

**CITY OF DUVALL  
WASHINGTON**

**RESOLUTION NO. 19-09**

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**A RESOLUTION OF THE CITY OF DUVALL, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED VOTERS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, TO AUTHORIZE A SALES AND USE TAX TO BE IMPOSED WITHIN THE BOUNDARIES OF THE CITY UPON ALL TAXABLE RETAIL SALES AND USES IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT FOR A PERIOD OF NOT MORE THAN TEN YEARS, COMMENCING NOT EARLIER THAN APRIL 1, 2020, FOR THE PURPOSE OF FINANCING THE COSTS OF TRANSPORTATION OPERATIONS AND MAINTENANCE RELATED PROJECTS INCLUDING PEDESTRIAN SAFETY ENHANCEMENTS, CRACK SEALING, PAVEMENT OVERLAYS AND ROADWAY RECONSTRUCTION OF ITS EXISTING ROADWAY INFRASTRUCTURE; AND PLEDGING FUNDS AS NECESSARY TO FURTHER LEVERAGE PUBLIC FUNDS FOR CITY PROJECTS AND PROGRAMS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, chapter 36.73 RCW enables cities and counties to create transportation benefit districts to finance and carry out transportation improvements and to improve the performance of transportation systems; and

WHEREAS, pursuant to chapter 36.73 RCW, on September 15, 2015 the Duvall City Council approved Ordinance No. 1186 creating the Duvall Transportation Benefit District (the "District") with boundaries coterminous with the City of Duvall, Washington (the "City"); and

WHEREAS, the District was originally organized as a legally separate municipal entity and taxing authority from the City; and

WHEREAS, on January 19, 2016, the City Council approved Ordinance No. 1191, whereby the City Council assumed the rights, powers, immunities, functions and obligations of the District, as authorized by RCW 36.74.010—.020, and as a result, the District was absorbed into the City and is no longer considered a legally separate entity; and

WHEREAS, the City Council has identified the sales and use tax as an authorized source of revenue identified in chapter 36.73 RCW to finance the capital improvements identified by the transportation improvement district; and

WHEREAS, RCW 36.73.040(3)(a) gives transportation benefit districts the authority to impose a sales and use tax in accordance with RCW 82.14.0455 in the amount of two-tenths of one percent (0.2%) for a period exceeding ten years if the moneys received under such section are

dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW; and

WHEREAS, with voter approval, the City (acting through its assumed powers of the District) may impose a sales and use tax upon the occurrence of any taxable event within the boundaries of the City/District to finance transportation improvements; and

WHEREAS, projects related to public transportation as described in the City of Duvall Overlay and 6-Year Transportation Improvement Program (TIP) Projects 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, if approved by the voters, the sales and use tax will apply to persons who shop and thereby use the sidewalks and roads in the City and not just to City residents; and

WHEREAS, the sales and use tax is estimated to generate an average of \$240,000.<sup>00</sup> of revenue per year, which will be used entirely to finance the cost of transportation operations and maintenance related projects including pedestrian safety enhancements, crack sealing, pavement overlays and roadway reconstruction of its existing roadway infrastructure and pledging funds as necessary to further leverage public funds for City projects and programs as identified in Section 2 of this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUVAL, WASHINGTON AS FOLLOWS:**

Section 1. Current Purpose and Need. The City Council hereby finds that the best interests of the inhabitants of the City require the City (acting through its assumed powers of the District) to submit to the qualified voters of the City/District, at a general election to be held on November 5, 2019, a proposition authorizing the imposition of a sales and use tax in the amount of two-tenths of one percent (0.2%), pursuant to RCW 36.73.040(3)(a), 36.73.065(1) and 82.14.0455, for the purpose of providing revenue necessary to fund and/or for the repayment of indebtedness issued from time to time in one or more series to finance the transportation improvement projects and activities described in Section 2 of this resolution ("Projects").

Section 2. Description of Transportation Improvement Projects ("Projects"). The revenues from a sales and use tax will be dedicated to the following Projects and activities, as listed in priority order below, which will be annually updated on the City's six year Overlay Projects plan:

1. Transportation operations and maintenance related to existing roadways including pedestrian safety enhancements, crack sealing, pavement overlays and roadway reconstruction of its existing roadway infrastructure and pledging funds as necessary to further leverage public funds for City projects and programs and to complete pavement overlay placement on:

No.	STREET	FROM	TO
1	Roney Road	Big Rock Road	Batten Road
2	NE 145 <sup>th</sup> Street	Main Street	3 <sup>rd</sup> Avenue NE
3	Stephens Street	Main Street	2 <sup>nd</sup> Avenue NE
4	Bruett Road (NE 152 <sup>nd</sup> Street)	3 <sup>rd</sup> Avenue NE	275 <sup>th</sup> Avenue NE
5	NE 150 <sup>th</sup> Street	275 <sup>th</sup> Avenue NE	East City Limits

2. The construction, maintenance, rehabilitation, repair and/or preservation of the transportation network in the City, and support of the annual transportation improvement program (as it may be amended, supplemented, and restated from time to time), and to provide for related improvements as set out in the City's annual budget and relevant City plans, such as the City's American with Disabilities Act Transition Plan.

