

LIBERTY SCHOOL DISTRICT NO. 362
SPOKANE COUNTY, WASHINGTON

PROPOSITION 2 – REPLACEMENT CAPITAL LEVY FOR
TECHNOLOGY IMPROVEMENTS

RESOLUTION NO. 14-15/03

A RESOLUTION of the Board of Directors of Liberty School District No. 362, Spokane County, Washington, providing for the submission to the electors of the District at a special election to be held therein on February 10, 2015, of a proposition authorizing a tax levy to be made annually for three years commencing in 2015 for collection in 2016 on all of the taxable property within the District of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.25 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2016 for collection in 2017 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.24 per \$1,000 of assessed value, and in 2017 for collection in 2018 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.24 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 modernization 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 Spokane County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: NOVEMBER 25, 2014

This document prepared by:

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LIBERTY SCHOOL DISTRICT NO. 362
SPOKANE COUNTY, WASHINGTON

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LIBERTY SCHOOL DISTRICT NO. 362, SPOKANE COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Liberty School District No. 362, Spokane County, 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 equipment require the District to modernize existing school facilities through the acquisition and installation of certain technology improvements, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(b) Calendar year 2015 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. 11-12/03, adopted by the Board on November 29, 2011, and a special election held and conducted within the District on February 14, 2012.

(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 2015-2016, 2016-2017, 2017-2018 and 2018-2019, will be insufficient to permit the District to pay costs of the Projects thereof during such school years, and that it is necessary that a replacement excess tax levy of \$125,000 be made in 2015 for collection in 2016, \$125,000 be made in 2016 for

collection in 2017, and \$125,000 be made in 2017 for collection in 2018, for the District's Capital Projects Fund to provide the money required to meet those expenses.

(d) The District's proposed three-year Capital Projects Fund tax levy authorized in this resolution provides for approximately the same purpose as 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 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) Acquire and install technology equipment (including classroom computers) throughout existing school facilities to improve student learning and make other related technology improvements and upgrades, all as deemed necessary and advisable by the Board. The foregoing technology equipment, improvements and upgrades shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) Pay costs associated with implementing the foregoing, including, but not limited to, acquiring, constructing and installing hardware and licensing software, online applications and training related to the installation of the foregoing, furniture, equipment, fixtures, accessories and appurtenances, 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 foregoing. Such costs shall be deemed part of the Projects and shall include, but are not limited to: (1) payments for fiscal and legal expenses; (2) costs of establishing and funding accounts; (3) necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; (4) administrative and relocation expenses; (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 Spokane 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 therein on February 10, 2015, for the purpose of submitting to the voters of the District, for their approval or rejection, the proposition of whether a replacement excess property tax levy for the Capital Projects Fund shall be made annually for three years commencing in 2015 for collection in 2016 on all of the taxable property within the District of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.25 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2016 for collection in 2017 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.24 per \$1,000 of assessed value, and in 2017 for collection in 2018 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.24 per \$1,000 of assessed value, all in excess of the maximum levy provided 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 2015-2016, 2016-2017, 2017-2018 and 2018-2019, 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, 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 Board.

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 Spokane County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 2

LIBERTY SCHOOL DISTRICT NO. 362

REPLACEMENT CAPITAL LEVY FOR TECHNOLOGY IMPROVEMENTS

The Board of Directors of Liberty School District No. 362 adopted Resolution No. 14-15/03, concerning a proposition to finance technology improvements. This proposition would authorize the District to acquire and install technology equipment (including classroom computers) throughout existing school facilities to improve student learning and make other technology improvements, and levy the following excess taxes, in place of an expiring levy, on all taxable property within the District:

<u>Collection Year</u>	<u>Approximate Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2016	\$0.25	\$125,000
2017	\$0.24	\$125,000
2018	\$0.24	\$125,000

all as provided in Resolution No. 14-15/03. 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 26, 2014; 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 the (a) Secretary (Kyle Rydell), telephone: 509.245.3211; fax: 509.245.3288; email: krydell@libertysd.us; and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; fax 800.533.2484; email: mcnej@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 Spokane County Prosecuting Attorney.

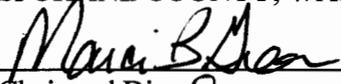
Section 9. General Authorization and Ratification. The Secretary, the Business Manager, the Chair of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC, are severally authorized and directed to take such actions and to execute such documents as in their judgment 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.

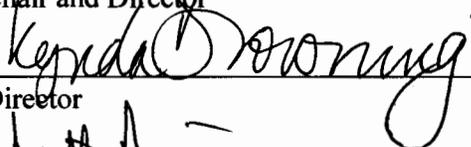
Section 11. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Liberty School District No. 362, Spokane County, Washington, at a regular open public meeting thereof, held this 25th day of November, 2014, the following Directors being present and voting in favor of the resolution.

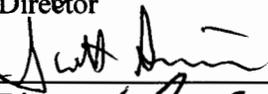
LIBERTY SCHOOL DISTRICT NO. 362
SPOKANE COUNTY, WASHINGTON



Chair and Director



Director



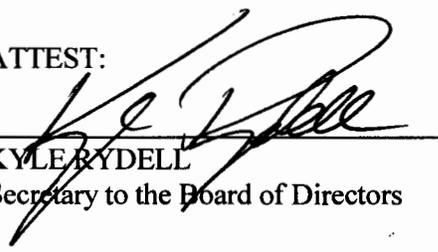
Director



Director



Director

ATTEST:


KYLE RYDELL
Secretary to the Board of Directors



Spokane County
Elections Department

RG

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Received

CERTIFICATION

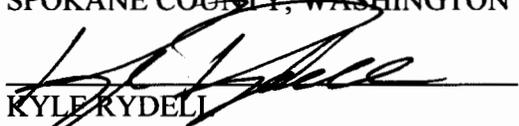
I, KYLE RYDELL, Secretary to the Board of Directors of Liberty School District No. 362, Spokane County, Washington (the "District"), hereby certify as follows:

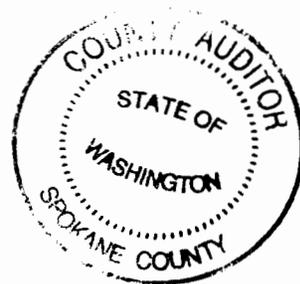
1. The foregoing Resolution No. 14-15/03 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the "Board") held at the regular meeting place thereof on November 25, 2014, as that Resolution appears on the minute 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 25th day of November, 2014.

LIBERTY SCHOOL DISTRICT NO. 362
SPOKANE COUNTY, WASHINGTON


KYLE RYDELL
Secretary to the Board of Directors



Spokane County
Elections Department

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