

FEB 17 2023

Spokane County Resolution Cover Sheet

County Elections

This form must accompany each resolution filed with Spokane County Elections. The contact person or persons should have the authority to do so and be available to answer questions.

Name of District: Orchard Prairie School District No. 123, Spokane County, Washington

District Address: 7626 N. Orchard Prairie Road, Spokane WA 99217

Date of Election: April 25, 2023

Contact Person: Joseph Beckford Title: Superintendent and Secretary to the Board

Contact Phone: 509.467.9517 907-360-8441 Fax: 509.467.0590

Contact Email: jbeckford@orchardprairie.org

2nd Contact Person: Stephanie Hance Title: Director, School Financial Services

2nd Contact Phone: 509.789.3513

2nd Contact Email: shance@esd101.net

Attorney for District: Jim McNeill, Foster Garvey P.C.

Attorney Phone: 509.777.1602 Attorney Fax: 800.533.2284

Attorney Email Address: jim.mcneill@foster.com

Type of Election (levy, bond, lid lift, etc.): Replacement Educational Programs and Operation Levy

Please state the pass/fail requirement for this measure (i.e. simple majority, 60%, etc.) as determined by your legal counsel, together with applicable statutory references: Levy must be approved by a simple majority of the qualified voters within the school district. Applicable statutory references include, among others, Article VII, Section 2(a) of the Washington Constitution and RCW 84.52.053.

Signature: *Joseph Beckford*
of person filing this form

Date: 02/16/2023

This form may be filled out and printed.

This mandatory resolution cover sheet must accompany any resolution.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123
SPOKANE COUNTY, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

RESOLUTION NO. 23021301

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 April 25, 2023, of a proposition authorizing an excess tax levy to be made annually for two years commencing in 2023 for collection in 2024 of \$225,000 and in 2024 for collection in 2025 of \$225,000, 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 related matters.

ADOPTED: FEBRUARY 13, 2023

This document prepared by:

*FOSTER GARVEY P.C.
618 West Riverside Avenue, Suite 300
Spokane, Washington 99201
(509) 777-1602*

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123
SPOKANE COUNTY, WASHINGTON

RESOLUTION NO. 23021301

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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 2023 is the last year of collection of the District's current two-year General Fund educational programs and operation tax levy, which was authorized pursuant to Resolution No. 20-03, adopted by the Board on November 16, 2020, and approved by the voters at a special election held and conducted within the District on February 9, 2021.

(b) With the expiration of the District's current two-year General Fund educational programs and operation tax levy, it appears certain that the money in the District's General Fund for the school years 2023-2024, 2024-2025 and 2025-2026 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 the 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 \$225,000 be made in 2023 for collection in 2024 and \$225,000 be made in 2024 for collection in 2025 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 educational programs and operation tax levy.

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

(e) The District has received or, prior to the time the ballot proposition authorized in this resolution is submitted to the voters, the District will have 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 or will be 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 April 25, 2023, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition authorizing 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) to be made annually for two years commencing in 2023 for collection in 2024 of \$225,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.25 per \$1,000 of assessed value, and in 2024 for collection in 2025 of \$225,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.25 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 tax 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 excess property taxes up to the amounts provided in this resolution 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 2023-2024, 2024-2025 and 2025-2026, 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 NO. 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. 23021301, 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, on all taxable property within the District, for support of the District’s educational programs and operation expenses not funded by the State of Washington:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2024	\$1.25	\$225,000
2025	\$1.25	\$225,000

all as provided in Resolution No. 23021301. 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 the Secretary’s designee is authorized and directed to: (a) present a certified copy of this resolution to the Auditor no later than February 24, 2023; 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 authorizing the District to 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 (Joseph Beckford), telephone: 509.467.9517; email: jbeckford@orchardprairie.org; and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 509.777.1602; email: 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, determined necessary by the Auditor or the Spokane County Prosecuting Attorney.


Section 7. Execution; General Authorization and Ratification. This resolution may be executed by the Directors being present and voting in favor of the resolution, or only the Chair of the Board (the "Chair"), and attested by the Secretary, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Secretary, the District's Business Manager, the Chair, and the District's special counsel, Foster Garvey P.C., are hereby further severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, 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 is 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 special open public meeting, of which due notice was given as required by law, held this 13th day of February, 2023.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123
SPOKANE COUNTY, WASHINGTON



Chair and Director

Vice Chair and Director



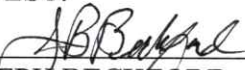
Director



Director

Director

ATTEST:



JOSEPH BECKFORD
Secretary to the Board of Directors

CERTIFICATION

I, JOSEPH BECKFORD, 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. 23021301 (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 its regular meeting place on February 13, 2023 (the "Meeting"), as that Resolution appears in the records of the District, and the Resolution is now in full force and effect; and

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

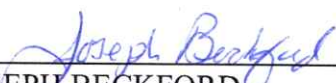
3. The Notice was also posted on the District's website and prominently displayed at the main entrance of the District's Administrative Office and the entrance to the special meeting location at least 24 hours prior to the Meeting;

4. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the 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

5. The Meeting was duly convened and held in all respects in accordance with law, 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 February, 2023.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123
SPOKANE COUNTY, WASHINGTON



JOSEPH BECKFORD
Secretary to the Board of Directors

APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING



ORCHARD PRAIRIE SCHOOL DISTRICT #123 7626 N ORCHARD PRAIRIE ROAD SPOKANE, WA
99217

TO : Spokane County Elections Office
FROM : Joe Beckford, Superintendent
DATE : February 17, 2023
RE : Replacement Educational Programs and Operations Levy
For – Against Committee Solicitation

This is to verify that a solicitation was made for persons interested in serving on the For –
Against Committee, and no responses were received.

ORCHARD PRAIRIE SCHOOL DISTRICT NO. 123
SPOKANE COUNTY, WASHINGTON

EXPLANATORY STATEMENT

PROPOSITION NO. 1 – REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION
LEVY

Passage of Proposition No. 1 would allow the Orchard Prairie School District to replace an existing educational programs and operation levy that will expire at the end of the calendar year 2023. The taxes collected by this replacement levy will be used to pay expenses of educational programs and operation not fully funded by the State, including, class size reduction, academic assistance programs, teachers, extracurricular activities, special education, facility operations/maintenance, transportation, and technology. Further information is available at <https://www.orchardprairieschool.org/staff>.

The proposed two-year replacement levy would authorize the collection of taxes to provide up to \$225,000 in 2024 and \$225,000 in 2025. The tax levy rate required to produce these levy amounts is estimated to be \$1.25 per \$1,000 of assessed value. 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 State law at the time of the levy. Exemptions from taxes may be available, call the Spokane County Assessor at (509)477-3698.