

FINAL

**Peninsula School District No. 401
Special Election - Proposition No. 1
Replacement Educational Programs and Operations Levy**

Official Ballot Title: The Board of Directors of Peninsula School District No. 401 adopted Resolution No. 22-05 concerning educational funding. If approved, Proposition No. 1 will authorize the District to levy the following excess taxes, to replace an expiring levy, on all taxable property within the District, to maintain and support the District's educational programs and operations, which are not funded or not fully funded by the State:

<u>Collection Year</u>	<u>Approximate Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2024	\$1.13	\$27,000,000
2025	\$1.12	\$28,010,000
2026	\$1.11	\$29,075,000

all as provided in Resolution No. 22-5. Should Proposition No. 1 be approved?

Yes...[]

No ...[]

PENINSULA SCHOOL DISTRICT NO. 401
PIERCE COUNTY, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

RESOLUTION NO. 22-05

- A RESOLUTION of the Board of Directors of Peninsula School District No. 401, Pierce County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 14, 2023, of the proposition of whether excess taxes should be levied of \$27,000,000 in 2023 for collection in 2024, \$28,010,000 in 2024 for collection in 2025, and \$29,075,000 in 2025 for collection in 2026, said excess taxes to pay part of the educational programs and operations support of the District.

ADOPTED NOVEMBER 9, 2022

PREPARED BY:

K&L GATES LLP
Seattle, Washington

RESOLUTION NO. 22-05

A RESOLUTION of the Board of Directors of Peninsula School District No. 401, Pierce County, Washington, providing for the submission to the qualified electors of the District at a special election to be held therein on February 14, 2023, of the proposition of whether excess taxes should be levied of \$27,000,000 in 2023 for collection in 2024, \$28,010,000 in 2024 for collection in 2025, and \$29,075,000 in 2025 for collection in 2026, said excess taxes to pay part of the educational programs and operations support of the District.

WHEREAS, Peninsula School District No. 401, Pierce County, Washington (the "District"), for the past three years has had in effect a continuing educational maintenance and operations levy in order to enable the District to pay for its educational programs and services, including teaching, administration, supplies, technology, athletics, buildings and transportation; and

WHEREAS, the current continuing educational maintenance and operations levies expire in 2023; and

WHEREAS, the money in and to be paid into the General Fund of the District during the 2023-2024, 2024-2025, 2025-2026 and 2026-2027 school years will be insufficient to enable the District to pay for necessary educational programs and operations and to properly meet the educational needs of the students attending District schools; and

WHEREAS, the existing authority for the imposition of local tax levies and use of local revenues (including the proceeds of tax levies) has been modified most recently by Chapter 410, Laws of 2019 (66th Legislature, Regular Session) and may be modified in the future by the State Legislature; and

WHEREAS, in order to properly provide for such educational programs and operations needs, the Board of Directors of the District deems it necessary to levy the following taxes upon

all of the taxable property within the District in excess of the maximum annual tax levy permitted by law to be levied within the District without a vote of the electors:

- A. A tax of approximately \$1.13 per thousand dollars of assessed valuation to provide \$27,000,000, said levy to be made in 2023 for collection in 2024;
- B. A tax of approximately \$1.12 per thousand dollars of assessed valuation to provide \$28,010,000, said levy to be made in 2024 for collection in 2025; and
- C. A tax of approximately \$1.11 per thousand dollars of assessed valuation to provide \$29,075,000 said levy to be made in 2025 for collection in 2026.

WHEREAS, prior to the time the ballot proposition authorized in this resolution is submitted to the voters, the District will have received approval of its educational programs and operations/enrichment tax levy expenditure plan from the Office of the Superintendent of Public Instruction as required under RCW 84.52.053(4); and

WHEREAS, the Constitution and laws of the State of Washington require that the question of whether or not such excess taxes may be levied must be submitted to the qualified electors of the District for their ratification or rejection;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PENINSULA SCHOOL DISTRICT NO. 401, PIERCE COUNTY, WASHINGTON, as follows:

Section 1. In order to support the District's schools, educational programs, operations and services, including teaching, school supplies, technology, athletics, buildings and transportation for its students, the following taxes for the District's General Fund should be levied upon all of the taxable property within the District in excess of the maximum annual tax levy permitted by law to be levied within the District without a vote of the electors:

- A. \$27,000,000, said levy to be made in 2023 for collection in 2024;
- B. \$28,010,000, said levy to be made in 2024 for collection in 2025; and

C. \$29,075,000, said levy to be made in 2025 for collection in 2026.

The estimated levy rate depends upon the final dollar amount of assessed value of the property within the District. At this time, based upon information provided by the Pierce County Assessor's office, the estimated levy rate for the 2023 levy is \$1.13 per thousand dollars of assessed valuation, the estimated levy rate for the 2024 levy is \$1.12 per thousand dollars of assessed valuation, and the estimated rate for the 2025 levy is \$1.11 per thousand dollars of assessed valuation. The exact levy rate shall be adjusted based upon the actual assessed value of the property within the District at the time of the levy. Upon approval by the voters of the proposition substantially in the form set forth below, the District may use the proceeds of said levies during the 2023-2024, 2024-2025, 2025-2026 and 2026-2027 school years by incurring an indebtedness by the issuance of short term obligations against the General Fund of the District, as authorized by Chapter 39.50 RCW, and may expend the proceeds of said levies to pay such part of the general expenses of educational programs of the District during such school years as may be authorized or allowed by law for the use of excess levy funds.

