

RESOLUTION NO. R2025-001

A RESOLUTION of the City Council of the City of Tumwater, Washington, the governing board of the Tumwater Transportation Benefit District, providing for a ballot proposition to be submitted to the qualified electors of the district on April 22, 2025, to renew a sales and use tax in the amount of two-tenths of one percent (0.2%) within the boundaries of the district for a period of ten (10) years to fund or finance specified transportation projects.

WHEREAS, the City of Tumwater (the “City”) approved Ordinance No. O2014-019 on September 16, 2014, creating the Tumwater Transportation Benefit District (“TBD”) of the City of Tumwater, Washington (the “District”) pursuant to Chapter 36.73 RCW; and

WHEREAS, the District Board of Governors approved Resolution No. 2015-002 on January 20, 2015, providing for a ballot proposition to be submitted to the qualified electors of the district on April 28, 2015 to impose a sales and use tax in the amount of two-tenths of one percent (0.2%) within the boundaries of the district for a period of ten (10) years to fund or finance specified transportation projects; and

WHEREAS, the Thurston County Auditor’s Office submitted the election report to the Thurston County Assessor’s Office on May 13, 2015, indicating the ballot measure, Proposition 1, passed; and

WHEREAS, the City Council assumed the rights, powers, functions and obligations of the Tumwater Transportation Benefit District pursuant to Ordinance No. O2015-013 adopted November 2, 2015; and

WHEREAS, since 2015 the TBD has collected over \$19 million in revenue that has been used to secure over \$6 million dollars in grants that collectively has been used to improve over 100 lane miles of streets and roads in the City; and

WHEREAS, the sales and use tax may not be imposed for a period of greater than 10 years unless renewed with an affirmative vote of the voters voting at an election, and each renewal by the voters may extend the tax for additional periods not to exceed 10 years in accordance with RCW 82.14.0455; and

WHEREAS, the sales and use tax will expire in 2025 unless renewed in accordance with RCW 82.14.0455; and

WHEREAS, the City has identified the sales and use tax as an authorized source of revenue identified in Chapter 36.73 RCW to finance the transportation projects identified in the City’s Transportation Plan; and

WHEREAS, with voter approval, the District may renew and continue imposing a sales and use tax upon the occurrence of any taxable event within the boundaries of the District to fund or finance transportation improvements; and

WHEREAS, projects related to public transportation are included in the definition of a transportation improvement project pursuant to RCW 36.73.015(6) and are eligible Transportation Benefit District projects; and

WHEREAS, it is in the public interest to include sidewalk infill, extension, and repair projects within the eligible transportation improvements to be funded by the District; and

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

WHEREAS, the renewed sales and use tax will be used exclusively to fund the shortfall in funding for the projects included in the City's Transportation Plan as adopted or hereafter amended and as allowed by state law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, THE GOVERNING BOARD OF THE TUMWATER TRANSPORTATION BENEFIT DISTRICT, AS FOLLOWS:

Section 1. Current Purpose and Need.

The City Council hereby finds that the best interests of the inhabitants of the District require the District to renew and continue to impose the sales and use tax through this Resolution in the amount of two-tenths of one percent (0.2%) 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 improvement projects.

The following items are identified as proposed transportation improvements to be funded in part utilizing the sales and use tax ("TBD Projects"):

A. A repair, maintenance and improvement program for existing city streets, roads and associated infrastructure. Repair, maintenance and improvement methods used will include reconstruction, repaving, sealing, patching and other methods to improve and extend the life of pavement. Street and road repairs and maintenance may include bridge surfaces, drainage structures, and pedestrian improvements to provide for repair, replacement, infill, and extension of City sidewalks and curb ramps in conjunction with the authorized pavement work or as standalone projects. All projects proposed under this program must be approved by the City Council.

B. 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 Projects shall be deemed a part of the costs of the TBD Projects.

C: The City Council shall determine the application of moneys available for the TBD Projects. In the event 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 Projects, the City Council shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the City Council most necessary and in the best interests of the District.

The City Council shall determine the exact locations and specifications for the elements of the TBD Projects as well as the timing, order, and manner of implementing or completing the TBD Projects. The City Council may alter, make substitutions to, and amend the TBD Project 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 City Council and the notice, hearing, and other procedures described in Chapter 36.73 RCW, in each case as the same may be amended from time to time.

If the City Council shall determine that it has become impractical to acquire, construct, or implement all or any portion of the TBD Projects 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 City Council shall not be required to acquire, construct, or implement such portions. If all of the TBD Projects have been acquired, constructed, implemented or duly provided for, or found to be impractical, the City Council 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 City Council and the notice, hearing, and other procedures described in Chapter 36.73 RCW, in each case as the same may be amended from time to time.

Section 2. Findings of Fact.

1. The Tumwater Transportation Benefit District is permitted to place a ballot measure before the voters and is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.

2. The provisions of Ordinance No. O2014-019 adequately state the purpose and need for the Transportation Benefit District.

3. It is in the public interest to include sidewalk infill, extension, and repair projects within the eligible transportation improvements to be provided by the Tumwater Transportation Benefit District.

Section 3. Ballot Measure.

It is hereby found and declared that the best interests of the District require the submission to the qualified electors of the District a proposition whether the District shall renew and continue to impose the sales and use tax within the limitations established in RCW 82.14.0455 for their ratification or rejection at a special election to be held on April 22, 2025, for the purpose of providing funds necessary to pay or finance a portion of the costs of the TBD Project(s) as identified in Section 1 herein. The Thurston County Auditor, as *ex officio* supervisor of elections in Thurston County, Washington, is hereby requested to call and conduct such special election to be held within the District on such day and to submit to the qualified electors of the District for their approval or rejection, a proposition to renew and continue to impose a sales and use tax in the amount of two-tenths of one percent (0.2%) of the selling price in the case of a sales tax, or value of the article used in the case of the use tax. The sales and use tax authorized by this section is in addition to any other taxes authorized by law, shall be collected from those persons who are taxable by the State of Washington under Chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the District, and shall be imposed for a period of ten years from its first date of collection. Upon approval of the voters of the proposition hereinafter set forth, the District may use proceeds of such sales and use tax for the purpose of paying or financing a portion of the costs of TBD Projects. The Clerk of the City Council is hereby authorized and directed to certify said proposition to said official in the following form:

**TUMWATER TRANSPORTATION BENEFIT DISTRICT,
TUMWATER, WASHINGTON
RENEWAL OF SALES AND USE TAX FOR
TRANSPORTATION IMPROVEMENTS**

The Tumwater City Council adopted Resolution R2025-001 concerning a sales and use tax to fund transportation improvements. This proposition would authorize renewal and continued imposition of a two-tenths of one percent (0.2%) sales and use tax to be collected for ten years. Revenues would fund a repair, maintenance and improvement program for existing city streets and associated infrastructure, including rebuilding, repaving, sealing, patching and other methods to improve and extend the life of pavement, bridges, drainage facilities, and pedestrian improvements including repair, replacement, infill, or extension of sidewalks and curb ramps.

Should this proposition be:

- Approved.....
- Rejected.....

Section 4. Corrections.

The City Clerk is authorized 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 City Attorney or Thurston County Prosecutor's office which do not change the substantive meaning of this resolution.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 6. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this _____ day of _____, 20____.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney