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Whatcom County Elections

BELLINGHAM SCHOOL DISTRICT NO. 501
WHATCOM COUNTY, WASHINGTON

GENERAL OBLIGATION BONDS

RESOLUTION NO. 25-21

A RESOLUTION of the Board of Directors of Bellingham School District No. 501, Whatcom County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on February 8, 2022, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$122,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the superintendent and/or assistant superintendent, finance to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

ADOPTED DECEMBER 8, 2021

PREPARED BY:

K&L GATES LLP
Seattle, Washington

BELLINGHAM SCHOOL DISTRICT NO. 501
RESOLUTION NO. 25-21

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* This table of contents and the cover page are not a part of this resolution; they are included for convenience of the reader only.

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WHEREAS, improved facilities are needed in Bellingham School District No. 501, Whatcom County, Washington (the “district”) in order to provide the students of the district with safe, adequate and efficient educational facilities; and

WHEREAS, in order to provide all or a part of the funds to enable the district to undertake renovations and upgrades to extend the life of the district’s existing facilities, including elementary and middle school buildings and construct new replacement school buildings, it is deemed necessary and advisable that the district issue and sell its unlimited tax general obligation bonds to provide funds for such purposes; and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether or not such bonds may be issued and sold for such purposes must be submitted to the qualified electors of the district for their ratification or rejection; and

WHEREAS, in RCW ch. 39.98 (the “Credit Enhancement Act”), the State Legislature established a credit enhancement program (the “program”) for voter-approved school district general obligation bonds; and

WHEREAS, Section 39.98.040 of the Credit Enhancement Act authorizes the state treasurer to make a determination that a school district is eligible for participation in the program if the state treasurer determines that the district is eligible under rules adopted by the state finance committee; and

WHEREAS, the district may elect to participate in the Program upon an administrative determination that it is cost-effective;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BELLINGHAM SCHOOL DISTRICT NO. 501, WHATCOM COUNTY, WASHINGTON, as follows:

Section 1. Findings. This Board of Directors (the “board”) hereby finds and declares that the best interest of the students and other inhabitants of the district require the district to carry out the plans hereinafter provided at the time or times and in the order deemed most necessary and advisable by the board.

Section 2. Capital Improvements. The district shall make the following capital improvements (the “improvements”):

- Design replacement schools for Carl Cozier, Columbia and Roosevelt elementary schools;
- Design, acquire, construct and equip a new elementary school;
- Design, acquire, construct and equip a new facility for the Community Transitions program and other programs;
- Complete certain capital improvements specified in Resolution No. 25-17, including but not limited to improvements to Sunnyland Elementary School, improvements to the Gordon Carter Environmental Education Site

and the District Office, and completion of athletic fields and facilities at Bellingham and Squalicum high schools;

- Install Americans with Disabilities compliant paths to fields at Squalicum High School;
- Design, acquire, construct and equip new classrooms at Kulshan Middle School;
- Improvements and additions for parking at Cordata Elementary School;
- Renovate existing elementary school fields and playgrounds at certain elementary schools;
- Renovate existing middle school fields at certain middle schools;
- Acquire sites, including easements, to accomplish the improvements; and
- Undertake sustainability improvements throughout the district, including but not limited to a restroom remodel, roof replacements, exterior painting, fencing, parking lot improvements, wetland mitigation, native plant and habitat restorations, exterior wall panel abatement and replacement, HVAC system upgrades, water heater upgrades, home economics classroom remodel, ramps, doors and hardware upgrades, flooring, room controls, sidewalk improvements and window replacements.

The cost of all necessary planning, architectural, engineering and other consulting services; inspection and testing; administrative and relocation expenses; on and off-site utilities; related improvements and other costs incurred in connection with the making of the foregoing capital improvements shall be deemed a part of the costs of the improvements. Such improvements shall include all necessary furniture, equipment and appurtenances.

If available funds are sufficient from the proceeds of Bonds authorized for the above purposes, the district may use such funds to acquire sites for facilities of the district or to pay the principal of or interest on the Bonds. In the alternative, if available funds are sufficient from the proceeds of Bonds authorized for the above purposes and/or state and local circumstances require, the district may use such funds to acquire, construct, equip, modernize and make other capital improvements to the facilities of the district, all as the board may determine, after holding a public hearing thereon pursuant to RCW 28A.530.020.

It is anticipated that the district may receive funds from the State of Washington pursuant to Chapter 28A.525 RCW. To the extent that such state funds are not received timely and used to pay costs of the improvements, the district intends to apply such state funds to future school facility construction projects, including planning and design of such district facilities. Such state funds may also be applied to pay the principal of or interest on the bonds provided for herein or to make other capital improvements to the facilities of the district as the board may determine after holding a public hearing thereon pursuant to RCW 28A.530.020.

