

TEKOA SCHOOL DISTRICT NO. 265
WHITMAN AND SPOKANE COUNTIES, WASHINGTON

PROPOSITION 2 - CAPITAL LEVY FOR HEALTH, SAFETY AND
TECHNOLOGY IMPROVEMENTS

RESOLUTION NO. 04-2018

A RESOLUTION of the Board of Directors of Tekoa School District No. 265, Whitman and Spokane Counties, Washington, providing for the submission to the voters of the District at a special election to be held therein on February 13, 2018, of a proposition authorizing a tax levy to be made annually for two years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$133,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.67 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2019 for collection in 2020 of \$133,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.67 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval, for the District's Capital Projects Fund, the proceeds of such levies to be used to support the construction, modernization and remodeling of school facilities, all as more particularly set forth herein; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Whitman County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: NOVEMBER 28, 2017

This document prepared by:

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TEKOA SCHOOL DISTRICT NO. 265
WHITMAN AND SPOKANE COUNTIES, WASHINGTON

RESOLUTION NO. 04-2018

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TEKOA SCHOOL DISTRICT NO. 265, WHITMAN AND SPOKANE COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Tekoa School District No. 265, Whitman and Spokane Counties, Washington (the "District"), takes note of the following facts and hereby makes the following findings and determinations:

(a) The existing condition of school facilities and the institution of new instructional programs require the District to support the construction, modernization and remodeling of school facilities, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(b) It appears certain that the money in the District's Capital Projects Fund for the school years 2018-2019, 2019-2020 and 2020-2021 will be insufficient to permit the District to pay costs of the Projects thereof, during such school years, and that it is necessary that an excess tax levy of \$133,000 be made in 2018 for collection in 2019, and \$133,000 be made in 2019 for collection in 2020, for the District's Capital Projects Fund to provide the money required to meet those costs.

(c) The District is authorized pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053 to submit to the District's voters at a special election, for their approval or rejection, the proposition of whether the District shall levy annual excess property taxes to pay costs of the Projects.

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

Section 2. Description of the Projects. The Board hereby finds and declares that the Projects to be paid for with proceeds from the excess property tax levies authorized herein are more particularly defined and described as follows:

(a) Make health, safety and technology improvements throughout existing school facilities, including, but not limited to: (1) enhancing and/or improving security; (2) upgrading, replacing and/or improving major systems, including, but not limited to, roofs, heating, electrical, flooring and mechanical; (3) acquiring and installing technology equipment and infrastructure, and making other improvements and upgrades to the District's technology systems and facilities; and (4) making other health, safety and technology improvements to school facilities, all as deemed necessary and advisable by the Board. The foregoing technology improvements shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) Pay costs associated with implementing the foregoing technology improvements, including, but not limited to, acquiring, constructing and installing hardware and licensing software, online applications and training related to the installation of the foregoing, all as deemed necessary and advisable by the Board. Such costs shall be deemed part of the Projects and shall also include, but are not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services, all as deemed necessary and advisable by the Board. The hardware, software or applications shall be an integral part of the District's technology systems and facilities for instruction and research.

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such costs shall be deemed part of the Projects and shall 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 deemed necessary and advisable by the Board.

The Projects, 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 deemed necessary and advisable by the Board. The Board shall determine the application of available money between the various parts of the Projects so as to accomplish, as near as may be, all of the Projects. The Board shall determine the exact order, extent and specifications for the Projects. The Projects are to be more fully described in the plans and specifications to be filed with the District.

Section 3. Calling of Election. The Auditor of Whitman County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), and the proper officer of the county to which the District belongs pursuant to chapter 28A.323 RCW, is requested to call and conduct a special

election in the District in the manner provided by law to be held therein on February 13, 2018, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether an excess property tax levy for the Capital Projects Fund shall be made annually for two years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$133,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.67 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2019 for collection in 2020 of \$133,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.67 per \$1,000 of assessed value, all in excess of the maximum tax levy specified 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 levy.

Section 4. Use of Levy Proceeds. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy excess property taxes and use the proceeds of such levies to pay costs of the Projects thereof, during the school years 2018-2019, 2019-2020 and 2020-2021, all as may be authorized by law and deemed 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 deemed necessary and advisable by the Board.

Section 5. Sufficiency of Levy Proceeds. If available proceeds from the excess property tax levies authorized herein are more than sufficient to carry out the Projects, or should state or local circumstances require any alteration in the Projects, the District may apply such proceeds 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 shall determine that it has become impractical to accomplish the Projects 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 shall not be required to accomplish such Projects and may apply the proceeds from the excess property tax levies or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property tax levies authorized herein, all as the Board may determine by resolution and as permitted by law. In the event that the proceeds from the excess property tax levies authorized herein, plus any other money of the District legally available therefor, are insufficient to accomplish all of the Projects, the District shall use the available money for paying the cost of that portion of the Projects that is deemed by the Board most necessary and in the best interest of the District.

Notwithstanding anything in this resolution to the contrary, the proceeds from the excess property tax levies authorized herein may be used only to support the construction, modernization or remodeling of school facilities.

[*Remainder of page intentionally left blank*]

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Whitman County Prosecuting Attorney, as the county prosecuting attorney of the county within which the majority area of the District is located, is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 2

TEKOA SCHOOL DISTRICT NO. 265

CAPITAL LEVY FOR HEALTH, SAFETY AND TECHNOLOGY IMPROVEMENTS

The Board of Directors of Tekoa School District No. 265 adopted Resolution No. 04-2018, concerning a proposition for a levy for capital improvements. This proposition would authorize the District to levy the following excess taxes, on all taxable property within the District, to make health, safety and technology improvements (including enhancing security, upgrading roofs, heating, electrical and flooring, and acquiring and installing technology equipment and infrastructure):

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2019	\$1.67	\$133,000
2020	\$1.67	\$133,000

all as provided in Resolution No. 04-2018. 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 her designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 15, 2017; 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 of whether the District shall levy annual excess property taxes to pay costs of the Projects.

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 Secretary (Connie Kliewer), telephone: 509.284.3281; fax: 509.284.2045; email: ckliewer@tekoasd.org; and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; fax 800.533.2284; 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, deemed necessary by the Auditor or the Whitman County Prosecuting Attorney.

Section 9. General Authorization and Ratification. The Secretary, the District’s Business Manager, the Chair of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC, are severally authorized and directed to take such actions and to execute such documents 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 hereby ratified and confirmed in all respects.

Section 10. Severability. If any provision of this resolution shall be 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.

Section 11. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Tekoa School District No. 265, Whitman and Spokane Counties, Washington, at a regular open public meeting thereof, held this 28th day of November, 2017, the following Directors being present and voting in favor of the resolution.

TEKOA SCHOOL DISTRICT NO. 265
WHITMAN AND SPOKANE COUNTIES,
WASHINGTON

Chair and Director

Vice Chair and Director

Director

Director

Director

ATTEST:

CONNIE KLIEWER
Secretary to the Board of Directors

CERTIFICATION

I, CONNIE KLIEWER, Secretary to the Board of Directors of Tekoa School District No. 265, Whitman and Spokane Counties, Washington (the “District”), hereby certify as follows:

1. The foregoing Resolution No. 04-2018 (the “Resolution”) is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the “Board”) held at the regular meeting place thereof on November 28, 2017, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect; and

2. A quorum of the members of the Board was present throughout the meeting and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of November, 2017.

TEKOA SCHOOL DISTRICT NO. 265
WHITMAN AND SPOKANE COUNTIES,
WASHINGTON

CONNIE KLIEWER
Secretary to the Board of Directors