

47 Resolution in the amount of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a)
48 and RCW 82.14.0455 for the purpose of providing a portion of the funds necessary to finance
49 transportation improvements.

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51 The following items are identified as transportation improvements:

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53 1) Preventative and routine pavement maintenance and reconstruction which extends the life
54 cycle of the street pavement section, including but not limited to pavement repair, sub-
55 base reconstruction, overlay, chip seal, and patching;

56 2) Street and traffic maintenance and operations, including but not limited to signing,
57 striping, sidewalks, and traffic signals; and

58 3) Other projects as identified in the City's Transportation Plan

59

60 The cost of all necessary design, engineering, financial, legal and other consulting services,
61 inspection and testing, administrative and relocation expenses, and other costs incurred in
62 connection with the foregoing TBD improvements shall be deemed a part of the costs of the
63 TBD improvements.

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

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72 The Board shall determine the exact locations and specifications for the elements of the TBD
73 improvements as well as the timing, order, and manner of implementing or completing the TBD
74 improvements. The Board may alter, make substitutions to, and amend the TBD improvement
75 descriptions as it determines is in the best interests of the District consistent with the general
76 descriptions provided above and in accordance with the material change policy adopted by the
77 Board and the notice, hearing, and other procedures described in Chapter 36.73 RCW, including
78 RCW 36.73.050(2)(b), in each case as the same may be amended from time to time.

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80 If the Board shall determine that it has become impractical to acquire, construct, or implement all
81 or any portion of the TBD improvements by reason of changed conditions, incompatible
82 development, costs substantially in excess of the amount of sales and use tax proceeds estimated
83 to be available, or acquisition by a superior governmental authority, the Board shall not be
84 required to acquire, construct, or implement such portions. If all of the TBD improvements have
85 been acquired, constructed, implemented or duly provided for, or found to be impractical, the
86 Board may apply the sales and use tax proceeds (including earnings thereon) or any portion
87 thereof to other transportation improvements then identified in the City's Transportation
88 Improvement Program in accordance with the material change policy adopted by the Board and
89 the notice, hearing, and other procedures described in Chapter 36.73 RCW, including RCW
90 36.73.050(2)(b), in each case as the same may be amended from time to time.

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93 **Section 2. Findings of Fact.**

- 94
- 95 1. The Lynnwood Transportation Benefit District is permitted to place a ballot measure
- 96 before the voters and is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales
- 97 and use tax in accordance with RCW 82.14.0455.
- 98
- 99 2. The provisions of Ordinance No. 2837 still adequately state the purpose and need for the
- 100 Transportation Benefit District Governing Board.
- 101

102 **Section 3. Ballot Measure.**

103

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

105 qualified electors of the District a proposition whether the District shall impose a sales and use

106 tax within the limitations established in RCW 82.14.0455 for their ratification or rejection at a

107 general election to be held on November 4, 2014 for the purpose of providing funds necessary to

108 pay or finance a portion of the costs of the improvements. The Snohomish County Auditor, as *ex*

109 *officio* supervisor of elections in Snohomish County, Washington, is hereby requested to call and

110 conduct such election to be held within the District on such day and to submit to the qualified

111 electors of the District for their approval or rejection, a proposition to impose a sales and use tax

112 in the amount of two-tenths of one percent (0.2%) of the selling price in the case of a sales tax, or

113 value of the article used in the case of the use tax. The sales and use tax authorized by this

114 section is in addition to any other taxes authorized by law, shall be collected from those persons

115 who are taxable by the State of Washington under Chapters 82.08 and 82.12 RCW upon the

116 occurrence of any taxable event within the boundaries of the District, and shall be imposed for a

117 period of ten years from its first date of collection. Upon approval of the voters of the proposition

118 hereinafter set forth, the District may use proceeds of such sales and use tax for the purpose of

119 paying or financing a portion of the costs of TBD improvements. The Treasurer of the Board is

120 hereby authorized and directed to certify said proposition to said official in the following form:

121

122 **LYNNWOOD TRANSPORTATION BENEFIT DISTRICT**

123 **LYNNWOOD, WASHINGTON**

124 **SALES AND USE TAX FOR TRANSPORTATION IMPROVEMENTS**

125

126 The Board of the Lynnwood Transportation Benefit District, Lynnwood,

127 Washington, adopted Resolution 5 concerning a sales and use tax to fund

128 transportation improvements. This proposition would authorize a sales and use tax

129 of two-tenths of one percent (0.2%) to be collected within the District in accordance

130 with RCW 82.14.0455 for a term of ten years. Such revenues would be used for the

131 purpose of funding the following transportation improvements: preventative and

132 routine pavement maintenance and reconstruction, street and traffic maintenance

133 and operations, and other capital projects as identified in the City's Transportation

134 Plan. Should this proposition be:

135

136 Approved.....

137

138 Rejected.....

139 **Section 4.** **Corrections.**

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141 The Treasurer of the District and the codifiers of this resolution are authorized by the Lynnwood
142 Transportation Benefit District Governing Board to make necessary clerical corrections to this
143 resolution including, but not limited to, the correction of scrivener's/ clerical errors, references,
144 resolution numbering, section/subsection numbers and any references thereto, and to make
145 corrections or revisions consistent with the requirements of the Snohomish County Prosecutor's
146 office which do not change the substantive meaning of this resolution.

147
148 **Section 5.** **Severability.**

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

154
155 **Section 6.** **Effective Date.**

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157 This Resolution shall be in full force and effect from and after its adoption and approval.

158
159 PASSED BY THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT
160 BOARD, the 21st day of July, 2014.

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162 APPROVED:

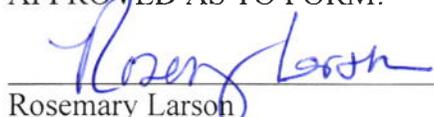
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166 Loren Simmonds, TBD Board President

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168 ATTEST/AUTHENTICATED:

169 
170 _____
171 Lorenzo Hines
172 Finance Director, acting as Board Treasurer

173
174 APPROVED AS TO FORM:

175 
176 _____
177 Rosemary Larson
178 City Attorney, acting as Board Attorney

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180 FILED WITH ADMINISTRATIVE SERVICES: _____
181 PASSED BY THE TRANSPORTATION BENEFIT DISTRICT BOARD: _____
182 EFFECTIVE DATE: _____
183 RESOLUTION NUMBER: _____