The cost of all necessary design, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses, and other costs incurred or in connection with the foregoing Projects shall be deemed a part of the costs of the Projects.

The City Council shall determine the application of moneys available for the Projects so as to accomplish, as nearly as may be practical, all of the Projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the City legally available therefore, are insufficient to accomplish all of the Projects, the City Council shall use the available funds for paying the cost of those portions of the Projects deemed by the City Council most necessary and in the best interests of the City.

The City Council shall determine the exact locations and specifications for the elements of the Projects as well as the timing, order, and manner of implementing or completing the Projects. The City Council may alter, make substitutions to, and amend the Projects as it determines is in the best interests of the City consistent with the general descriptions provided above.

If the City Council shall determine that it has become impractical to acquire, construct, or implement all or any portion of the 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 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 identified in the Transportation Improvement Program adopted by the Council, as it may be amended, supplemented, and restated from time to time.

**Section 3. Sales and Use Tax.** If approved by a majority of voters voting at the election, the City Council for the City shall fix and impose a sales and use tax, as authorized by RCW 36.73.040(3)(a) and RCW 82.14.0455, upon taxable events at the rate of two-tenths of one percent (0.2%) of the selling price (in the case of sales tax) and the value of the article used (in the case of the use tax). Revenues of the sales and use tax shall be used to fund transportation operations and maintenance related projects including pedestrian safety enhancements, crack

sealing, pavement overlays and roadway reconstruction of its existing roadway infrastructure and pledging funds as necessary to further leverage public funds for City projects and programs. 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 chapter 82.08 and 82.12 RCW, as amended, upon the occurrence of any taxable event within the boundaries of the City. The City Council may reduce the amount of the sales and use tax in the manner provided by law.

Section 4. Findings of Fact.

1. Pursuant to City of Duvall Ordinance No. 1191, the City assumed the rights, powers, immunities, functions and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 301 (July 15, 2015), and as a result, the District was absorbed into the City and is no longer considered a legally separate entity.
2. The provisions of City of Duvall Ordinance No. 1186 adequately state the purpose and need for the City's transportation benefit district.
3. The City/District is permitted to place a ballot measure before the voters and, upon receipt of voter approval, 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.
4. The City, acting through its assumed powers, shall now place a ballot measure before the voters pursuant to RCW 36.73.040(3)(a) asking to impose a sales and use tax in accordance with RCW 82.14.0455.

Section 5. Ballot Measure. The Director of Elections of King County, Washington (the "Director"), as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct an election in the City to be held on November 5, 2019, for the purpose of submitting to the qualified electors of the City for their approval or rejection, a proposition in accordance with state law and in substantially the following form:

**CITY OF DUVALL, WASHINGTON  
(DUVALL TRANSPORTATION BENEFIT DISTRICT)  
PROPOSITION 1  
SALES AND USE TAX FOR  
ROADWAY MAINTENANCE, PRESERVATION, RESTORATION AND  
IMPROVEMENTS**

The City Council approved Resolution No. 19-09 authorizing a sales and use tax of 0.2% for a ten year term within the City pursuant to RCW 82.14.0455, to fund transportation operations and maintenance related projects including pedestrian safety enhancements, crack sealing, pavement overlays and roadway reconstruction of its existing roadway infrastructure and pledging funds as necessary to further leverage public funds for City projects and programs.

Should this proposition be:

Approved

Rejected

Section 6. Notice of and Changes to Ballot Measure. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

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

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the sales and use tax shall be imposed, as provided in this resolution, to the electors at the November 5, 2019 general election.

Section 7. Voters' Pamphlet. The Council finds and declares it to be in the best interests of the City to have information regarding the aforesaid proposition included in local voters' pamphlets, and authorizes the appropriate costs thereof to be charged to and paid by the City, and further authorizes and directs the City Attorney and City Clerk to provide such information to the Director and to take such other actions as may be necessary or appropriate to that end.

Section 8. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the imposition or collection of the tax authorized herein.

Section 9. Effective Date. This resolution shall be effective upon passage.

2nd PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE  
DAY OF July 2019.

CITY OF DUVALL

Amy Ockerlander  
Mayor Amy Ockerlander

Approved as to form:

Rachel B. Turpin  
Rachel B. Turpin, City Attorney

ATTEST/AUTHENTICATED:

Jodi Wycoff  
Jodi Wycoff, City Clerk