for a special election and providing for a ballot proposition to be submitted to the qualified electors of the District on April 17, 2012, to authorize a sales and use tax to be imposed within the boundaries of the District upon all taxable retail sales and uses in the amount of one-tenth of one percent (0.1%) for the purpose of financing all or a portion of the costs associated with transportation improvements in the District identified herein.**

**WHEREAS** section 35.21.225 of the Revised Code of Washington (RCW) authorizes cities to establish transportation benefit districts subject to the provisions of RCW 36.73; and

**WHEREAS** the City of Waitsburg duly established the City of Waitsburg Transportation Benefit District by City of Waitsburg Ordinance No. 2012-994, passed on February 15, 2012; and

**WHEREAS** City of Waitsburg Ordinance No. 2012-994 passed on February 15, 2012, establishes boundaries for the City of Waitsburg Transportation Benefit District which are coterminous with the boundaries of the City of Waitsburg City Limits; and

**WHEREAS** the necessary transportation improvement projects are identified in the City of Waitsburg's Comprehensive Transportation Program, also known as the City's Six-Year Transportation Improvement Plan; and

**WHEREAS** additional necessary transportation improvement projects are identified in the Regional Transportation Plan for the Tri-Cities Metropolitan Area and the Benton-Franklin-Walla Walla RTPO; and

**WHEREAS** City of Waitsburg Ordinance No. 2012-994 passed on February 15, 2012, provides that funds generated by the City of Waitsburg Transportation Benefit District shall be used for transportation improvements that preserve, maintain and operate the planned and/or existing transportation infrastructure of the City/District, consistent with the requirements of RCW 36.73; and

**WHEREAS** RCW 36.73.040(3)(a) authorizes transportation benefit districts to impose a sales and use tax in accordance with RCW 82.14.0455 in an amount not exceeding two-tenths of one percent (0.2%) for a period of 10 years upon a favorable vote of the qualified electors within the district for the purpose of financing certain transportation improvements; and

**WHEREAS** the City of Waitsburg identified a sales and use tax imposed in accordance with RCW 82.14.0455, as well as any other lawful funding sources available to the District pursuant to RCW 36.73.040, as funding sources available to the City of Waitsburg Transportation Benefit District; and

**WHEREAS** if approved by the voters, a sales and use tax will be used for the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements within the City of Waitsburg Transportation Benefit

District, a.k.a. the City of Waitsburg City Limits, which are identified in the City of Waitsburg's Comprehensive Transportation Program, the Regional Transportation Plan for the Tri-Cities Metropolitan Area and the Benton-Franklin-Walla Walla RTPO, the Washington Transportation Plan adopted by the Washington Transportation Commission; and

**WHEREAS** if approved by the voters, a sales and use tax will apply to persons who shop and thereby use streets and roadways in the City of Waitsburg and not just to City/District residents; and

**WHEREAS** if approved by the voters, revenues from a sales and use tax will be used entirely for transportation improvements in the City of Waitsburg Transportation Benefit District; and

**WHEREAS** the governing board of the City of Waitsburg Transportation Benefit District has considered this matter during a duly called public meeting of said District board, has given this matter careful review and consideration, and finds that good government and the best interests of the City of Waitsburg Transportation Benefit District will be served by passage of this resolution,

**NOW, THEREFORE**, the governing board of the City of Waitsburg Transportation Benefit District does resolve as follows:

Section 1: Purpose. The governing board of the City of Waitsburg Transportation Benefit District finds that it is in the best interests of the district to submit to the qualified voters of the district, at a special election to be held on April 17, 2012, a proposition authorizing the City of Waitsburg Transportation Benefit District to impose a sales and use tax of one-tenth of one percent (0.001) pursuant to sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 of the Revised Code of Washington for the purpose of raising revenue to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund transportation improvements in the district, and to impose such sales and use tax if approved by an affirmative vote of a majority of the district voters voting at the election.

Section 2: Description of transportation improvements. The revenues from a sales and use tax may be used to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund the following described transportation improvements:

A. Projects in the district identified in the City of Waitsburg's Comprehensive Transportation Program, also known as the City of Waitsburg's Six-Year Transportation Improvement Plan;

B. Projects in the district identified in the Regional Transportation Plan for the Tri-Cities Metropolitan Area and the Benton-Franklin-Walla Walla RTPO;

C. Projects in the district identified in the Washington Transportation Plan adopted by the Washington Transportation Commission;

D. Expanded projects identified in accordance with section 36.73.050(2)(b) of the Revised Code of Washington, as amended; and/or

E. Projects changed in accordance with the material change policy of the City of Waitsburg Transportation Benefit District adopted in accordance with section 36.73.160 of the Revised Code of Washington, as amended.

The cost of all construction, maintenance, preservation, operation, design, engineering, construction management, financial, legal, and other consulting services, inspection and testing,

administrative and relocation expenses, and other costs incurred in connection with the foregoing described transportation benefit district projects shall be deemed to be a part of the transportation improvements.

The governing board of the City of Waitsburg Transportation Benefit District shall determine the application of moneys available for the transportation benefit district projects so as to accomplish, as nearly as may be practical, all of the 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 projects, the governing board of the City of Waitsburg Transportation Benefit District shall use the available funds for paying the cost of those portions of the projects deemed by the board most necessary and in the best interests of the district.

