



Yakima County Elections Division

ballot measure submission cover sheet

This form must accompany each resolution or ordinance submitted to:

Yakima County Elections
128 N 2nd St Room 117; Yakima WA 98901
PO Box 12570; Yakima WA 98909
509.574.1340
iVote@co.yakima.wa.us

district information

East Valley School District No. 90

name of district

Russell Hill, Superintendent and Secretary to the Board

district contact person and title

509-573-7320

phone

hill.russ@evsd90.org

email

election information

November 8, 2022

election date

Capital Levy

type of measure (levy, bond, advisory vote, etc)

Levy must be approved by a simple majority of the qualified voters with the school district.

pass / fail requirements (simple majority, super majority, 60%, etc), along with the applicable statutory references

contact information for publication

This contact person from the district should be able to respond to questions from voters about the ballot measure. This contact information will be published on the elections division website.

Russell Hill, Superintendent and Secretary to the Board

district contact person and title

509-573-7320

phone

hill.russ@evsd90.org

email

elections office use only

received by initials, date stamp

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Yakima County
Election Division

EAST VALLEY SCHOOL DISTRICT NO. 90
YAKIMA COUNTY, WASHINGTON

CAPITAL LEVY TO EXPAND EAST VALLEY CENTRAL MIDDLE
SCHOOL COMMONS

RESOLUTION NO. 421-21/22

A RESOLUTION of the Board of Directors of East Valley School District No. 90, Yakima 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 two years commencing in 2022 for collection in 2023 of \$2,500,000 and in 2023 for collection in 2024 of \$2,650,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the District's Director of Business Operations and special counsel to receive notice of the ballot title from the Auditor of Yakima County, Washington; and providing for related matters.

ADOPTED: JULY 7, 2022

This document prepared by:

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

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EAST VALLEY SCHOOL DISTRICT NO. 90
YAKIMA COUNTY, WASHINGTON

RESOLUTION NO. 421-21/22

A RESOLUTION of the Board of Directors of East Valley School District No. 90, Yakima 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 two years commencing in 2022 for collection in 2023 of \$2,500,000 and in 2023 for collection in 2024 of \$2,650,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the District's Director of Business Operations and special counsel to receive notice of the ballot title from the Auditor of Yakima County, Washington; and providing for related matters.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF EAST VALLEY SCHOOL DISTRICT NO. 90, YAKIMA COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of East Valley School District No. 90, Yakima County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Overcrowding and the need to improve operational efficiencies require the District to expand the East Valley Central Middle School Commons, all as more particularly defined and described in Section 2 herein (the "Project").

(b) 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 Project, and that it is necessary that an excess tax levy of \$2,500,000 be made in 2022 for collection in 2023, and \$2,650,000 be made in 2023 for collection in 2024 for the District's Capital Projects Fund to provide the money required to pay those costs.

(c) 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 Project.

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

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

(a) Expand the East Valley Central Middle School Commons, all as determined necessary and advisable by the Board.

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(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 Project. Such incidental costs constitute a part of the Project 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 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 Project, 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 Project so as to accomplish, as near as may be, all of the Project. The Board shall determine the exact order, extent and specifications for the Project. The Project is to be more fully described in the plans and specifications to be filed with the District.

Section 3. Calling of Election. The Auditor of Yakima 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 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 2022 for collection in 2023 of \$2,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.03 per \$1,000 of assessed value, and in 2023 for collection in 2024 of \$2,650,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.02 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 Project, 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 Project, or should state or local circumstances require any

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alteration in the Project, 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 Project 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 Project 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 Project, the District may use the available money for paying the cost of that portion of the Project 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.

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Yakima 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. 90

CAPITAL LEVY TO EXPAND EAST VALLEY CENTRAL MIDDLE SCHOOL COMMONS

The Board of Directors of East Valley School District No. 90 adopted Resolution No. 421-21/22, concerning a proposition to relieve overcrowding and improve operating efficiencies. This proposition would authorize the District to levy the following excess taxes, on all taxable property within the District, to expand the East Valley Central Middle School Commons:

| <u>Collection Year</u> | <u>Estimated Levy Rate/\$1,000</u> | <u>Assessed Value</u> | <u>Levy Amount</u> |
|------------------------|------------------------------------|-----------------------|--------------------|
| 2023 | \$1.03 | | \$2,500,000 |
| 2024 | \$1.02 | | \$2,650,000 |

all as specified in Resolution No. 421-21/22. 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

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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 Project.

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 Director of Business Operations (Justin Scully), telephone: 509.573.7334; email: scully.justin@evsd90.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 Yakima 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 Director of Business Operations, 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.

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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. 90, Yakima County, Washington, at a special open public meeting, of which due notice was given as required by law, held this 7th day of July, 2022.

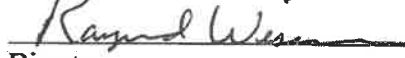
EAST VALLEY SCHOOL DISTRICT NO. 90
YAKIMA COUNTY, WASHINGTON



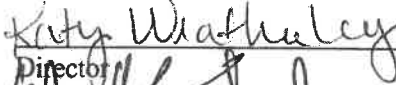
President and Director



Vice President and Director



Director



Director



Director

ATTEST:



RUSSELL HILL
Secretary to the Board of Directors

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CERTIFICATION

I, RUSSELL HILL, Secretary to the Board of Directors of East Valley School District No. 90, Yakima County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 421-21/22 (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 the regular meeting place on July 7, 2022 (the "Meeting"), as that Resolution appears in the records of the District, and the Resolution is now in full force and effect;

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

3. The Notice was also posted on the District's website and prominently displayed at the main entrance of the District's Administrative Office and the entrance to the special meeting location at least 24 hours prior to the Meeting;

4. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the 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. The Meeting was duly convened and held in all respects in accordance with law, a quorum was present throughout the meeting, and a sufficient number of members of the Board so present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of July, 2022.

EAST VALLEY SCHOOL DISTRICT NO. 90
YAKIMA COUNTY, WASHINGTON



RUSSELL HILL
Secretary to the Board of Directors

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APPENDIX 1
COPY OF NOTICE OF SPECIAL MEETING

R E C E I V E D
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Yakima County
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Board of Directors
Seth Basford
Eric Farmer
Raymond Wiseman
Katy Weatherley



Superintendent
Russell Hill

Assistant Superintendent
Matthew Toth

EAST VALLEY SCHOOL DISTRICT NO. 90
YAKIMA COUNTY, WASHINGTON

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Board of Directors (the “Board”) of East Valley School District No. 90, Yakima County, Washington (the “District”) will hold a special Board meeting on July 7, 2022, starting at 7:00 P.M. or as soon thereafter as possible, in the District Board Room located at the District Office, 2002 Beaudry Rd., Yakima, WA 98901 (“Special Meeting”). The regular meeting scheduled for July 11, 2022 has been rescheduled to July 7, 2022. To ensure compliance with the Open Public Meetings Act (Chapter 42.30 RCW), the Board will treat the meeting on July 7, 2022 as a special meeting, and provide notice of the Special Meeting as required by law. The Special Meeting is called for the purpose of considering and acting upon the following items:

___ Resolution No. 421-21/22, which provides for the submission to the District’s voters, at an election to be held on November 8, 2022, of a proposition authorizing the District to impose a two-year Capital Levy to Expand East Valley Central Middle School Commons.

EAST VALLEY SCHOOL DISTRICT NO. 90 YAKIMA
COUNTY, WASHINGTON

/s/ Russell Hill
Superintendent and Secretary to
the Board of Directors

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