



Resolution Cover Sheet

This form is mandatory and must accompany each resolution.

Name of District: Pe Ell School District No. 301, Lewis and Pacific Counties, Washington
District Address: 519 N 2nd Street, Pe Ell, WA 98572
Date of Election: February 8, 2022
Contact Person: Kyle MacDonald Title: Superintendent and Secretary to the Board
Contact Phone: 360.291.3244 Email: kmacdonald@peell.k12.wa.us
2nd Contact Person: Bobby McCalden Title: Business Manager
2nd Contact Phone: 360.291.3244 Email: bmccalden@peell.k12.wa.us

Attorney for District: Jim McNeill, Foster Garvey P.C.
Attorney Phone: 206.447.5339 Attorney Email: jim.mcneill@foster.com

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

Pass/Fail requirement for this measure as determined by your legal counsel: _____



Simple majority or majority 50% +1



Supermajority or 60%

Applicable statutory reference as determined by legal counsel: Article VII, Section 2(a) of the Washington Constitution and RCW 84.52.053. _____

Validation requirement as determined by your legal counsel. The minimum number of voters "required" to turnout (cast a ballot) in an excess levy or bond election.

This issue requires validation:



Yes



No

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

PE ELL SCHOOL DISTRICT NO. 301
LEWIS AND PACIFIC COUNTIES, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

RESOLUTION NO. 2021-07

A RESOLUTION of the Board of Directors of Pe Ell School District No. 301, Lewis and Pacific Counties, Washington, providing for the submission to the voters of the District at a special election to be held on February 8, 2022, of a proposition authorizing an excess tax levy to be made annually for three years commencing in 2022 for collection in 2023 of \$350,000, in 2023 for collection in 2024 of \$350,000, and in 2024 for collection in 2025 of \$350,000, 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 Lewis County, Washington; and providing for related matters.

ADOPTED: NOVEMBER 18, 2021

This document prepared by:

*FOSTER GARVEY P.C.
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
(206) 447-5339*

PE ELL SCHOOL DISTRICT NO. 301
LEWIS AND PACIFIC COUNTIES, WASHINGTON

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PE ELL SCHOOL DISTRICT NO. 301, LEWIS AND PACIFIC COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Pe Ell School District No. 301, Lewis and Pacific Counties, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2022 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. 2019-08, adopted by the Board on November 18, 2019, and approved by the voters at a special election held and conducted within the District on February 11, 2020.

(b) With the expiration of the District's current two-year General Fund educational programs and operation tax levy, it appears that the money in the District's General Fund for the school years 2022-2023, 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 \$350,000 be made in 2022 for collection in 2023, \$350,000 be made in 2023 for collection in 2024 and \$350,000 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 three-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 Lewis 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 manner provided by law to be held in the District on February 8, 2022, 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 three years commencing in 2022 for collection in 2023 of \$350,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.26 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$350,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.26 per \$1,000 of assessed value, and in 2024 for collection in 2025 of \$350,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.26 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 2022-2023, 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 Lewis 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 NO. 1

PE ELL SCHOOL DISTRICT NO. 301

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

The Board of Directors of Pe Ell School District No. 301 adopted Resolution No. 2021-07, concerning a proposition to replace an expiring levy for education. 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, to finance General Fund 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>
2023	\$1.26	\$350,000
2024	\$1.26	\$350,000
2025	\$1.26	\$350,000

all as provided in Resolution No. 2021-07. 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 and the Auditor of Pacific County, Washington, no later than December 10, 2021; 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 (Kyle MacDonald) telephone: 360.291.3244; email: kmacdonald@peell.k12.wa.us; and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; email: jim.mcneill@foster.com as the individuals to whom the Auditor and the Auditor of Pacific County, Washington, shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Lewis 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 Pe Ell School District No. 301, Lewis and Pacific Counties, Washington, at a regular open public meeting held this 18th day of November, 2021.

PE ELL SCHOOL DISTRICT NO. 301
LEWIS AND PACIFIC COUNTIES,
WASHINGTON

Cecile Baggenstos

Chair and Director

Joe Wooster

Vice Chair and Director

Linda Barr

Director

Mara McGrath

Director

Chad Burnett

Director

ATTEST:

Kyle MacDonald

KYLE MACDONALD

Secretary to the Board of Directors

CERTIFICATION

I, KYLE MACDONALD, Secretary to the Board of Directors of Pe Ell School District No. 301, Lewis and Pacific Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 2021-07 (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 on November 18, 2021 (the "Meeting"), as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time; and

3. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance, 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 18th day of November, 2021.

