

**FINAL 12/7/2021**

**Franklin Pierce School District No. 402  
Special Election - Proposition No. 2  
Replacement Levy for Instructional Technology Improvements**

**Official Ballot Title:** The Board of Directors of Franklin Pierce School District No. 402 adopted Resolution No. 21-R-15, concerning replacement of an expiring levy for instructional technology improvements. If approved, Proposition No. 2 will authorize the District to levy the following excess taxes, replacing an expiring levy, on all taxable property within the District, to pay for acquisition, installation and modernization of instructional technology equipment and infrastructure, systems and facilities to enhance student learning:

<u>Collection Years</u>	<u>Estimated Levy Rate per \$1,000 Assessed Value</u>	<u>Levy Amount</u>
2023	\$0.41	\$3,100,000
2024	\$0.41	\$3,400,000
2025	\$0.41	\$3,750,000
2026	\$0.41	\$4,100,000

as provided in Resolution No. 21-R-15. Should Proposition No. 2 be approved?

Yes...[ ]

No ...[ ]

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

PROPOSITION NO. 2 – REPLACEMENT LEVY FOR INSTRUCTIONAL  
TECHNOLOGY IMPROVEMENTS

RESOLUTION NO. 21-R-15

A RESOLUTION of the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in the years 2023 through 2026 in the aggregate total amount of \$14,350,000 for the District's Capital Projects Fund to support the modernization and remodeling of school facilities by making certain instructional technology improvements; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; and providing for related matters.

ADOPTED: NOVEMBER 9, 2021

*This document prepared by:*

*FOSTER GARVEY P.C.  
1111 Third Avenue, Suite 3000  
Seattle, Washington 98101  
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FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

RESOLUTION NO. 21-R-15

A RESOLUTION of the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2022 for collection in the years 2023 through 2026 in the aggregate total amount of \$14,350,000 for the District's Capital Projects Fund to support the modernization and remodeling of school facilities by making certain instructional technology improvements; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; and providing for related matters.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FRANKLIN PIERCE SCHOOL DISTRICT NO. 402, PIERCE COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Franklin Pierce School District No. 402, Pierce County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2022 is the last year of collection of the District's current four-year Capital Projects Fund technology tax levy, which was authorized pursuant to Resolution No. 17-R-11, adopted by the Board on November 14, 2017, and approved by the voters at a special election held and conducted within the District on February 13, 2018.

(b) The District's instructional programs and existing condition of instructional technology equipment, infrastructure, systems and facilities require the District to support the modernization and remodeling of school facilities by making certain instructional technology improvements to meet the current and future needs of students, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(c) With the expiration of the District's current four-year Capital Projects Fund technology tax levy, 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 a replacement excess tax levy of \$3,100,000 be made in 2022 for collection in 2023, \$3,400,000 be made in 2023 for collection in 2024, \$3,750,000 be made in 2024 for collection in 2025, and \$4,100,000 be made in 2025 for collection in 2026 for the District's Capital Projects Fund to provide the money required to pay those costs.

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

(e) 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.

(f) 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, install and modernize instructional technology equipment, infrastructure, systems and facilities and make other improvements and upgrades to the District's instructional technology systems and facilities, all to enhance student learning, and all as determined necessary and advisable by the Board. The foregoing instructional technology equipment, infrastructure, systems and facilities, and improvements and upgrades, shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) 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.

(c) Pay costs associated with implementing the foregoing instructional technology equipment, infrastructure, systems and facilities, and 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 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 Pierce County, Washington, as *ex officio* Supervisor of Elections (the “Auditor”), is requested to call and conduct a special election in the manner provided by law to be held in the District on February 8, 2022, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition authorizing a replacement Capital Projects Fund technology 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 four years commencing in 2022 for collection in 2023 of \$3,100,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.41 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$3,400,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.41 per \$1,000 of assessed value, in 2024 for collection in 2025 of \$3,750,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.41 per \$1,000 of assessed value, and in 2025 for collection in 2026 of \$4,100,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.41 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 tax 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 taxes authorized herein, 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 may 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 or implementation of the District’s technology facilities plan.

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Pierce County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION NO. 2

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402

REPLACEMENT LEVY FOR INSTRUCTIONAL TECHNOLOGY  
IMPROVEMENTS

The Board of Directors of Franklin Pierce School District No. 402 adopted Resolution No. 21-R-15, concerning a proposition to replace an expiring levy for instructional technology. If approved, Proposition No. 2, will authorize the District to levy the following excess taxes, replacing an expiring levy, on all taxable property within the District to continue funding the acquisition, installation and modernization of instructional technology equipment, infrastructure, systems and facilities to enhance student learning:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2023	\$0.41	\$3,100,000
2024	\$0.41	\$3,400,000
2025	\$0.41	\$3,750,000
2026	\$0.41	\$4,100,000

all as provided in Resolution No. 21-R-15. Should Proposition No. 2 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 the Secretary’s designee is authorized and directed to: (a) present a certified copy of this resolution to the Auditor no later than December 10, 2021; 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 Secretary (Dr. Lance Goodpaster), telephone: 253.298.3010; email: [lgoodpaster@fpschools.org](mailto:lgoodpaster@fpschools.org); and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; 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 Pierce County Prosecuting Attorney.

Section 9. Execution; General Authorization and Ratification. This resolution may be executed by the Directors being present and voting in favor of the resolution, or only the

President of the Board (the “President”), and attested by the Secretary, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Secretary, the District’s Director of Business Services, the President, and the District’s special counsel, Foster Garvey P.C., are hereby further severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, 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 Franklin Pierce School District No. 402, Pierce County, Washington, at a regular open public meeting held this 9<sup>th</sup> day of November, 2021.

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

DocuSigned by:  
*Cole Roberts*

E25B34DDA6484TA...  
President and Director

DocuSigned by:  
*Gil Mendoza*

0A1972310CD7449...  
Vice President and Director

DocuSigned by:  
*[Signature]*

70ABF3E62AA644A...  
Director

DocuSigned by:  
*Rebecca Gallogly*

20BFEE9DB0D34CA...  
Director

DocuSigned by:  
*Mary Sherman*

AD706AF484DE478...  
Director

ATTEST:  
DocuSigned by:  
*Dr. Lance Goodpaster*  
385A151A17C94AA...  
DR. LANCE GOODPASTER  
Secretary to the Board of Directors

CERTIFICATION

I, DR. LANCE GOODPASTER, Secretary to the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 21-R-15 (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 on November 9, 2021 (the "Meeting"), as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time; and

3. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance, 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 9<sup>th</sup> day of November, 2021.

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

DocuSigned by:

*Dr. Lance Goodpaster*

385A151A17C94AA  
DR. LANCE GOODPASTER

Secretary to the Board of Directors

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

EXPLANATORY STATEMENT

PROPOSITION NO. 2 - REPLACEMENT LEVY FOR INSTRUCTIONAL TECHNOLOGY  
IMPROVEMENTS

Passage of Proposition No. 2 would help Franklin Pierce School District acquire, install and modernize instructional technology equipment, infrastructure, systems and facilities and make other improvements and upgrades to the District's instructional technology systems and facilities, all to enhance student learning. The proposed levy would significantly increase the number of technology resources available to students and staff, continuing our commitment to provide equity in technology accessibility for all students by funding much needed growth in network infrastructure, server and storage resources, continued maintenance, equipment replacement cycles, and data resources. Further information is available at <https://www.fpschools.org/>. The proposed four-year levy will replace the District's current levy approved by the voters in 2018 that expires at the end of 2022.

The proposed replacement levy would authorize the collection of taxes to provide \$3,100,000 in 2023; \$3,400,000 in 2024; \$3,750,000 in 2025; and \$4,100,000 in 2026. The tax levy rate required to produce these levy amounts is estimated to be \$0.41 per \$1,000 of assessed value in all four years of collection. Exemptions from taxes may be available to homeowners, call the Pierce County Assessor at 253.798.2169.

(184 words – 200 allowed)