

ORDINANCE NO 22-05

AN ORDINANCE OF THE CITY OF BATTLE GROUND, WASHINGTON, IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-TENTH OF ONE PERCENT WITHIN THE BOUNDARIES OF THE BATTLE GROUND TRANSPORTATION BENEFIT DISTRICT FOR THE PURPOSE OF FINANCING THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE DISTRICT IDENTIFIED HEREIN AS AUTHORIZED BY RCW 36.73.040; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Battle Ground Transportation Benefit District (hereinafter "the District") was established pursuant to RCW 35.21.225 and Chapter 36.73 RCW by the City Council of Battle Ground by Ordinance No. 14-15 in October 2014; and

WHEREAS, by Ordinance No. 16-03, the City of Battle Ground assumed the rights, powers, immunities, functions, and obligations of the Battle Ground Transportation Benefit District, pursuant to Second Engrossed Substitute Senate Bill 5987 (2015), which amended Chapter 36.73 RCW to allow for said assumption; and

WHEREAS, the City of Battle Ground enacted Ordinance No. 14-15 in October 2014, establishing boundaries for the City of Battle Ground Transportation Benefits District which are coterminous with the boundaries of the City of Battle Ground City Limits; and

WHEREAS, the City's necessary transportation improvement projects are identified in the City of Battle Ground's Transportation System Plan and the City's Six-Year Transportation Improvement Program; and

WHEREAS, City of Battle Ground Ordinance No. 14-15 provides that funds generated by the City of Battle Ground 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 subject to the provisions of RCW 36.73.065; and

WHEREAS, RCW 36.73.065(4)(a)(v) authorizes transportation benefit districts to impose a sales and use tax in accordance with RCW 82.14.0455 in an amount not exceeding one-tenth of one percent (0.1%) for a period of 10 years upon a majority vote of the governing board of the District for the purpose of financing certain transportation improvements; and

WHEREAS, the City of Battle Ground has identified the sales and use tax authorized by 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 Battle Ground Transportation Benefit District; and

WHEREAS, 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 Battle Ground Transportation Benefit District, which are coterminous with the City of Battle Ground City limits and which are identified in the City of Battle Ground's Transportation System Plan and the City's Six-Year Transportation Improvement Program; and

WHEREAS, a sales and use tax will apply to all persons who shop and thereby use streets and roadways in the City of Battle Ground; and

WHEREAS, it is the intent of the sitting council to put two-tenths of a percent (.2%) on the November 2024 ballot for voter consideration; and

WHEREAS, the City Council as the governing board of the City of Battle Ground Transportation Benefit District has considered this matter during a duly called public meeting of said Council, has given this matter careful review and consideration, and finds that the best interests of the City of Battle Ground and District will be served by passage of this ordinance;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Addition of .1% sales tax. The City Council as the governing board of the City of Battle Ground Transportation Benefit District finds that it is in the best interest of the City and District to impose a sales and use tax of one-tenth of one percent (.001) pursuant to sections 36.73.040(3)(a), 36.73.065(4)(v), 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. 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 Battle Ground Transportation Benefit District which is conterminous with the City of Battle Ground City limits.

Section 3. 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 Battle Ground's Transportation System Plan and the City of Battle Ground's Six-Year Transportation Improvement Program;
- B. Expanded projects identified 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 part of the transportation improvements.

Section 4. Notice to Department of Revenue. The Clerk is instructed to submit this Ordinance to the Washington Department of Revenue (DOR), and to direct DOR to take all steps necessary to immediately implement and collect the tax imposed by this Ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of the Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emptions shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Regulatory Conflicts. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

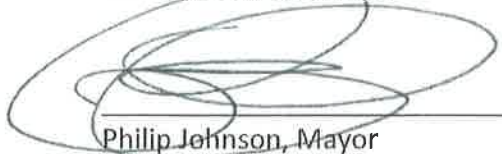
Section 7. Corrections. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbers.

Section 8. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication provided, that the additional sales and use tax imposed by Section 2 shall apply only to taxable events occurring on and after January 1, 2023.

This ordinance and the sales and use tax imposed herein shall automatically expire without further action of the City Council of the City of Battle Ground ten years after the effective date noted above on December 31, 2032.


Adopted at the regular session of the City Council of the City of Battle Ground,
Washington, this 18th day of July, 2022.

CITY OF BATTLE GROUND



Philip Johnson, Mayor

ATTEST:


Kaylee Cody, City Clerk

APPROVED AS TO FORM:


Kirk Ehlis, City Attorney