

1 PROPOSED BY: SCANLON, ELENBAAS, BUCHANAN  
2 INTRODUCTION DATE: AUGUST 6, 2024

3  
4 **A RESOLUTION BY THE GOVERNING BODY OF THE POINT ROBERTS**  
5 **TRANSPORTATION DISTRICT**

6  
7 **RESOLUTION NO. \_\_\_\_\_**

8  
9 **DEFINING TRANSPORTATION IMPROVEMENTS IN ACCORDANCE WITH NEWLY**  
10 **AMENDED STATE LAW**

11  
12 **WHEREAS**, the Whatcom County Council Members, acting ex officio and  
13 independently, compose the governing body of the Point Roberts Transportation Benefit  
14 District; and

15  
16 **WHEREAS**, pursuant to RCW 42.30, the Point Roberts Transportation Benefit District  
17 is subject to the Open Public Meeting Act; and

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19 **WHEREAS**, the introduction, publication, consideration and adoption of resolutions  
20 of the Board which carry the force of law or which exercise the powers of the Board as listed  
21 in RCW 86.15.080 shall be accomplished following the same procedure as that used for  
22 ordinances of the Whatcom County Council, except where otherwise stipulated by state law;  
23 and

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25 **WHEREAS** the Whatcom County Administration acts as administration for the Point  
26 Roberts Transportation Benefit District; and

27  
28 **WHEREAS** the Whatcom County Treasurer acts, ex officio, as Treasurer of the Point  
29 Roberts Transportation Benefit District; and

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31 **WHEREAS**, Washington State Senate Bill 6017 was enacted into law on June 6,  
32 2024, and RCW 82.47.030 was amended, and currently reads: "The entire proceeds of the  
33 tax imposed under this chapter, less refunds authorized by the resolution imposing such tax  
34 and less amounts deducted by the border area jurisdiction for administration and collection  
35 expenses, shall be used solely for the purposes of border area jurisdiction street  
36 maintenance and construction. However, a border area jurisdiction not directly connected to  
37 the continental United States may use the proceeds of the tax imposed under this chapter  
38 for transportation improvements as defined in RCW 36.73.015;" and

39  
40 **WHEREAS** the legislative intent of Washington State Senate Bill 6017 was made  
41 clear: "The legislature recognizes that the border area fuel tax is not the state gas tax, but  
42 rather a local option, voter-approved transportation tax collected locally to be used for local  
43 transportation purposes. The legislature finds that because this local option tax is not  
44 collected by the state of Washington, it is not subject to the 18th amendment to the  
45 Washington state Constitution and is therefore not required to be used exclusively for  
46 highway purposes. The legislature further finds that during the global COVID-19 pandemic,  
47 border areas were disproportionately hurt economically due to border closures and  
48 experienced significant reductions in tax revenues. The legislature further recognizes that  
49 current law significantly restricts the use of the border area fuel tax to street maintenance  
50 and construction. For example, the Point Roberts area has over \$1,000,000 of border area  
51 fuel tax revenue that remains unused due to the restrictive nature of the current law.

1 Therefore, the legislature intends with this act to expand the use of the border area fuel tax  
2 to include transportation improvements more broadly to provide border areas the flexibility  
3 to use this local funding source to best meet the jurisdiction's local transportation needs;"  
4 and  
5

6 **WHEREAS** RCW 36.73.015 (6) defines transportation improvements broadly, and  
7 includes: investment in new and existing highways and arterials, high capacity  
8 transportation, public transportation, other projects of statewide or regional significance.  
9 Further, the operation, preservation, and maintenance of facilities and programs is also  
10 considered a transportation improvement; and  
11

12 **NOW, THEREFORE, BE IT RESOLVED** that the Whatcom County Council acting as  
13 the governing body of the Point Roberts Transportation District acknowledges the recent  
14 change to state law and considers transportation improvements, as defined in RCW  
15 36.73.015 (6), to be appropriate expenditures of tax revenue collected pursuant to the Point  
16 Roberts Benefit District boundaries, as specified in Whatcom County Ordinance 1991-043;  
17 and  
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19  
20 **APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.  
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24  
25 ATTEST:

GOVERNING BODY, POINT ROBERTS  
TRANSPORTATION BENEFIT DISTRICT  
WHATCOM COUNTY, WASHINGTON

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27 \_\_\_\_\_  
28 Cathy Halka, Clerk of the Council

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Barry Buchanan, Board Chairperson

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30 APPROVED AS TO FORM:

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32 George Roche (via email 7.29.2024)  
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34 Civil Deputy Prosecutor