

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. _____

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Brian Walker	<i>BW</i>	5-16-2018	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">MAY 29 2018</div> <div style="font-size: 1.1em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	June 5, 2018	Public Works / Health and Safety Committee Intro
Division Head: Joe Rutan, PE	<i>JR</i>	5-16-18		June 19, 2018	Public Hearing and Adoption
Dept. Head: Jon Hutchings	<i>JH</i>	5/16/18			
Prosecutor: Dan Gibson	<i>DG</i>	05/17/18			
Purchasing/Budget: Brad Bennett	<i>BB</i>	05/17/18			
Executive: Jack Louws	<i>JL</i>	5/29/18			

TITLE OF DOCUMENT:

A Resolution Authorizing Use and Establishing Expenditure Authority for Point Roberts Transportation Benefit District Tax Revenue Funds for Tyee Drive Streetscape Corridor Landscape Maintenance.

ATTACHMENTS:

1. Memorandum to County Executive and Council
2. Point Roberts Community Advisory Committee, Transportation Benefit District Funds Allocation Request letter for Point Roberts Garden Club Tyee Drive Corridor Landscape Maintenance
3. Resolution No. 91-439, Establishing Point Roberts Transportation Benefit District.
4. Proposed Resolution
5. Supplemental Budget Request

SEPA review required? () Yes (X) NO
 SEPA review completed? () Yes (X) NO

Should Clerk schedule a hearing? (X) Yes () NO
 Requested Date: June 19, 2018

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

This Resolution, by the Governing Body of the Point Roberts Transportation Benefit District, authorizes use of District gas tax revenue funds, and establishes an approved 2018 budget, not to exceed \$20,000, to spend District tax revenue funds for the purpose of recurring landscape vegetation maintenance work within the Tyee Drive streetscape corridor between Benson Road and Gulf Road.

COMMITTEE ACTION:

6/5/2018: Discussed

COUNCIL ACTION:

6/5/2018: Introduced 6-0, Sidhu absent (Council acting as the Governing body for the Point Roberts Benefit District)

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



Joseph P. Rutan, P.E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

RECEIVED

MAY 17 2018

Memorandum

JACK LOUWS
COUNTY EXECUTIVE

To: The Honorable Jack Louws, Whatcom County Executive, and
Honorable Members of the Whatcom County Council / Governing Body of the
Point Roberts Transportation Benefit District

Through: Jon Hutchings, Public Works Director / *JH*

From: Joseph Rutan, P.E., County Engineer/Assistant Director *JR*
Brian Walker, Senior Engineering Technician, Public Works *BW*

Date: May 16, 2018

Re: Point Roberts Transportation Benefit District Tax Revenue Funds Allocation for
Tye Drive Streetscape Corridor Landscape Vegetation Maintenance Work

Requested Action

Public Works respectfully requests approval of the attached Resolution and associated Supplemental Budget Request authorizing the use of Point Roberts Transportation Benefit District gas tax revenue funds, and establishing spending authority budget for 2018.

Background and Purpose

The Point Robert Community Advisory Committee (PRCAC), with the concurrence and support of Public Works staff, are requesting budget authority to spend Point Roberts Transportation Benefit District funds for the purpose of engaging in contracted landscape vegetation maintenance work within the Tye Drive streetscape. For about ten years, the Point Roberts Garden Club, in cooperation with Whatcom County Public Works, has utilized private funding and volunteer labor to maintain this community focal point in the local transportation system on Tye Drive from Benson Road to Gulf Road. Due to an aging volunteer base in the Garden Club, the Point Roberts community has requested that Transportation Benefit District funds be utilized to assist financing the ongoing maintenance of this streetscape by hiring a contractor to perform the necessary specialized landscape maintenance work to care for ornamental flower beds, shrubs and street trees.

Funding Amount and Source

Total costs for a maintenance contract in 2018 are estimated not to exceed \$20,000, and is requested to be allocated with budget authority from the Point Roberts Transportation Benefit District 'gas tax' funds. The Point Roberts Transportation Benefit District was established in 1991, per Resolution No. 91-439, and collects a one-cent per gallon tax on gasoline sales within the District boundary, to be used for transportation purposes as allowed by state law. Funding of recurring landscape maintenance in future years beyond 2018, shall be established per future resolutions requesting budget authority from the Point Roberts Transportation Benefit District Governing Body.

Please contact Brian Walker, Senior Engineering Technician in Public Works Design/Construction at (360) 778-6266 if you have any questions or concerns regarding this request.

March 28, 2018

Members of Whatcom County Council
County Executive Jack Louws
Whatcom County Executive Offices
311 Grant Avenue
Bellingham, WA 98225

**RE: Point Roberts Community Advisory Committee, Transportation Benefit District Funds
Allocation Request for Tye Drive Streetscape Corridor Landscape Maintenance Work**

Dear Councilors and Executive Louws;

In January, 2010, and by unanimous consent, Whatcom County Council passed Ordinance number 2010-008 establishing the Point Roberts Community Advisory Committee (PRCAC). Its role- simply put- was to represent the needs and issues specific to the Point Roberts community as one voice. As the elected chair of that organization, and with the unanimous consent of PRCAC (relevant minutes attached), I'm pleased to present a plan for your consideration and approval, which utilizes a portion of accumulated Transportation Benefit District (TBD) funding for the ongoing care and maintenance of the Point's Tye Beautification Corridor; a collaborative effort between the Point Roberts Garden Club and Whatcom County Public Works.

Perhaps our communities' signature and best respected civic organization, the Point Roberts Garden Club utilizes private funding and volunteer labor in the promotion of gardening events and activities- both on public and private properties- which focus on the natural beautification of our community. Approximately ten years ago, and with the assistance of TBD funding through the county, the Garden Club commenced the Tye Beautification Corridor Project, in which an approximately 1000 yard stretch of Tye Road- our communities' primary access corridor - was stripped of a blight of broken concrete and invasive weeds and was transformed into a landscape of native trees, foundation plants and flowers. Obviously, ongoing maintenance of such a project has been a formidable task, but such has been achieved largely through the coordinated efforts of a group of dedicated Garden Club volunteers. Unfortunately, as the volunteer base has aged, the work has begun to overwhelm them and, without third party assistance, the corridor will decline and the investment degrade.

Approval of this project will apportion approximately one to two percent of existing TBD funds into paying a professional landscaper to cost-effectively compliment the efforts of the volunteers while protecting a decades' worth of investment.

By copy of this memo, I would like to acknowledge the efforts of both the Garden Club executive and its president, Scott Hackleman, as well as the excellent leadership on this file provided by Messers Joe Rutan and Brian Walker and their staff at the counties' Public Works Department. I'm quite pleased to answer any questions or address any issues that you may have.

Many thanks in advance, from the entire Point Roberts community, for your consideration of this proposal

Kind Regards

A handwritten signature in black ink, appearing to read 'Jeffrey Christopher', with a stylized, cursive flourish extending to the right.

Jeffrey Christopher

Chair; Point Roberts Community Advisory Committee

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda Date	Assigned To:
Originator- Executive			RECEIVED DEC 04 1991 WHATCOM COUNTY COUNCIL	12/10/91	Council/Intro
Division Head-				1/7/92	Hearing/Council
Department Head-					
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

SUBJECT:

A resolution adopting for Point Roberts Transportation Benefit District a one cent (\$0.01) per gallon tax on the sale of gasoline within the boundaries of said District; designating the revenues for street maintenance and construction purposes; providing for the method of collection by Whatcom County; providing for a penalty for late payment; and repealing or amending any ordinances and resolutions in conflict herewith.

ATTACHMENTS:

Resolution

Public Hearing Needed? Yes//No//

SUMMARY STATEMENT:

This resolution formally adopts the Point Roberts Transportation Benefit District one cent per gallon gas tax as approved by the voters at the general election of November 5, 1991. The resolution also sets forth the collection process, penalties and interest and records required.

ORIGINATOR'S RECOMMENDED ACTION:

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

1/7/92: Resolution approved with amendment, 7-0.

Related File Numbers: _____ Ordinance or Resolution Number: R92-002

SPONSORED BY: Consent

PROPOSED BY: Executive

INTRODUCTION DATE: 12/3/91

1 *A Resolution by the Governing Body of the*
2 *Point Roberts Transportation Benefit District*

3 RESOLUTION NO. 92-002

4 A RESOLUTION ADOPTING FOR POINT ROBERTS TRANSPORTATION
5 BENEFIT DISTRICT A ONE CENT (\$0.01) PER GALLON TAX ON THE SALE OF
6 GASOLINE WITHIN THE BOUNDARIES OF SAID DISTRICT, DESIGNATING
7 THE REVENUES FOR STREET MAINTENANCE AND CONSTRUCTION
8 PURPOSES; PROVIDING FOR THE METHOD OF COLLECTION BY WHATCOM
9 COUNTY; PROVIDING FOR A PENALTY FOR LATE PAYMENT; AND
10 REPEALING OR AMENDING ANY ORDINANCES AND RESOLUTIONS IN
11 CONFLICT HEREWITH.

12 WHEREAS, a new chapter has been added to RCW Title 82 to allow transportation
13 benefit districts which have within its boundaries an international border crossing to enact
14 a local option gas tax within the district boundaries; and,

15 WHEREAS, the proposal for enactment of the local option gasoline tax was
16 approved by the voters of the Point Roberts Transportation Benefit District at the general
17 election of November 5, 1991;

18 NOW, THEREFORE, BE IT RESOLVED by the legislative body of the Point
19 Roberts Transportation Benefit District as follows:

20 **SECTION 1.** There shall be levied upon and shall be collected from and paid as provided
21 in this resolution a tax of one cent (\$0.01) per gallon tax on the retail sale of gasoline within
22 the boundaries of the Point Roberts Transportation Benefit District.

23 **SECTION 2.** Gasoline to be taxed under this resolution is motor vehicle fuel or special fuel
24 as defined by RCW Chapters 82.36 and 82.38 as now existing or as may hereinafter be
25 amended.

26 **SECTION 3.** The gross proceeds of the tax collected under this resolution, less amounts
27 deducted by Whatcom County for administration and collection expenses, if any, shall be
28 used solely for transportation purposes as is allowed by state law within said District
29 boundaries.

30 **SECTION 4. COLLECTION OF TAX.** The administration and collection of tax imposed
31 by this resolution shall be coordinated by the Whatcom County Treasurer acting ex officio

1 and independently as the treasurer of the District as required by RCW 36.73.020.
2 Remittance of the amount due shall be accompanied by a completed tax return form as may
3 be described and provided by the Treasurer. Tax may be collected at least quarterly but,
4 in any event, not more frequently than monthly. The taxpayer shall be required to swear
5 and affirm that the information given on the return is true and correct. The Point Roberts
6 Transportation Benefit District, through the Treasurer's office, may adopt from time to time
7 such rules and regulations as may be reasonable and necessary to enable the collection of
8 the gas tax as anticipated herein.

9 **SECTION 5. PAYMENT.** The taxes imposed by this resolution shall be computed and
10 remitted to the Point Roberts Transportation Benefit District along with the required form
11 on the basis of activity during each calendar month and shall be due and payable by the
12 25th day of the following month, or payment period as designated by the Treasurer, by
13 check, money order or cash. If payment is made by draft or check, the tax shall not be
14 deemed paid until the draft or check is honored in the usual course of business; nor shall
15 the acceptance of any sum by the Treasurer be an acquittance of discharge of the tax unless
16 the amount paid is the full amount due.

17 **SECTION 6. DELINQUENT PAYMENT OF TAX/PENALTY.** If full payment of any tax
18 or fee due under this resolution is not received by the Treasurer on or before the date due,
19 there shall be added to the amount due a penalty of eighteen percent (18%) of the
20 delinquent amount.

21 Failure to make payment in full of all tax amounts, and penalties, within sixty (60) days
22 following the date the tax amount initially became due shall be a violation of this section
23 and shall constitute a debt to the Point Roberts Transportation Benefit District, and may
24 be collected by court proceedings the same as any other debt in like amount which shall be
25 in addition to all other existing remedies.

