

CAPITAL LEVY FOR INSTRUCTIONAL TECHNOLOGY
AND SCHOOL IMPROVEMENTS

RESOLUTION NO. 773

A RESOLUTION of the Board of Directors of Tukwila School District No. 406, King County, Washington, providing for the submission to the electors of the District at a special election to be held therein on February 9, 2010, of a proposition authorizing a tax levy to be made annually for six years commencing in 2010 for collection in 2011 on all of the taxable property within the District of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2011 for collection in 2012 of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.42 per \$1,000 of assessed value, in 2012 for collection in 2013 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.27 per \$1,000 of assessed value, in 2013 for collection in 2014 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.26 per \$1,000 of assessed value, in 2014 for collection in 2015 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.25 per \$1,000 of assessed value, and in 2015 for collection in 2016 of \$896,250, 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 existing school facilities by acquiring and installing instructional technology equipment, infrastructure and systems to improve student learning and making health, safety and energy efficiency improvements, all as more particularly set forth herein; and designating the District's Executive Director of Finance and Operations and special counsel to receive notice of the ballot title from the Director of Records and Elections of King County, Washington.

ADOPTED: OCTOBER 27, 2009

This document prepared by:

*FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101
(206) 447-5339*

TUKWILA SCHOOL DISTRICT NO. 406
KING COUNTY, WASHINGTON

RESOLUTION NO. 773

A RESOLUTION of the Board of Directors of Tukwila School District No. 406, King County, Washington, providing for the submission to the electors of the District at a special election to be held therein on February 9, 2010, of a proposition authorizing a tax levy to be made annually for six years commencing in 2010 for collection in 2011 on all of the taxable property within the District of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2011 for collection in 2012 of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.42 per \$1,000 of assessed value, in 2012 for collection in 2013 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.27 per \$1,000 of assessed value, in 2013 for collection in 2014 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.26 per \$1,000 of assessed value, in 2014 for collection in 2015 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.25 per \$1,000 of assessed value, and in 2015 for collection in 2016 of \$896,250, 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 existing school facilities by acquiring and installing instructional technology equipment, infrastructure and systems to improve student learning and making health, safety and energy efficiency improvements, all as more particularly set forth herein; and designating the District's Executive Director of Finance and Operations and special counsel to receive notice of the ballot title from the Director of Records and Elections of King County, Washington.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TUKWILA SCHOOL DISTRICT NO. 406, KING COUNTY, WASHINGTON, as follows:

Section 1. The Board of Directors (the "Board") of Tukwila School District No. 406, King County, Washington (the "District"), hereby makes the following findings and determinations:

(a) The District's instructional programs and the existing condition school facilities require the District to modernize existing school facilities by acquiring and installing instructional technology equipment, infrastructure and systems to improve student learning and making health, safety and energy efficiency improvements, all as more particularly defined and described in Section 3 herein (collectively, the "Projects").

(b) It appears certain that the money in the District's Capital Projects Fund for the school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 will be insufficient to permit the District to pay expenses of the Projects thereof, during such school years, and that it is necessary that an excess tax levy of \$1,350,000 be made in 2010 for collection in 2011, \$1,350,000 be made in 2011 for collection in 2012, \$896,250 be made in 2012 for collection in 2013, \$896,250 be made in 2013 for collection in 2014, \$896,250 be made in 2014 for collection in 2015, and \$896,250 be made in 2015 for collection in 2016, for the District's Capital Projects Fund to provide the money required to meet those expenses.

(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.

Section 2. The Board hereby finds and declares that 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 3. 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 instructional technology equipment, infrastructure and systems and make other instructional technology improvements and upgrades throughout existing school facilities to improve student learning, all as deemed necessary and advisable by the Board. The foregoing instructional technology equipment, infrastructure, improvements and upgrades shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) Make health, safety and energy efficiency improvements to existing school facilities, including, but not limited to: replace outdated utility and mechanical systems; modernize heating, cooling and ventilation systems; and make other health, safety and energy efficiency improvements, all as deemed necessary and advisable by the Board.

