

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402
PIERCE COUNTY, WASHINGTON

CAPITAL LEVY FOR SCHOOL IMPROVEMENTS

RESOLUTION NO. 11-R-10

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 therein on February 14, 2012, of a proposition authorizing a tax levy to be made annually for five years commencing in 2012 for collection in 2013 on all of the taxable property within the District of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.77 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2013 for collection in 2014 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.75 per \$1,000 of assessed value, in 2014 for collection in 2015 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.72 per \$1,000 of assessed value, in 2015 for collection in 2016 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.68 per \$1,000 of assessed value, and in 2016 for collection in 2017 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.65 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 and remodeling of school facilities, all as more particularly set forth herein; designating the District's Executive Director, Business and Operations and special counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: DECEMBER 13, 2011

This document prepared by:

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FRANKLIN PIERCE SCHOOL DISTRICT NO. 402
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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"), hereby makes the following findings and determinations:

(a) Increasing enrollment demands, the existing condition of school facilities, health and safety concerns, and the implementation of new educational programs, require the District to support the modernization and remodeling of school facilities by making certain school improvements, all as more particularly defined and described in Section 2 herein (collectively the "Projects").

(b) It appears certain that the money in the District's Capital Projects Fund for the school years 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 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 \$5,500,000 be made in 2012 for collection in

2013, \$5,500,000 be made in 2013 for collection in 2014, \$5,500,000 be made in 2014 for collection in 2015, \$5,500,000 be made in 2015 for collection in 2016, and \$5,500,000 be made in 2016 for collection in 2017, 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.

(d) 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 2. Description of Projects. 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) Make mechanical, safety/security, technological infrastructure, educational and other capital improvements to school facilities, all as deemed necessary and advisable by the Board. The foregoing technological infrastructure improvements 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 the foregoing, all as deemed necessary and advisable by the Board.

(c) Pay costs associated with implementing the foregoing, including, but not limited to, costs of acquiring, constructing and installing hardware and licensing software, online applications and training related to the installation of the foregoing, furniture, equipment, fixtures, accessories 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: (1) payments for fiscal and legal expenses; (2) costs of printing, advertising, establishing and funding accounts; (3) necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; (4) administrative and relocation expenses; (5) site acquisition and 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) 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 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 District in the manner provided by law to be held therein on February 14, 2012, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether an excess property tax levy for the Capital Projects Fund shall be made annually for five years commencing in 2012 for collection in 2013 on all of the taxable property within the District of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.77 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2013 for collection in 2014 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.75 per \$1,000 of assessed value, in 2014 for collection in 2015 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.72 per \$1,000 of assessed value, in 2015 for collection in 2016 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.68 per \$1,000 of assessed value, and in 2016 for collection in 2017 of \$5,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.65 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.

Section 4. Use of Levy Proceeds. 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 costs of the Projects thereof, during the school years 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018, 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. Sufficiency of Levy Proceeds. 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. 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 1

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402

CAPITAL LEVY FOR SCHOOL IMPROVEMENTS

The Board of Directors of Franklin Pierce School District No. 402 adopted Resolution No. 11-R-10, concerning a proposition to finance school improvements. This proposition would authorize the District to make mechanical, safety/security, technological infrastructure, educational and other capital improvements to 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 Assessed Value</u>	<u>Levy Amount</u>
2013	\$1.77	\$5,500,000
2014	\$1.75	\$5,500,000
2015	\$1.72	\$5,500,000
2016	\$1.68	\$5,500,000
2017	\$1.65	\$5,500,000

all as provided in Resolution No. 11-R-10. Should this proposition 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 his designee is directed to: (a) present a certified copy of this resolution to the Auditor at least 46 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.

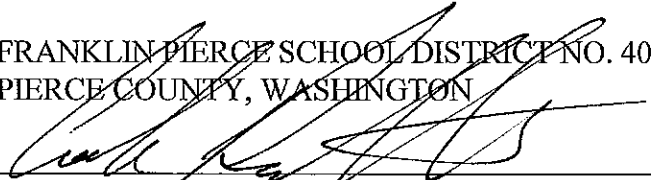
Section 8. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates the (a) District's Executive Director, Business and Operations (Ted Kilcup), telephone: 253.298.3003; fax: 253.298.3016; email: ekilcup@fpschools.org; 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 Pierce County Prosecuting Attorney.

Section 9. Severability. 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.

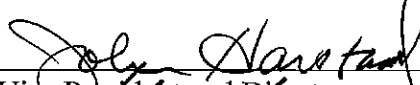
Section 10. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington, at a regular open public meeting thereof, held this 13th day of December, 2011, the following Directors being present and voting in favor of the resolution.

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402
PIERCE COUNTY, WASHINGTON



President and Director



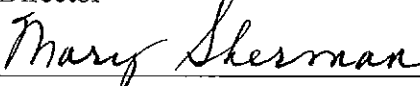
Vice President and Director



Director



Director



Director

ATTEST:


DR. FRANK HEWINS
Secretary to the Board of Directors

CERTIFICATION

I, DR. FRANK HEWINS, 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. 11-R-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 13, 2011, 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 13th day of December, 2011.

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402
PIERCE COUNTY, WASHINGTON



DR. FRANK HEWINS
Secretary to the Board of Directors