26 **SECTION 7. RECORDS REQUIRED.** Each business engaged in the sale of gasoline, as
27 defined in Section 1, shall maintain records regarding the sale of gasoline which truly,
28 completely and accurately disclose all information necessary to determine the tax liability
29 hereunder during each tax period (month). Such records shall be kept and maintained for
30 a period of not less than three (3) years.

31 All books and records kept in accordance with this section shall be subject to, and made
32 available for inspection and audit at any time upon demand by the Treasurer for purposes
33 of enforcing the provisions of this resolution.

34 The monthly report may be submitted to the Treasurer along with the form for the payment
35 of taxes.

36 **SECTION 8. GAS TAX LIEN.** The Point Roberts Transportation Benefit District reserves
37 the right to file a lien with the Whatcom County Auditor against the real property

1 distributing said retail gasoline within the District for which a tax is owing and delinquent
2 under this resolution. Once a tax delinquency under this resolution has been reduced to
3 judgement and a lien has been filed therefore, as provided for therein, this gas tax lien may
4 be enforced in accordance with the priorities and procedures for the enforcement of real
5 estate mortgages, as provided under the laws of the State of Washington, that does now exist
6 or as may hereinafter be amended.

7 **SECTION 9. OTHER TAXES.** The tax herein levied shall be additional to any license fee
8 or tax imposed or levied under any law or any other ordinance of Whatcom County, except
9 as herein otherwise expressly provided.

10 **SECTION 10. TAX REVENUE TO BE USED FOR STREET MAINTENANCE AND**
11 **CONSTRUCTION.** The revenue collected pursuant to this resolution shall be used for the
12 maintenance and construction of streets within the Point Roberts Transportation Benefit
13 District.

14 **SECTION 11.** All ordinances or parts of ordinances in conflict herewith are hereby
15 repealed.

16 **SECTION 12.** If any section, subsection, clause or phrase of this resolution is for any reason
17 held to be invalid or unconstitutional, such decision shall not affect the validity of the
18 remaining portions of this resolution.

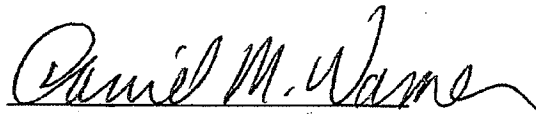
19 **SECTION 13.** This resolution shall be in force from and after its passage by the legislative
20 body of the Point Roberts Transportation Benefit District, if approved, otherwise, as
21 provided by law and five (5) days after the date of publication.

22 APPROVED this 7th day of January, 1992.

23 ATTEST:

WHATCOM COUNTY, WASHINGTON

24 
25 Ramona Reeves, Council Clerk


Daniel M. Warner, Chairman

26 APPROVED AS TO FORM:

27 _____
28 Civil Deputy Pros. Atty.

PROPOSED BY: Public Works
INTRODUCTION DATE: 6/5/2018

RESOLUTION NO. _____.

**AUTHORIZING USE AND ESTABLISHING EXPENDITURE AUTHORITY FOR
POINT ROBERTS TRANSPORTATION BENEFIT DISTRICT TAX REVENUE FUNDS
FOR TYEE DRIVE STREETScape CORRIDOR LANDSCAPE MAINTENANCE**

WHEREAS, pursuant to RCW 36.73.020, the Whatcom County Council established the Point Roberts Benefit District (hereinafter referred to as District) by Ordinance 91-043; and

WHEREAS, the operations of the District are governed by the Whatcom County Council acting ex officio and independently; and

WHEREAS, pursuant to RCW 42.30, the District is subject to the Open Public Meeting Act; and

WHEREAS, the District intends to authorize use of Point Roberts Transportation Benefit District tax revenue funds for landscape vegetation maintenance work within the bounds of the District in an open public meeting; and

WHEREAS, this budget request will establish spending authority of District tax revenue funds in an open public meeting; and

WHEREAS, the District intends to approve its 2018 budget in an open public meeting; and

NOW, THEREFORE, BE IT RESOVLED by the legislative body of the Point Roberts Transportation Benefit District that use of District tax revenue funds is authorized, and expenditure authority approved with a 2018 budget of \$20,000.

ADOPTED this _____ day of _____, 2018

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

APPROVED AS TO FORM:

Daniel L. Libson
Chief Civil Deputy Prosecutor

Supplemental Budget Request

Status: Pending

Public Works

Administration

Suppl ID # 2599

Fund 170

Cost Center 170

Originator: Point Roberts Citizen Adviso

Expenditure Type: One-Time

Year 2 2018

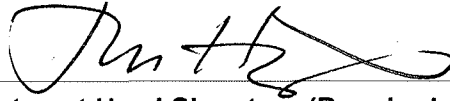
Add'l FTE

Add'l Space

Priority 1

Name of Request: Point Roberts TBD - Tye Dr Landscape Maintenance

X



5/16/18

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4313.2000	Local Transportation Tax	(\$20,000)
	6610	Contractual Services	\$20,000
	Request Total		\$0

1a. Description of request:

The Point Robert Community Advisory Committee (PRCAC), with the concurrence and support of Public Works staff, are requesting budget authority to spend Point Roberts Transportation Benefit District (TBD) funds for the purpose of engaging in contracted landscape vegetation maintenance work within the Tye Drive streetscape. For about ten years, the Point Roberts Garden Club, in cooperation with Whatcom County Public Works, has utilized private funding and volunteer labor to maintain this community focal point in the local transportation system on Tye Drive from Benson Road to Gulf Road.

Total costs for a maintenance contract in 2018 are estimated not to exceed \$20,000, and is requested to be allocated with budget authority from the Point Roberts Transportation Benefit District 'gas tax' funds. Funding of recurring landscape maintenance in future years beyond 2018, shall be established per future resolutions requesting budget authority from the Point Roberts Transportation Benefit District Governing Body.

1b. Primary customers:

The primary customers benefitting from this budget request is the public within the Point Roberts community.

2. Problem to be solved:

Due to an aging volunteer base in the Point Roberts Garden Club, the Point Roberts community has requested that TBD gas tax funds be utilized to assist in financing the ongoing maintenance of the Tye Drive streetscape by hiring a professional landscape contractor to perform the necessary specialized vegetation maintenance work to care for ornamental flower beds, shrubs and street trees.

3a. Options / Advantages:

Utilizing TBD funds to pay for a professional landscape contractor is a cost-effective way to compliment the efforts of the community Garden Club volunteers while protecting the existing investment the streetscape beatification of one of the Point Roberts communities' primary transportation corridors.

3b. Cost savings:

Without additional financial support via TBD funds expenditure to provided contacted landscape maintenance services for Tye Drive streetscape landscaping, the vegetation will become overgrown, resulting in additional cost burden on Whatcom County maintenance crews to manage the landscaping to assure the safety of traveling public. Whatcom County crews will likely remove the ornamental trees, shrubs and flower bed vegetation within the streetscape and replace it with low-maintenance treatments such as mowed grass.

4a. Outcomes:

Establishing spending authority and budget for expenditure of TBS funds will allow the streetscape

Supplemental Budget Request

Status: Pending

Public Works

Administration

Suppl ID # 2599

Fund 170 Cost Center 170

Originator: Point Roberts Citizen Adviso

landscaping to remain in its current form, enhance the overall beautification of the Point Roberts community, and provide maintenance cost savings for Whatcom County.

4b. Measures:

5a. Other Departments/Agencies:

County Maintenance and Operations crews will be in contact with the landscaping contractor to manage the landscapoe maintenance needs.

5b. Name the person in charge of implementation and what they are responsible for:

Brian Walker, Senior Engineering Technician at Whatcom County Public works will be in charge of coordination and administration of the landscape maintenance contract, with advise from the Point Roberts Garden Club members on contract scope and specifications.

6. Funding Source:

Funds will come from the Point Roberts Transportation Benefit District 'gas tax' funds established per Whatcom County Resolution No. 92-002.. The current fund balance is just over \$1,000,000.