

ORTING SCHOOL DISTRICT NO. 344  
PIERCE COUNTY, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

RESOLUTION NO. 3.2019-2020

A RESOLUTION of the Board of Directors of Orting School District No. 344, Pierce County, Washington, providing for the submission to the voters of the District at a special election to be held on April 28, 2020, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2020 for collection in 2021 of \$3,900,000 and in 2021 for collection in 2022 of \$4,100,000, for the District's General Fund to pay expenses of educational programs and operations; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; requesting and authorizing participation in the Local Voters' Pamphlet; and providing for other matters properly related thereto.

ADOPTED: FEBRUARY 20, 2020

*This document prepared by:*

*FOSTER GARVEY P.C.  
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**RECEIVED  
PIERCE CO. AUDITOR  
FEB 27 2020**

ORTING SCHOOL DISTRICT NO. 344  
PIERCE COUNTY, WASHINGTON

RESOLUTION NO. 3.2019-2020

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ORTING SCHOOL DISTRICT NO. 344, PIERCE COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Orting School District No. 344, Pierce County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2020 is the last year of collection of the District's current two-year General Fund educational programs and operations tax levy, which was authorized pursuant to Resolution No. 4.2017-2018, adopted by the Board on November 30, 2017, and approved by the voters at a special election held and conducted within the District on February 13, 2018.

(b) With the expiration of the District's current two-year General Fund educational programs and operations tax levy, it appears certain that the money in the District's General Fund for the school years 2020-2021, 2021-2022 and 2022-2023 will be insufficient to permit the District to meet the educational needs of its students and pay expenses of educational programs and operations support not funded by the State of Washington, all as more particularly set forth in Section 3 of this resolution, during such school years, and that it is necessary that a replacement excess tax levy of \$3,900,000 be made in 2020 for collection in 2021 and \$4,100,000 be made in 2021 for collection in 2022 for the District's General Fund to provide the money required to meet those expenses.

(c) The District's proposed two-year General Fund educational programs and operations tax levy authorized in this resolution provides for approximately the same educational programs and operations purposes as the District's expiring two-year General Fund educational programs and operations tax levy.

(d) 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 for support of the District's educational programs and operations expenses.

(e) The District has received approval of its educational programs and operations tax levy expenditure plan from the Office of the Superintendent of Public Instruction under RCW 28A.505.240 as required by RCW 84.52.053(4), a copy of which is on file with the District

Section 2. 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 April 28, 2020, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing a replacement General Fund educational programs and operations 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 two years commencing in 2020 for collection in 2021 of \$3,900,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.07 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$4,100,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.07 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 and amount to be collected may be adjusted based upon the actual assessed value of the taxable property within the District and the limitations imposed by law at the time of the levy.

Section 3. 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 meet the educational needs of its students and pay expenses of educational programs and operations support not funded by the State of Washington during the school years 2020-2021, 2021-2022 and 2022-2023, all as may be authorized by law and determined necessary 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.

*[Remainder of page intentionally left blank]*

Section 4. 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. 1  
ORTING SCHOOL DISTRICT NO. 344

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

The Board of Directors of Orting School District No. 344 adopted Resolution No. 3.2019-2020, concerning a proposition for a replacement levy for education. If approved, Proposition No. 1 will authorize the District to levy the following excess taxes, in place of an expiring levy, on all taxable property within the District, for support of the District's educational programs and operations expenses not funded by the State of Washington:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2021	\$2.07	\$3,900,000
2022	\$2.07	\$4,100,000

all as provided in Resolution No. 3.2019-2020. Should Proposition No. 1 be approved?

LEVY ... YES

LEVY ... NO

Section 5. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Secretary to the Board (the "Secretary") or her designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than February 28, 2020; 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 excess property taxes for support of the District's educational programs and operations expenses.

Section 6. 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. Marci Shepard), telephone: 360.893.6500; fax: 360.893.2300; email: [shepardm@orting.wednet.edu](mailto:shepardm@orting.wednet.edu); and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; 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 Pierce County Prosecuting Attorney.

Section 7. Request and Authorization to Participate in the Local Voters' Pamphlet. The preparation and distribution of information on the ballot title for inclusion in the local voters' pamphlet for Pierce County (the "Pamphlet") is hereby requested and authorized. The Pamphlet shall include, if applicable, the text of the ballot title, an explanatory statement and statements in favor of and in opposition to the ballot title, if any. The preparation of the explanatory statement, the appointment of pro/con committees and the preparation of statements in favor of and in opposition to the ballot title, if any, shall be in accordance with chapter 29A.32 RCW and the rules and guidelines of the Auditor, as applicable. The District understands that it is responsible to pay its proportionate share of the costs of the Pamphlet under RCW 29A.32.270.

Section 8. General Authorization and Ratification. The Secretary, the District's Chief Officer for Human Resources and Business Services, the President of the Board, other appropriate officers of the District and special counsel, Foster Garvey P.C., 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 ratified and confirmed in all respects.

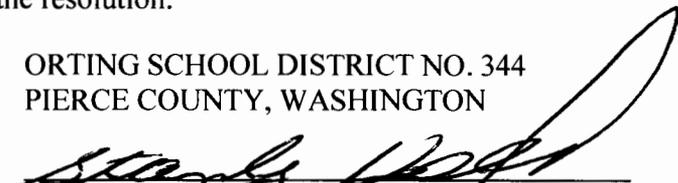
Section 9. Severability. If any provision of this resolution is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution, or of the levy or collection of excess property taxes authorized herein.

Section 10. Effective Date. This resolution takes effect from and after its adoption.

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

ADOPTED by the Board of Directors of Orting School District No. 344, Pierce County, Washington, at a regular open public meeting held this 20<sup>th</sup> day of February, 2020, the following Directors being present and voting in favor of the resolution.

ORTING SCHOOL DISTRICT NO. 344  
PIERCE COUNTY, WASHINGTON

  
\_\_\_\_\_  
President and Director

  
\_\_\_\_\_  
Vice President and Director

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

ATTEST:

  
\_\_\_\_\_  
DR. MARCI SHEPARD  
Secretary to the Board of Directors

RECEIVED  
PIERCE CO. AUDITOR  
FEB 27 2020

CERTIFICATION

I, DR. MARCI SHEPARD, Secretary to the Board of Directors of Orting School District No. 344, Pierce County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 3.2019-2020 (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 its regular meeting place on February 20, 2020, 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 20<sup>th</sup> day of February, 2020.

ORTING SCHOOL DISTRICT NO. 344  
PIERCE COUNTY, WASHINGTON

  
\_\_\_\_\_  
DR. MARCI SHEPARD  
Secretary to the Board of Directors