

CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404  
KITTITAS COUNTY, WASHINGTON

REPLACEMENT OF EXPIRING CAPITAL LEVY TO  
IMPROVE SCHOOL FACILITIES

RESOLUTION NO. 18-11-1

A RESOLUTION of the Board of Directors of Cle Elum-Roslyn School District No. 404, Kittitas County, Washington, providing for the submission to the voters of the District at a special election to be held on February 12, 2019, of a proposition authorizing an excess tax levy to be made annually for three years commencing in 2019 for collection in the years 2020 through 2022 in the aggregate total amount of \$4,500,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Kittitas County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: NOVEMBER 26, 2018

*This document prepared by:*

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KITTITAS COUNTY AUDITOR



CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404  
KITTITAS COUNTY, WASHINGTON

RESOLUTION NO. 18-11-1

A RESOLUTION of the Board of Directors of Cle Elum-Roslyn School District No. 404, Kittitas County, Washington, providing for the submission to the voters of the District at a special election to be held on February 12, 2019, of a proposition authorizing an excess tax levy to be made annually for three years commencing in 2019 for collection in the years 2020 through 2022 in the aggregate total amount of \$4,500,000 for the District's Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Kittitas County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404, KITTITAS COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Cle Elum-Roslyn School District No. 404, Kittitas County, Washington (the "District"), takes note of the following facts and hereby makes the following findings and determinations:

(a) Calendar year 2019 is the last year of collection of the District's current three-year Capital Projects Fund tax levy, which was authorized pursuant to Resolution No. 11-15-2, adopted by the Board on November 23, 2015, and approved by the voters at a special election held and conducted within the District on February 9, 2016.

(b) The existing condition of school facilities and equipment and the institution of new instructional programs require the District to continue to modernize and remodel school facilities by improving, expanding and repairing existing school facilities and grounds, improving health, safety and security, improving access for community facility use and acquiring technology equipment for student learning, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(c) With the expiration of the District's current three-year Capital Projects Fund tax levy, it appears certain that the money in the District's Capital Projects Fund for the school years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 will be insufficient to permit the District to pay costs of the Projects during such school years and that it is necessary that a replacement excess tax levy of \$1,500,000 be made in 2019 for collection in 2020, \$1,500,000 be made in 2020 for collection in 2021, and \$1,500,000 be made in 2021 for collection in 2022, for the District's Capital Projects Fund to provide the money required to pay those costs.

(d) The proposed three-year Capital Projects Fund tax levy authorized in this resolution will replace the District's expiring three-year Capital Projects Fund tax levy.

(e) 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.

(f) 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 Projects to be paid for with the excess property tax levies authorized herein are more particularly defined and described as follows:

(a) Improve, expand and repair existing school facilities and grounds; improve health, safety and security; improve access for community facility use; acquire land for new and expanded school facilities; and make other health, safety, security, energy efficiency and athletic improvements to school facilities, 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) Acquire technology equipment for student learning, including, but not limited to: (1) acquiring and installing technology equipment and infrastructure and replacing and upgrading computers, hardware, software and telecommunication systems throughout school facilities; (2) providing related staff training and support to implement such technology improvements; and (3) making other technology improvements and upgrades throughout existing school facilities, all as determined necessary and advisable by the Board. The foregoing technology equipment, infrastructure, improvements and upgrades 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 the foregoing, all as determined necessary and advisable by the Board.

(d) Pay costs associated with implementing the foregoing technology equipment, infrastructure, improvements and upgrades, 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 shall 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 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.

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such incidental costs constitute a 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 acquisition and 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 Kittitas County, Washington, as *ex officio* Supervisor of Elections (the “Auditor”), is requested to call and conduct a special election in the District in the manner provided by law to be held in the District on February 12, 2019, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition of whether a replacement 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) shall be made annually for three years commencing in 2019 for collection in 2020 of \$1,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.49 per \$1,000 of assessed value, in 2020 for collection in 2021 of \$1,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.48 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$1,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.47 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 excess property taxes to pay costs of the Projects during the school years 2019-2020, 2020-2021, 2021-2022 and 2022-2023, 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 tax levies 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 tax levies, 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 tax levies 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 Kittitas County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 1

CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404

REPLACEMENT OF EXPIRING CAPITAL LEVY  
TO IMPROVE SCHOOL FACILITIES

The Board of Directors of Cle Elum-Roslyn School District No. 404 adopted Resolution No. 18-11-1, concerning a proposition to finance improvement of school facilities. This proposition would authorize the District to: improve, expand and repair existing school facilities and grounds; improve health, safety and security; improve access for community facility use; acquire technology equipment for student learning; and levy the following excess taxes, in place of an expiring levy, on all taxable property within the District:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2020	\$0.49	\$1,500,000
2021	\$0.48	\$1,500,000
2022	\$0.47	\$1,500,000

all as provided in Resolution No. 18-11-1. 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 no later than December 14, 2018; 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 (Gary Wargo), telephone: 509.649.4851; fax: 509.260.0129; email: [wargog@cersd.org](mailto:wargog@cersd.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 shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Kittitas 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 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 shall become effective immediately upon its adoption.

*[ Remainder of page intentionally left blank; signature page follows ]*

ADOPTED by the Board of Directors of Cle Elum-Roslyn School District No. 404, Kittitas County, Washington, at a regular open public meeting thereof, held this 26<sup>th</sup> day of November, 2018, the following Directors being present and voting in favor of the resolution.

CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404  
KITITAS COUNTY, WASHINGTON

\_\_\_\_\_  
Chair and Director

*Mandel J Hill*

\_\_\_\_\_  
Vice Chair and Director

*Clara Luch*

\_\_\_\_\_  
Director

*Susan Miller*

\_\_\_\_\_  
Director

*Tommy*

\_\_\_\_\_  
Director

ATTEST:

*Gary Wargo*  
\_\_\_\_\_  
GARY WARGO  
Secretary to the Board of Directors

CERTIFICATION

I, GARY WARGO, Secretary to the Board of Directors of Cle Elum-Roslyn School District No. 404, Kittitas County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 18-11-1 (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 26, 2018, 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 26<sup>th</sup> day of November, 2018.

CLE ELUM-ROSLYN SCHOOL DISTRICT NO. 404  
KITTITAS COUNTY, WASHINGTON

  
GARY WARGO

Secretary to the Board of Directors