

ORDINANCE 2020 - 09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE,
WASHINGTON, IMPLEMENTING COLLECTION OF THE VOTER AUTHORIZED
0.2% TRANSPORTATION BENEFIT DISTRICT SALES AND USE TAX 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 35.21.255 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, the City of Sunnyside approved Ordinance No. 2019-3 on March 25, 2019 assuming the rights, powers, functions and obligations of the Sunnyside Transportation Benefit District; and

WHEREAS, on July 13, 2020, the City held a public hearing and adopted its six-year (2021-2026) Transportation Improvement Program ("TIP"), which identifies the projects that constitute transportation improvements that will be funded by the TBD; and

WHEREAS, the City Council approved Resolution 2020-07 on February 24, 2020, directing that a Proposition be submitted to the citizens of Sunnyside on August 4, 2020, to authorize the Council to impose up to a two-tenths of one percent (0.2%) sales and use tax within the city limits of ten years to fund specified transportation improvements; and

WHEREAS, on August 4, 2020 the Proposition submitted to the citizens of Sunnyside was passed with voter approval authorizing the TBD to collect two-tenths of one percent (0.2%) sales and use tax within the city limits for ten years to fund specified transportation improvements; 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 2021-2026 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.

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

Section 1. Implementation of Voter Authorized Tax. The TBD, City Council of the City of Sunnyside, Washington, shall implement the voter authorized two-tenths of one percent (0.2%) sales tax in accordance with RCW 82.14.0455 and 36.73.040(3)(a), and the 2021-2026 adopted TIP as is consistent with such law.

PASSED this 14th day of September, 2020.


FRANCISCO GUERRERO, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside