



SPOKANE COUNTY ELECTIONS DEPARTMENT

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Ballot Title Contact Information

District: Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington

Subject of Ballot Title: Capital Levy for Health, Safety and Energy Efficiency Improvements

Date of Election: February 13, 2018

Contact: Brian L. Talbott, Superintendent and Secretary to the Board

Phone: 509.688.7814

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Contact: Jim McNeill, Foster Pepper PLLC

Phone: 509.777.1602

Email: jim.mcneill@foster.com

Received Date: 12-13-17

Received By: *DL*

NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES, WASHINGTON

PROPOSITION 2 - CAPITAL LEVY FOR HEALTH, SAFETY AND ENERGY
EFFICIENCY IMPROVEMENTS

RESOLUTION NO. 15-17

A RESOLUTION of the Board of Directors of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington, providing for the submission to the voters of the District at a special election to be held therein on February 13, 2018, of a proposition authorizing a tax levy to be made annually for two years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.43 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2019 for collection in 2020 of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.28 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval, for the District's Capital Projects Fund, the proceeds of such levies to be used to support the construction, modernization and remodeling of school facilities, all as more particularly set forth herein; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: DECEMBER 12, 2017

This document prepared by:

*FOSTER PEPPER PLLC
618 West Riverside Avenue, Suite 300
Spokane, Washington 99201
(509) 777-1602*

NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES, WASHINGTON

RESOLUTION NO. 15-17

A RESOLUTION of the Board of Directors of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington, providing for the submission to the voters of the District at a special election to be held therein on February 13, 2018, of a proposition authorizing a tax levy to be made annually for two years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.43 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2019 for collection in 2020 of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.28 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval, for the District's Capital Projects Fund, the proceeds of such levies to be used to support the construction, modernization and remodeling of school facilities, all as more particularly set forth herein; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NINE MILE FALLS SCHOOL DISTRICT NO. 325-179, SPOKANE AND STEVENS COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington (the "District"), takes note of the following facts and hereby makes the following findings and determinations:

(a) The existing condition of school facilities, deteriorating infrastructure and the need to improve operational efficiencies require the District to support the construction, modernization and remodeling of school facilities by making health, safety and energy efficiency improvements at Lakeside Middle School, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(b) It appears certain that the money in the District's Capital Projects Fund for the school years 2018-2019, 2019-2020 and 2020-2021 will be insufficient to permit the District to pay costs of the Projects thereof, during such school years, and that it is necessary that an excess tax levy of \$1,700,000 be made in 2018 for collection in 2019, and \$1,700,000 be made in 2019 for collection in 2020, for the District's Capital Projects Fund to provide the money required to meet those costs.

(c) The District is authorized pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053 to submit to the District's voters

at a special election, for their approval or rejection, the proposition of whether the District shall levy annual excess property taxes to pay costs of the Projects.

(d) The best interests of the District's students and other inhabitants require the District to carry out and accomplish the Projects as hereinafter provided.

Section 2. Description of the Projects. The Board hereby finds and declares that the Projects to be paid for with proceeds from the excess property tax levies authorized herein are more particularly defined and described as follows:

(a) Make health, safety and energy efficiency improvements at Lakeside Middle School, including, but not limited to: (1) upgrading and/or improving heating, ventilation and air conditioning ("HVAC"); (2) replacing roofs; and (3) making other health, safety and energy efficiency improvements, all as deemed necessary and advisable by the Board.

(b) Acquire, construct and install all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances in the foregoing, all as deemed necessary and advisable by the Board.

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such costs shall be deemed part of the Projects and shall include, but are not limited to: (1) payments for fiscal and legal costs; (2) costs of establishing and funding accounts; (3) necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; (4) administrative and relocation costs; (5) site improvement costs; (6) demolition costs; (7) costs related to demolition and/or deconstruction of existing school facilities to recycle, reclaim and repurpose all or a portion of such facilities and/or building materials; (8) costs of on and off-site utilities and road improvements; and (9) costs of other similar activities or purposes, all as deemed necessary and advisable by the Board.

