

NOV 22 2017

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

PROPOSITION 2 – RENEWAL OF EXPIRING CAPITAL LEVY  
FOR INSTRUCTIONAL TECHNOLOGY IMPROVEMENTS

RESOLUTION NO. 17-R-11

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 13, 2018, of a proposition authorizing a tax levy to be made annually for four years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,777,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$2,043,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, in 2020 for collection in 2021 of \$2,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$2,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 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 of school facilities by making certain instructional technology improvements, all as more particularly set forth herein; designating the District's 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 Local Voters' Pamphlet; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: NOVEMBER 14, 2017

*This document prepared by:*

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FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

RESOLUTION NO. 17-R-11

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 13, 2018, of a proposition authorizing a tax levy to be made annually for four years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,777,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$2,043,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, in 2020 for collection in 2021 of \$2,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$2,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 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 of school facilities by making certain instructional technology improvements, all as more particularly set forth herein; designating the District's 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 Local Voters' Pamphlet; and providing for other matters properly related thereto, all as more particularly set forth herein.

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 hereby makes the following findings and determinations:

(a) Calendar year 2018 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. 13-R-15, adopted by the Board on November 12, 2013, and a special election held and conducted within the District on February 11, 2014.

(b) The District's instructional programs and the existing condition of instructional technology equipment, infrastructure, systems and facilities require the District to modernize school facilities by making certain instructional technology improvements to meet the current and future educational 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 for the school years 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023 will be insufficient to permit the District to continue funding instructional technology improvements and pay costs of the Projects thereof during such school years, and that it is necessary that a renewal excess tax levy of \$1,777,000 be made in 2018 for collection in 2019, \$2,043,000 be made in 2019 for collection in 2020, \$2,350,000 be made in 2020 for collection in 2021, and \$2,700,000 be made in 2021 for collection in 2022, for the District's Capital Projects Fund to provide the money required to meet those costs.

(d) The District's proposed four-year Capital Projects Fund technology tax levy authorized in this resolution provides for approximately the same purpose as the District's expiring four-year Capital Projects Fund technology tax levy.

(e) 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.

(f) The best interests of the District's students and other inhabitants require the District to continue funding instructional technology improvements and 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) 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 deemed necessary and advisable by the Board. The foregoing instructional technology improvements shall be part of the District's integrated technology systems and facilities for instruction and research.

(b) Pay costs associated with implementing the foregoing, including, but not limited to, 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.

(c) 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 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 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 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 13, 2018, for the purpose of submitting to the voters of the District, for their approval or rejection, the proposition of whether a renewal excess property tax levy for the Capital Projects Fund shall be made annually for four years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$1,777,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$2,043,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, in 2020 for collection in 2021 of \$2,350,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, and in 2021 for collection in 2022 of \$2,700,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, all in excess of the maximum levy provided 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 the proposition authorized by this resolution 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 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023, 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.

*[ Remainder of page intentionally left blank ]*

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 2

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402

RENEWAL OF EXPIRING CAPITAL LEVY FOR INSTRUCTIONAL TECHNOLOGY IMPROVEMENTS

The Board of Directors of Franklin Pierce School District No. 402 adopted Resolution No. 17-R-11 concerning a proposition for a renewal levy for instructional technology improvements. If approved, Proposition 2 will authorize the District to levy the following excess taxes, renewing 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>
2019	\$0.44	\$1,777,000
2020	\$0.44	\$2,043,000
2021	\$0.44	\$2,350,000
2022	\$0.44	\$2,700,000

all as provided in Resolution No. 17-R-11. 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 no later than December 15, 2017; 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.

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. Frank Hewins), telephone: 253.298.3010; fax: 253.298.3015; email: [fhewins@fpschools.org](mailto:fhewins@fpschools.org); and (b) special counsel, Foster Pepper PLLC (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, deemed necessary by the Auditor or the Pierce County Prosecuting Attorney.

Section 9. Request and Authorization to Participate in 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 10. General Authorization and Ratification. The Secretary, the District's Assistant Superintendent, Human Resources and Business, the President of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC, 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 hereby ratified and confirmed in all respects.

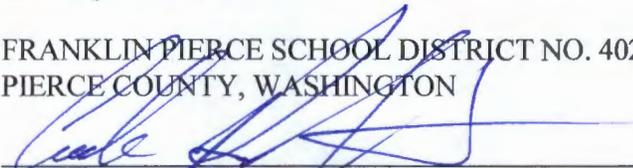
Section 11. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the levy or collection of excess property taxes authorized herein.

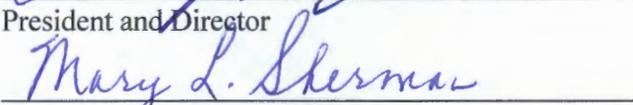
Section 12. Effective Date. This resolution shall become effective immediately upon its adoption.

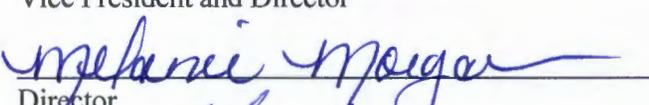
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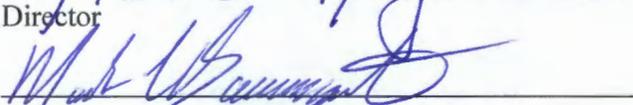
ADOPTED by the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington, at a regular open public meeting thereof, held this 14<sup>th</sup> day of November, 2017, the following Directors being present and voting in favor of the resolution.

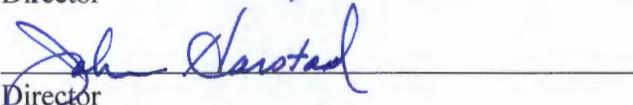
FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

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

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

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

ATTEST:

  
\_\_\_\_\_  
DR. FRANK HEWINS

Secretary to the Board of Directors

RECEIVED  
PIERCE CO. AUDITOR  
NOV 22 2017

CERTIFICATION

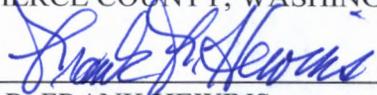
I, DR. FRANK HEWINS, Secretary to the Board of Directors of Franklin Pierce School District No. 402, Pierce County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 17-R-11 (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 November 14, 2017, 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 November, 2017.

FRANKLIN PIERCE SCHOOL DISTRICT NO. 402  
PIERCE COUNTY, WASHINGTON

  
\_\_\_\_\_  
DR. FRANK HEWINS  
Secretary to the Board of Directors

RECEIVED  
PIERCE CO. AUDITOR?  
NOV 22 2017