

DEC 16 2009

DIERINGER SCHOOL DISTRICT NO. 343  
PIERCE COUNTY, WASHINGTON

## RESOLUTION NO. 04-09-10

A RESOLUTION of the Board of Directors of Dieringer School District No. 343, Pierce County, Washington, providing for the submission to the voters 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 two years commencing in 2010 for collection in 2011 on all of the taxable property within the District of \$5,650,000, the estimated dollar rate of tax levy required to produce such an amount being \$3.28 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2011 for collection in 2012 of \$6,050,000, the estimated dollar rate of tax levy required to produce such an amount being \$3.41 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 General Fund, the proceeds of such levies to be used to pay part of the general expenses of educational programs, maintenance and operations, all as more particularly set forth herein; and designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DIERINGER SCHOOL DISTRICT NO. 343, PIERCE COUNTY, WASHINGTON, as follows:

Section 1. The Board of Directors (the "Board") of Dieringer School District No. 343, Pierce County, Washington (the "District"), hereby makes the following findings and determinations:

(a) Calendar year 2010 is the last year of collection of the District's current two-year General Fund educational programs, maintenance and operations tax levy, which was authorized pursuant to Resolution No. 02-07-08, adopted by the Board on December 17, 2007, and a special election held and conducted within the District on March 11, 2008.

(b) With the expiration of the District's current two-year General Fund educational programs, maintenance and operations tax levy, it appears certain that the money which will be available for the General Fund for the school years 2010-2011, 2011-2012 and 2012-2013 will be insufficient to permit the District to meet the educational needs of its students and pay general expenses of educational programs, maintenance and operations support thereof, all as more particularly set forth in Section 2 of this resolution, during such school years, and that it is necessary that a replacement excess tax levy of \$5,650,000 be made in 2010 for collection in 2011, and \$6,050,000 be made in 2011 for collection in 2012 for the District's General Fund to provide the money required to meet those expenses.

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

(d) The District is authorized pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.53.413 to submit to the District's voters at a special election, for their approval or rejection, the proposition of whether the District shall levy excess property taxes for support of the District's educational programs, maintenance and operations expenses.

Section 2. 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 District in the manner provided by law to be held therein on February 9, 2010, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether a replacement General Fund educational programs, maintenance and operations tax levy shall be made annually for two years commencing in 2010 for collection in 2011 on all of the taxable property within the District of \$5,650,000, the estimated dollar rate of tax levy required to produce such an amount being \$3.28 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2011 for collection in 2012 of \$6,050,000, the estimated dollar rate of tax levy required to produce such an amount being \$3.41 per \$1,000 of assessed value, all in excess of the maximum tax levy specified 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 numbers of voters, the District will be authorized to levy excess property taxes and use the proceeds of such levies to meet the educational needs of its students and pay the general expenses of educational programs, maintenance and operations thereof during the school years 2010-2011, 2011-2012 and 2012-2013, all as may be authorized by law and deemed 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 deemed necessary and advisable by the Board.

Section 3. 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:

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PROPOSITION 1

DIERINGER SCHOOL DISTRICT NO. 343

REPLACEMENT OF EXPIRING EDUCATIONAL PROGRAMS,  
MAINTENANCE AND OPERATIONS LEVY

The Board of Directors of Dieringer School District No. 343 adopted Resolution No. 04-09-10, concerning a proposition to finance educational programs, maintenance and operations. This proposition would authorize the District to meet the educational needs of its students by levying the following excess taxes, in place of an expiring levy, on all taxable property within the District, for support of the District's General Fund educational programs, maintenance and operations expenses:

| <u>Collection Year</u> | <u>Approximate Levy<br/>Rate/\$1,000<br/>Assessed Value</u> | <u>Levy Amount</u> |
|------------------------|---|--------------------|
| 2011                   | \$3.28  | \$5,650,000        |
| 2012                   | \$3.41  | \$6,050,000        |

all as provided in Resolution No. 04-09-10. Should this proposition be approved?

LEVY . . . YES

LEVY . . . NO

Section 4. 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 excess property taxes for support of the District's educational programs, maintenance and operations expenses. 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 5. 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 (Judy Neumeier-Martinson) telephone: 253.862.2537; fax: 253.862.8472; email: [jmartinson@dieringer.wednet.edu](mailto:jmartinson@dieringer.wednet.edu); and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 206.447.5339; fax 800.533.2284; email: [mcnej@foster.com](mailto: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 Pierce County Prosecuting Attorney.


Section 6. 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 7. This resolution shall become effective immediately upon its adoption.

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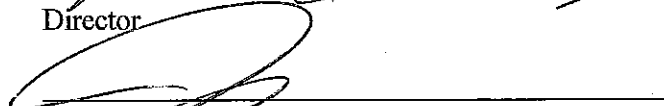
ADOPTED by the Board of Directors of Dieringer School District No. 343, Pierce County, Washington, at a regular open public meeting thereof, held this 14<sup>th</sup> day of December, 2009, the following Directors being present and voting in favor of the resolution.

DIERINGER SCHOOL DISTRICT NO. 343  
PIERCE COUNTY, WASHINGTON

  
Chair and Director

  
Director

Director  
  
Director

Director  
  
Director

ATTEST:

  
DR. JUDY NEUMEIER-MARTINSON  
Secretary to the Board of Directors

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CERTIFICATION

I, DR. JUDY NEUMEIER-MARTINSON, Secretary to the Board of Directors of Dieringer School District No. 343, Pierce County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 04-09-10 (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 December 14, 2009, 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 14<sup>th</sup> day of December, 2009.

DIERINGER SCHOOL DISTRICT NO. 343  
PIERCE COUNTY, WASHINGTON

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DR. JUDY NEUMEIER-MARTINSON  
Secretary to the Board of Directors

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DIERINGER SCHOOL DISTRICT NO. 343  
PIERCE COUNTY, WASHINGTON

REPLACEMENT OF EXPIRING EDUCATIONAL PROGRAMS,  
MAINTENANCE AND OPERATIONS LEVY

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ADOPTED: DECEMBER 14, 2009

*This document prepared by:*

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