(c) 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 and appurtenances, all as deemed necessary and advisable by the Board. Such costs 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.

(d) 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: payments for fiscal and legal expenses; establishing and funding accounts; necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; administrative and relocation expenses; site improvement; demolition; on and off-site utilities; and 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 prepared by the District's architects and engineers and to be filed with the District.

Section 4. The Director of Records and Elections of King 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 9, 2010, for the purpose of submitting to the voters of the District, for their approval or rejection, the proposition of whether an excess property tax levy for the Capital Projects Fund shall be made annually for six years commencing in 2010 for collection in 2011 on all of the taxable property within the District of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2011 for collection in 2012 of \$1,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.42 per \$1,000 of assessed value, in 2012 for collection in 2013 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.27 per \$1,000 of assessed value, in 2013 for collection in 2014 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.26 per \$1,000 of assessed value, in 2014 for collection in 2015 of \$896,250, the estimated dollar rate of tax levy required to produce such an amount being \$0.25 per \$1,000 of assessed value, and in 2015 for collection in 2016 of \$896,250, 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.

If such proposition 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 the expenses of the Projects thereof, during the school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017, 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. 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.

Section 6. Pursuant to RCW 29A.36.071, the King 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

TUKWILA SCHOOL DISTRICT NO. 406

CAPITAL LEVY FOR INSTRUCTIONAL TECHNOLOGY
AND SCHOOL IMPROVEMENTS

The Board of Directors of Tukwila School District No. 406 adopted Resolution No. 773, concerning a proposition to finance instructional technology and school improvements. This proposition would authorize the District to acquire and install instructional technology equipment, infrastructure and systems to improve student learning; make health, safety and energy efficiency improvements to existing school facilities; and levy the following excess taxes, on all taxable property within the District:

<u>Collection Year</u>	<u>Approximate Levy Rate/\$1,000</u>	<u>Assessed Value</u>	<u>Amount</u>
2011	\$0.44		\$1,350,000
2012	\$0.42		\$1,350,000
2013	\$0.27		\$896,250
2014	\$0.26		\$896,250
2015	\$0.25		\$896,250
2016	\$0.24		\$896,250

all as provided in Resolution No. 773. Should this proposition be approved?

LEVY . . . YES ☐

LEVY . . . NO ☐

Section 7. The Secretary to the Board (the "Secretary") or her designee is directed to: (a) present a certified copy of this resolution to the Auditor at least 45 days prior to the date of such special election, 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. All actions of the District or its staff or officers taken prior to the effective date of this resolution and consistent with the objectives and terms of this resolution are ratified and confirmed.

Section 8. 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) Executive Director of Finance and Operations (Linda Sebring), telephone: 206.901.8003; fax: 206.901.8016; email: sebringl@tukwila.wednet.edu; and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 206.447.5339; fax 800.533.2284; 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 King County Prosecuting Attorney.

Section 9. The preparation and distribution of a local voters' pamphlet providing information on this ballot title is hereby authorized. The pamphlet shall include an explanatory statement and statements in favor of and in opposition to the ballot title. The preparation of explanatory statement, the appointment of pro/con committees and the preparation of statements in favor or and in opposition to the ballot title shall be in accordance with chapter 29A.32 RCW and the rules and guidelines of the Auditor.

Section 10. 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. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Tukwila School District No. 406, King County, Washington, at a regular open public meeting thereof, held this 27th day of October, 2009, the following Directors being present and voting in favor of the resolution.

TUKWILA SCHOOL DISTRICT NO. 406
KING COUNTY, WASHINGTON

May E. Tectorakis
President and Director

Mark E. Ashkin
Vice President and Director

Dave N. Lam
Director

Steven M. Muehl
Director

Theresa J. Anderson
Director

ATTEST:

Ethelda Burke
ETHELDA BURKE
Secretary to the Board of Directors