

CLARKSTON TRANSPORTATION BENEFIT DISTRICT

RESOLUTION NO TBD-2015-01

A RESOLUTION OF THE GOVERNING BOARD OF THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT (TBD), PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON NOVEMBER 3, 2015 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 TWO-TENTHS OF ONE PERCENT (0.2%) 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 Clarkston duly established the Clarkston Transportation Benefit District by City of Clarkston Ordinance No. 1525, passed on May 27, 2014; and

WHEREAS, City of Clarkston Ordinance No. 1525 passed on May 27, 2014, establishes boundaries for the Clarkston Transportation Benefit District (TBD) which are coterminous with the boundaries of the City of Clarkston city limits; and

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

WHEREAS, additional necessary transportation improvement projects are identified in the Regional Transportation Plan for the Lewis-Clark Valley Metropolitan Organization; and

WHEREAS, City of Clarkston Ordinance No. 1525 passed on May 27, 2014, provides that funds generated by the Clarkston TBD 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 ten years upon a favorable vote of the qualified electors within the district for the purpose of financing certain transportation improvements; and

WHEREAS, the Clarkston TBD adopted Ord. No. TBD-002 on September 8, 2014, which imposed a \$20 vehicle license fee and began collecting that fee April 1, 2015, but has identified a sales and use tax imposed in accordance with RCW 82.14.0455 as a more fair funding source; 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 Clarkston Transportation Benefit District, a.k.a. the City of Clarkston City Limits; 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 Clarkston 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 Clarkston Transportation Benefit District; and

WHEREAS, if a sales and use tax is approved by the voters, the \$20 vehicle license tab fee will be rescinded; and

WHEREAS, the governing board of the Clarkston TBD 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 Clarkston TBD will be served by the passage of this resolution,

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

Section 1: Purpose. The governing board of the Clarkston TBD 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 November 3, 2015, a proposition authorizing the Clarkston TBD to impose a sales and use tax of two-tenths of one percent (.002) 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, 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 improvement:

- A. Projects in the district identified in the City of Clarkston Comprehensive Transportation Program, also known as the City of Clarkston's Six-Year Transportation Improvement Plan;
- B. Projects in the district identified in the Regional Transportation Plan for the Lewis-Clark Valley Metropolitan Organization;
- 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 Clarkston TBD 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.

Section 3: Sales and use tax. If approved by a majority of voters voting at the election, the governing board of the Clarkston TBD 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 two-tenths of one percent (.002) 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 Clarkston TBD in accordance with the requirements of chapter 36.73 RCW 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 RCW, as amended, upon the occurrence of any taxable event within the boundaries of the Clarkston TBD. The governing board of the Clarkston TBD may reduce the amount of the sales and use tax in the manner provided by law.

Section 4: Special election. The governing board of the Clarkston TBD hereby calls for a special election to be held on November 3, 2105 in conjunction with the state general election to be held on the same date, for the purpose of submitting a proposition to the qualified voters of the district which would authorize the Clarkston TBD to impose a sales and use tax of two-tenths of one percent (.002) pursuant to sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 RCW 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 5: Ballot Measure. The Auditor of Asotin County, as ex-officio supervisor of elections, is hereby requested to call and conduct a special election in the City of Clarkston Transportation Benefit District, in the manner provided by law, to be held on November 3, 2015, for the purpose of submitting to the qualified voters of the TBD, a proposition in accordance with section 29A.36.071 RCW and in substantially the following form:

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

The City of Clarkston Transportation Benefit District Board adopted Resolution TBD-2015-01 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 (0.002) 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. If approved the \$20 vehicle license tab fee would be rescinded. Should this proposition be approved?

- Yes
- No

Section 6: Authorizations. The clerk of the Clarkston TBD is authorized and directed to present this resolution to the Auditor of Asotin County in accordance with section 29A.04.321 RCW and as provided by law.

Section 7: 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.

APPROVED this 27th day of July, 2015.

APPROVED:



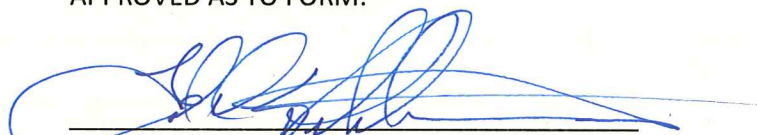
Kelly Blackmon, District Board Chair

ATTEST:



Vickie Storey, District Secretary/Treasurer

APPROVED AS TO FORM:



Todd Richardson, City Attorney