

RESOLUTION NO.

A RESOLUTION OF THE CITY OF KALAMA PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY ON AUGUST 11, 2020 TO AUTHORIZE A SALES AND USE TAX TO BE IMPOSED WITHIN THE BOUNDARIES OF THE CITY'S TRANSPORTATION BENEFIT DISTRICT UPON ALL TAXABLE RETAIL SALES AND USES IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT (0.2%) FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE CITY

Whereas, the City of Kalama established a transportation benefit district as authorized by the Revised Code of Washington (RCW) 35.21.225 and subject to the provisions of RCW 36.73 through the adoption of Ordinance No. 1299 on December 5, 2012 for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district that are consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

Whereas, the City Council of the City of Kalama found it to be in the best interest of the City to establish a citywide transportation benefit district for the preservation and maintenance of the City's transportation infrastructure; and

Whereas, the City Council of the City of Kalama, pursuant to SESSB 5987 Section 301 and Section 303 with the adoption of Ordinance No. 1380 in July of 2016 assumed the rights, powers, functions, immunities, and obligations of the Kalama Transportation Benefit District; and

Whereas, the necessary transportation improvement projects are identified in the City of Kalama's Six-Year Transportation Improvement Program and/or 2020-2025 Capital Facilities Plan; 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(1) in an amount not exceeding two-tenths of one percent (0.2%) for a period of ten (10) years upon a favorable vote of the qualified electors within the district for the purpose of financing certain transportation improvements; and

THE CITY OF KALAMA DOES RESOLVE AS FOLLOWS:

Section 1. Purpose. The City Council of the City of Kalama finds that it is in the best interest of the transportation benefit district to submit to the qualified voters of the city, at an election on August 11, 2020, a proposition authorizing the City of

Kalama to impose a sales and use tax of two-tenths of one percent (0.2%) pursuant to RCW sections 36.73.040(3)(a), 36.73.065(1), and 82.14.0455 for the purpose of raising revenue to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund transportation improvements in the city and to impose such sales and use tax if approved by an affirmative vote of a majority of the city voters voting at the election.

Section 2. Revenues. The revenues received from this portion of the sales and use tax shall only be expended on transportation projects approved by the City Council of the City of Kalama under the local TBD determining the application of moneys available for the TBD projects so as to accomplish projects.

Section 3. Material change policy. The City Council may alter, make substitutions to, and amend the projects as it determines in the best interests of the district and in accordance with the material change policy adopted by the board and the notice, hearing, and other procedures described in RCW Chapter 36.73, including and without limitation RCW 36.73.050(2)(b) as amended.

Section 4. Considerations regarding transportation improvements. The City Council finds that the transportation improvements which will reduce risk of transportation facility failure and improve safety, improve travel time, improve air quality, increase daily and peak-period trip capacity, improve modal connectivity, improve freight mobility, provide cost-effective investment, provide for optimal performance of the transportation system through time, and improve accessibility for, or other benefits to, persons with special transportation needs are in the best interests of the City.

Section 5. Ballot Measure. The Auditor of Cowlitz County, as ex-officio supervisor of elections, is hereby requested to conduct an election in the City of Kalama Transportation Benefit District, in the manner provided by law, to be held on August 11, 2020 for the purpose of submitting to the qualified electors of the City of Kalama in accordance with RCW 29A.36.071 and in substantially the following form:

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

The City of Kalama adopted Resolution **No.** concerning a sales and use tax to fund transportation improvements in the Kalama Transportation Benefit District. This proposition would authorize replacement of the City of Kalama approved \$40.00 vehicle license fee with the establishment of a sales and use tax of two-tenths of one percent (0.2%) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten (10) years for the purpose of paying costs of transportation improvements identified in the City's Transportation programs.

Shall this proposition be approved?

- Yes
- No

Section 6. Upon the voter's approval and effective date of the proposed sales and use tax, Ordinance No. 1396 establishing the \$40.00 vehicle license fee shall automatically be repealed and no longer collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140 and RCW Chapters 36.73 and 46.16.

Section 7. Authorization. The clerk of the City of Kalama is authorized and directed to present this resolution to the Auditor of Cowlitz County, Washington in accordance with RCW 29A.04.321 and as provided by law.

Section 8. Corrections. The clerk of the City of Kalama is authorized to make necessary clerical corrections to this resolution, including but not limited to the corrections of scrivener's and clerical errors, references, numbering, section and subsection number and any references thereto, and to make corrections and revisions consistent with the requirements of the offices of the Cowlitz County Auditor which do not change the substantive meaning of this resolution.

Section 9. 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.

Adopted by the Kalama City Council on _____, 2020

Mayor Mike Reuter

ATTEST:

Clerk/Treasurer, Coni McMaster

Approved as to Form

City Attorney