The governing board of the City of Waitsburg Transportation Benefit District shall determine the exact locations and specifications for the elements of the transportation benefit district as well as the timing, order, and manner of implementing or completing the projects. The governing board of the City of Waitsburg Transportation Benefit District may alter, make substitutions to, and amend the 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 of the Revised Code of Washington, including without limitation RCW 36.73.050(2)(b), as amended.

If the governing board of the City of Waitsburg Transportation Benefit District determines that it has become impractical or undesirable to acquire, construct, or implement all or any portion of the transportation benefit district 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 the projects have been acquired, constructed, implemented or duly provided for, or found to be impractical or undesirable, the board may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements in the district identified in the then-current Six-Year Transportation Program of the City of Waitsburg, the then-current Regional Transportation Plan for the Tri-Cities Metropolitan Area and the Benton-Franklin-Walla Walla RTPO, and/or the then-current Washington Transportation Plan adopted by the Washington Transportation Commission in accordance with the material change policy adopted by the Board, and the notice, hearing, and other procedures described in chapter 36.73 of the Revised Code of Washington, including without limitation RCW 36.73.050(2)(b), as amended.

Section 3: Considerations regarding transportation improvements. The governing board of the City of Waitsburg Transportation Benefit District finds that all of the foregoing projects identified in section 2 herein are transportation improvements which will reduce risk of transportation facility failure and improve safety, improve travel time, improve air quality, increase daily and peak-period trip capacity, improve modal connectivity, improve freight mobility, provide cost-effective investment, provide for optimal performance of the transportation system through time, and improve accessibility for, or other benefits to, persons with special transportation needs. The foregoing transportation improvements described in section 2 herein shall be owned by the City of Waitsburg, by the state in cases where the

transportation improvement is or becomes a state highway, or by a participating port or transit district if deemed appropriate by the governing board of the City of Waitsburg Transportation Benefit District, unless otherwise prohibited by law. The foregoing transportation improvements described in section 2 herein shall be administered and maintained as other public streets, roads, highways, and transportation improvements.

Section 4: Sales and use tax. If approved by a majority of voters voting at the election, the governing board of the City of Waitsburg Transportation Benefit District shall fix and impose a sales and use tax as authorized by sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 of the Revised Code of Washington upon taxable events at the rate of one-tenth of one percent (0.001) of the selling price (in the case of sales tax) and the value of the article used (in the case of use tax) for purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding the foregoing transportation improvements described in section 2 herein. The sales and use tax may be used to pay indebtedness incurred by the City of Waitsburg Transportation Benefit District in accordance with the requirements of chapter 36.73 of the Revised Code of Washington to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund the foregoing transportation improvements described in section 2 herein. The sales and use tax shall be imposed for a period not exceeding ten (10) years. The tax shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 of the Revised Code of Washington, as amended, upon the occurrence of any taxable event within the boundaries of the City of Waitsburg Transportation Benefit District. The governing board of the City of Waitsburg Transportation Benefit District may reduce the amount of the sales and use tax in the manner provided by law.

Section 5: Special election. The governing board of the City of Waitsburg Transportation Benefit District hereby calls for a special election to be held on April 17, 2012, for the purpose of submitting a proposition to the qualified voters of the district which would authorize the City of Waitsburg Transportation Benefit District to impose a sales and use tax of one-tenth of one percent (0.001) pursuant to sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 of the Revised Code of Washington for the purpose of raising revenue to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund the foregoing transportation improvements described in section 2 herein.

Section 6: Ballot Measure. The Auditor of Walla Walla County, as ex-officio supervisor of elections, is hereby requested to call and conduct a special election in the City of Waitsburg Transportation Benefit District, in the manner provided by law, to be held on April 17, 2012, for the purpose of submitting to the qualified voters of the Transportation Benefit District, a proposition in accordance with section 29A.36.071 of the Revised Code of Washington and in substantially the following form:

CITY OF WAITSBURG TRANSPORTATION BENEFIT DISTRICT  
WAITSBURG, WASHINGTON  
SALES AND USE TAX FOR  
TRANSPORTATION IMPROVEMENTS

The City of Waitsburg Transportation Benefit District Board adopted Resolution 2012-593 concerning a sales and use tax to fund transportation improvements. This proposition would

authorize a sales and use tax of one-tenth of one percent (0.001) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten (10) years for the purpose of paying the costs of transportation improvements identified in section 2 of the resolution. Should this proposition be approved?

Yes.....□

No.....□

Section 7: Authorizations. The clerk of the City of Waitsburg Transportation Benefit District is authorized and directed to present this resolution to the Auditor of Walla Walla County in accordance with section 29A.04.321 of the Revised Code of Washington and as provided by law.

Section 8: Corrections. The clerk of the City of Waitsburg Transportation Benefit District is authorized to make necessary clerical corrections to this resolution, including, but not limited to, the correction of scrivener’s and clerical errors, references, numbering, section and subsection numbers and any references thereto, and to make corrections and revisions consistent with the requirements of the offices of the Walla Walla County Prosecuting Attorney or County Auditor which do not change the substantive meaning of this resolution.

Section 9: 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 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase.

**PASSED, ADOPTED AND APPROVED** this 15<sup>th</sup> day of February 2012.

APPROVED:

ATTEST:

\_\_\_\_\_  
Walt Gobel, Mayor

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Randy Hinchliffe, City Clerk

APPROVED AS TO FORM:

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Kristian E. Hedine - City Attorney