

**ORDINANCE NO. C-872**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY, WASHINGTON; PROVIDING FOR THE CONSTRUCTION OF AN AQUATIC AND FITNESS CENTER AND RELATED CITY FACILITIES; DECLARING THE ESTIMATED COST OF SUCH IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$13,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES LEVIED AGAINST ALL THE TAXABLE PROPERTY WITHIN THE CITY; PROVIDING FOR THE SUBMISSION OF THE PROPOSITION OF INCURRING SUCH INDEBTEDNESS TO THE QUALIFIED ELECTORS AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, AUGUST 2, 2016; PROVIDING FOR THE NOTICE OF SUCH ELECTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO**

**CITY OF AIRWAY HEIGHTS  
Spokane County, Washington**

**UNLIMITED TAX GENERAL OBLIGATION BONDS  
PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000**

THE CITY COUNCIL OF THE CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY, WASHINGTON, DO ORDAIN as follows:

WHEREAS, the City of Airway Heights, Spokane County, Washington (the "City"), is an optional code city duly organized and existing under and by virtue of the Constitution and the laws of the state of Washington (the "State") now in effect;

WHEREAS, the City Council of the City (the "Council") has determined that the construction of an aquatic and fitness center located at 11405 W. Deno Road within the City is required to better serve the needs of the residents of the City;

WHEREAS, in order to provide funds to plan, acquire, design, construct, equip and install such capital improvements, the Council hereby deems it necessary and advisable that the City issue and sell its unlimited tax general obligation bonds in the principal amount of not to exceed \$13,000,000 (the "Bonds") to pay the costs of the Project (as defined in Section 2 below), all pursuant to the provisions of chapters 35.22 and 39.46 RCW;

WHEREAS, RCW 29A.04.330 requires that a special election be called for the submission of a proposition to the qualified electors within the City for their approval or rejection prior to incurring such bonded indebtedness and the imposition of such taxes; and

WHEREAS, the City will notify the Spokane County Auditor, as *ex officio* Supervisor of Elections for the City, in compliance with chapters 29A.04 and 29A.40 RCW, of its intention to hold a special election on Tuesday, August 2, 2016, to submit the proposition of the issuance of

the Bonds and the imposition of such taxes to the qualified electors of the City for their approval or rejection;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

**Section 1:** The Council hereby determines that the best interest of the residents of the City requires the planning, acquisition, design, construction and installation of certain capital improvements and betterments to its facilities, together with all necessary appurtenances, fixtures and furnishings therefor.

**Section 2:** The proposed capital improvements (the "Project") to be paid for with the Bond proceeds are as follows:

- (a) Construction of an aquatic and fitness center;
- (b) ancillary costs of engineering, architectural, construction management, attorneys' fees, costs of bond issuance, permits, accounting costs, easements and any other expenses or consultant fees incidental thereto, together with all necessary appurtenances, fixtures and furnishings thereto.

Such capital improvements and betterments described in Section 2 above, which do not include the replacement of equipment, are to be more fully described in the plans and specifications to be prepared by the City's architects and engineers and to be filed with the City.

**Section 3:** If, in the opinion of the Council, the needs of the City change in a manner that results in a circumstance wherein any portion of the above-referenced capital improvements is not required or in the best interests of the City, the Council retains the right not to acquire, construct and install such capital improvements and to reallocate the money originally contemplated therefor to other capital improvements to the City's recreation facilities deemed more necessary by the Council, or to deposit such money into the City's Unlimited Tax General Obligation Bond Fund (the "Bond Fund") to make debt service payments on the Bonds outstanding or to call and redeem a portion of the Bonds prior to maturity.

**Section 4:** The total estimated cost of the capital improvements is hereby declared to be approximately \$13,000,000 which shall be paid, if authorized and empowered by the three-fifths (3/5) majority approving vote of the qualified electors of the City, by the issuance and sale of the Bonds.

**Section 5:** In the event the City has other legally available money or there are Bond proceeds (or interest earnings thereon) remaining after the capital improvements set forth in Section 2 above have been completed or duly provided for, the Council retains the right to make additional capital improvements to the recreation facilities of the City as are deemed necessary and desirable by the Council, or to deposit such money into the City's Bond Fund to make debt service payments on the Bonds outstanding or to call and redeem a portion of the Bonds prior to maturity.

**TO: The Spokane County Auditor, as ex officio Supervisor of Elections, for the City of Airway Heights, Spokane County, Washington**

Pursuant to Ordinance No. C-872, adopted by the City Council of the City of Airway Heights, Spokane County, Washington (the "Council"), at a regular meeting of the Council held on May 2, 2016, a copy of which is attached hereto and by this reference made a part hereof, you are respectfully requested to submit the following proposition to the qualified electors of the City of Airway Heights, Spokane County, Washington (the "City"), for their approval or rejection, at a special election to be held on Tuesday, August 2, 2016.

The proposition shall be in substantially the following form:

**PROPOSITION NO. 1**

**CITY OF AIRWAY HEIGHTS**

**AQUATIC AND FITNESS CENTER PROJECT GENERAL OBLIGATION BONDS - \$13,000,000**

The City Council of the City of Airway Heights, adopted Ordinance No. C-872, authorizing a proposition to fund the construction of an aquatic and fitness center. This proposition would authorize the City to construct an aquatic and fitness center and other related capital improvements; issue \$13,000,000 of general obligation bonds maturing within 30 years; and levy annual excess property tax levies to pay such bonds, as provided in Ordinance No. C-872. Should this proposition be:

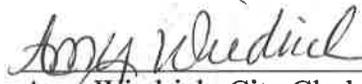
APPROVED:

REJECTED:

The special election shall be conducted by mail ballot; and the procedures and forms to conduct the special election by mail ballot shall be prescribed by the Spokane County Auditor in accordance with chapter 29A.40 RCW and chapter 434-250 WAC.

DATED as of May 2, 2016.

CITY OF AIRWAY HEIGHTS  
Spokane County, Washington

  
\_\_\_\_\_  
Amy Wiedrich, City Clerk



*RHC*  
RECEIVED

MAY 04 2016

BY: \_\_\_\_\_

\* \* \* \* \*

**CERTIFICATE**

I, Amy Wiedrich, City Clerk of the City of Airway Heights, Spokane County, Washington, hereby certify that the foregoing Ordinance is a full, true and correct copy of an ordinance duly passed and adopted at a regular meeting of the Council, duly held at the regular meeting place thereof on May 2, 2016, of which meeting all members of such Council had due notice and at which a majority thereof was present; and that at such meeting such Ordinance was adopted by the following vote:

AYES, and in favor thereof: Deputy Mayor Dashiell, Councilmember Inman, Councilmember Monteleone, Councilmember Bowman, and Councilmember Lawrence.

NAYS:

ABSENT:

ABSTAIN:

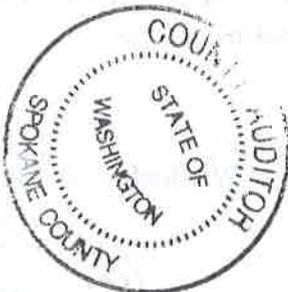
I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that such Ordinance is a full, true and correct copy of the original Ordinance adopted at such meeting; and that such Ordinance has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand on this 2<sup>nd</sup> day of May, 2016.

CITY OF AIRWAY HEIGHTS  
Spokane County, Washington

*Amy Wiedrich*  
\_\_\_\_\_  
Amy Wiedrich, City Clerk

(SEAL)



RECEIVED *RHC*

MAY 04 2016

BY: \_\_\_\_\_

**Section 11:** Such election will be conducted by mail ballot. The procedures and forms to conduct such election by mail ballot shall be prescribed by the Spokane County Auditor in accordance with chapter 29A.40 RCW and chapter 434-250 WAC.

