

RESOLUTION 25-1129

A Resolution of the City Council of the City of Lynden, Washington, authorizing the Mayor to take all steps necessary to prepare an ordinance for Council consideration that imposes a sales tax of one-tenth of one percent (0.1%) authorized by Engrossed Substitute House Bill 2015, adopted by the State Legislature on April 22, 2025, and effective July 27, 2025.

RECITALS

A. The City of Lynden has seen significant growth over the last 10+ years and has seen growth in population and subsequently staff and capital projects. With the 1% cap on property tax the city has become dependent on other revenues to offset increasing costs of staff and services provided. Lynden has a diverse inventory of land ranging from single and multi-family housing to a majority of undeveloped industrial land.

B. In 2008, the Washington State Legislature changed the method it used to distribute sales tax revenue to cities to a destination- based model, where taxes are distributed to cities based on the receipt (or purchase). While this model has helped Lynden, it cannot make up the differences between revenue and expenditures.

C. While Lynden has adopted other taxing mechanisms or increased existing tax rates to offset some of the losses from streamlined sales tax, those efforts have not been sufficient on their own to close the gap with ever increasing costs.

D. Despite reduced resources, the City of Lynden has continued to make key investments in public safety that have become models for others around Washington State. Lynden has established a body worn camera program. Lynden continues to provide a high level of service and arrests made for all crimes in Lynden.

E. In November of 2023, Whatcom voters approved an additional 0.2% sales tax for public safety to pay for a new jail and behavioral health center. By law, the revenue is being split between the cities and Whatcom County, with the County retaining 60% of the revenue generated from the new sales tax, and the cities receive 40% of the revenue distributed based on population. Under a separate jail use agreement, 75% of the city's portion is then returned to the county for the jail project for a specified time.

F. While the Legislature declined to give Lynden the tool it requested to address public safety needs in our local community, during the 2025 legislative session it did authorize cities and counties to separately impose up to one-tenth of one percent (0.1%) to fund "criminal justice purposes", which broadly includes activities that substantially assist the criminal justice system. While this funding is not sufficient to meet all the public safety needs in the City of Lynden, it is a start. To be eligible to impose this 0.1% sales

tax, cities and counties must first meet the eligibility criteria to apply for the new grant program also adopted through this same legislation. Documentation evidencing a city's qualifications to impose the 0.1% sales tax must be submitted to the Washington State Criminal Justice and Training Commission. The established eligibility criteria include submitting to required training, adopting model policies established by the state Attorney General's Office, and implementing data collection and reporting requirements.

G. The grant program established in ESHB 2015 prioritizes grant awards in the following order: (1) to those agencies who seek funding to establish co-response teams or community immersion law enforcement programs; (2) to those agencies who currently maintain co-response teams and are seeking grants to hire additional law enforcement officers; and (3) to all other applicants.

H. To position the City of Lynden to establish the 0.1% sales tax authorized through ESHB 2015, this resolution authorizes the Mayor to take all steps necessary and to submit all documentation required to have the Washington State Criminal Justice Training Commission determine the City's eligibility to impose the sales tax authorized by ESHB 2015, to prepare an ordinance for Council's consideration that would impose the 0.1% sales tax, and to apply for and accept grants made available under the legislation for the City's local law enforcement needs. Given notification responsibilities to the state Department of Revenue, the new 0.1% sales tax could not take effect until January 1, 2026, with a first disbursement of revenue on March 31, 2026.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN,
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – *Mayoral Authorization.* The Lynden City Council stands with the Mayor in addressing the City of Lynden's public safety needs. While Lynden has made significant advancements in policing by increasing diversity, revising its use of force and de-escalation training, more public safety monies are needed to address crime in Lynden. Toward that end, the Lynden City Council authorizes the Mayor to take all steps necessary, and to submit all documentation required, to have the Washington State Criminal Justice Training Commission determine the City's eligibility to impose the sales tax authorized by ESHB 2015. The Mayor is further authorized to prepare an ordinance for Council's consideration that would impose the 0.1% sales tax, and to apply for and accept grants made available under ESHB 2015 for the City's local public safety needs.

SECTION 2. – *Severability.* If any one or more section, subsection, or sentence of this resolution is held to be unconstitutional or invalid, such decision shall not affect the

validity of the remaining portion of this resolution and the same shall remain in full force and effect.

SECTION 3. – Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

SECTION 4. – Effective Date. This resolution shall take effect and be in force immediately upon its passage.

Scott Korthuis, Mayor

ATTEST:

Pamela D. Brown, City Clerk

APPROVED AS TO FORM:

Robert Carmichael, City Attorney