PE ELL SCHOOL DISTRICT NO. 301
LEWIS AND PACIFIC COUNTIES,
WASHINGTON

Kyle MacDonald

KYLE MACDONALD
Secretary to the Board of Directors



Completed Document Audit Report
Completed with SignWell.com

Title: 2021-07 Replacement EP&O Levy 23-25











Document ID: 87503522-fc79-4ab0-8ce6-45fddaa71526





Files

2021-07 Replacement EP&O Levy 23-25.pdf

Nov 18, 2021 22:08:48 UTC

Activity

 Bobby McCalden IP: 169.204.238.190	created the document	Nov 18, 2021 22:09:20 UTC
 Bobby McCalden IP: 169.204.238.190	sent the document to cecile.baggenstos@peell.k12.wa.us, joe.wooster@peell.k12.wa.us, kmacdonald@peell.k12.wa.us, chad.burnett@peell.k12.wa.us, mara.mcgrath@peell.k12.wa.us, and linda.barr@peell.k12.wa.us	Nov 18, 2021 22:10:39 UTC
 Mara McGrath IP: 67.42.91.208	first viewed the document	Nov 19, 2021 01:58:57 UTC
 Mara McGrath	signed the document	Nov 19, 2021 02:09:59 UTC
 Cecile Baggenstos IP: 65.102.190.179	first viewed the document	Nov 19, 2021 03:15:15 UTC
 Cecile Baggenstos	signed the document	Nov 19, 2021 03:15:26 UTC
 Linda Barr IP: 65.102.177.111	first viewed the document	Nov 19, 2021 03:40:08 UTC
 Linda Barr	signed the document	Nov 19, 2021 03:40:45 UTC
 Kyle MacDonald IP: 166.181.251.3	first viewed the document	Nov 19, 2021 03:41:35 UTC
 Kyle MacDonald	signed the document	Nov 19, 2021 03:41:34 UTC

 Joe Wooster IP: 69.10.206.242	first viewed the document	Nov 19, 2021 16:08:32 UTC
 Joe Wooster	signed the document	Nov 19, 2021 16:08:51 UTC
 Chad Burnett IP: 166.181.251.115	first viewed the document	Nov 22, 2021 19:04:29 UTC
 Chad Burnett	signed the document	Nov 22, 2021 19:09:57 UTC

PE ELL SCHOOL DISTRICT NO. 301
LEWIS AND PACIFIC COUNTIES, WASHINGTON

EXPLANATORY STATEMENT

PROPOSITION NO. 1 – REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION
LEVY

Passage of Proposition No. 1 would allow Pe Ell School District to replace an existing educational programs and operation levy that will expire at the end of calendar year 2022. The taxes collected by this levy will be used to pay expenses of educational programs and operation that are not fully funded by the State of Washington, including, but not limited to: athletics and activities; student food, health and counseling services; student transportation costs; technology equipment and improvements; technology, engineering and mathematics (STEM) programs; staff professional development and training; infrastructure including utilities; maintenance; insurance; and special education costs. Further information is available on the District's website at <https://www.peell.k12.wa.us/>.

The proposed three-year replacement levy would authorize the collection of taxes to provide up to \$350,000 each year from 2023 through and including 2025. The tax levy rate required to produce these levy amounts is estimated to be \$1.26 per \$1,000 of assessed value. The exact tax levy rates and amounts to be collected may be adjusted based upon the limitations imposed by State law at the time of the levy. Exemptions from taxes may be available to certain homeowners, call Lewis County Assessor at (360) 740-1392 or Pacific County Assessor at (360) 875-9301.

(202 words – 250 allowed)



Lewis County Prosecuting Attorney's Office

345 W. Main Street, 2nd Floor
Chehalis, WA 98532
Phone: (360) 740-1240
Fax: (360) 740-1497
TDD: (360) 740-1480

To: The Auditor's Office
From: Amber D. Smith, Civil Deputy Prosecuting Attorney
Subject: Approval of Ballot Language and Explanatory Statement
Date: December 3, 2021

Our office has reviewed the proposed levy for [Pe Ell School District No. 301](#). The ballot language and explanatory statement are impartial, written in clear and concise language, avoid the use of legal and technical terms whenever possible, and do not exceed statutory word limits.

Our office approves as to form.

Sincerely,

A handwritten signature in black ink that reads "Amber D. Smith". The signature is written in a cursive, flowing style.

Amber D. Smith
Civil Deputy Prosecuting Attorney
Lewis County Prosecuting Attorney's Office

It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards.