

OTHELLO SCHOOL DISTRICT NO. 147-163-55
ADAMS, GRANT AND FRANKLIN COUNTIES, WASHINGTON

REPLACEMENT MAINTENANCE AND OPERATION LEVY

RESOLUTION NO. 12-22-11

A RESOLUTION of the Board of Directors of Othello School District No. 147-163-55, Adams, Grant and Franklin Counties, 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 two years commencing in 2012 for collection in 2013 on all of the taxable property within the District of \$2,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.47 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2013 for collection in 2014 of \$2,600,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.53 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 maintenance and operation, all as more particularly set forth herein; designating the District's Assistant Superintendent and special counsel to receive notice of the ballot title from the Auditor of Adams County, Washington; repealing Resolution No. 12-12-11; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: DECEMBER 22, 2011

This document prepared by:

*FOSTER PEPPER PLLC
West 422 Riverside Avenue, Suite 1310
Spokane, Washington 99201
(509) 777-1602*

OTHELLO SCHOOL DISTRICT NO. 147-163-55
ADAMS, GRANT AND FRANKLIN COUNTIES, WASHINGTON

RESOLUTION NO. 12-22-11

A RESOLUTION of the Board of Directors of Othello School District No. 147-163-55, Adams, Grant and Franklin Counties, 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 two years commencing in 2012 for collection in 2013 on all of the taxable property within the District of \$2,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.47 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2013 for collection in 2014 of \$2,600,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.53 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 maintenance and operation, all as more particularly set forth herein; designating the District's Assistant Superintendent and special counsel to receive notice of the ballot title from the Auditor of Adams County, Washington; repealing Resolution No. 12-12-11; and providing for other matters properly related thereto, all as more particularly set forth herein.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF OTELLO SCHOOL DISTRICT NO. 147-163-55, ADAMS, GRANT AND FRANKLIN COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Othello School District No. 147-163-55, Adams, Grant and Franklin Counties, Washington (the "District"), hereby makes the following findings and determinations:

(a) Calendar year 2012 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. 12-14-09, adopted by the Board on December 14, 2009, and a special election held and conducted within the District on February 9, 2010.

(b) With the expiration of the District's current two-year General Fund maintenance and operation tax levy, it appears certain that the money which will be available for the General Fund for the school years 2012-2013, 2013-2014 and 2014-2015 will be insufficient to permit the District to meet the educational needs of its students, operate its educational programs and pay general expenses of educational maintenance and operation support thereof, 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 \$2,500,000 be made in 2012 for collection in 2013, and \$2,600,000 be made in 2013 for collection in 2014, for the District's General Fund to provide the money required to meet those expenses.

(c) The District's proposed two-year General Fund maintenance and operation tax levy authorized in this resolution provides for approximately the same purpose 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 maintenance and operation expenses.

Section 2. Calling of Election. The Auditor of Adams County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), and the proper officer of the county to which the District belongs pursuant to chapter 28A.323 RCW, 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 a replacement General Fund maintenance and operation tax levy shall be made annually for two years commencing in 2012 for collection in 2013 on all of the taxable property within the District of \$2,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.47 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and in 2013 for collection in 2014 of \$2,600,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.53 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 3. Use of Levy Proceeds. 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, operate its educational programs and pay general expenses of educational maintenance and operation support thereof during the school years 2012-2013, 2013-2014 and 2014-2015, 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.

[*Remainder of page intentionally left blank*]

Section 4. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Adams County Prosecuting Attorney, as the county prosecuting attorney of the county within which the majority area of the District is located, is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 1

OTHELLO SCHOOL DISTRICT NO. 147-163-55

REPLACEMENT MAINTENANCE AND OPERATION LEVY

The Board of Directors of Othello School District No. 147-163-55 adopted Resolution No. 12-22-11, concerning a proposition to finance maintenance and operation expenses. This proposition would 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 General Fund educational maintenance and operation expenses:

<u>Collection Year</u>	<u>Approximate Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2013	\$2.47	\$2,500,000
2014	\$2.53	\$2,600,000

all as provided in Resolution No. 12-22-11. 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 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 excess property taxes for support of the District’s maintenance and operation 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 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 the District’s (a) Assistant Superintendent (Gina Bullis), telephone: 509.488.2659; fax: 509.488.5876; email: gbullis@othello.wednet.edu; and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; 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 Adams County Prosecuting Attorney.

Section 7. 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 8. Resolution No. 12-12-11 Repealed. Resolution 12-12-11, adopted by the Board on December 12, 2011, and filed with the Auditor on December 13, 2011, is hereby repealed in its entirety and shall have no further force or effect. The Auditor shall not submit the ballot proposition authorized by Resolution No. 12-12-11 to the qualified voters within the District at the special election to be held on February 14, 2012.

Section 9. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Othello School District No. 147-163-55, Adams, Grant and Franklin Counties, Washington, at a special open public meeting thereof, of which due notice was given as required by law, held this 22nd day of December, 2011, the following Directors being present and voting in favor of the resolution.

OTHELLO SCHOOL DISTRICT NO. 147-163-55
ADAMS, GRANT AND FRANKLIN COUNTIES,
WASHINGTON

President and Director

Vice President and Director

Director

Director

Director

ATTEST:

GEORGE JUAREZ
Secretary to the Board of Directors

CERTIFICATION

I, GEORGE JUAREZ, Secretary to the Board of Directors of Othello School District No. 147-163-55, Adams, Grant and Franklin Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 12-22-11 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a special meeting of the Board of Directors of the District (the "Board") held at the regular meeting place thereof on December 22, 2011, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Written notice specifying the time and place of the special meeting and noting the business to be transacted was given to all members of the Board by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special meeting (the "Notice"), a true and complete copy of the Notice is attached hereto as Appendix 1;

3. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special meeting to each local radio or television station and to each newspaper of general circulation that has on file with the District a written request to be notified of special meetings and to any others to which such notices are customarily given by the District; and

4. 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 22nd day of December, 2011.

OTHELLO SCHOOL DISTRICT NO. 147-163-55
ADAMS, GRANT AND FRANKLIN COUNTIES,
WASHINGTON

GEORGE JUAREZ
Secretary to the Board of Directors

APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING