

RESOLUTION NO. 16-577

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TWISP/BOARD OF THE TWISP TRANSPORTATION BENEFIT DISTRICT PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED VOTERS OF THE DISTRICT ON AUGUST 2, 2016 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 PURPOSES OF FINANCING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE DISTRICT IDENTIFIED HEREIN.

WHEREAS, RCW 35.21.225 authorizes cities and towns to establish transportation benefit districts subject to the provisions of RCW 36.73; and,

WHEREAS, the Town of Twisp duly established the Twisp Transportation Benefit District by Town of Twisp Ordinance No. 703, passed on March 22, 2016; and

WHEREAS, Ordinance No. 703 establishes boundaries for the Twisp Transportation Benefit District ("TBD") which are contemporaneous with the boundaries of the Town of Twisp town limits; and,

WHEREAS, the necessary transportation improvement projects of the TBD are identified in the Town of Twisp Transportation Improvement Plan or the streets segment of the Capital Facilities Plan contained in the Comprehensive Plan ("Plans"), as now existing and as they may exist in the future; and

WHEREAS, Ordinance No. 703 provides that funds generated by the TBD shall be used for street and highway improvements, and for its operations, that preserve, maintain, and operate the planned and/or existing transportation infrastructure of the TBD, 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 0.2% for a period of 10 years upon a favorable vote of the qualified voters within the TBD for the purpose of financing certain transportation improvements; and,

WHEREAS, if approved by the voters, a sales and use tax will be used for the purpose of acquiring, investigating, constructing, improving, providing, operating, preserving, maintaining and/or funding street and highway improvements, and for its operations, within the TBD, aka the Town of Twisp town 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 Town of Twisp and not just to TBD residents; and,

WHEREAS, if approved by the voters, revenues from the sales and use tax will be used entirely for street and highway improvements, and for its operations, of the TBD; and,

WHEREAS, the governing board of the TBD has considered this matter during a duly called regular meeting of the Town Council/TBD, has given this matter careful review and consideration, and finds that good government and the best interest of the TBD will be served by the passage of this Resolution.

NOW, THEREFORE, THE GOVERNING BOARD/TOWN COUNCIL OF THE TBD DOES RESOLVE AS FOLLOWS:

1. Purpose. The Governing Board/Town Council ("Board") of the TBD finds that it is in the best interest of the TBD to submit to the qualified voters of the TBD, at a Primary Election to be held on August 2, 2016, the proposition authorizing the TBD to impose a sales and use tax of 0.2% pursuant to RCW 36.73.040(3)(a), RCW 36.73.065(1), and RCW 82.14.0455, for the purpose of raising revenue to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund street and highway improvements, and for its operations, in the TBD, and to impose such sales and use tax if approved by an affirmative vote of a majority of the TBD voters voting at the election.

2. Description of Transportation Improvements. 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 street and highway improvements, and for its operations:

A. Projects in the TBD identified in the Plans, as now existing and as they may exist in the future;

B. Projects in the TBD identified in the Washington Transportation Plan adopted by the Washington Transportation Commission;

C. Expanded projects identified in accordance with RCW 36.73.050(2)(b), as amended; and/or

D. Projects changed in accordance with material change policy of the TBD adopted in accordance with RCW 36.73.160, as amended.

The costs 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 TBD projects shall be deemed to be part of the transportation improvements.

3. Sales and Use Tax. If approved by a majority of voters voting at the election, the governing board of the TBD shall fix and impose a sales and use tax as authorized by RCW 36.73.040(3)(a), RCW 36.73.065(1), and RCW 82.14.0455 upon taxable events at the rate of 0.2% of the selling price (in the case of sales tax) and the value of article used (in case of use tax) for the purposes 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 TBD in accordance with the requirements of RCW 36.73 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 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 RCW 82.08 and RCW 82.12, as amended, upon the occurrence of any taxable event within the boundaries of the TBD. The Board of the TBD may reduce the amount of the sales and use tax in the manner provided by law.

4. Ballot Measure. The Auditor of Okanogan County is hereby instructed to place on the ballot in the Primary Election on August 2, 2016, for the purpose of submitting to the qualified voters of the TBD the following proposition:

**TOWN OF TWISP TRANSPORTATION BENEFIT DISTRICT,
TWISP, WASHINGTON, SALES AND USE TAX
FOR TRANSPORTATION IMPROVEMENTS**

The Town of Twisp Transportation Benefit District Board adopted Resolution No. 16-577 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of 0.2% to be collected from all taxable retail sales and uses within the Twisp Transportation Benefit District (Town limits) in accordance with RCW 82.14.0455 for a term of 10 years for the purpose of paying the costs of transportation and improvements identified in section 2 of the Resolution, to be effective as of January 1, 2017.

Should this proposition be approved?

Yes.....

No.....

5. **Authorizations.** The Clerk of the TBD is authorized and directed to present this Resolution to the Auditor of Okanogan County as provided by law.

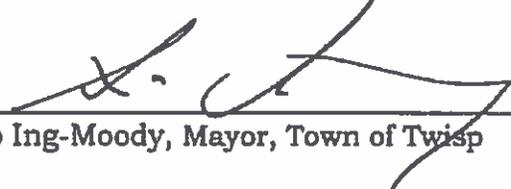
6. **Severability.** If any sentence, section, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase.

7. **Effective Date of Proposition.** If the above proposition passes by the margins and in the manner provided by law, the increase in sales and use tax shall be effective as of January 1, 2017.

8. **Effective Date of Resolution.** This Resolution shall be in effect on the date it is passed by the Town Council, approved by the Mayor, and attested to by the Town Clerk, and authentication of such passage.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF TWISP, WASHINGTON, WHO IS THE GOVERNING BODY FOR THE TBD, APPROVED BY THE MAYOR, AND ATTESTED TO BY THE TOWN CLERK, this 10th day of May, 2016.

APPROVED:

By: 
Soo Ing-Moody, Mayor, Town of Twisp

ATTEST:

By: 
Jackie Moriarty, Town Clerk-Treasurer, Town of Twisp

APPROVED AS TO FORM:

CALLAWAY & DETRO PLLC

By: 
W. Scott DeTro; WSBA #19601
Town Attorney, Town of Twisp