

TIMBERLAND REGIONAL LIBRARY
BOARD OF TRUSTEES SPECIAL MEETING
Service Center, 415 Airdustrial Way SW, Olympia, WA 98501

September 9, 1996

MINUTES

BOARD MEMBERS PRESENT: Helen Timm, President; Jean Davies; Carolyn Dobbs; Amory Peck; Janelle Williams

BOARD MEMBERS EXCUSED: Art Blauvelt; Bill Lawrence

STAFF PRESENT: Liane Bascou; Thelma Kruse; Jim Morgan

GUESTS PRESENT: Craig Hanson; Tom Mayer

President Timm called the special meeting to order at 6:20 p.m.

AGENDA ITEM:

Support for Litigation of Library Capital Facilities Area legislation

The recently enacted Library Capital Facilities Area legislation allows for the creation of special districts for the purpose of financing and building libraries. These districts would allow bond financing to be extended beyond city limits in order to incorporate the actual service area of a library. The City of Granite Falls and surrounding area, in the Sno-Isle Regional Library District, voted to create a Capital Facilities Area district. Before bonds could be sold, bond counsel gave their opinion that the act, as it was written, was unconstitutional. Sno-Isle Regional Library, King County Library System, the City of Granite Falls, and the Granite Falls Library Capital Facility Area are plaintiffs in a declaratory judgment action which seeks to establish that a Library Capital Facilities Area is a separate taxing district and, therefore, constitutional. Sno-Isle Regional Library and King County Library System have requested that Timberland contribute legal and financial support for the litigation. At its July 24, 1996 meeting, the TRL Board tabled this matter and requested a special meeting be scheduled with TRL's attorney in attendance.

96-39 JANELLE WILLIAMS MOVED, SUBJECT TO LEGAL CONSTRAINTS, THAT TIMBERLAND REGIONAL LIBRARY CONTRIBUTE \$5,000 TO SUPPORT THE LITIGATION TO ESTABLISH THAT LIBRARY CAPITAL FACILITIES AREAS ARE SEPARATE TAXING DISTRICTS; CAROLYN DOBBS SECONDED THE MOTION.

Mr. Mayor, Director of the Sno-Isle Regional Library, provided background information regarding the reason for this litigation. He has learned that the whole question of the constitutionality of creating special districts in a service area has been a long-standing issue in this state. There is a long standing difference of opinion between legislative staff and bond counsel in this state on how to resolve it. Legislative staff feel that the law as it has been written satisfies the constitutional requirements. Bond counsel, and particularly the gentleman who provided the opinion in this particular instance, cannot approve selling bonds without a court ruling. The court needs to decide on how to fix this problem and then it can be taken back to the legislature. Mr. Mayor has just learned that the lawsuit is expected to be filed this month.

Whether or not the case is successful in Superior Court, the case will be appealed to higher court in order to make the ruling applicable throughout the state. So far the plaintiffs have received monetary contributions to the lawsuit from other agencies slightly over \$21,000 and they anticipate another \$10,000. The Sno-Isle Regional and King County Library Boards have each committed \$50,000 to the lawsuit. They are determined to succeed because it is a way to get new libraries built that we have never been able to do before. One of the court documents will list all who are providing monetary contributions which will let the judge know that the issue is larger than just two libraries.

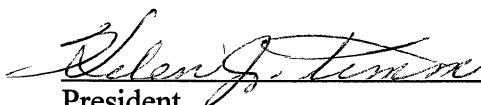
Mr. Hanson explained that a declaratory judgment is a clean judgment. The lawsuit will ask the court to declare that the act is constitutional.

There was discussion of when TRL's contribution should be made. TRL's interest lies in the appeal process. Ms. Dobbs requested a friendly amendment to the motion to state that TRL will make its contribution during the appeal process. Ms. Williams agreed to the friendly amendment. Mr. Mayor said that he has been advised that a letter, the interlocal agreement which justifies the multiple participation in the lawsuit, along with the board's action and an invoice from the plaintiffs will satisfy the auditor. Mr. Morgan advised that TRL does have the funds for this contribution. Mr. Hanson has advised TRL not to participate in the interlocal agreement but rather to just provide monetary support. He agrees that there should not be any problems with the auditor in this matter.


The motion as amended is as follows:

JANELLE WILLIAMS MOVED, SUBJECT TO LEGAL CONSTRAINTS, THAT
TIMBERLAND REGIONAL LIBRARY CONTRIBUTE \$5,000 TO SUPPORT
APPELLATE LITIGATION, IF ANY, TO ESTABLISH THAT LIBRARY CAPITAL
FACILITIES AREAS ARE SEPARATE TAXING DISTRICTS; CAROLYN DOBBS
SECONDED THE MOTION. THE AMENDED MOTION CARRIED UNANIMOUSLY.

There was no further business and the meeting adjourned at 7:00 p.m.



President



Secretary