

## RESOLUTION NO. R-2009-10

**A RESOLUTION OF THE GOVERNING BOARD OF THE TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF SEQUIM, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON NOVEMBER 3, 2009 TO IMPOSE A SALES AND USE TAX IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT (0.2%) WITHIN THE BOUNDARIES OF THE DISTRICT FROM ALL TAXABLE RETAIL SALES FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS ASSOCIATED WITH THE PROJECTS IDENTIFIED IN THE CITY'S TRANSPORTATION IMPROVEMENT PLAN.**

WHEREAS, the City of Sequim (the "City") approved Ordinance No. 2008-08 on August 11, 2008, as amended and restated by Ordinance No. 2008-012 approved on August 11, 2008, creating the Transportation Benefit District of the City of Sequim, Washington (the "District") pursuant to chapter 36.73 RCW; and,

WHEREAS, the City does not currently have sufficient funds with which to pay for transportation capital improvements, including but not limited to improvements that are identified as necessary in the City's 2010-2015 Transportation Improvement Plan, and that are necessary to address existing or reasonably foreseeable congestion levels due to anticipated population increases; and,

WHEREAS, the District is authorized pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455 in the amount of two-tenths of one percent (0.2%) for a period of ten years upon a favorable vote of the qualified electors within the District for the purpose of financing certain transportation improvements; and,

WHEREAS, the City has identified the sales and use tax as an allowable and feasible source of revenue identified in chapter 36.73 RCW to finance the transportation capital improvements identified in the 2009-2014 Transportation Improvement Plan; and,

WHEREAS, if approved by the voters, the sales and use tax will apply to persons who shop and thereby use the roads in the City and not just to City residents, and,

WHEREAS, the sales and use tax is estimated to generate, based on the anticipated growth of retail over the next ten years, an average of \$600,000 of additional revenue per year, which will be used entirely to fund the shortfall in funding for the projects included in the 2009-2014 Transportation Improvement Plan as adopted or hereafter amended as allowed by state law and other transportation projects identified in Ordinance No. 2008-012 creating the Transportation Benefit District;

NOW THEREFORE, THE GOVERNING BOARD OF THE TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF SEQUIM, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1.** The Governing Board of the District (the "Board") hereby finds that the best interests of the inhabitants of the District require the District to impose a sales and use tax

in the amount of two-tenths of one percent (0.2%) 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 transportation improvement projects including (together, the "Project"):

(a) Projects identified in the City's 2009-2014 Transportation Improvement Plan as adopted or hereafter amended and transportation projects identified in Ordinance No. 2008-012 creating the Transportation Benefit District ;

(b) Model connectivity projects;

(c) Sidewalk and street repair and maintenance;

(d) The following items are identified as proposed transportation improvements:

(a) Sidewalk/Pedestrian Improvements – Connection of missing links and ADA improvement upgrades; \$200,000 annually

(b) Safety Enhancements (i.e. striping, pavement marker/delineators, traffic control devices, sight improvements, traffic configuration); \$200,000 annually

(c) Street Preservation which extends life cycle of street section (i.e. pavement repair, crack sealing, chip seal, patching); \$200,000 annually

(d) Sequim Avenue Pavement Rehabilitation; \$700,000

(e) Washington St & Sequim Ave Intersection Improvements; \$1,100,000

(f) Washington St & 5th Ave Intersection Improvements; \$750,000

(g) Washington St & 7th Ave Intersection Improvements; \$750,000

(h) Washington St & Priest Rd Intersection Improvements; \$950,000

(i) Sequim Ave & Brownfield Rd Intersection Improvements; \$800,000

(j) Sequim Ave Interchange Signalization, \$1,200,000

(k) Simdars Interchange Signalization; \$1,200,000

(l) 3rd Ave Pedestrian Facilities; \$1,200,000

(m) Citywide Signalization Control-Intelligent Transportation System Upgrade; \$5,000,000

