

Spokane County Resolution Cover Sheet

This form must accompany each resolution filed with Spokane County Elections. The contact person or persons should have the authority to do so and be available to answer questions.

Name of District: City of Airway Heights
District Address: 1208 S. Lundstrom Street
Date of Election: August 1, 2023
Contact Person: Albert Tripp Title: City Manager
Contact Phone: 509-434-4885 Fax: _____
Contact Email: ATripp@cawh.org
2nd Contact Person: Stanley Schubert Title: Clerk-Treasurer
2nd Contact Phone: 509-309-2256
2nd Contact Email: SSchubert@cawh.org

Attorney for District: Deanna Gregory
Attorney Phone: 206-245-1700 Attorney Fax: _____
Attorney Email Address: Deanna.Gregory@pacificallawgroup.com

Type of Election (levy, bond, lid lift, etc.): Bond Measure

Please state the pass/fail requirement for this measure (i.e. simple majority, 60%, etc.) as determined by your legal counsel, together with applicable statutory references:

Pass/Fail Requirement is supermajority (60%) and the citation is chapter 39.36 RCW

Signature: 
of person filing this form

Date: 4-27-23

This form may be filled out and printed.

This mandatory resolution cover sheet must accompany any resolution.

Received - Spokane

APR 28 2023

**CITY OF AIRWAY HEIGHTS
SPOKANE COUNTY, WASHINGTON**

ORDINANCE NO. C-1003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AIRWAY HEIGHTS, 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 AUGUST 1, 2023, OF A PROPOSITION FOR THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,000,000, OR SO MUCH THEREOF AS MAY BE ISSUED UNDER THE LAWS GOVERNING THE INDEBTEDNESS OF CITIES FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE AND/OR REFINANCE THE ACQUISITION, RENOVATION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF FACILITIES TO BE USED AS A NEW FIRE STATION AND FOR OTHER EMERGENCY MANAGEMENT, PUBLIC SAFETY AND CITY PURPOSES, INCLUDING THE ACQUISITION OF REAL PROPERTY, AND LEVY EXCESS PROPERTY TAXES TO PAY THE BONDS.

WHEREAS, the City of Airway Heights, Washington (the “City”) provides fire, emergency management and other public safety services to its residents; and

WHEREAS, the City’s existing fire station and public safety facilities are outdated, are not effective at meeting the City’s public safety needs, and are not ideal for operations to serve its growing residential population; and

WHEREAS, as a result, the City has identified a need for new fire, emergency management and public safety facilities; and

WHEREAS, the City has negotiated the acquisition of 3.5 acres of land and improvements located thereon located in the City for the possible siting of the proposed facilities; and

WHEREAS, once renovated and improved, the new facilities will be used initially as a fire station and for emergency management and other public safety purposes. In the future, the facility may also be used for police, jail, municipal court and other City purposes if and to the extent additional funding becomes available to complete renovations and improvements to the facilities necessary to accommodate such functions; and

WHEREAS, to finance and/or refinance a portion of the capital costs associated with the acquisition, renovation, construction, improvement and equipping of the proposed facilities, including the acquisition of real property, it is deemed necessary and advisable by the Council that the City issue and sell one or more series of unlimited tax general obligation bonds in the principal amount of not to exceed \$8,000,000 (the “Bonds”); and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether such Bonds may be issued and sold for such purposes and taxes levied to pay such Bonds must be submitted to the qualified electors of the City for their ratification or rejection;

NOW, THEREFORE, the City Council of the City of Airway Heights, Washington, does ordain as follows:

Section 1. Findings. The Council hereby finds that the best interests of the residents of the City require the City to undertake the following projects (the “Projects”):

- Acquire, renovate, construct, improve and equip new facilities, including the acquisition of real property, to be used as a fire station and for emergency management, public safety and other City purposes (in the future, the facilities may also be used for criminal justice, municipal court and other City purposes if and to the extent additional funding becomes available to complete renovations and improvements to the facilities necessary to accommodate such functions);
- Construct new and renovate and improve existing structures and buildings located on such property to serve as a fire station, complete with all necessary equipment and furnishings; and
- Acquire such assets and make such other capital improvements to the property as needed to provide fire, emergency management, public safety and other City services as set forth herein.

The Projects shall include the acquisition of real property to locate such facilities. The City shall complete the Projects at the time, in the order and in the manner deemed most necessary and advisable by the Council. Costs of the Projects, which are estimated to be more than \$8,000,000, will be paid from proceeds of the Bonds authorized herein and other available funds of the City.

The cost of all necessary appraisals, negotiation, property acquisition, closing, architectural, engineering, project management, financial, legal and other consulting services, inspection and testing, demolition, relocation, administrative and relocation expenses, permitting, mitigation, construction, and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such Projects. Such Projects shall be complete with all necessary design, renovation, real property, equipment and appurtenances.

The Council shall determine the exact specifications for the Projects, and the components thereof, as well as the timing, order and manner of completing the components of the Projects. The Council may alter, make substitutions to, and amend such components as it determines are in

the best interests of the City and consistent with the general descriptions provided herein. The Council shall determine the application of moneys available for the various Projects so as to accomplish, as nearly as may be, all of the Projects.

If the Council shall determine that it has become impractical to design, construct, improve, obtain permits, renovate, acquire, develop, or equip all or any component of the Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of Bond proceeds or tax levies estimated to be available, or acquisition by or dependence on a superior governmental authority, the City shall not be required to provide such component or components. If all of the Projects have been constructed or acquired or duly provided for, or are found to be impractical, the City may apply remaining proceeds of the Bonds authorized herein (including earnings thereon) or any portion thereof to other public safety capital purposes of the City or to the redemption of the Bonds as the Council, in its discretion, shall determine.

In the event that the proceeds from the sale of the Bonds, plus any other money of the City legally available for such purpose, are insufficient to accomplish all of the Projects, the City shall use the available funds for paying the cost of those portions of the Projects deemed by the Council most necessary and in the best interest of the City.

Section 2. Authorization of Bonds. For the purpose of providing all or a portion of the funds necessary to finance and/or refinance the costs of the Projects, together with incidental costs and costs of issuance of the Bonds, the City shall issue and sell its unlimited tax general obligation bonds in the aggregate principal amount of not to exceed \$8,000,000 (the "Bonds"). The Bonds shall be issued in a principal (face) 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. In the event that the Bonds are sold at a net premium, any premium in excess of the principal amount approved by the electors (\$8,000,000) shall be used for costs of the Projects, costs of issuance or to capitalize interest on the Bonds, provided that the project fund deposit does not exceed the amount approved by the electors. The balance, if any, of the cost of the Projects shall be paid out of any other legally available funds. The Bond proceeds (and earnings thereon) shall be used to finance and/or refinance the costs of the Projects, together with incidental costs and costs related to the sale and issuance of the Bonds, and shall not be used for the replacement of equipment or for a purpose other than a capital purpose.

Section 3. Details of the Bonds. The Bonds provided for in Section 2 hereof shall be issued in such amounts and at such time or times as deemed necessary and advisable by the 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 Council. The Bonds shall mature in such amounts and at such times within a maximum term of 21 years from date of issue of a series, all as authorized by the Council and as provided by law. The Bonds shall be unlimited tax 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 limitations. The exact date, form, terms, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the Council.

In anticipation of the issuance of the Bonds, the City may issue short-term obligations as otherwise authorized by chapter 39.50 RCW. Such obligations may be paid or refunded with proceeds of the Bonds. The proceeds of the Bonds may also be used to reimburse the City for expenditures previously made for such Projects.

Section 4. Bond Election. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of funding the Projects, at an election to be held on August 1, 2023. The Spokane County Auditor (the "Auditor"), as *ex officio* supervisor of elections in Spokane County, Washington, is hereby requested to assume jurisdiction of and to call and conduct the election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth. Such election shall be conducted by mail.

