

CITY OF SPOKANE, WASHINGTON

RESOLUTION NO. 2018-0069

A RESOLUTION of the City of Spokane, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the City at a special election to be held therein on November 6, 2018, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of not to exceed \$77,000,000, or so much thereof as may be issued under the laws governing the indebtedness of the City for the purpose of providing funds to finance capital improvements to the Spokane Public Library facilities and collections.

ADOPTED [AUGUST 1], 2018

PREPARED BY:

MCALOON LAW, PLLC
Spokane, Washington

CITY OF SPOKANE, WASHINGTON

GENERAL OBLIGATION BONDS

RESOLUTION NO. 2018-0069

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* This Table of Contents and the cover page are not a part of the following Resolution and are included only for the convenience of the reader.

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WHEREAS, the City of Spokane, Washington (the “City”) is a first-class charter city duly organized and existing under and by virtue of the Constitution and laws of the state of Washington and the Charter of the City; and

WHEREAS, the Spokane Public Library (the “Library”) is a department of the City of Spokane organized under Chapter 27.12 of the Revised Code of Washington and operated and managed by the Library Board of Trustees (the “Library Board”); and

WHEREAS, the Library issued a Future and Facilities Study in 2016 (the “2016 Study”) laying the groundwork for capital improvements to the Library’s facilities and enhancement of future service capacity at locations throughout the City; and

WHEREAS, the 2016 Study provides for the development of plans for such capital improvements; and

WHEREAS, the Library entered into an agreement with Group 4 and Integrus Architecture (the “Consultants”) to prepare a preliminary design for the expansion and upgrade of Library locations and facilities pursuant to the Library’s Facilities and Future Service Plan; and

WHEREAS, at its July 17, 2018 meeting, the Library Board approved the preliminary design recommendations of the Consultants to acquire, construct, equip, modernize and make

other capital improvements to the facilities of the Spokane Public Library as further described in Section 2 of this resolution (the “Project”); and

WHEREAS, on July 17, 2018, the Library Board voted unanimously to recommend the City Council place a ballot measure on the November 6, 2018 ballot that would allow for the for the issuance of its general obligation bonds for the purpose of implementing the 2016 Study and the Project; and

WHEREAS, the City has an opportunity to collaborate with Spokane Public Schools (“School District”) to invest in and develop new and renovated educational facilities for the joint use of City and School District constituents; and

WHEREAS, the City Council believes the Project will enable the City and School District to accomplish mutual goals and improvements in a manner that provides the citizens and taxpayers of the City and School District with fully utilized, cost-effective public facilities; and

WHEREAS, subject to voter approval, in order to provide financing for the Project, the City Council now deems it necessary and advisable that the City issue and sell its general obligation bonds in the principal amount to not exceed \$77,000,000 (the “Bonds”); and

WHEREAS, the constitution and laws of the State of Washington provide that the question of whether or not the City may issue the Bonds be submitted to the qualified electors of the City for their approval or rejection; and

WHEREAS, pursuant to Section 85 of the City Charter, a vote of the people shall be required for capital expenditures for which debt shall be incurred by the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Spokane that:

Section 1. Findings. The City Council hereby finds and declares that it is in the best interests of the inhabitants of the City to carry out the Project hereinafter provided at the time or times and in the order deemed most necessary and advisable by the City.

Section 2. Spokane Library System Capital Project. The City Council approves of the Project, including, but not limited to:

a. the design, acquisition, construction, rehabilitation, modernization and installation of betterments and improvements to the Indian Trail Library, South Hill Library and Downtown Library branch locations, including improvements to the heating, ventilation and air conditioning systems, carpeting, roofs, lighting, accessibility, security and technology infrastructure of each branch locations; and

b. the design, acquisition, construction, and installation, or the remodel or relocation of a branch location serving the Liberty Park and East Central neighborhood, including site preparation, site improvements, removal and relocation of existing City recreation facilities as necessary to facilitate construction and installation of a new branch; and

c. the design, acquisition and construction, or the remodel or relocation and installation of an expanded or relocated Hillyard Library Branch located in or near Shaw Middle School; and

d. the design, acquisition, construction and installation of a new branch location serving the southeast portion of the City and located adjacent to the Libby Center; and

e. the design, acquisition, construction and remodel of an expanded Shadle Library Branch located adjacent to Shadle Park High School; and

f. the design, acquisition, construction and installation of twenty-four hour library materials kiosks throughout the Library system; and

g. All ancillary costs of equipping, outfitting, furnishing and acquiring library materials and collections in print or digital form, audio-visual equipment, computer and technology equipment and all necessary appurtenances for the Project; and

h. The costs of all necessary architectural, engineering, and other consulting services, inspection and testing, administrative and relocation expenses, on and off-site utilities, site acquisition, related Project and other costs incurred in connection with the making of the foregoing improvements shall be deemed a part of the costs of the Project, including costs of issuance, sale and delivery of the Bonds.

Upon issuance of the Bonds, the City shall determine the application of available moneys so as to accomplish, as nearly as may be, all of the Project described or provided for in this Resolution.

If the City Council determines that it has become impractical to accomplish any of such Project or portions thereof by reason of state or local circumstances, including changed conditions, incompatible development, lack of additional state funding, or costs substantially in excess of those estimated, the City shall not be required to accomplish such Project and may apply the Bond proceeds or any portion thereof to other portions of the Project, or to other Library capital improvements or expenditures, as the Library Board and City Council may determine is necessary.

In the event that proceeds of the sale of the Bonds, plus any other moneys of the City legally available, are insufficient to accomplish all of the Project as defined in this Section 2, the

City shall use the available funds to accomplish those elements of the Project as deemed most necessary and in the best interest of the citizens by the Library Board and City Council.

If available funds are sufficient from the proceeds of the Bonds to accomplish all of the Project and proceeds of the Bonds remain available, and state or local circumstances require, the City may use such funds to pay the principal of or interest on the Bonds or to acquire, construct, equip, outfit and make other capital improvements to Library facilities, all as the Library Board and City Council may determine is necessary.

Section 3. Authorization of Bonds. For the purpose of providing the funds necessary to pay the costs of the Project, together with incidental and appurtenant costs of acquisition, equipping and outfitting the Project improvements, and to pay costs related to the issuance and sale of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$77,000,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution and laws of the State of Washington. The balance, if any, of the cost of the Project shall be paid out of any other legally available funds. The Bond proceeds shall not be used for anything other than capital and other purposes permissible under state and federal laws.

Section 4. Details of Bonds. The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 25 years from date of issue, all as authorized by the City Council and as provided by law. The Bonds shall be general obligations of the City and, unless paid from

other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation. The exact date, form, terms, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council. Upon voter approval of the Bonds and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by Chapter 39.50 RCW.

Section 5. Election. It is hereby found and declared that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of the proposition of whether the City shall issue the Bonds at a special election to be held on November 6, 2018. The Spokane County Auditor, as *ex officio* supervisor of elections in Spokane County, Washington is hereby requested to call and conduct the special election to be held within the City and to submit to the qualified electors of the City the proposition set forth below. The City Clerk is hereby authorized and directed to certify the proposition to said officials in the following form:

CITY OF SPOKANE

PROPOSITION NO. 1

SPOKANE PUBLIC LIBRARY GENERAL OBLIGATION BONDS - \$77,000,000

The City Council of the City of Spokane passed a resolution approving a plan to finance the acquisition, construction, remodel and equipping of the City's public library system. Resolution No. 2018-0069 authorizes modernization of the Downtown, South Hill and Indian Trail branches; expansion and modernization of the Shadle branch; remodel or relocation of the Hillyard branch; construction of new Liberty Park and Libby Center branches; installation of library kiosks throughout the City; equipping and outfitting the branches; issuing up to \$77,000,000 in general obligation bonds repaid from an annual excess levy on real

property, maturing within 25 years from date of issue. Should this proposition be:

APPROVED?.....

REJECTED?

Certification of this proposition by the City Clerk to the Spokane County Auditor, in accordance with law, prior to the date of the election, and any other acts consistent with the authority and prior to the effective date of this resolution, are hereby ratified.

Section 6. Severability. In the event that any provision of this resolution shall be held to be invalid, such invalidity shall not affect or invalidate any other provision of this resolution or the Bonds, but they shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 7. Effective Date This resolution shall become effective immediately upon its passage and publication, as required by law.

ADOPTED by the City Council at a [regular/special] meeting thereof, held this [1st day of August], 2018.

CITY OF SPOKANE
Spokane County, Washington

Ben Stuckart, Council President

ATTEST:

Terri L. Pfister, Clerk

Mayor

(SEAL)

APPROVED AS TO FORM:

Assistant City Attorney

Laura D. McAloon, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Spokane, Washington (the "City"), DO HEREBY CERTIFY:

1. That the attached Resolution No. 2018-0069 (the "Resolution") is a true and correct copy of a Resolution of the Council as passed at a [regular/special] meeting of the Council held on August 1, 2018, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Resolution; that all other requirements and proceedings incident to the proper passage of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City this 1st day of August, 2018.

City Clerk

[S E A L]