

Chelan County
Elections

AUG 02 2024
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Wenatchee, WA

RESOLUTION NO. 2024T-001

A RESOLUTION OF THE BOARD OF TRANSPORTATION BENEFIT DISTRICT, CHELAN, WASHINGTON, PROVIDING FOR A BALLOT MEASURE TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON NOVEMBER 5, 2024, TO IMPOSE UP TO A THREE-TENTHS OF ONE PERCENT (0.3%) SALES AND USE TAX WITHIN THE DISTRICT FOR A PERIOD OF TEN YEARS TO FUND TRANSPORTATION IMPROVEMENTS SPECIFIED IN THE 2025-2030 STIP.

WHEREAS, the City of Chelan (the "City") approved Ordinance No. 2023-1618 on December 12, 2023, establishing a Transportation Benefit District (the "District") pursuant to Chapter 36.73 RCW;

WHEREAS, the City's Six-year (2025-2030) Transportation Improvement Program ("STIP"), adopted by Resolution No. 2024-1442 on June 25, 2024, identifies projects that constitute transportation improvements that may be funded by the District (collectively the "TBD Projects");

WHEREAS, on June 11, 2024, the City conducted a public hearing in accordance with RCW 36.73.050, after notice incorporating the 2025-2030 proposed STIP 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 three-tenths of one percent (0.3%) 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 project categories identified above during the ten (10) year period of the levy;

WHEREAS, the City recognizes need for the additional revenue source provided by this voter approved sales and use tax to maintain and enhance the City's transportation infrastructure;

WHEREAS, the projects listed within the STIP recognize the diverse needs of the City's transportation infrastructure including but not limited to road maintenance, intersection improvements, pedestrian safety enhancements, multi-use trails, and emergency preparedness, all

crucial for fostering a comprehensive, safe, and efficient transportation network within the community;

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 OF CHELAN, 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 three-tenths of one percent (0.3%) 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 (2025-2030) 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. 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 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 regular election to be held on November 5, 2024. For the purpose of providing funds necessary to pay or finance costs of the TBD Projects, the Chelan County Auditor, as ex officio supervisor of elections in Chelan County, Washington, is hereby requested to call and conduct a regular 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 three-tenths of one percent (0.3%) 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 ballot measure to said official in the following form:

Transportation Benefit District
City of Chelan, Washington
Sales and Use Tax for Transportation Improvements

The Board of the Transportation Benefit District, Chelan, Washington, adopted Resolution No. 2024T-001 to fund transportation improvements through a sales and use tax. This proposition authorizes a tax no greater than three-tenths of one percent (0.3%) 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 informed by the public and adopted by the City of Chelan.

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.

Section 5. Effective Date. This Resolution shall take effect immediately upon passage by the Transportation Benefit District.

RESOLVED by the Board of Transportation Benefit District, Chelan, Washington, at a regular open public meeting thereof held this 23rd day of July, 2024.

APPROVED:

DocuSigned by:
By: Erin McCardle
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Erin McCardle, Chairperson

AUTHENTICATED:

DocuSigned by:
By: Peri Gallucci
B5A4F7898F624F7...
Peri Gallucci, Secretary

APPROVED AS TO FORM:

DocuSigned by:
By: Quentin Batjer
81117458FB30471...
Quentin Batjer, City Attorney