**Section 12:** In the event the Project is approved pursuant to RCW 39.36.020 and Article VII, Section 2(b) of the State Constitution, there shall be levied and collected annual tax levies in an amount sufficient in each such year during the life of the Bonds, or until the full payment of both principal thereof and interest thereon, as will provide levy proceeds sufficient in amount to fully pay currently maturing installments of principal of and interest on the Bonds as such becomes due. Such tax levies will be in excess of the regular annual tax levies permitted by law.

**Section 13:** The Spokane County Auditor shall prepare the notice of special election which shall be published at least once, which publication shall take place not more than 15 days nor less than five days prior to the mail-in registration deadline. Such publication shall be in a newspaper of general circulation within the City and in accordance with RCW 29A.52.355.

**Section 14:** The City Clerk of the City is hereby directed to deliver a certified copy of this Ordinance to the Spokane County Auditor, as *ex officio* Supervisor of Elections for the City, no later than May 13, 2016.

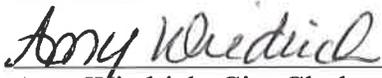
**Section 15:** This Ordinance shall be effective from and after its adoption and five days after its publication, or a publication of its summary, in the official newspaper of the City.

ADOPTED AND APPROVED by the City Council of the City of Airway Heights, Spokane County, Washington, at a regular meeting thereof, held on the 2<sup>nd</sup> day of May, 2016.

CITY OF AIRWAY HEIGHTS  
Spokane County, Washington

  
\_\_\_\_\_  
Tanya Dashiell, Deputy Mayor

ATTEST:

  
\_\_\_\_\_  
Amy Wiedrich, City Clerk

( S E A L )



RECEIVED

MAY 04 2016

BY: \_\_\_\_\_

R116

**Section 6:** In the event the Bond proceeds are insufficient to make all of the capital improvements set forth in Section 2 above, the City shall use the available money to pay the cost of such improvements set forth in Section 2 above deemed most necessary and to be in the best interest of the City by the Council.

**Section 7:** The Bonds, if approved and issued, shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Council all as permitted by law. The Bonds shall bear interest at such rate or rates not to exceed the maximum provided by law at the time they are sold. The Bonds shall mature in such amounts and at such time or times within a maximum term of 30 years from their date of issue but may mature at an earlier date or dates, as authorized by the Council and provided by law. The Bonds shall be unlimited tax general obligations of the City; and, unless paid from other sources, both principal thereof and interest thereon shall be payable out of annual property tax levies to be made upon all taxable property within the City without limitation as to rate or amount. The designation of the Bonds may be changed to reflect the actual date of issuance. The exact date, form, terms and maturities of the Bonds shall be hereafter fixed by ordinance of the Council.

**Section 8:** A special election is hereby requested to be called, conducted and held within the City on Tuesday, August 2, 2016, for the purpose of submitting to the qualified electors of the City, for their approval or rejection, the City's proposal to make the capital improvements specified in Section 2 above; to incur indebtedness; to issue the Bonds to finance such capital improvements; and to levy taxes in excess of the regular property tax levies to pay the principal of and interest on the Bonds.

**Section 9:** The Spokane County Auditor is hereby authorized and directed to call and conduct the August 2, 2016.

**Section 10:** Pursuant to RCW 29A.36.071, as amended, the Spokane County Prosecuting Attorney is requested to prepare the concise description of the proposition for the ballot title substantially in the following form:

PROPOSITION NO. 1

CITY OF AIRWAY HEIGHTS

AQUATIC AND FITNESS CENTER PROJECT GENERAL OBLIGATION  
BONDS - \$13,000,000

The City Council of the City of Airway Heights, adopted Ordinance No. C-872, authorizing a proposition to fund the construction of an aquatic and fitness center. This proposition would authorize the City to construct an aquatic and fitness center and other related capital improvements; issue \$13,000,000 of general obligation bonds maturing within 30 years; and levy annual excess property tax levies to pay such bonds, as provided in Ordinance No. C-872. Should this proposition be:

APPROVED:

REJECTED: