

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123  
SPOKANE COUNTY, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

RESOLUTION NO. 18-03

A RESOLUTION of the Board of Directors of Orchard Prairie School District No. 123, Spokane County, Washington, providing for the submission to the voters of the District at a special election to be held on February 12, 2019, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2019 for collection in 2020 of \$125,000 and in 2020 for collection in 2021 of \$125,000, for the District's General Fund to pay expenses of educational programs and operation; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto.

ADOPTED: NOVEMBER 19, 2018

*This document prepared by:*

*FOSTER PEPPER PLLC  
618 West Riverside Avenue, Suite 300  
Spokane, Washington 99201  
(509) 777-1602*

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123  
SPOKANE COUNTY, WASHINGTON

RESOLUTION NO. 18-03

A RESOLUTION of the Board of Directors of Orchard Prairie School District No. 123, Spokane County, Washington, providing for the submission to the voters of the District at a special election to be held on February 12, 2019, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2019 for collection in 2020 of \$125,000 and in 2020 for collection in 2021 of \$125,000, for the District's General Fund to pay expenses of educational programs and operation; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123, SPOKANE COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Orchard Prairie School District No. 123, Spokane County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2019 is the last year of collection of the District's current two-year General Fund maintenance and operation tax levy, which was authorized pursuant to Resolution No. 16-01, adopted by the Board on November 21, 2016, and approved by the voters at a special election held and conducted within the District on February 14, 2017.

(b) With the expiration of the District's current two-year General Fund maintenance and operation tax levy, it appears certain that the money in the District's General Fund for the school years 2019-2020, 2020-2021 and 2021-2022 will be insufficient to permit the District to meet the educational needs of its students and pay expenses of educational programs and operation support not funded by 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 \$125,000 be made in 2019 for collection in 2020 and \$125,000 be made in 2020 for collection in 2021 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 operation tax levy authorized in this resolution provides for approximately the same educational programs and operation purposes as the District's expiring two-year General Fund maintenance and operation tax levy.

(d) The District is authorized pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053 to submit to the District's voters at a special election, for their approval or rejection, the proposition of whether the District shall levy excess property taxes for support of the District's educational programs and operation expenses.

(e) The District has received approval of its educational programs and operation 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 Spokane 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 February 12, 2019, 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 and operation 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) shall be made annually for two years commencing in 2019 for collection in 2020 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.17 per \$1,000 of assessed value, and in 2020 for collection in 2021 of \$125,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.14 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 foregoing excess property taxes to meet the educational needs of its students and pay expenses of educational programs and operation support not funded by the State of Washington during the school years 2019-2020, 2020-2021 and 2021-2022, 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 Spokane 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

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

The Board of Directors of Orchard Prairie School District No. 123 adopted Resolution No. 18-03, concerning a proposition to finance educational programs and operation expenses. This proposition would authorize the District to levy the following excess taxes, in place of an expiring levy, upon all taxable property within the District, for support of the District's educational programs and operation expenses not funded by the State:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2020	\$1.17	\$125,000
2021	\$1.14	\$125,000

all as provided in Resolution No. 18-03 and subject to legal limits on levy rates and amounts at the time of levy. Should this proposition 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 his designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 14, 2018; 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 and operation 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 (Howard O. King), telephone: 509.467.9517; fax: 509.467.0590; email: [hking@orchardprairie.org](mailto:hking@orchardprairie.org); and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; 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 Spokane County Prosecuting Attorney.

Section 7. General Authorization and Ratification. The Secretary, the District's Business Manager, the Chair 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 ratified and confirmed in all respects.

Section 8. 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 9. Effective Date. This resolution takes effect from and after its adoption.

ADOPTED by the Board of Directors of Orchard Prairie School District No. 123, Spokane County, Washington, at a regular open public meeting held this 19<sup>th</sup> day of November, 2018, the following Directors being present and voting in favor of the resolution.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123  
SPOKANE COUNTY, WASHINGTON

Dan J. Cutler  
Chair and Director

Vice Chair and Director  
Suzanne Sawall  
Director

[Signature]  
Director

Carla Phillips  
Director

ATTEST:

Howard O. King  
HOWARD O. KING  
Secretary to the Board of Directors

Received - Spokane *RHS*

DEC 10 2018

County Elections



CERTIFICATION

I, HOWARD O. KING, Secretary to the Board of Directors of Orchard Prairie School District No. 123, Spokane County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 18-03 (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 November 19, 2018, 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 19<sup>th</sup> day of November, 2018.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123  
SPOKANE COUNTY, WASHINGTON

  
\_\_\_\_\_  
HOWARD O. KING  
Secretary to the Board of Directors

Received - Spokane

R176

DEC 10 2018

County Elections

