



## SPOKANE COUNTY ELECTIONS DEPARTMENT

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### Ballot Title Contact Information

District: Cheney School District No. 360, Spokane and Whitman Counties, Washington

Subject of Ballot Title: Capital Levy for Land, and Technology and Infrastructure Improvements

Date of Election: November 5, 2019

Contact: Jamie Weingart, Director of Finance

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Received Date:

Received By:

*B. Clouse*

**Received - Spokane**

**AUG 01 2019**

**County Elections**

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES, WASHINGTON

CAPITAL LEVY FOR LAND, AND TECHNOLOGY AND  
INFRASTRUCTURE IMPROVEMENTS

RESOLUTION NO. 28-18-19

A RESOLUTION of the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, providing for the submission to the voters of the District at a special election to be held on November 5, 2019, in conjunction with the State General election to be held on the same date, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2019 for collection in the years 2020 through 2021 in the aggregate total amount of \$4,274,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the District's Director of Finance and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto.

ADOPTED: JULY 31, 2019

*This document prepared by:*

*FOSTER PEPPER PLLC  
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Spokane, Washington 99201  
(509) 777-1602*

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES, WASHINGTON

RESOLUTION NO. 28-18-19

A RESOLUTION of the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, providing for the submission to the voters of the District at a special election to be held on November 5, 2019, in conjunction with the State General election to be held on the same date, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2019 for collection in the years 2020 through 2021 in the aggregate total amount of \$4,274,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the District's Director of Finance and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CHENEY SCHOOL DISTRICT NO. 360, SPOKANE AND WHITMAN COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Cheney School District No. 360, Spokane and Whitman Counties, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Deteriorating infrastructure (including instructional technology equipment and infrastructure improvement vehicles and machinery), student and staff safety and security needs, the needs of the District's educational programs require the District to levy excess property taxes 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 will be insufficient to permit the District to pay costs of the Projects, and that it is necessary that an excess tax levy of \$2,085,000 be made in 2019 for collection in 2020, and \$2,189,000 be made in 2020 for collection in 2021 for the District's Capital Projects Fund to provide the money required to pay those costs.

(c) Pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053, the District may submit to its voters at a special election, for their approval or rejection, a proposition authorizing the District to 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.

Section 2. Description of the Projects. The Projects to be paid for with the excess property taxes authorized herein are more particularly defined and described as follows:

(a) Acquire land and interests in land as sites for new and expanded facilities of the District, all as determined necessary and advisable by the Board. The term "land" as used herein includes all real property and improvements and other structures thereon and all interests therein.

(b) Make technology and infrastructure improvements throughout existing school facilities, including, but not limited to: (1) acquiring, installing, implementing and modernizing student and teacher technology devices and other instructional technology equipment, infrastructure, systems and facilities, and making other improvements and upgrades to the District's technology systems and facilities; (2) acquiring, installing, implementing and modernizing communication and emergency alarm systems; (3) acquiring infrastructure improvement vehicles, machinery and equipment; and (4) making other technology and infrastructure improvements to school facilities, all as determined 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.

(c) Acquire, construct and install all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances in or for the foregoing, all as determined necessary and advisable by the Board.

(d) 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 determined necessary and advisable by the Board. Such costs constitute a part of the Projects and also include, but are not limited to, ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the use, installation and integration of these products and services, all as determined 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.

(e) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such incidental costs constitute a part of the Projects and 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 determined 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 determined 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 Spokane 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 manner provided by law to be held in the District on November 5, 2019, in conjunction with the State General election to be held on the same date, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing a Capital Projects Fund excess property tax levy on all of the taxable property within the District (the assessed value of such representing 100% of true and fair value unless specifically provided otherwise by law) to be made annually for two years commencing in 2019 for collection in 2020 of \$2,085,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.50 per \$1,000 of assessed value, and in 2020 for collection in 2021 of \$2,189,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.50 per \$1,000 of assessed value, all in excess of the maximum tax levy allowed 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 Taxes. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy the excess property taxes provided in this resolution to pay costs of the Projects, all as may be authorized by law and determined 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 determined necessary and advisable by the Board.

Section 5. Sufficiency of Taxes. If the excess property taxes 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 taxes 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 determines 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 will not be required to accomplish such Projects and may apply the excess property taxes authorized herein or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property tax levies, all as the Board may determine by resolution and as permitted by law. In the event that the excess property taxes, 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 the Board determines most necessary and in the best interests of the District.

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

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Spokane County Prosecuting Attorney, as the 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 1

CHENEY SCHOOL DISTRICT NO. 360

CAPITAL LEVY FOR LAND, AND TECHNOLOGY AND INFRASTRUCTURE IMPROVEMENTS

The Board of Directors of Cheney School District No. 360 adopted Resolution No. 28-18-19, 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 acquire land and make technology and infrastructure improvements (including acquiring student and teacher technology devices, other instructional technology equipment, communication and emergency alarm systems, and infrastructure improvement vehicles and machinery):

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2020	\$0.50	\$2,085,000
2021	\$0.50	\$2,189,000

all as provided in Resolution No. 28-18-19. 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 his designee is directed to: (a) present a certified copy of this resolution to the Auditor and the Auditor of Whitman County, Washington, no later than August 6, 2019; 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 authorizing the District to 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 District's Director of Finance (Jamie Weingart), telephone: 509.559-4501; fax: 509.559.4508; email: [jweingart@cheneyisd.org](mailto:jweingart@cheneyisd.org); and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; fax 800.533.2284; email: [jim.mcneill@foster.com](mailto:jim.mcneill@foster.com), as the individuals to whom the Auditor and the Auditor of Whitman County, Washington, shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Spokane County Prosecuting Attorney.

Section 9. General Authorization and Ratification. The Secretary, the District's Director of Finance, the President 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 ratified and confirmed in all respects.

Section 10. Severability. If any provision of this resolution is 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 takes effect from and after its adoption.

ADOPTED by the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, at a regular open public meeting held this 31<sup>st</sup> day of July, 2019, the following Directors being present and voting in favor of the resolution.

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES,  
WASHINGTON

\_\_\_\_\_  
President and Director

\_\_\_\_\_  
Vice President and Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

ATTEST:

Robert W. Roettger  
ROBERT W. ROETTGER  
Secretary to the Board of Directors

CERTIFICATION

I, ROBERT W. ROETTGER, Secretary to the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 28-18-19 (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 its regular meeting place on July 31, 2019, 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 31<sup>st</sup> day of July, 2019.

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES,  
WASHINGTON



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ROBERT W. ROETTGER  
Secretary to the Board of Directors