(n) Simdars Interchange West Side Ramps; \$6,000,000

(o) North 7th Avenue Rehabilitation; \$225,000

(p) Washington St & Rhodefer Rd Intersection Improvements; \$660,000

(q) Sequim Ave & Fir St Signalization; \$ 750,000

(r) West Sequim Bay Road Reconstruction; \$2,250,000

(s) West Brownfield Road Realignment; \$735,000

(t) Wash Harbor Rd Extension – New Road; \$1,450,000

(u) West Fir Street (Pave Rehab & Sidewalk Construction); \$950,000

(v) Olympic Discovery Trail Phase 3; \$550,000

(w) North 9th Avenue New Construction; \$1,950,000

(x) South 7th Avenue New Construction; \$1,500,000

(y) Washington St & Brown Rd Intersection Improvement; \$1,250,000

(z) East Hammond Street New Construction; \$2,300,000

(aa) Washington St & Blake Ave Intersection Improvement; \$1,250,000

(ab) North Sequim Ave & Non-Motorized Trail Extension; \$1,100,000

(ac) West Hemlock New Construction; \$1,800,000

(ad) Port Williams Road Widening; \$975,000

(ae) Brown Road Reconstruction; \$650,000

**Section 2.** 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 November 3, 2009. For the purpose of providing funds necessary to pay or finance a portion of the costs of the Project, the Clallam County Auditor, as *ex officio* supervisor of elections in Clallam County, Washington, is hereby requested to call and conduct such special 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 in the amount of two-tenths of one percent (0.2%) 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 sales and use tax authorized by this section is in addition to any other taxes authorized by law, shall be collected from those persons who are taxable by the State of Washington under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the District, and shall be imposed for a period of ten years from its first date of collection.

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 a portion of the costs of the Project. The Secretary of the Board is hereby authorized and directed to certify said proposition to said official in the following form:

TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON

SALES AND USE TAX LEVY FOR  
TRANSPORTATION IMPROVEMENT PLAN

The Governing Board of the Transportation Benefit District of the City of Sequim, Washington, adopted Resolution No. 2009-10 concerning a sales and use tax to finance transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District from all taxable retail sales in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying or financing a portion of the costs of transportation improvement projects identified in the City of Sequim Transportation Improvement Plan (TIP) transportation projects identified in the City of Sequim Transportation Improvement Plan, sidewalk and street repair and improvements, and model connectivity projects. These funds can only be used for those projects included in the TIP. Should this proposition be approved?

YES.....

NO.....

**Section 3. Corrections.** The Secretary of the District and the codifiers of this resolution are authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's/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.

ADOPTED BY THE GOVERNING BOARD OF THE TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF SEQUIM, WASHINGTON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.

TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON

\_\_\_\_\_  
Laura Dubois, Chair

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Karen Kuznek-Reese, Secretary

OFFICIAL BALLOT  
TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON  
November 3, 2009

---

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "APPROVED"; to vote against the following proposition, place a cross (X) in the square opposite the word "REJECTED."

---

PROPOSITION NO. 1

TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON

SALES AND USE TAX LEVY FOR  
TRANSPORTATION IMPROVEMENT PLAN

The Governing Board of the Transportation Benefit District of the City of Sequim, Washington, adopted Resolution No. 2009-10 concerning a sales and use tax to finance transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District from all taxable retail sales in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying or financing a portion of the costs of transportation improvement projects identified in the City of Sequim Transportation Improvement Plan (TIP), sidewalk and street repair and improvements, and model connectivity projects. These funds can only be used for those projects included in the TIP. Should this proposition be approved?

YES.....

NO.....

OFFICE OF THE CLALLAM COUNTY AUDITOR

WHEREAS, the undersigned, as the duly elected, qualified and acting Auditor of Clallam County, Washington, has jurisdiction of and is required by law to conduct all special elections for transportation benefit districts within Clallam County; and

WHEREAS, the Transportation Benefit District of the City of Sequim, Washington, lies entirely within the boundaries of Clallam County; and

WHEREAS, the Governing Board of said District by resolution adopted July 27, 2009, a certified copy of which has been delivered to the undersigned, has determined to hold a special election on November 3, 2009; and

WHEREAS, said District by said resolution has authorized and directed the undersigned to assume jurisdiction of and conduct said special election within Clallam County;

NOW, THEREFORE, it is hereby authorized and ordered as follows:

The undersigned hereby assume jurisdiction within Clallam County of the above-mentioned special election of the Transportation Benefit District of the City of Sequim, Washington, authorized and ordered by resolution of its Governing Board adopted July 27, 2009, and will conduct said special election to be held November 3, 2009.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

---

Clallam County Auditor

NOTICE  
TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON

November 3, 2009

---

---

NOTICE IS HEREBY GIVEN that on November 3, 2009, a special election will be held in the above-named district for the submission to the qualified electors of said district of the following proposition:

PROPOSITION NO. 1

TRANSPORTATION BENEFIT DISTRICT  
OF THE CITY OF SEQUIM, WASHINGTON

SALES AND USE TAX LEVY FOR  
TRANSPORTATION IMPROVEMENT PLAN

The Governing Board of the Transportation Benefit District of the City of Sequim, Washington, adopted Resolution No. 2009-10 concerning a sales and use tax to finance transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District from all taxable retail sales in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying or financing a portion of the costs of transportation improvement projects identified in the City of Sequim Transportation Improvement Plan (TIP), sidewalk and street repair and improvements, and model connectivity projects. These funds can only be used for those projects included in the TIP. Should this proposition be approved?

YES.....

NO.....

---

Clallam County Auditor