The Projects, or any portion or portions thereof, shall be acquired or made insofar as is practicable with available money and in such order of time as shall be deemed necessary and advisable by the Board. The Board shall determine the application of available money between the various parts of the Projects so as to accomplish, as near as may be, all of the Projects. The Board shall determine the exact order, extent and specifications for the Projects. The Projects are to be more fully described in the plans and specifications to be filed with the District.

Section 3. Calling of Election. The Auditor of Spokane County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), and the proper officer of the county to which the District belongs pursuant to chapter 28A.323 RCW, is requested to call and conduct a special election in the District in the manner provided by law to be held therein on February 13, 2018, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether an excess property tax levy for the Capital Projects Fund shall be made annually for two years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.43 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2019 for collection in 2020 of \$1,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.28 per \$1,000 of

assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval. The exact tax levy rate may be adjusted based upon the actual assessed value of the taxable property within the District at the time of the levy.

Section 4. Use of Levy Proceeds. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy excess property taxes and use the proceeds of such levies to pay costs of the Projects thereof, during the school years 2018-2019, 2019-2020 and 2020-2021, all as may be authorized by law and deemed necessary and advisable by the Board. Pending the receipt of those taxes, the District may issue short-term obligations pursuant to chapter 39.50 RCW or contract indebtedness pursuant to RCW 28A.530.080. Upon receipt, the District may use those taxes to repay such short-term obligations or indebtedness, all as may be authorized by law and deemed necessary and advisable by the Board.

Section 5. Sufficiency of Levy Proceeds. If available proceeds from the excess property tax levies authorized herein are more than sufficient to carry out the Projects, or should state or local circumstances require any alteration in the Projects, the District may apply such proceeds to other capital purposes, or reduce or eliminate the excess property tax levies authorized herein, all as the Board may determine by resolution and as permitted by law.

If the Board shall determine that it has become impractical to accomplish the Projects or any portion thereof by reason of state or local circumstances, including changed conditions or needs, regulatory considerations, incompatible development or costs substantially in excess of those estimated, or for any other reason determined by the Board, the District shall not be required to accomplish such Projects and may apply the proceeds from the excess property tax levies or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property tax levies authorized herein, all as the Board may determine by resolution and as permitted by law. In the event that the proceeds from the excess property tax levies authorized herein, plus any other money of the District legally available therefor, are insufficient to accomplish all of the Projects, the District shall use the available money for paying the cost of that portion of the Projects that is deemed by the Board most necessary and in the best interest of the District.

Notwithstanding anything in this resolution to the contrary, the proceeds from the excess property tax levies authorized herein may be used only to support the construction, modernization or remodeling of school facilities.

[Remainder of page intentionally left blank]

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Spokane County Prosecuting Attorney, as the county prosecuting attorney of the county within which the majority area of the District is located, is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 2

NINE MILE FALLS SCHOOL DISTRICT NO. 325-179

CAPITAL LEVY FOR HEALTH, SAFETY AND ENERGY EFFICIENCY IMPROVEMENTS

The Board of Directors of Nine Mile Falls School District No. 325-179 adopted Resolution No. 15-17, concerning a proposition for a levy for capital improvements. This proposition would authorize the District to levy the following excess taxes, on all taxable property within the District, to make health, safety and energy efficiency improvements at Lakeside Middle School (including upgrading heating, ventilation and air conditioning systems, and replacing roofs):

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2019	\$1.43	\$1,700,000
2020	\$1.28	\$1,700,000

all as provided in Resolution No. 15-17. Should this proposition be approved?

LEVY . . . YES

LEVY . . . NO

Section 7. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Secretary to the Board (the "Secretary") or his designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 15, 2017; and (b) perform such other duties as are necessary or required by law to submit to the District's voters at the aforesaid special election, for their approval or rejection, the proposition of whether the District shall levy annual excess property taxes to pay costs of the Projects.

