



Ballot Measure Cover Sheet



Snohomish County Elections
A Division of the Auditor's Office

Ballot Measure Cover Sheet/Receipt of Resolution

Please complete this form and submit with your resolution by the deadline date. Email is the preferred return method - elections@snoco.org. See the District Guide or call 425-388-3444 for other return methods.

District Information

District Name: City of Snohomish
Contact Person Name: Steve Schuller, City Administrator and Utility General Manager
Contact Phone & email: 360-282-3194 425-328-6520 cell schuller@snohomishwa.gov

Election Information

Election Date: Primary, August 3, 2021
Type of Measure: Renewal of Transportation Benefit District Local Sale Tax
(e.g., Levy, Bond, Levy Lid Lift, etc.)
Pass/Fail Requirements: Simple Majority
(e.g., Simple Majority, 60% plus minimum turnout, etc.)

Attorney Information

Name: Emily Guildner
Phone & email: 360-568-3119 emilyg@snohomishlaw.com

Have you included:

- Resolution signed by governing body?
- Explanatory Statement (not to exceed 200 words) with a letter from the district's attorney attesting that it was prepared by him/her?
- Pro and Con Committee Appointment Forms?

Office Use

Snohomish County Auditor

MAY 3 '21 PM 1:59

RCUD ums

By EMAIL

Person Delivering Resolution

UMS

Staff Receiving Resolution

Revised 1/21

This guide is for informational purposes only and does not take the place of local, state or federal laws. RCW, WAC and county code notations are offered as a reference.

**CITY OF SNOHOMISH
Snohomish, Washington**

RESOLUTION 1415

A RESOLUTION OF THE CITY OF SNOHOMISH, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY ON AUGUST 3, 2021, TO RENEW A SALES AND USE TAX TO BE RENEWED WITHIN THE BOUNDARIES OF THE CITY UPON ALL TAXABLE RETAIL SALES AND USES IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT (0.2%) FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH TRANSPORTATION IMPROVEMENTS IN THE CITY IDENTIFIED HEREIN FOR A PERIOD OF TEN (10) YEARS.

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, the City of Snohomish (the "City") approved Ordinance 2197 on September 21, 2010 establishing Snohomish Transportation Benefit District (the "District") pursuant to Chapter 36.73 RCW; and,

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

WHEREAS, in December 2015, the City Council assumed the rights, powers, immunities, functions and obligations of the District, as allowed by RCW 36.74.020, and as a result, the District was absorbed into the City and is no longer considered a legally separate entity; and,

WHEREAS, RCW 36.73.040(3) gives transportation benefit districts the authority to impose taxes, fees, charges, and tolls to carry out the purposes of the District; and,

WHEREAS, the City has identified a sales and use tax, in accordance with RCW 82.14.0455, as the authorized source of revenue to finance the transportation capital improvements identified in the City's Six-Year Capital Improvements Plan or as hereafter amended (the "TBD Projects"); and,

WHEREAS, the sales and use tax placed on taxable retail sales within the District, in the amount of two-tenths of one percent (0.2%) would be in effect for a period of ten years upon a favorable vote of the qualified electors within the District; and,

WHEREAS, it is the intent of the City to allocate funds from the voter-approved sales and use tax in a manner that generally balances the use of the funds equitably among the TBD Projects during the 10-year period of the levy;

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

Section 1. Findings – Description of the TBD Projects. The City hereby finds that the best interests of the inhabitants of the City require the City to renew a sales and use tax of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a), RCW 36.73.065 and RCW 82.14.0455 for the purpose of providing a portion of the funds necessary to finance the TBD Projects.

The TBD Projects consist of the transportation improvement projects described in the City's Six-Year Capital Improvements Plan (or as hereafter amended).

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

The City 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 City may alter, make substitutions to, and amend the TBD Project descriptions as it determines is in the best interests of the City and in accordance with the material change policy adopted by the City 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 City 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 City shall not be required to acquire, construct, or implement such portions.

Section 2. Ballot Measure. The Snohomish County Auditor (the "Director"), as ex officio supervisor of elections in Snohomish County, Washington, is hereby requested to call and conduct an election to be held within the District on August 3, 2021, 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 SNOHOMISH, WASHINGTON
(SNOHOMISH TRANSPORTATION BENEFIT DISTRICT)
PROPOSITION 1
SALES AND USE TAX FOR
TRANSPORTATION IMPROVEMENTS**

The Snohomish City Council adopted Resolution No. 1415 concerning a tax to fund transportation improvements. This proposition would renew a sales and use tax of two-tenths of one percent (0.2%) to be collected from all taxable retail sales in accordance with RCW 82.14.0455 for 10 years. Funds would be used to pay costs associated with transportation improvement projects identified in the City of Snohomish's Six-year Capital Improvements Plan.

Should this proposition be approved?

Yes?

No?

Section 3. **Notice.** For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom such notice should be provided. The City Attorney is authorized to approve changes to the ballot title, if any, deemed necessary by the Director.

Section 4. **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 5. **Authorization.** 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 renewed, as provided in this resolution, to the electors at the August 3, 2021 election.

Section 6. **Voter's 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 that the City Attorney and City Clerk 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 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 City Council of Snohomish, Washington, and **APPROVED** by the Mayor at a regular open public meeting thereof held this 17th day of November, 2020.

CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By Brandi Whitson
Brandi Whitson, Deputy City Clerk

By Grant K. Weed
Grant K. Weed, City Attorney

LAW OFFICES OF
Weed, Graafstra & Associates, Inc., P.S.
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EMILY GUILDNER
NIKKI C. THOMPSON
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THOM H. GRAAFSTRA, of Counsel
GRANT K. WEED, of Counsel

May 3, 2020

Snohomish County Auditor's Office
Elections Division
3000 Rockefeller Avenue, #505
Everett, Wa 98201-4060

Re: City of Snohomish Transportation benefit District explanatory Statement – Proposition No. 1

To Whom It May Concern:

This firm represents the City of Snohomish Transportation benefit District. The purpose of this letter is to confirm that the enclosed Explanatory Statement fairly represents the effects of Proposition no. 1 if approved by the voters and otherwise complies with the criteria established by law for the voter's pamphlet.

Also enclosed is original Resolution No. 1415 request this matter be placed on the August 3, 2021 ballot and the Pro and Con committee forms.

If you have questions or concerns about the language of the Explanatory Statement, the ballot Proposition, the Resolution No. 1415, or the Pro and Con committee forms please direct them to the undersigned at your earliest convenience.

Sincerely,



Emily Guildner
Attorney for the City of Snohomish

Enclosures

CC: Steve Schuller, City Administrator
Brandi Whitson, Deputy City Clerk

Explanatory Statement

If approved, this measure would keep the two-tenths of one percent (0.2%) currently included in the local sales tax rate (9.2%) to fund costs of preserving streets in the City of Snohomish and constructing two intersection improvement projects. The sales tax rate would remain in place for 10 years and raise approximately \$1,200,000 annually for paving streets and improving two intersections. Based on present-day costs of new street construction, the public investments in Snohomish's streets are currently valued at \$100 million. The funds to be generated from this ballot measure can only be used for major maintenance work such as repaving sections of streets and improving traffic flow at two intersections. These projects are the intersections of Bickford Avenue/19th Street and Second Street/Pine Avenue. The existing City sales tax rate is among the lowest in Snohomish County. All consumers making purchases subject to sales tax in Snohomish would be taxed equally under this existing tax rate regardless of where they reside. If this measure is approved, a consumer's \$50 taxable purchase would continue to be taxed 10 cents as a result of maintaining this tax rate.