

**RESOLUTION NO. 430**

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED VOTERS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, 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 FOR A PERIOD OF NOT MORE THAN TWENTY YEARS, COMMENCING NOT EARLIER THAN APRIL 1, 2019, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, MAINTAINING, REHABILITATING, REPAIRING AND/OR PRESERVING SIDEWALKS IN THE CITY.**

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, pursuant to chapter 36.73 RCW, on June 25, 2009 the Shoreline City Council approved Ordinance No. 550 creating the Shoreline Transportation Benefit District (the “District”) with boundaries coterminous with the City of Shoreline, Washington (the “City”); and

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

WHEREAS, on October 22, 2015, the City Council approved Ordinance No. 726, whereby the Council assumed the rights, powers, immunities, functions and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 302 (July 15, 2015), and as a result, the District was absorbed into the City and is no longer considered a legally separate entity; and

WHEREAS, the City Council has identified the sales and use tax as an authorized source of revenue identified in chapter 36.73 RCW to finance the transportation capital improvements identified in the “Washington Transportation Plan for 2007–2026” and/or the City’s Transportation Plan; and

WHEREAS, RCW 36.73.040(3)(a) gives transportation benefit districts the authority 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 exceeding ten years if the moneys received under such section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW; and

WHEREAS, with voter approval, the City (acting through its assumed powers of the District) may impose a sales and use tax upon the occurrence of any taxable event within the boundaries of the City/District to finance transportation improvements; and

WHEREAS, in June 2017, through an open solicitation for volunteers, the City Manager appointed 15 citizens to serve on the Sidewalk Advisory Committee to help analyze how to prioritize installation of new sidewalks and repairs of existing sidewalks and ramps, alternative pedestrian treatments, and fund repair of existing sidewalks and installation of new sidewalks in the City; and

WHEREAS, the work included holding 12 Sidewalk Advisory Committee meetings, four subcommittees meetings, two open houses, and two Council dinner meetings, preparing a video about Shoreline sidewalks, and developing a Sidewalk Prioritization Plan Frequently Asked Questions that was shared with the public; and

WHEREAS, on May 10, 2018, the Sidewalk Advisory Committee held their last meeting and culminated its year-long efforts into a Final Recommendations Memorandum to the City Manager; and

WHEREAS, on June 4, 2018, based on the work of the Sidewalk Advisory Committee, the Council reviewed and approved the 2018 Sidewalk Prioritization Plan (as it may be amended, supplemented, and restated from time to time as the “Sidewalk Prioritization Plan”) as the basis for developing a list of projects to fund with revenues from a possible transportation benefit district sales and use tax, future grant applications, and uncommitted City funds; and

WHEREAS, projects related to public transportation as described in the Sidewalk Prioritization Plan are included in the definition of a transportation improvement project pursuant to RCW 36.73.015(6) and are eligible transportation benefit district projects; and

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

WHEREAS, the sales and use tax is estimated to generate an average of \$2,000,000.00 of revenue per year, which will be used entirely to finance the cost to construct and maintain sidewalks and related infrastructure identified in Section 2 of this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

**Section 1. Current Purpose and Need.** The City Council hereby finds that the best interests of the inhabitants of the City require the City (acting through its assumed powers of the District) to submit to the qualified voters of the City/District, at a general election to be held on November 6, 2018, a proposition authorizing the imposition of a sales and use tax in the amount of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 for the purpose of providing revenue necessary to finance the transportation improvement projects described in Section 2 of this resolution (“Projects”).

**Section 2. Description of Transportation Improvement Projects.** The revenues from a sales and use tax will be dedicated for the repayment of indebtedness issued from time to time in one or more series to finance the following Projects:

- The construction, maintenance, rehabilitation, repair and/or preservation of sidewalks and pedestrian improvements in the City in order to improve pedestrian access and safety and/or the extension of the condition and life cycle of the City’s sidewalk pedestrian system. The sidewalks to be constructed, maintained, rehabilitated, repaired and/or preserved include, as identified in the City’s Sidewalk Prioritization Plan and related Prioritization Matrix:

No.	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
98	<u>15<sup>th</sup> Ave NE</u>	<u>NE 150<sup>th</sup> St</u>	<u>NE 160<sup>th</sup> St</u>
57	<u>Meridian Ave N</u>	<u>N 194<sup>th</sup> St</u>	<u>N 205<sup>th</sup> St</u>
21	<u>8<sup>th</sup> Ave NW</u>	<u>North side of Sunset Park</u>	<u>Richmond Beach Rd NW</u>
34	<u>Dayton Ave N</u>	<u>N 178<sup>th</sup> St</u>	<u>N Richmond Beach Rd</u>
73	<u>19<sup>th</sup> Ave NE</u>	<u>NE 196<sup>th</sup> St</u>	<u>NE 205<sup>th</sup> St</u>
58	<u>1<sup>st</sup> Ave NE</u>	<u>NE 192<sup>nd</sup> St</u>	<u>NE 195<sup>th</sup> St</u>
40	<u>Westminster Way N</u>	<u>N 145<sup>th</sup> St</u>	<u>N 153<sup>rd</sup> St</u>
74	<u>Ballinger Way NE</u>	<u>19<sup>th</sup> Ave NE</u>	<u>25<sup>th</sup> Ave NE</u>
35b	<u>Dayton Ave N</u>	<u>N 155<sup>th</sup> St</u>	<u>N 160<sup>th</sup> St</u>
85	<u>5<sup>th</sup> Ave NE</u>	<u>NE 175<sup>th</sup> St</u>	<u>NE 185<sup>th</sup> St</u>
48	<u>Linden Ave N</u>	<u>N 175<sup>th</sup> St</u>	<u>N 185<sup>th</sup> St</u>
4	<u>20<sup>th</sup> Ave NW</u>	<u>Saltwater Park entrance</u>	<u>NW 195<sup>th</sup> St</u>

- The construction, maintenance, rehabilitation, repair and/or preservation of other sidewalks in the City, including those identified in the Sidewalk Prioritization Plan and related Prioritization Matrix (as it may be amended, supplemented, and restated from time to time), and to provide for related pedestrian improvements as set out in the City’s American with Disabilities Act Transition Plan through the City’s annual budget.

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

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

The City Council shall determine the exact locations and specifications for the elements of the Projects as well as the timing, order, and manner of implementing or completing the Projects. The City Council may alter, make substitutions to, and amend the Projects as it determines is in the best interests of the City consistent with the general descriptions provided above.

If the City Council shall determine that it has become impractical to acquire, construct, or implement all or any portion of the 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 Council shall not be required to acquire, construct, or implement such portions. If all of the Projects have been acquired, constructed, implemented or duly provided for, or found to be impractical, the City Council may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other pedestrian improvements then identified in the Transportation Improvement Plan adopted by the Council, as it may be amended, supplemented, and restated from time to time.

**Section 3. Sales and Use Tax.** If approved by a majority of voters voting at the election, the City Council for the City shall fix and impose a sales and use tax as authorized by RCW 36.73.040(3)(a) and RCW 82.14.0455 upon taxable events at the rate of two-tenths of one percent (0.2%) of the selling price (in the case of sales tax) and the value of the article used (in the case of the use tax). Revenues of the sales and use tax shall be dedicated for the repayment of indebtedness issued from time to time in one or more series to pay for costs of the Projects described in Section 2 of this resolution. The sales and use tax shall be imposed for a period not exceeding twenty (20) years. The tax shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapter 82.08 and 82.12 RCW, as amended, upon the occurrence of any taxable event within the boundaries of the City. The City Council may reduce the amount of the sales and use tax in the manner provided by law.

**Section 4. Findings of Fact.**

1. The District was permitted to place a ballot measure before the voters and, upon receipt of voter approval, is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.
2. The provisions of Ordinance No. 550 adequately state the purpose and need for the District in the City.
3. Pursuant to Ordinance No. 726, the City assumed the rights, powers, immunities, functions and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 302 (July 15, 2015), and as a result, the District was absorbed into the City and is no longer considered a legally separate entity.
4. The City, acting through its assumed powers, will now place a ballot measure before the voters pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.

**Section 5. Ballot Measure.** The Director of Elections of King County, Washington (the "Director"), as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct an election in the City to be held on November 6, 2018, 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 SHORELINE, WASHINGTON  
(SHORELINE TRANSPORTATION BENEFIT DISTRICT)  
PROPOSITION 1  
SALES AND USE TAX FOR  
SIDEWALK AND PEDESTRIAN IMPROVEMENTS**

The City Council of the City of Shoreline, Washington adopted Resolution 430 concerning a sales and use tax to fund sidewalk transportation improvements. If approved, this proposition would authorize a sales and use tax of 0.2% within the City pursuant to RCW 82.14.0455, for a term of 20 years, to repay indebtedness issued from time to time to construct, maintain, rehabilitate, repair and/or preserve sidewalks and pedestrian improvements in the City in order to improve pedestrian access and safety and/or the condition and life cycle of the City's sidewalk pedestrian system.

Should this proposition be:

Approved

Rejected

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

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 reference thereto.

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 6, 2018 general election.


**Section 6. Voters' 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 the City Attorney and City Clerk to provide such information to the Director and to take such other actions as may be necessary or appropriate to that end.

**Section 7. Severability.** If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the imposition or collection of the tax authorized herein.

**ADOPTED BY THE CITY COUNCIL ON JULY 30, 2018.**

  
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Mayor Will Hall

**ATTEST:**

  
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Jessica Simulcik Smith  
City Clerk