

**MONROE TRANSPORTATION BENEFIT DISTRICT  
RESOLUTION NO. 002/2014**

A RESOLUTION OF THE GOVERNING BOARD OF THE  
MONROE TRANSPORTATION BENEFIT DISTRICT,  
PROVIDING FOR SUBMISSION OF A BALLOT  
PROPOSITION TO THE QUALIFIED ELECTORS OF THE  
DISTRICT ON AUGUST 5, 2014, AUTHORIZING THE  
IMPOSITION OF A SALES AND USE TAX IN THE  
AMOUNT OF TWO-TENTHS OF ONE PERCENT (0.2  
PERCENT) WITHIN THE BOUNDARIES OF THE DISTRICT  
FOR A PERIOD OF TEN YEARS IN ORDER TO FUND OR  
FINANCE SPECIFIED TRANSPORTATION PROJECTS

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WHEREAS, in accordance with RCW 35.21.225 and Chapter 36.73 RCW, the Monroe City Council established the Monroe Transportation District ("TBD" or "the District") through the adoption of Ordinance No. 009/2012 on April 24, 2012; and

WHEREAS, the City has identified the sales and use tax as a source of revenue authorized by Chapter 36.73 RCW to finance the transportation improvements identified in the "Washington Transportation Plan for 2007-2026"; and

WHEREAS, the TBD 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 the approval of a majority vote of the qualified electors within the District for the purpose of funding or financing certain transportation improvements; and

WHEREAS, with voter approval, the TBD may impose a sales and use tax upon the occurrence of any taxable event within the boundaries of the District to fund or finance authorized transportation improvements; and

WHEREAS, if approved by the voters, the sales and use tax will apply not only to City of Monroe residents, but also to persons who shop and work within the City and who thereby use the City's transportation facilities; and

WHEREAS, the proposed sales and use tax is estimated to generate an average of \$826,000 of additional revenue per year, which will be used entirely to fund a shortfall in funding for the projects included in the Washington Transportation Plan for 2007-2026 as adopted or hereafter amended and as allowed by state law.

NOW, THEREFORE, THE GOVERNING BOARD OF THE MONROE TRANSPORTATION BENEFIT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Current Purpose and Need. The Governing Board of the Monroe Transportation Benefit District (the "Board") hereby finds that the best interests of the inhabitants of the District require the TBD to impose a sales and use tax through this Resolution 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 certain transportation improvement projects.

The following items ("the TBD Projects") are identified as the transportation improvements to be funded by the proposed sales and use tax:

Street Preservation which extends life cycle of street section (i.e., pavement repair, overlay, chip seal, patching) of City of Monroe streets as identified by the Washington Transportation Plan 2007-2026 and Ordinance No. 009/2012.

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 TBD Projects.

The Board shall determine the application of moneys available for the TBD Projects so as to accomplish, as nearly as may be practical, all of the TBD Projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the TBD legally available therefore, are insufficient to accomplish all of the TBD Projects, the Board shall use the available funds for paying the cost of those portions of the TBD Projects deemed by the Board most necessary and in the best interests of the TBD.

The Board 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 Board may alter, make substitutions to, and amend the TBD Project descriptions as it determines is in the best interests of the District consistent with the general descriptions provided above and in accordance with the material change policy adopted by the Board 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 Board 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 duty provided for, or found to be impractical, the Board may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements then identified in the City's Transportation Improvement Program in accordance with the material change policy adopted by the Board 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.

Section 2. Legislative Findings. The above recitals, together with the content of Agenda Bill No. 14-003 and the recitals set forth in Ordinance No. 009/2012, are hereby adopted as findings in support of this Resolution. The Board further enters the following additional findings:

A. The Monroe Transportation Benefit District is permitted to place a ballot measure before the voters and 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.

B. This Resolution was adopted at a duly-noticed open public meeting of the Monroe Transportation Benefit District Board on May 6, 2014.

C. The best interests of the District and its inhabitants require the submission to the qualified electors of the District a proposition of whether the TBD shall impose 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 5, 2014, for the purpose of providing funds necessary to pay or finance a portion of the costs of the TBD Projects identified herein.

D. It is in the public interest that funds generated by the TBD be used for transportation improvements that preserve, maintain and operate the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW; specifically, the preservation of City of Monroe streets, including pavement repair, overlay, chip seal and patching, as identified in the Washington Transportation Plan for 2007-2026 and Ordinance No. 009/2012.

Section 3. Election. The Snohomish County Auditor, as *ex officio* supervisor of elections in Snohomish County, Washington is hereby requested to call and conduct a special election to be held within the District on August 5, 2014, 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, in substantially the form set forth in Section 4 of this Resolution. The sales and use tax so authorized 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 TBD may use proceeds of such sales and use tax for the purpose of paying or financing a portion of the costs of TBD Projects identified herein.

Section 4. Ballot Proposition. The Clerk of the Board is hereby authorized and directed, no later than May 9, 2014, to certify the following proposition to the Snohomish County Auditor in substantially the following form:

MONROE TRANSPORTATION BENEFIT DISTRICT  
SALES AND USE TAX FOR  
TRANSPORTATION IMPROVEMENTS

The Board of the Monroe Transportation Benefit District adopted Resolution No. 002/2014 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sale and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 36.73.040(3)(a) and RCW 82.14.0455 for a term of ten years. Such revenues would be used for the purpose of funding preservation of City of Monroe streets, including pavement repair, overlay, chip seal and patching, as identified in the Washington Transportation Plan for 2007-2026 and Ordinance No. 009/2012. Should this be proposal be:

Approved?

Rejected?

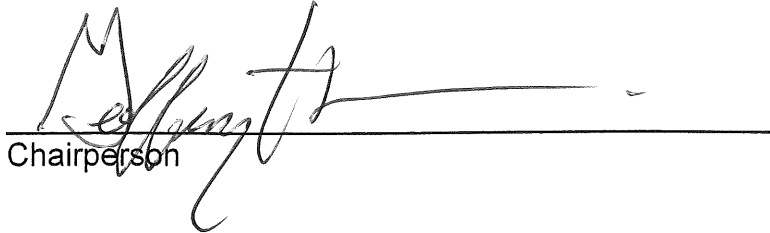
Section 5. Changes. The Board Chairperson and Board Attorney are authorized to make such minor adjustments to the wording of the above proposition as may be recommended by the Snohomish County Auditor, provided that the intent of the proposition remains clear and consistent with the intent of this resolution as approved by the Board.

Section 6. 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.


Section 7. Effective Date. This resolution shall take effect and be in full force immediately upon passage by the Board.

PASSED by the Board of the Monroe Transportation Benefit District, Monroe, Washington, at a regular open public meeting thereof held on the 6<sup>th</sup> day of May, 2014.

MONROE TRANSPORTATION BENEFIT DISTRICT

By:   
Chairperson

ATTEST:

By: 

APPROVED AS TO FORM:

By: 