

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON

REPLACEMENT CAPITAL LEVY FOR SAFETY, SECURITY AND
INFRASTRUCTURE IMPROVEMENTS

RESOLUTION NO. 2806

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 November 8, 2022, in conjunction with the State General election to be held on the same date, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in 2023 of \$4,255,000, in 2023 for collection in 2024 of \$4,553,000, in 2024 for collection in 2025 of \$4,735,000, and in 2025 for collection in 2026 of \$4,924,000 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 related matters.

Received - Spokane

AUG 01 2022

County Elections

ADOPTED: JULY 26, 2022

This document prepared by:

*FOSTER GARVEY P.C.
618 West Riverside Avenue, Suite 300
Spokane, Washington 99201
(509) 777-1602*

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON

RESOLUTION NO. 2806

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 November 8, 2022, in conjunction with the State General election to be held on the same date, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in 2023 of \$4,255,000, in 2023 for collection in 2024 of \$4,553,000, in 2024 for collection in 2025 of \$4,735,000, and in 2025 for collection in 2026 of \$4,924,000 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 related matters.

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 2022 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. 2777, adopted by the Board on September 24, 2019, and approved by the voters at a special election held and conducted within the District on February 11, 2020.

(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 \$4,255,000 be made in 2022 for collection in 2023, \$4,553,000 be made in 2023 for collection in 2024, \$4,735,000 be made in 2024 for collection in 2025, and \$4,924,000 be made in 2025 for collection in 2026 for the District's Capital Projects Fund to provide the money required to pay those costs.

(d) The proposed four-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 safety, security and communication system improvements; (2) making parking and traffic improvements; (3) replacing and/or upgrading plumbing, heating, ventilation and air conditioning systems and equipment (“HVAC”), roofs and electrical systems; and (4) making other safety, security, infrastructure and 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 November 8, 2022, in conjunction with the State General election to be held on the same date, 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 four years commencing in 2022 for collection in 2023 of \$4,255,000, the

estimated dollar rate of tax levy required to produce such an amount being \$0.75 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$4,553,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.75 per \$1,000 of assessed value, in 2024 for collection in 2025 of \$4,735,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.75 per \$1,000 of assessed value, and in 2025 for collection in 2026 of \$4,924,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.75 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 tax 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 may 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 NO. 1

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. 2806, concerning a proposition for a replacement 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 safety, security, communication, parking and traffic 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>
2023	\$0.75	\$4,255,000
2024	\$0.75	\$4,553,000
2025	\$0.75	\$4,735,000
2026	\$0.75	\$4,924,000

all as provided in Resolution No. 2806. 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 the Secretary's designee is authorized and directed to: (a) present a certified copy of this resolution to the Auditor no later than August 2, 2022; 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; email: rasmussenn@evsd.org; and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 509.777.1602; 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. Execution; General Authorization and Ratification. This resolution may be executed by the Directors being present and voting in favor of the resolution, or only the President of the Board (the "President"), and attested by the Secretary, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Secretary, the District's Executive Director of Business Services and Technology, the President, and the District's special counsel, Foster Garvey P.C., are hereby further severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, 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 26th day of July, 2022.

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON



President and Director



Vice President and Director



Director

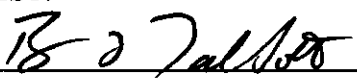
ABSENT

Director

ABSENT

Director

ATTEST:



BRIAN L. TALBOTT
Secretary to the Board of Directors

CERTIFICATION

I, BRIAN L. TALBOTT, 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. 2806 (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 the regular meeting place on July 26, 2022 (the "Meeting"), as that Resolution appears in the records of the District, and the Resolution is now in full force and effect; and

2. The Meeting was duly convened, held and included an opportunity for public comment, in all respects in accordance with law, 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 26th day of July, 2022.

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON



BRIAN L. TALBOTT
Secretary to the Board of Directors

Received - Spokane

AUG 01 2022

County Elections

EAST VALLEY SCHOOL DISTRICT NO. 361
SPOKANE COUNTY, WASHINGTON

EXPLANATORY STATEMENT

PROPOSITION NO. 1 – REPLACEMENT CAPITAL LEVY FOR SAFETY, SECURITY AND
INFRASTRUCTURE IMPROVEMENTS

Passage of Proposition No. 1 would allow the East Valley School District to replace an existing levy for safety, security and infrastructure improvements that will expire at the end of 2022. The taxes collected by this replacement levy will be used to make District-wide safety, security and infrastructure improvements, including: (1) making safety, security and communication system improvements; (2) making parking and traffic improvements; and (3) replacing and/or upgrading plumbing, heating, ventilation and air conditioning systems and equipment, roofs and electrical systems. The School Board determined these improvements were required due to safety and security concerns, educationally outdated school facilities and deteriorating infrastructure. Further information is available on the District's website <https://www.evsd.org/>.

The proposed four-year replacement levy would authorize collection of taxes to provide \$4,255,000 in 2023, \$4,553,000 in 2024, \$4,735,000 in 2025 and \$4,924,000 in 2026. The tax levy rate required to produce these levy amounts is estimated to be \$0.75 per \$1,000 of assessed value. Exemptions from taxes may be available to certain homeowners, call the Spokane County Assessor (509)477-3698.

(172 words – 175 allowed)