

RESOLUTION NO. __

A RESOLUTION OF BANKS SCHOOL DISTRICT NO. 13, WASHINGTON COUNTY, OREGON, CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE DISTRICT THE QUESTION OF CONTRACTING GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,500,000 TO FINANCE THE COSTS OF CAPITAL CONSTRUCTION AND CAPITAL IMPROVEMENTS; DECLARING INTENT TO REIMBURSE EXPENDITURES; AND RELATED MATTERS.

WHEREAS, the Banks School District No. 13, Washington County, Oregon (*the "District"*), is faced with aging junior high and high school buildings and facilities and growing enrollment; and

WHEREAS, constructing new high school and junior high school classrooms and other facilities to improve student learning and upgrade safety, security and basic systems are top priority projects recommended by the community Facilities Planning Committee that studied, enrollment growth, existing school conditions and future student learning requirements for the past two years; and

WHEREAS, Banks High School was originally built in 1936, has been expanded and renovated three times in 1950, 1967 and 1975 and further renovation to accommodate updated student learning and enrollment growth would not be cost effective, according to the Facilities Planning Committee; and

WHEREAS, a professional engineering study found the main junior high school building would not withstand a moderate earthquake and should be replaced; and

WHEREAS, constructing additional classroom space at the Junior High School would allow the district to relieve crowding at the elementary school by moving sixth graders to the Junior High School; and

WHEREAS, research shows student achievement is negatively affected by poor classroom environments; and

WHEREAS, the area's quality of life, including the education provided by Banks schools, is helping attract new residents to the area, pushing school capacity beyond its limit; and

WHEREAS, in the last 10 years, enrollment in Banks schools has increased by 25%, and enrollment is expected to increase by at least another 27% over the next 10 years, according to Portland State University's Center for Population Research and Census Projections; and

WHEREAS, a scientific survey of district voters clearly indicates voters understand the need for providing larger, more appropriate instructional space for the growing number of junior high and high school students and want to protect their investment in school facilities by making these improvements; and

WHEREAS, the District has looked carefully at all of the costs for construction to assure the proposed building and facilities improvements provide equitable educational opportunities for all Banks students at the most reasonable and responsible cost to taxpayers for construction and continuing operational costs; and

WHEREAS, the Board of Directors of Banks School District No. 13, Washington County, Oregon (the "District"), has determined that a need exists for the District to finance the costs of capital construction and improvements, as more fully described in Exhibit A, attached hereto, and pay bond issuance costs (the "Project"); and

WHEREAS, in connection with the Project, the District has evaluated the need for safety improvements, the joint funding of safety improvements with other public and private entities and the funding of safety improvements in accordance with ORS 332.176: and

WHEREAS, the costs of the Project are estimated to be not more than \$25,500,000; and

WHEREAS, ORS 328.205, as amended (the "Act"), subject to voter approval, authorizes the District to contract bonded indebtedness to provide funds to finance the costs of the Project and to pay bond issuance costs; and

WHEREAS, the District anticipates incurring expenditures (the "Expenditures") to finance the costs of the Project and wishes to declare its official intent to reimburse itself for any Expenditures it may make from its general funds on the Project from the proceeds of voter-approved general obligation bonds (the "Bonds"), the interest on which shall be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the District understands that the use of proceeds of the Bonds to reimburse an Expenditure may occur no later than the later of (a) eighteen (18) months after the date of such Expenditure or (b) eighteen (18) months after completion of the projects to which such Expenditure relates, and in any event no later than three years after the date of such Expenditure; and may occur no earlier than sixty (60) days prior to the date of the adoption of this resolution; except for preliminary expenditures in an amount not exceeding twenty (20%) percent of the Bond proceeds or expenditures which do not exceed the lesser of \$100,000 or five (5%) percent of the Bond proceeds. Preliminary expenditures include: architectural, engineering, surveying, soil testing and similar costs incurred prior to commencement of acquisition, construction or rehabilitation of the projects, other than land acquisition, site preparation and similar costs incident to commencement of construction;

NOW, THEREFORE, the Board of Directors of Banks School District No. 13, Washington County, Oregon, resolves as follows:

1. A measure election is hereby called for the purpose of submitting to the electors of the District the question of contracting general obligation bonded indebtedness in the name of the District in an amount not to exceed \$25,500,000. Bond proceeds will be used to finance the Project and pay all Bond issuance costs. The Bonds shall mature over a period of not more than twenty-seven (27) years from the date of issue and may be issued in one or more series.

2. The measure election hereby called shall be held in the District on the 4th day of November 2008. As authorized by the County Clerk of Washington County, Oregon, and the Oregon Secretary of State, the election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

3. The District authorizes the Superintendent (the "Authorized Representative") or his designee to submit the final ballot title and explanatory statement and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

4. The Authorized Representative shall cause to be delivered to the Election Officer of Washington County, Oregon (the "Election Officer"), a Notice of Bond Election (the "Notice") in

substantially the form of, attached hereto as Exhibit A, which shall be approved and filed by the Authorized Representative of the District, not later than September 4, 2008, (sixty-one (61) days prior to the election date).

5. The District hereby declares its official intent to reimburse itself with the proceeds of the Bonds for any of the Expenditures incurred by it prior to the issuance of the Bonds.

6. The law firm of K & L Gates LLP, is hereby appointed to serve as bond counsel with respect to the issuance of the Bonds and Seattle-Northwest Securities Corporation is hereby appointed to serve as underwriter with respect to the issuance of the Bonds. The District will pay the fees and expenses of bond counsel and underwriter from Bond proceeds.

ADOPTED by the Board of Directors of Banks School District No. 13, Washington County, Oregon this 9th day of July 2008.

**BANKS SCHOOL DISTRICT NO. 13
WASHINGTON COUNTY, OREGON**

By: _____

Chair, Board of Directors

ATTEST:

By: _____

Superintendent/District Clerk

EXHIBIT A

NOTICE OF BOND ELECTION

**BANKS SCHOOL DISTRICT NO. 13
WASHINGTON COUNTY, OREGON**

NOTICE IS HEREBY GIVEN that on November 4, 2008, a measure election will be held in Washington County, Oregon. The following shall be the ballot title of the measure to be submitted to the district's voters on this date:

CAPTION:

**BONDS TO CONSTRUCT, RENOVATE BANKS
JUNIOR HIGH, HIGH SCHOOL FACILITIES**

QUESTION:

Shall Banks School District construct, renovate, expand Junior High, High School facilities by issuing general obligation bonds not exceeding \$25,500,000? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

SUMMARY:

If approved, this measure would replace Banks Junior High/High School facilities to reduce operating costs, add classroom space to accommodate student learning requirements and growing enrollment. Specifically, this measure would fund capital construction and improvements to:

- Construct, furnish, equip school facilities to replace, renovate, expand existing Junior High School with new general education classrooms including classrooms for science, computer technology, special education, vocational education; new library; other core area improvements.
- Construct, furnish, equip school facilities to replace, renovate, expand existing High School with new general education classrooms including classrooms for science, computer technology, special education, vocational education; cafeteria, commons area, gym and related physical education facilities; other core area improvements.
- Make other district safety, security, code upgrades and site improvements including purchasing land adjacent to Elementary, Junior High/High School sites to reduce traffic congestion and provide safer access.
- Pay any demolition costs and fees associated with issuing bonds.

Bonds would mature in twenty-seven (27) years or less from date of issuance and may be issued in one or more series.

The following authorized District Election Authority hereby certifies the above ballot title is true and complete.

Signature of authorized District Election Authority

Date signed

Printed name of authorized District Election Authority

Title