The City Clerk is hereby authorized and directed to certify the proposition to the Auditor in substantially the following form:

CITY OF AIRWAY HEIGHTS PROPOSITION NO. [2]
FIRE STATION AND PUBLIC FACILITY BONDS

The City Council of the City of Airway Heights passed Ordinance C-1003 concerning a proposition for its fire station/public facilities. If approved, this proposition authorizes the City to acquire (including acquire real property), construct, improve, renovate and equip facilities to be used as a fire station and for emergency management, public safety and other City purposes; issue up to \$8,000,000 of general obligation bonds maturing within a maximum of 21 years to finance and/or refinance such projects; and levy annual excess property taxes to repay the bonds, as provided in Ordinance C-1003.

Should this proposition be approved:

YES?

NO?

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Auditor.

The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the Bonds shall be issued, as provided in this ordinance, to the electors at the August 1, 2023 election.

Section 5. Voters' Pamphlet. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot measure. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council. Each committee shall be composed of not more than three persons; however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. Effective Date. This ordinance shall take effect and be in force five days after its passage and publication, as provided by law.

Passed by majority vote of the Airway Heights City Council in open meeting this 13th day of March, 2023.

Signed in authentication thereof this 25th day of April, 2023.

DocuSigned by:
Larry Bowman
A636F659DD004E1...

Larry Bowman, Chair

Attest:

DocuSigned by:

27CF69D3894C42F...

Stanley Schubert, City Clerk

Approved as to Form:

DocuSigned by:
Deanna Gregory
D57152FBB9FA46B...

Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Airway Heights, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. C-1003 of the City (the "Ordinance"), as finally passed at a regular meeting of the City Council held on March 13^t, 2023, 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 said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been fully fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

Dated this 25th day of April, 2023.

CITY OF AIRWAY HEIGHTS, WASHINGTON

DocuSigned by:

27CF69D3894C42F...

Stanley Schubert, City Clerk

Explanatory Statement – Proposition No. 2

If approved, this proposition authorizes the City of Airway Heights (“City”) to issue bonds to finance the purchase, renovation, and equipping of a facility the City will use as a fire station and for other public safety and City purposes. The City’s current fire station, built over 50 years ago, lacks heat and air conditioning in most areas, and adequate decontamination facilities (such as showers and laundries) for firefighters returning from fire and medical calls. The facility is also too small to accommodate modern firefighting equipment (such as ladder trucks) at a time when call volumes have increased almost 50% over five years.

If approved, the bonds would mature within 21 years, and would be paid by annual excess property taxes. The average excess levy rate is estimated to be approximately \$0.37/\$1,000 of assessed property value or, for a home with an assessed value of \$300,000, approximately \$9.23 per month. Homeowners who are 62 years or older or disabled, and meet low-income requirements may qualify for a property tax exemption.

For/Against Committee Member Appointment Form

Name of District: City of Airway Heights
District Contact Name: Albert Tripp
Email Address: ATripp@cawh.org Phone: (509)434-4885

Jurisdiction's responsibility:

1. Email completed form to pamphlet@spokanecounty.org by the resolution submittal deadline.
2. Provide committee members with statement submission requirements and deadlines. Committees are solely responsible for submitting voters' pamphlet statements to the Elections Division.

Deadlines are on page 13 of these administrative rules. Questions? Contact the Elections Office at pamphlet@spokanecounty.org or call 509.477.2320.

Information for inclusion in voters' pamphlet:

"For" Committee (1-3 members):

Committee Name: _____
Phone: _____ Email: _____ Web: _____
Committee Member #1: McKenzie DonTigny Email: M.R.Dontigny@gmail.com
Committee Member #2: Mark Szacik Email: AirwayHeightsDQ@hotmail.com
Committee Member #3: _____ Email: _____

"Against" Committee (1-3 members):

Committee Name: _____
Phone: _____ Email: _____ Web: _____
Committee Member #1: _____ Email: _____
Committee Member #2: _____ Email: _____
Committee Member #3: _____ Email: _____