Section 3. Authorization of Bonds. For the purpose of providing all or a part of the funds necessary to pay the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the bonds, the district shall issue and sell its unlimited tax general obligation bonds in the principal amount of not to exceed \$122,000,000. The balance of the cost of the improvements shall be paid out of any money which the district now has or may later have on hand which are legally available for such purposes. None of said bond proceeds shall be used for the replacement of equipment or for any other than a capital purpose. Such bonds shall be issued in an amount not exceeding the amount approved by the qualified electors of the district as

required by the Constitution and laws of the State of Washington or exceeding the amount permitted by the Constitution and laws of the State of Washington.

Section 4. Details of Bonds. The bonds provided for in Section 3 hereof shall be sold in such amounts and at such time or times as deemed necessary and advisable by this Board and as permitted by law, shall bear interest at a rate or rates not to exceed the maximum rate permitted by law at the time the bonds are sold, and shall mature in such amounts and at such times within a maximum term of twenty (20) years from date of issue, but may mature at an earlier date or dates, as authorized by this Board and as provided by law. Said bonds shall be general obligations of the district and, unless paid from other sources, both principal thereof and interest thereon (including original issue discount) shall be payable out of annual tax levies to be made upon all the taxable property within the district without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms and maturities of said bonds shall be as hereafter fixed by resolution of the board. After voter approval of the bond proposition and in anticipation of the issuance of such bonds, the district may issue short term obligations as authorized and provided by Chapter 39.50 RCW.

Section 5. Election. It is hereby found and declared that the best interests of the district requires the submission to the qualified electors of the district of the proposition of whether the district shall issue the Bonds at a special election to be held on February 8, 2022. The Whatcom County Auditor as *ex officio* supervisor of elections is hereby requested also to call and conduct the special election to be held within the district and to submit to the qualified electors of the district the proposition set forth below. The secretary of the board is hereby authorized and directed to certify the proposition to said officials in the following form:

PROPOSITION NO. 1
BELLINGHAM SCHOOL DISTRICT NO. 501
(BELLINGHAM PUBLIC SCHOOLS)

GENERAL OBLIGATION BONDS - \$122,000,000

The Board of Directors of Bellingham School District No. 501 adopted Resolution #25-21 concerning this proposition for bonds. This proposition would authorize the District to design replacements to Cozier, Columbia and Roosevelt Elementary Schools; construct a new elementary school; make classroom additions and building improvements throughout the District; improve playfields and structures; acquire necessary sites; and complete remaining 2018 bond projects, to issue \$122,000,000 of general obligation bonds maturing within a maximum of 20 years, and to levy excess property taxes annually to repay the bonds, all as provided in Resolution #25-21. Should this proposition be:

APPROVED
REJECTED

The secretary of the board is hereby authorized to deliver a certified copy of this resolution to the Whatcom County Auditor.

Section 6. 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 assistant superintendent, finance (Simone Sangster), telephone: 360.676.6500; email: simone.sangster@bellinghamschools.org; and (b) special counsel, K&L Gates LLP, telephone: 206.370.7801; email: cynthia.weed@klgates.com, as the individuals to whom the Auditor shall provide such notice. The assistant superintendent, finance is authorized to approve changes to the ballot title, if any, deemed necessary by the Whatcom County Auditor or the Whatcom County Prosecuting Attorney.

Section 7. Voters’ Pamphlet. Pursuant to RCW 29A.32.220, the board hereby confirms the district’s participation in the local voters’ pamphlet for the February 8, 2022 election, which shall be prepared and published by the Whatcom County Auditor, including, but not limited

to, an explanatory statement reviewed and approved by the district's attorney, and, if available, a Statement For and a Statement Against. The district understands and agrees that it will be required to pay its proportionate share of the expenses of the voters' pamphlet.

Section 8. Request for Eligibility for the Credit Enhancement Program. In preparation for the issuance and sale of the Bonds after approval by the voters, the board hereby requests that the State Treasurer issue a certificate of eligibility in favor of the district for participation by the district in the program with respect to the Bonds. The superintendent and/or assistant superintendent, finance is hereby authorized (following voter approval) to submit such applications, resolutions and certifications as shall be required by the State Treasurer in reviewing the district's request for participation.

Section 9. 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 10. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the board of directors of Bellingham School District No. 501, Whatcom County, Washington, at a regular meeting held this 8th day of December, 2021.

BELLINGHAM SCHOOL DISTRICT
NO. 501, WHATCOM COUNTY,
WASHINGTON









Directors

ATTEST:



Secretary of the Board of Directors

CERTIFICATE

I, the undersigned, secretary of the board of directors of Bellingham School District No. 501, Whatcom County, Washington (the "District"), and keeper of the records of the board of directors (the "board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 25-21 of the board (herein called the "Resolution"), duly adopted at a regular meeting thereof held on the 8th day of December, 2021.

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 board voted in the proper manner for the adoption of said Resolution; that all other requirements and proceedings incident to the proper adoption of said 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 this 8th day of December, 2021.


Secretary of the Board of Directors