

RESOLUTION 19-16

A RESOLUTION OF THE CITY OF OAK HARBOR, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY 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 (0.2%) FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE CITY IDENTIFIED HEREIN FOR A PERIOD OF TEN (10) YEARS.

WHEREAS, Chapter 36.73 RCW enables cities and counties to create transportation benefit districts to finance and carry out transportation improvements necessitated by economic development and to improve the performance of transportation systems; and,

WHEREAS, the City of Oak Harbor (the "City") approved Ordinance No. 1835 on May 15, 2018, establishing Oak Harbor Transportation Benefit District No. 1 (the "District") pursuant to Chapter 36.73 RCW; and,

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

WHEREAS, on March 19, 2019, the City Council approved Ordinance No. 1865, whereby the Council assumed the rights, powers, immunities, functions and obligations of the District, as allowed by RCW 36.74.020, and as a result, the District was absorbed into the City and is no longer considered a legally separate entity; and,

WHEREAS, RCW 36.73.040(3) gives transportation benefit districts the authority to impose taxes, fees, charges, and tolls to carry out the purposes of the District; and,

WHEREAS, the City has identified a sales and use tax, in accordance with RCW 82.14.0455, as the authorized source of revenue to finance the transportation capital improvements identified in the City's Six-year Capital Improvements Plan (2019-2024, or as hereafter amended) and the City's Streetsaver Pavement Management System Plan, (2018, or as hereafter updated), (collectively the "TBD Projects"); and,

WHEREAS, the sales and use tax placed on taxable retail sales within the District, in the amount of two-tenths of one percent (0.2%) would be in effect for a period of ten years upon a favorable vote of the qualified electors within the District; and,

WHEREAS, it is the intent of the City to allocate funds from the voter approved sales and use tax in a manner that generally balances the use of the funds equitably among the TBD Projects during the 10-year period of the levy;

NOW, THEREFORE THE CITY OF OAK HARBOR CITY COUNCIL AS THE GOVERNING BOARD OF THE OAK HARBOR TRANSPORTATION BENEFIT DISTRICT NO. 1, HEREBY RESOLVES AS FOLLOWS:

Section One. Findings – Description of the TBD Projects. The City hereby finds that the best interests of the inhabitants of the City require the City to impose a sales and use tax of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a), RCW 36.73.065 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 the transportation improvement projects described in the City's Six-year Capital Improvements Plan (2019-2024, or as hereafter amended) and the City's Streetsaver Pavement Management System Plan (2018, or as hereafter updated).

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

The City shall determine the application of moneys available for the TBD Projects so as to accomplish, as nearly as may be, all of the TBD 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 TBD Projects, the City shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the City most necessary and in the best interest of the City.

The City 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 City may alter, make substitutions to, and amend the TBD Project descriptions as it determines is in the best interests of the City and in accordance with the material change policy adopted by the City 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 City 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 City shall not be required to acquire, construct, or implement such portions.

Section Two. Ballot Measure. The Island County Auditor (the "Director"), as ex officio supervisor of elections in Island County, Washington, is hereby requested to call and conduct an election to be held within the District 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 OAK HARBOR, WASHINGTON
(OAK HARBOR TRANSPORTATION BENEFIT DISTRICT NO. 1)
PROPOSITION 1
SALES AND USE TAX FOR
TRANSPORTATION IMPROVEMENTS**

The Oak Harbor City Council adopted Resolution No. 19-16 concerning a tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected from all taxable retail sales in accordance with RCW 82.14.0455 for 10 years. Funds would be used to pay costs associated with transportation improvement projects identified in the City of Oak Harbor's Six-year Capital Improvements Plan and Streetsaver Pavement Management System.

Should this proposition be approved?

Yes?

No?

Section Three. Notice. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom such notice should be provided. The City Attorney is authorized to approve changes to the ballot title, if any, deemed necessary by the Director.

Section Four. Corrections. 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 references thereto.

Section Five. Authorization. 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 election.

Section Six. Voter's 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 that the City Attorney and City Clerk provide such information to the Director and to take such other actions as may be necessary or appropriate to that end.

Section Seven. 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 City Council of Oak Harbor, Washington, at a regular open public meeting thereof held this 24th day of July, 2019.

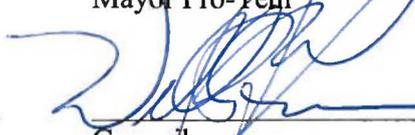
CITY OF OAK HARBOR


Robert Severns, Mayor

Attest:


Mayor Pro-Tem


Carla Brown, City Clerk


Councilor


Councilor

Approved as to form:


Councilor


Councilor


Nikki Esparza, City Attorney


Councilor


Councilor