

10/24/22

11/14/22

ORDINANCE NO. M-4382

AN ORDINANCE of the City of Vancouver authorizing the Vancouver Transportation Benefit District Board to establish an up to one-tenth of one percent (.1%) sales and use tax pursuant to RCW 36.73.065(4)(a)(v); adopting legislative findings; amending Section 3.40.070(A) of the Vancouver Municipal Code to reflect recent changes in state law; providing for severability; and setting an immediate effective date.

WHEREAS, streets are the City of Vancouver’s largest physical asset and are critical to our community’s day-to-day and long-term economy and livability; and

WHEREAS, state law and the Vancouver Municipal Code (“VMC”) authorize the Vancouver Transportation Benefit District to impose and collect a sales and use tax pursuant to RCW 36.73.065, subject to certain limitations.

WHEREAS, in July of 2022, RCW 36.73.065 was amended to authorize the governing board of a transportation benefit district that includes all the territory within the boundaries of the establishing jurisdiction to impose an up to one-tenth of one percent sales and use tax in accordance with RCW 82.14.0455.

WHEREAS, the City Council finds that Section 3.40.070 of the VMC should be amended to reflect the recent amendment of RCW 36.73.065 and the additional authority granted to

transportation benefit district boards to impose an up to one-tenth of one percent sales and use tax.

WHEREAS, the City Council adopts and incorporates by reference Staff Report SR-156-22 and finds that it is in the public interest to amend Section 3.40.070(A) of the VMC to reflect the aforementioned changes in state law.

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on October 24, 2022 and a public hearing concerning the ordinance and proposed code changes on November 14, 2022.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the above recitals as findings in support of this Ordinance.

Section 2. Amendment. Vancouver Municipal Code Section 3.40.070 entitled “Establishment of Revenue Sources” as codified by Ordinance M-4139 §2 is hereby amended as follows:

3.40.070 Establishment of Revenue Sources.

The District shall have the authority to establish fees and other revenue sources consistent with RCW Chapter 36.73, including without limitation the power:

A. To impose and collect a sales and use tax as provided in RCW 36.73.040(3)(a), ~~and~~ RCW 82.14.0455, and only if approved by District voters pursuant to RCW 36.73.065.

B. To impose and collect a motor vehicle license fee as provided in RCW 36.73.040(3)(b) and RCW 82.80.140 for the purposes set forth in this chapter and as may be subsequently authorized according to law.

C. To impose and collect ad valorem property taxes authorized by RCW 36.73.060, only if approved by District voters pursuant to RCW 36.73.065.

D. To issue general obligation bonds and revenue bonds as provided in RCW 36.73.070.

E. To form a local improvement district as provided in RCW 36.73.080.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective Date. This ordinance shall take effect immediately.

Read first time: October 24, 2022

Ayes: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, and Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: November 14, 2022

PASSED by the following vote:

Ayes: Councilmembers Harless, Perez, Fox, Stober, Hansen, and Mayor McEnerny-Ogle

Nays: None

Absent: Councilmember Paulsen

SIGNED this 14th day of November, 2022.

DocuSigned by:

Anne McEnerny-Ogle

8C89D9089EC5424...

Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF6734E40E94AE...

Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:

Jonathan Young

9A7DC2E31F694A2...

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4382

AN ORDINANCE of the City of Vancouver authorizing the Vancouver Transportation Benefit District to establish a one-tenth of one percent (.1%) sales and use tax pursuant to RCW 36.73.065(4)(a)(v); adopting legislative findings; amending Section 3.40.070(A) of the VMC to reflect recent changes in state law; providing for severability; and setting an effective date.