

RESOLUTION 2020- 07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE CITIZENS OF SUNNYSIDE ON AUGUST 4, 2020, TO IMPOSE UP TO A TWO-TENTHS OF ONE PERCENT (0.002) SALES AND USE TAX WITHIN THE CITY LIMITS OF TEN YEARS TO FUND SPECIFIED TRANSPORTATION IMPROVEMENTS

WHEREAS, the City Council of the City of Sunnyside has the responsibility under the Constitution of the State of Washington for the construction, improvement, maintenance, protection and operation of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the improvement, maintenance, protection and operation of public ways requires maintaining and preserving existing transportation improvements to avoid gradual deterioration or catastrophic failure of the improvements which would require significant additional funds to reconstruct; and

WHEREAS, Chapter RCW 36.73 and RCW 35.21.225 authorize the City Council to establish a transportation benefit district within the City's jurisdiction for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by economic development or to improve the performance of the transportation system; and

WHEREAS, the City of Sunnyside approved Ordinance No. 2019-02 on March 11, 2019, establishing a Transportation Benefit District (TBD) pursuant to chapter RCW 36.73; and

WHEREAS, on June 24, 2019, the City held a public hearing and adopted its six-year (2020-2025) Transportation Improvement Program ("TIP"), which identifies the projects that constitute transportation improvements that will be funded by the TBD; and

WHEREAS, with voter approval, the City may impose a sales and use tax upon the occurrence of any taxable event within the city limits of the City to fund transportation improvements; and

WHEREAS, the Council now desires to fund and implement the TIP Projects, through the imposition by the Council of up to a two-tenths of one percent (0.002) sales and use tax in accordance with RCW 82.14.0455, consistent with Chapter RCW 36.73, upon voter approval thereof; and

WHEREAS, it is the intent of the Council to allocate funds from the voter approved sales and use tax in a manner that accomplishes the projects identified in the adopted 2020-2025 TIP, as it may be amended and/or supplemented from time to time, during the ten (10) year period of the levy; and

WHEREAS, given the limited current funding available for transportation projects, there is a need for the additional revenue source provided by this voter approved sales and use tax to maintain the City's infrastructure; and

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AS FOLLOWS:

SECTION 1. Description of the TBD Projects. The Council hereby finds it is in the best interests of the residents of Sunnyside to impose a sales and use tax up to two-tenths of one percent (0.002) 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 TIP Projects.

The TBD Projects are described in the City's six-year (2020-2025) Transportation Improvement Program (as it may be amended and/or supplemented from time to time):

	Project	Total Cost Estimate	City Match Cost Estimate
1.	N. 6th Street Improvements	\$3,661,980	\$495,000
2.	Yakima Valley Highway Resurfacing	\$559,650	\$56,000
3.	Midvale Road Reconstruction	\$2,464,245	\$246,000
4.	9th St. & Edison Improvements	\$702,975	\$70,000
5.	Grandview Ave. Improvements	\$3,088,995	\$417,000
6.	16th Street Improvements	\$632,520	\$63,000
7.	Scoon Road Improvements	\$996,450	\$135,000
8.	Citywide ADA Upgrades	\$624,330	\$62,000
9.	S. 6th Street Improvements	\$4,322,535	\$584,000

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 Council 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 District legally available therefore, are insufficient to accomplish all of the TBD Projects, the Council shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the Council most necessary and in the best interest of the District.

The Council 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 Council may alter, make substitutions to and amend the TBD Project descriptions as it determines to be in the best interests of the District consistent with the general descriptions provided in the six-year TIP and in accordance with the material change policy adopted by the Council and the notice, hearing and other procedures described in chapter RCW 36.73, including RCW 36.73.050(2)(b), in each case as the same may be amended from time to time.

If the Council 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 Council may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements identified in the City's six-year transportation improvement program in accordance with the material change policy adopted by the Council and the notice, hearing and other procedures described in chapter RCW 36.73, including RCW 36.73.050(2)(b), in each case as the same may be amended from time to time.

SECTION 2. Proposition. 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 special election to be held on August 4, 2020. For the purpose of providing funds necessary to pay or finance costs of the TBD Projects, the Yakima County Auditor, as ex officio supervisor of elections in Yakima County, Washington, is hereby requested to call and conduct such 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 two-tenths of one percent (0.002) 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 RCW 82.08 and RCW 82.12 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 RCW 36.73. The City Clerk is hereby authorized and directed to certify said proposition to said official in the following form:

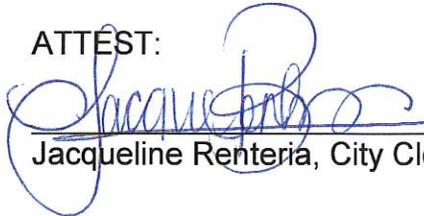
The Council of the Transportation Benefit District, Sunnyside, Washington, adopted Resolution No. 2019-02 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of up to two-tenths of one percent (0.002) to be collected from all taxable retail sales within the District in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying or financing costs of the following transportation improvement projects identified in the City of Sunnyside Transportation Improvement Program (TIP): resurfacing pavement on arterial streets and bicycle lanes, adding non-motorized transportation options and transit service. Should this proposition be approved? Yes? No?

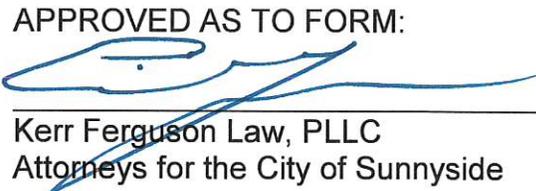
SECTION 3. Corrections. The City Clerk is authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's or clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

SECTION 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.

PASSED by the Council of Transportation Benefit District, Sunnyside, Washington, at a regular open public meeting thereof held this 24 day of February, 2020.


Francisco Guerrero, Mayor

ATTEST:

Jacqueline Renteria, City Clerk

APPROVED AS TO FORM:

Kerr Ferguson Law, PLLC
Attorneys for the City of Sunnyside

Date of Publication: _____