

**RESOLUTION NO. R-2016-2073**

**A RESOLUTION PROVIDING FOR AN OPINION QUESTION TO BE INCLUDED ON THE BALLOT FOR THE GENERAL ELECTION SCHEDULED TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF DETERMINING WHETHER WASHINGTON COUNTY SHOULD IMPOSE A SALES AND USE TAX OF 0.25% FOR HIGHWAYS AND TRANSPORTATION; SETTING THE BALLOT QUESTION; REQUESTING THE ASSISTANCE OF THE COUNTY CLERK AND OTHER COUNTY AGENCIES; PROVIDING FOR A PUBLIC MEETING AND HEARING AND NEWSPAPER NOTICE OF THE BALLOT QUESTION; AND PROSCRIBING OTHER MATTERS RELATED TO THE BALLOT QUESTION**

WHEREAS, during the 2015 Legislative Session, the Utah Legislature enacted House Bill 362 Transportation Infrastructure Funding ("HB 362"). HB 362 permits a county to impose the sales and use tax authorized by Section 59-12-2219 ("Section 2219") of the Sales and Use Tax Act ("Act") after following the procedures set forth in Section 59-12-2208 ("Section 2208") of the Act;

WHEREAS, Section 2208 provides that the County Commission, before imposing the sales and use tax under Section 2219, shall: (a) obtain approval to impose the sales and use tax from a majority of the members of the county legislative body; and (b) submit an opinion question to the county's registered voters voting on the imposition of the sales and use tax so that each voter has the opportunity to express an opinion on whether a sales and use tax should be imposed under Section 2219; Section 2208 further provides that the clerk of the county shall publish notice of the opinion question no later than 15 days before the date of the election;

WHEREAS, Section 2208 permits the opinion question to be put to the registered voters at a regular general election; and

WHEREAS, the municipalities of St. George, LaVerkin, Toquerville, Santa Clara, Ivins, Hildale, Enterprise, Rockville, and Hurricane have all passed resolution stating the need for the tax imposition and encouraging the County Commission to submit the issue to the voters in 2016 (the resolutions are attached as exhibits 1-9); and

WHEREAS, Washington County ("the County") now desires to: (a) submit to the eligible voters of the County the question of whether the County should impose the county option sales and use tax authorized by Section 2219 for the purposes provided in Section 2219 (the "Ballot Proposition") in conjunction with the regular general election on Tuesday, November 8, 2016, (b) provide for the posting of arguments for and against the Ballot Proposition and the holding of a public meeting in accordance with the Transparency of Ballot Propositions Act (Utah Code Ann. §§ 59-1-1601 *et seq.*), (c) direct the County Clerk to publish and post the notice required by Section 2208; and (d) provide for related matters.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF WASHINGTON COUNTY, UTAH as follows.

1. In the judgment of the Commission, imposing the Section 2219 sales and use tax is in the best interests of the residents of Washington County. Therefore, in accordance with Section 2208 and in conjunction with the regular general election on Tuesday, November 9, 2016, ("the Election"), the Commission determines to put an opinion question to the registered voters for the purpose of determining the voters' opinion on whether a sales and use tax should be imposed in the County under Section 2219.
2. The ballot opinion shall appear substantially as shown below in the Election Notice included in Section 7 of this Resolution.
3. Revenues derived from the proposed sales and use tax may be expended for class B and C roads; traffic and pedestrian safety; sidewalks; curb and gutter; safety features; traffic signs and signals; street lighting; the construction, maintenance, or operation of active transportation facilities for non-motorized vehicles and multimodal transportation and connects an origin with a destination; public transit system services; or any combination of the foregoing.
4. The Washington County Clerk-Auditor is authorized and directed to perform and do, or cause to be performed and done, all things necessary to place the opinion question before eligible Washington County voters on the general election ballot in accordance with this Resolution and all applicable laws including Section 59-12-2208 of the Sales and Use Tax Act, the Utah Election Code (Title 20A of the Utah Code), and the Transparency of Ballot Propositions Act (Utah Code Ann. §§ 59-1-1601 *et seq.*).
5. The County Clerk-Auditor, as the election officer, shall retain this Resolution, which contains the ballot title and the proposition, in the County's official records;
6. The County Clerk-Auditor shall ensure that the requirements of the Transparency of Ballot Propositions Act (Utah Code Section 59-1-1601 *et seq.*) are met; namely:
  - a. The County Commission shall cause to be submitted an argument, in writing and no more than 500 words in length, in favor of the opinion question at least 60 days prior to the date of election;
  - b. A registered voter of Washington County submits an argument, in writing and no more than 500 words in length, in opposition to the opinion question at least 60 days prior to the date of election; (if more than one voter desire to submit arguments in opposition, then the Clerk-Auditor shall designate one voter to write the argument;)
  - c. Within one day of receiving each argument, the County Clerk-Auditor shall send a copy of the argument to the author of the argument representing the opposing position;

- d. The author of each argument shall submit a rebuttal argument, in writing and no more than 250 words in length, at least 45 days prior to the election;
  - e. The Clerk-Auditor shall post the arguments and rebuttals, as submitted, on the Statewide Electronic Voter Information Website and prominently on the County website for at least 30 consecutive days before the election; and
  - f. The County Commission shall conduct a public meeting beginning no earlier than 6 p.m. and allow equal time for presentation of arguments in favor or against the opinion question and time for any interested person to voice an opinion on the matter no more than 14, but at least 4 days before the date of election.
    - i. The meeting shall be held on Tuesday, November 1, 2016, at the County Commission Chambers, 197 East Tabernacle Street, St. George, Utah;
    - ii. Three items shall be placed on the meeting agenda: (1) Presentation in favor of the imposition of a sales and use tax of 0.25% for highways and transportation; (2) Presentation in opposition to the imposition of a sales and use tax of 0.25% for highways and transportation; and (3) Public hearing to receive comments regarding the imposition of a sales and use tax of 0.25% for highways and transportation
  - g. Notice of the public hearing shall be published:
    - i. Once each week for at least two (2) consecutive weeks in *The Spectrum* newspaper;
    - ii. On the Utah Public Notice Website (as of the date of this Resolution, <http://pmn.utah.gov>) at least fourteen (14) days prior to the date set for such public meeting;
    - iii. Immediately after the posted arguments in favor and opposed to the proposed tax and their rebuttal arguments on the Statewide Electronic Voter Information Website and on the County website.
  - h. A link to an audio or video recording of the public meeting shall be posted on the County website within three (3) days of the public meeting.
7. The "Notice of Public Hearing" shall be in substantially the following form:

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on August 16, 2016, the County Commission (the "Commission") of Washington County, Utah (the "County"), adopted a resolution (the "Resolution") in which it authorized a ballot proposition seeking the registered voter's opinion on the imposition of a sales and use tax of 0.25% for highways and transportation pursuant to Title 59, Chapter 12, Part 22 of the Utah Code Annotated 1953, as amended and called a public hearing to receive input from the public with respect to the proposed tax. If approved, the tax revenue would provide funding for transportation improvement such as roads, trails, sidewalks, maintenance, bus services, traffic and pedestrian safety features. The revenue would be divided among the county, cities, and towns in accordance with Utah law.

## TIME, PLACE, AND LOCATION OF PUBLIC HEARING

The Commission shall hold a public hearing on Tuesday, October 18, 2016, at the hour of 6:00 p.m. in the County Administration Building, located at 197 East Tabernacle Street, St. George, Utah. The purpose of the hearing is to receive input from the public with respect to the proposed tax. All members of the public are invited to attend and participate.

If special accommodations are required, please contact Nicholle Felshaw (435-634-5700) with reasonable advance notice.

Individuals with speech and/or hearing impairments may call the Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.

Published in The Spectrum newspaper on October 1, 2016 and October 8, 2016. Posted in conjunction with publishing: (1) State of Utah Website for Public Meeting Notices <http://www.utah.gov/pmn/index.html>; (2) Washington County Administration Building; (3) Washington County Library Buildings.

DATED this August 16, 2016.

  
County Clerk-Auditor

8. Notice of the Opinion Question shall be published no later than fifteen (15) days before the date of the election:

- a. Once in *The Spectrum* newspaper of general circulation in the County, and
- b. On a website established and maintained by the collective efforts of Utah's newspapers (currently, [www.utahlegals.com](http://www.utahlegals.com)).

All such election notices shall be given in substantially the following form (with such completion, amendments, updates, changes, additions or alterations as may be required to conform such notices to state law (including amendments thereto prior to such publication) and actual election information or calendar items to be confirmed prior to the first publication of such notice):

## ELECTION NOTICE

To all qualified electors of Washington County, Utah:

Take notice that in conjunction with the regular general election on November 8, 2016, an opinion question (the "Opinion Question") will be put to the voters in Washington County, Utah (the "County"):

### Opinion Question

#### Regarding Imposing a Transportation Sales Tax of 0.25%

Should Washington County impose a one quarter of one percent (0.25%) sales and use tax for funding transportation improvement such as roads, trails, sidewalks, maintenance, bus services, and traffic and pedestrian safety features with the revenue divided among the county, cities, and towns?

Vote for One:

For the tax

Against the tax



9. The County Commission shall meet as a board of canvassers on Tuesday, November 15, 2014, at the County Administration Building, 197 East Tabernacle Street, St. George, Utah, at 4:00 p.m. (or such other date or time as the County Commission may determine), which is no sooner than 7 days and no later than 14 days after the date of election, and if the majority of the votes cast are in favor of the opinion question, then the County Commission shall cause an entry of that fact to be made upon its minutes, and thereupon the County shall impose the 0.25% sales and use tax for highways and transportation.


10. All acts and resolutions in conflict with this Resolution or any part thereof are hereby repealed.

11. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid and unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.


12. Immediately after its adoption by a majority of the members of the County Commission, this Resolution, approved as to form and signed by a Deputy County Attorney, shall be signed by the Chair of the County Commission and the County Clerk-Auditor and shall be filed in the manner customary to the County and shall take immediate effect.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE 16<sup>TH</sup> DAY OF AUGUST, 2016.

WASHINGTON COUNTY

  
ALAN GARDNER, Chair  
Washington County Commission

ATTEST:

  
Kim M. Hafen  
Washington County Clerk-Auditor

Approved as to Form



Eric Clarke

Deputy Washington County Attorney

Commissioner Gardner voted

Aye

Commissioner Iverson voted

Aye

Commissioner Renstrom voted

Aye