Section 2. It is hereby found and declared that the best interests of the District require submission to the qualified electors of the District of the proposition of whether or not the District shall levy such excess tax for their ratification or rejection at a special election to be held therein on February 14, 2023.

The Pierce County Auditor, as *ex officio* supervisor of elections in Pierce County, Washington, is hereby requested to call and conduct said special election to be held within the District on said date and to submit to the qualified electors of the District the proposition substantially in the form hereinafter set forth, subject to the approval and modifications, if any, from the Office of the Pierce County Prosecutor pursuant to RCW 29A.36.071. The Secretary of

the Board of Directors is hereby authorized and directed to certify said proposition substantially in the following form.

PROPOSITION NO. 1

PENINSULA SCHOOL DISTRICT NO. 401

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

The Board of Directors of Peninsula School District No. 401 adopted Resolution No. 22-05 concerning educational funding. This proposition authorizes the District to levy the following excess taxes, to replace an expiring levy, on all taxable property within the District, to maintain and support the District's educational programs and operations, which are not funded or not fully funded by the State:

<u>Collection Years</u>	<u>Approximate Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2024	\$1.13	\$27,000,000
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2026	\$1.11	\$29,075,000

all as provided in the Resolution. Should this proposition be approved?

YES

NO

The Secretary of the Board of Directors of the District is hereby directed to deliver a certified copy of this resolution to the Pierce County Auditor.

Section 3. 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) Chief Financial Officer (Ashley Murphy), telephone: 253.530.1004; email: murphya@psd401.net, and (b) bond counsel, K&L Gates LLP (Cynthia Weed), telephone: 206.370.7801; email: cynthia.weed@klgates.com, as the individuals to whom the Pierce County Auditor shall provide such notice. The Chief Financial Officer is authorized to approve changes to the ballot title, if any, deemed necessary by the Pierce County Auditor or the Pierce County Prosecuting Attorney.

Section 4. Pursuant to RCW 29A.32, the Board of Directors hereby confirms the District's participation in the local voters' pamphlet for the February 14, 2023, election, which shall be prepared and published by the Pierce County Auditor, including, but not limited to, an explanatory statement reviewed and approved by the District's attorney, and, if available, a Statement For and a Statement Against. The District understands and agrees that it will be required to pay its proportionate share of the expenses of the voters' pamphlet.

ADOPTED by the Board of Directors of Peninsula School District No. 401, Pierce County, Washington, at a regular meeting thereof, held on the 9th day of November, 2022.

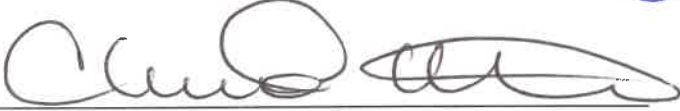
PENINSULA SCHOOL DISTRICT NO. 401,
PIERCE COUNTY, WASHINGTON



President and Director



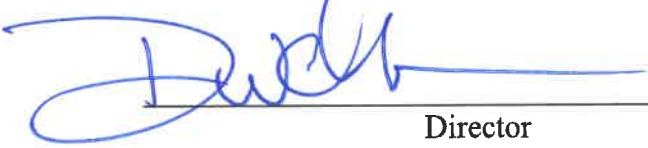
Director



Director



Director



Director

ATTEST:


Secretary, Board of Directors

CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of Peninsula School District No. 401, Pierce County, Washington, (the "District") and keeper of the records of the Board of Directors (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 22-05 of the Board (the "Resolution"), duly adopted at a regular meeting thereof held on the 9th day of November, 2022.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper passage of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November, 2022.


Secretary, Board of Directors

OFFICIAL BALLOT
PENINSULA SCHOOL DISTRICT NO. 401
PIERCE COUNTY, WASHINGTON
February 14, 2023

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "YES"; to vote against the following proposition, place a cross (X) in the square opposite the word "NO."

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all as provided in the Resolution. Should this proposition be approved?

YES

NO

NOTICE
PENINSULA SCHOOL DISTRICT NO. 401
PIERCE COUNTY, WASHINGTON
February 14, 2023

NOTICE IS HEREBY GIVEN that on February 14, 2023, a special election will be held in the above-named school district for the submission to the qualified electors of said school district of the following proposition:

PROPOSITION NO. 1

PENINSULA SCHOOL DISTRICT NO. 401

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

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all as provided in the Resolution. Should this proposition be approved?

YES

NO

Pierce County Auditor

EXPLANATORY STATEMENT - PROPOSITION NO. 1

Passage of Proposition No. 1 would replace an expiring levy and allow the levy of \$27,000,000 in property taxes within Peninsula School District for collection in 2024, the levy of \$28,010,000 for collection in 2025, and the levy of \$29,075,000 for collection in 2026. In accordance with Resolution No. 22-05 approving this proposition, these taxes would be deposited in the Peninsula School District's General Fund to pay part of the general expenses of operating the District which are not fully funded by the state. General expenses include employee costs (such as salaries), instructional materials, special programs, activities and sports, transportation costs, maintenance of facilities and other non-capital expenses of operating the District schools. If authorized by the voters, such property taxes would be collected at a rate estimated to be \$1.13 per \$1,000 of assessed valuation in 2024, \$1.12 per \$1,000 of assessed valuation in 2025, and \$1.11 per \$1,000 of assessed valuation in 2026. The exact levy rate shall be adjusted based upon the actual assessed value of the property within the District at the time of the levy.

Exemptions from taxes may be available to certain homeowners. To determine if you qualify, call your county assessor.