Section 8. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates (a) the Secretary (Brian L. Talbott), telephone: 509.688.7814; fax: 509.340.4301; email: btalbott@9mile.org; and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; fax 800.533.2284; email: jim.mcneill@foster.com, as the individuals to whom the Auditor shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, deemed necessary by the Auditor or the Spokane County Prosecuting Attorney.

Section 9. General Authorization and Ratification. The Secretary, the District's Director of Business, the Chair of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC, are severally authorized and directed to take such actions and to execute such documents as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in

furtherance of and not inconsistent with the provisions of this resolution are hereby ratified and confirmed in all respects.

Section 10. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the levy or collection of excess property taxes authorized herein.

Section 11. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington, at a special open public meeting thereof, of which due notice was given as required by law, held this 12th day of December, 2017, the following Directors being present and voting in favor of the resolution.

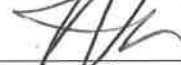
NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES,
WASHINGTON



Chair and Director



Vice Chair and Director




Director



Director

Director

ATTEST:



BRIAN L. TALBOTT
Secretary to the Board of Directors



Received - Spokane

 DEC 13 2017

County Elections

CERTIFICATION

I, BRIAN L. TALBOTT, Secretary to the Board of Directors of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 15-17 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a special meeting of the Board of Directors of the District (the "Board") held at a special meeting place thereof on December 12, 2017, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Written notice specifying the time and place of the special meeting and noting the business to be transacted was given to all members of the Board by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special meeting (the "Notice"), a true and complete copy of the Notice is attached hereto as Appendix 1;

3. At least 24 hours prior to the special meeting, notice was also posted on the District's web site and prominently displayed at the main entrance of the District's Administrative Office and at the special meeting site;

4. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special meeting to each local radio or television station and to each newspaper of general circulation that has on file with the District a written request to be notified of special meetings and to any others to which such notices are customarily given by the District; and

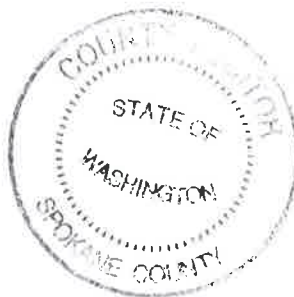
5. A quorum of the members of the Board was present throughout the meeting and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December, 2017.

NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES,
WASHINGTON



BRIAN L. TALBOTT
Secretary to the Board of Directors



Received - Spokane



DEC 13 2017

County Elections

APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING



NINE MILE FALLS SCHOOL DISTRICT 325/179

10110 West Charles Road • Nine Mile Falls, WA 99026
(509) 340-4300 FAX (509) 340-4301

Board of Directors

Vicki Daggy
Greg Flemming
Bill McBride
Mac Mikkelsen
Debbie Williams

Brian L. Talbott, Superintendent

**NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES, WASHINGTON**

NOTICE OF SPECIAL MEETING

NOTICE is hereby given that the Board of Directors of Nine Mile Falls School District No. 325-179, Spokane and Stevens Counties, Washington (the "District") will hold a Special Meeting on Tuesday, December 12, 2017, at 6:00 PM in the Library of Lakeside High School, located at 5909 Highway 291, Nine Mile Falls, Washington. The December 12, 2017, special meeting is called for the purpose of considering and acting upon the following agenda items:

1. Resolution No. 14-17, which provides for the submission to the District's voters, at a special election to be held on February 13, 2018, of a proposition authorizing the District to impose a three-year replacement educational programs and operations levy.
2. Resolution No. 15-17, which provides for the submission to the District's voters, at a special election to be held on February 13, 2018, of a proposition authorizing the District to impose a two-year capital levy for health, safety and energy efficiency improvements.

**NINE MILE FALLS SCHOOL DISTRICT NO. 325-179
SPOKANE AND STEVENS COUNTIES,
WASHINGTON**

/s/ Brian L. Talbott
Secretary to the Board of Directors