

**CITY OF WOODLAND, WASHINGTON**

***TBD RESOLUTION NO. 2016-001***

**A RESOLUTION OF THE BOARD OF TRANSPORTATION BENEFIT DISTRICT, WOODLAND, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON NOVEMBER 8, 2016, TO IMPOSE UP TO A TWO-TENTHS OF ONE PERCENT (0.2%) SALES AND USE TAX WITHIN THE DISTRICT FOR A PERIOD OF TEN YEARS TO FUND TRANSPORTATION IMPROVEMENTS SPECIFIED IN THE 2017-2022 TIP**

**WHEREAS**, the City of Woodland (the "City") approved Ordinance No. 1363 on June 20, 2016, establishing a Transportation Benefit District (the "District") pursuant to Chapter 36.73 RCW;

**WHEREAS**, the City's six-year (2017-2022) Transportation Improvement Program ("TIP"), adopted by Resolution No. 670 on June 6, 2016, identifies projects that constitute transportation improvements that may be funded by the District (collectively the "TBD Projects");

**WHEREAS**, on June 6, 2016, the City conducted a public hearing in accordance with RCW 36.73.050, after notice incorporating the 2017 – 2022 proposed TIP and TBD projects (see attached Exhibit "A");

**WHEREAS**, with voter approval, the District may impose a sales and use tax to fund transportation improvements upon any taxable sales or use event within the boundaries of the District;

**WHEREAS**, the governing board of the District (the "Board") desires to fund and implement the TBD Projects, through the imposition by the District of up to a two-tenths of one percent (0.2%) sales and use tax in accordance with RCW 82.14.0455, consistent with Chapter 36.73 RCW, upon voter approval;

**WHEREAS**, it is the intent of the Board to allocate funds from the voter approved sales and use tax in a matter that generally balances the use of the funds equitably among the three project categories identified above during the ten (10) year period of the levy;

**WHEREAS**, resurfacing streets is a transportation improvement project of significance to the City; resurfacing of arterial streets on an ongoing basis will optimize the lifecycle of the City's existing infrastructure. Because current funding is insufficient for street resurfacing projects, there is a need for the additional revenue source provided by this voter approved sales and use tax to maintain the City's infrastructure;

**WHEREAS**, completion of improvements to the I-5/SR-503 interchange is a necessary transportation improvement consistent with the maintenance of an efficient transportation system;

**AND, WHEREAS**, projects related to public transportation are included in the definition of a transportation improvement project pursuant to RCW 36.73.015(3), and are eligible Transportation Benefit District projects.

**NOW, THEREFORE, THE BOARD OF TRANSPORTATION BENEFIT DISTRICT, WOODLAND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

*Section 1. Findings; Description of the TBD Projects.*

The Board hereby finds that the best interests of the inhabitants of the District require the District to impose a sales and use tax up to 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 the TBD Projects.

The TBD Projects consist of improvement projects described in the City's six-year (2017-2022) Transportation Improvement Program; attached hereto as Exhibit "A", which the Board incorporates herein by this reference:

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

The Board shall determine the application of moneys available for the TBD Projects so as to fund and complete, as many of the TBD Projects as possible. 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 Projects, the Board shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the Board most necessary and in the best interest of the District.

The Board 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 Board 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 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 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 Board 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 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 six-year transportation improvement program in accordance with the material change policy adopted by the Board and the notice, hearing and other procedures described in chapter 37.73 RCW, including RCW 36.73.050(2)(b), in each case as the same may be amended from time to time.

Section 2. Proposition.

It is hereby found and declared that the best interests of the District require the submission to the qualified electors of the District of the proposition whether the District shall impose a 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 November 8, 2016. For the purpose of providing funds necessary to pay or finance costs of the TBD Projects, the Cowlitz County Auditor, as ex officio supervisor of elections in Cowlitz County, Washington, and the Clark County Auditor, as ex officio supervisor of elections in Clark County, are hereby requested to call and conduct a 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 impose a sales and use tax up to 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 tax is 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 upon the occurrence of any taxable event within the boundaries of the District, for a period of ten years.

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 costs of the TBD Projects in accordance with the requirements of chapter 36.73 RCW. The Secretary of the Board is hereby authorized and directed to certify said proposition to said official in the following form:

**Transportation Benefit District**

**Woodland, Washington**

**Sales and Use Tax for Transportation Improvements**

The Board of the Transportation Benefit District, Woodland, Washington, adopted Resolution No. 2016-001 to fund transportation improvements through a sales tax. This proposition authorizes a tax no greater than two-tenths of one percent (0.2%) on all taxable retail sales within the District for ten years pursuant to RCW 82.14.0455. Tax proceeds will fund projects identified in the Transportation Improvement Programs adopted by the City of Woodland beginning with the 2017-2022 TIP Plan.

Should this proposition be approved?

Yes..... [ ]

No..... [ ]

Section 3. Corrections.

The Secretary of the District is authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's or clerical errors, references, resolutions numbering, section/subsection numbers and any references thereto.

Section 4. 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 of this resolution.

PASSED by the Board of Transportation Benefit District, Woodland, Washington, at a regular open public meeting thereof held this 5<sup>th</sup> day of July, 2016.

TRANSPORTATION BENEFIT DISTRICT  
WOODLAND, WASHINGTON

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Chair

ATTEST:

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Georgina D. Anderson  
Deputy Clerk-Treasurer

APPROVED AS TO FORM:

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William J. Eling, Attorney  
City of Woodland