

1 **LYNNWOOD TRANSPORTATION BENEFIT DISTRICT**

2
3 **RESOLUTION NO. 8**

4
5 A RESOLUTION OF THE CITY OF LYNNWOOD,
6 WASHINGTON, TRANSPORTATION BENEFIT DISTRICT
7 BOARD, PROVIDING FOR A BALLOT PROPOSITION TO BE
8 SUBMITTED TO THE QUALIFIED ELECTORS OF THE
9 DISTRICT ON NOVEMBER 8, 2016, TO IMPOSE A SALES
10 AND USE TAX IN THE AMOUNT OF ONE-TENTH OF ONE
11 PERCENT (0.1%) WITHIN THE BOUNDARIES OF THE
12 DISTRICT FOR A PERIOD OF TEN YEARS TO FUND OR
13 FINANCE SPECIFIED TRANSPORTATION
14 IMPROVEMENTS.

15
16 WHEREAS, the City of Lynnwood (the "City") approved Ordinance No. 2837 on May
17 24, 2010, creating the Lynnwood Transportation Benefit District ("TBD") of the City of
18 Lynnwood, Washington (the "District") pursuant to Chapter 36.73 RCW; and
19

20 WHEREAS, the City has identified the sales and use tax as an authorized source of
21 revenue identified in Chapter 36.73 RCW to finance various transportation improvements and
22 operation, preservation, and maintenance of transportation facilities within the City; and
23

24 WHEREAS, the District is authorized pursuant to RCW 36.73.040(3)(a) to impose a
25 sales and use tax in accordance with RCW 82.14.0455 in an amount up to two-tenths of one
26 percent (0.2%) for a period of ten years upon a favorable vote of the qualified electors within the
27 District for the purpose of funding or financing certain transportation improvements; and
28

29 WHEREAS, with voter approval, the District may impose a sales and use tax upon the
30 occurrence of any taxable event within the boundaries of the District to fund or finance
31 transportation improvements; and
32

33 WHEREAS, if approved by the voters, the sales and use tax will apply to persons who
34 shop and thereby use the roads in the City and not just to City residents; and
35

36 WHEREAS, a sales and use tax of one-tenth of one percent (0.1%) is estimated to
37 generate an average of \$2,000,000 of additional revenue per year, which would be used entirely
38 to fund the shortfall in funding for the projects included in the City's Transportation Plan, and as
39 allowed by State law; now, therefore
40

41 THE BOARD OF THE CITY OF LYNNWOOD, WASHINGTON,
42 TRANSPORTATION BENEFIT DISTRICT, DO RESOLVE AS FOLLOWS:

43
44 **Section 1. Current Purpose and Need.**

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46 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 one-tenth of one percent (0.1%) 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 improvements.

The following items are identified as transportation improvements:

- 1) Preventative and routine pavement maintenance and reconstruction which extends the life cycle of the street pavement section, including but not limited to pavement repair, sub-base reconstruction, overlay, chip seal, and patching;
- 2) Street and traffic maintenance and operations, including but not limited to signing, striping, sidewalks, and traffic signals; and
- 3) Other projects as identified in 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 improvements shall be deemed a part of the costs of the TBD improvements.

The Board shall determine the application of moneys available for the TBD improvements so as to accomplish, as nearly as may be practical, all of the TBD improvements. 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 improvements, the Board shall use the available funds for paying the cost of those portions of the TBD improvements 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 improvements as well as the timing, order, and manner of implementing or completing the TBD improvements. The Board may alter, make substitutions to, and amend the TBD improvement 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 improvements 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 improvements 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.

94 **Section 2. Findings of Fact.**

- 95
- 96 1. The Lynnwood Transportation Benefit District is permitted to place a ballot measure
- 97 before the voters and is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales
- 98 and use tax in accordance with RCW 82.14.0455.
- 99
- 100 2. The provisions of Ordinance No. 2837 still adequately state the purpose and need for the
- 101 Transportation Benefit District Governing Board.
- 102

103 **Section 3. Ballot Measure.**

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

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

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

108 general election to be held on November 8, 2016 for the purpose of providing funds necessary to

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

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

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

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

113 in the amount of one-tenth of one percent (0.1%) of the selling price in the case of a sales tax, or

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

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

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

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

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

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

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

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

122

123 **LYNNWOOD TRANSPORTATION BENEFIT DISTRICT**

124 **LYNNWOOD, WASHINGTON**

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

126

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

128 Washington, adopted Resolution 8 concerning a sales and use tax to fund

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

130 of one-tenth of one percent (0.1%) to be collected within the District in accordance

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

132 purpose of funding the following transportation improvements: preventative and

133 routine pavement maintenance and reconstruction, street and traffic maintenance

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

135 Plan. Should this proposition be:

136

137 Approved.....☐

138 Rejected.....☐

139

Section 4. Corrections.

The Treasurer of the District and the codifiers of this resolution are authorized by the Lynnwood 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.

Section 6. Effective Date.

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

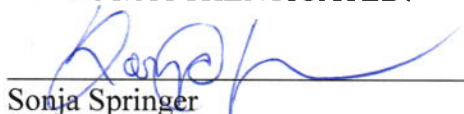
PASSED BY THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT BOARD, the 20th day of April, 2016.

APPROVED:



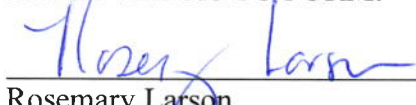
Ian Cotton, TBD Board President

ATTEST/AUTHENTICATED:



Sonja Springer
Finance Director, acting as Board Treasurer

APPROVED AS TO FORM:



Rosemary Larson
City Attorney, acting as Board Attorney

FILED WITH ADMINISTRATIVE SERVICES: 4/20/2016

PASSED BY THE TRANSPORTATION BENEFIT DISTRICT BOARD: 4/20/2016

EFFECTIVE DATE: 4/20/2016

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