



SPOKANE COUNTY ELECTIONS DEPARTMENT

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Ballot Title Contact Information

District: East Valley School District No. 361, Spokane County, Washington

Subject of Ballot Title: Replacement Capital Levy for Safety, Security and Infrastructure Improvements

Date of Election: February 11, 2020

Contact: Neale Rasmussen, Executive Director of Business Services

Phone: 509.241.5042

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Contact: Jim McNeill, Foster Pepper PLLC

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Email: jim.mcneill@foster.com

Received Date:

Received By: *Brenea Clouse*

Received - Spokane

SEP 30 2019

County Elections

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON

PROPOSITION 2 – REPLACEMENT CAPITAL LEVY FOR SAFETY,
SECURITY AND INFRASTRUCTURE IMPROVEMENTS

RESOLUTION NO. 2777

A RESOLUTION of the Board of Directors of East Valley School District No. 361, Spokane County, Washington, providing for the submission to the voters of the District at a special election to be held on February 11, 2020, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2020 for collection in the years 2021 and 2022 in the aggregate total amount of \$6,939,826 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the District's Executive Director of Business Services and Technology 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.

ADOPTED: SEPTEMBER 24, 2019

This document prepared by:

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

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF EAST VALLEY SCHOOL DISTRICT NO. 361, SPOKANE COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of East Valley School District No. 361, Spokane County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2020 is the last year of collection of the District's current two-year Capital Projects Fund tax levy, which was authorized pursuant to Resolution No. 2769, adopted by the Board on July 24, 2018, and approved by the voters at a special election held and conducted within the District on November 6, 2018.

(b) Safety and security concerns, educationally outdated school facilities and deteriorating infrastructure require the District to levy excess property taxes to continue to support the construction, modernization and remodeling of school facilities, all as more particularly defined and described in Section 2 herein (collectively the "Projects").

(c) With the expiration of the District's current two-year Capital Projects Fund tax levy, it appears certain that the money in the District's Capital Projects Fund will be insufficient to permit the District to pay costs of the Projects, and that it is necessary that a replacement excess tax levy of \$3,372,941 be made in 2020 for collection in 2021 and \$3,566,885 be made in 2021 for collection in 2022 for the District's Capital Projects Fund to provide the money required to pay those costs.

(d) The proposed two-year Capital Projects Fund tax levy authorized in this resolution will replace the District's expiring two-year Capital Projects Fund tax levy.

(e) Pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053, the District may submit to its voters at a special election, for their approval or rejection, a proposition authorizing the District to levy annual excess property taxes to pay costs of the Projects.

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

Section 2. Description of the Projects. The Projects to be paid for with the excess property taxes authorized herein are more particularly defined and described as follows:

(a) Make District-wide safety, security and infrastructure improvements, including, but not limited to: (1) making parking and traffic improvements; (2) making safety, security and communication system improvements; (3) replacing and/or upgrading plumbing, heating, ventilation and air conditioning ("HVAC"), roofs and electrical systems; and (4) making other capital improvements, all as determined necessary and advisable by the Board.

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

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such incidental costs constitute a part of the Projects and 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 acquisition and 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 determined 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 determined 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"), is requested to call and conduct a special election in the manner provided by law to be held in the District on February 11, 2020, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing a replacement Capital Projects Fund excess property tax levy on all of the taxable property within the District (the assessed value of such representing 100% of true and fair value unless specifically provided otherwise by law) to be made annually for two years commencing in 2020 for collection in 2021 of \$3,372,941, the estimated dollar rate of tax levy required to produce such an amount being \$0.90 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$3,566,885, the estimated dollar rate of tax levy required to produce such an amount being \$0.90 per \$1,000 of assessed value, all in excess of the maximum tax levy allowed 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 Taxes. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy the excess property taxes provided in this resolution to pay costs of the Projects, all as may be authorized by law and determined 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 determined necessary and advisable by the Board.

Section 5. Sufficiency of Taxes. If the excess property taxes 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 taxes 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 determines 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 will not be required to accomplish such Projects and may apply the excess property taxes authorized herein or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property taxes authorized herein, all as the Board may determine by resolution and as permitted by law. In the event that the excess property taxes, 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 the Board determines most necessary and in the best interests of the District.

Notwithstanding anything in this resolution to the contrary, the excess property taxes 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 is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 2

EAST VALLEY SCHOOL DISTRICT NO. 361

REPLACEMENT CAPITAL LEVY FOR SAFETY, SECURITY AND
INFRASTRUCTURE IMPROVEMENTS

The Board of Directors of East Valley School District No. 361 adopted Resolution No. 2777, concerning a proposition for a levy for capital improvements. This proposition would authorize the District to levy the following excess taxes, in place of an expiring levy, upon all taxable property within the District, for District-wide safety, security and infrastructure improvements (including making parking and traffic improvements; making safety, security and communication system improvements; and replacing plumbing, HVAC, roofs and electrical systems):

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2021	\$0.90	\$3,372,941
2022	\$0.90	\$3,566,885

all as provided in Resolution No. 2777. 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 13, 2019; 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 authorizing the District to 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 District's Executive Director of Business Services and Technology (Neale Rasmussen), telephone: 509.241.5042; fax: 509.927.9500; email: rasmussenn@evsd.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, determined necessary by the Auditor or the Spokane County Prosecuting Attorney.

Section 9. General Authorization and Ratification. The Secretary, the District's Executive Director of Business Services and Technology, the President of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC (or its successor),

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 ratified and confirmed in all respects.

Section 10. Severability. If any provision of this resolution is 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 takes effect from and after its adoption.

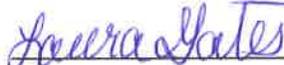
ADOPTED by the Board of Directors of East Valley School District No. 361, Spokane County, Washington, at a regular open public meeting, held this 24th day of September, 2019, the following Directors being present and voting in favor of the resolution.

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON



President and Director

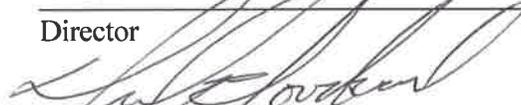
Vice President and Director



Director



Director



Director

ATTEST:



KELLY SHEA
Secretary to the Board of Directors

Received - Spokane

SEP 30 2019

County Elections

CERTIFICATION

I, KELLY SHEA, Secretary to the Board of Directors of East Valley School District No. 361, Spokane County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 2777 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the "Board") held at its regular meeting place on September 24, 2019, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect; and

2. 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 24th day of September, 2019.

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON



KELLY SHEA

Secretary to the Board of Directors