

BATTLE GROUND SCHOOL DISTRICT NO. 119
CLARK COUNTY, WASHINGTON

REPLACEMENT OF EXPIRING EDUCATIONAL PROGRAMS AND
OPERATIONS LEVY

RESOLUTION NO. O-20

A RESOLUTION of the Board of Directors of Battle Ground School District No. 119, Clark County, Washington, providing for the submission to the voters of the District at a special election to be held on February 9, 2021, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2021 for collection in 2022 of \$24,920,066, in 2022 for collection in 2023 of \$29,239,544, in 2023 for collection in 2024 of \$30,409,126, and in 2024 for collection in 2025 of \$31,625,491, for the District's General Fund to pay expenses of educational programs and operations; designating the District's Chief Financial Officer and special counsel to receive notice of the ballot title from the Auditor of Clark County, Washington; and providing for other matters properly related thereto.

ADOPTED: NOVEMBER 23, 2020

This document prepared by:

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BATTLE GROUND SCHOOL DISTRICT NO. 119
CLARK COUNTY, WASHINGTON

RESOLUTION NO. O-20

A RESOLUTION of the Board of Directors of Battle Ground School District No. 119, Clark County, Washington, providing for the submission to the voters of the District at a special election to be held on February 9, 2021, of a proposition authorizing an excess tax levy to be made annually for four years commencing in 2021 for collection in 2022 of \$24,920,066, in 2022 for collection in 2023 of \$29,239,544, in 2023 for collection in 2024 of \$30,409,126, and in 2024 for collection in 2025 of \$31,625,491, for the District's General Fund to pay expenses of educational programs and operations; designating the District's Chief Financial Officer and special counsel to receive notice of the ballot title from the Auditor of Clark County, Washington; and providing for other matters properly related thereto.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BATTLE GROUND SCHOOL DISTRICT NO. 119, CLARK COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Battle Ground School District No. 119, Clark County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Calendar year 2021 is the last year of collection of the District's current four-year General Fund educational programs, maintenance and operation tax levy, which was authorized pursuant to Resolution No. P-16, adopted by the Board on December 12, 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 four-year General Fund educational programs, maintenance and operation tax levy, it appears certain that the money in the District's General Fund for the school years 2021-2022, 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 operations support not funded by the State (the "State"), 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 \$24,920,066 be made in 2021 for collection in 2022, \$29,239,544 be made in 2022 for collection in 2023, \$30,409,126 be made in 2023 for collection in 2024, and \$31,625,491 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 four-year General Fund educational programs and operations tax levy authorized in this resolution provides for approximately the same educational programs and operations purposes as the District's expiring four-year General Fund educational programs, maintenance 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 operations expenses.

(e) The District has received approval of its educational programs and operations 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 Clark 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 9, 2021, 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 operations 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 four years commencing in 2021 for collection in 2022 of \$24,920,066, the estimated dollar rate of tax levy required to produce such an amount being \$1.95 per \$1,000 of assessed value, in 2022 for collection in 2023 of \$29,239,544, the estimated dollar rate of tax levy required to produce such an amount being \$2.20 per \$1,000 of assessed value, in 2023 for collection in 2024 of \$30,409,126, the estimated dollar rate of tax levy required to produce such an amount being \$2.20 per \$1,000 of assessed value, and in 2024 for collection in 2025 of \$31,625,491, the estimated dollar rate of tax levy required to produce such an amount being \$2.20 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 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 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 operations support not funded by the State during the school years 2021-2022, 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.

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Section 4. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Clark County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION 5

BATTLE GROUND SCHOOL DISTRICT NO. 119

REPLACEMENT OF EXPIRING EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

The Board of Directors of Battle Ground School District No. 119 adopted Resolution No. O-20, concerning replacement of an expiring levy for educational programs and operations. This proposition provides funding for educational programs and operations expenses not funded by the State. If approved, Proposition 5 will authorize the District to levy the following excess taxes, on all taxable property within the District, as provided in Resolution No. O-20:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2022	\$1.95	\$24,920,066
2023	\$2.20	\$29,239,544
2024	\$2.20	\$30,409,126
2025	\$2.20	\$31,625,491

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 directed to: (a) present a certified copy of this resolution to the Auditor no later than December 11, 2020; 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 operations 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 District's Chief Financial Officer (Meagan Hayden), telephone: 360.885.5300; email: hayden.meagan@battlegroundps.org; 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 shall provide such notice. The Secretary is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Clark County Prosecuting Attorney.

Section 7. General Authorization and Ratification. The Secretary, the District's Chief Financial Officer, the President of the Board, other appropriate officers of the District and special counsel, Foster Garvey P.C., 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 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.

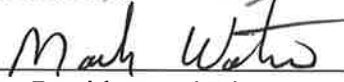
Section 9. Effective Date. This resolution takes effect from and after its adoption.

ADOPTED by the Board of Directors of Battle Ground School District No. 119, Clark County, Washington, at a regular open public meeting held this 23rd day of November, 2020, the following Directors being present and voting in favor of the resolution.

BATTLE GROUND SCHOOL DISTRICT NO. 119
CLARK COUNTY, WASHINGTON



President and Director




Vice President and Director



Director

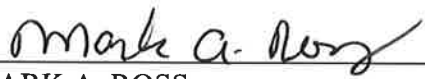


Director



Director

ATTEST:



MARK A. ROSS
Secretary to the Board of Directors

CERTIFICATION

I, MARK A. ROSS, Secretary to the Board of Directors of Battle Ground School District No. 119, Clark County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. O-20 (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 23, 2020 ("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, (a) the Meeting was not conducted in person and (b) 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 was present throughout the meeting through telephonic and/or internet means of remote access, and a sufficient number of members of the Board so present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of November, 2020.

BATTLE GROUND SCHOOL DISTRICT NO. 119
CLARK COUNTY, WASHINGTON



MARK A. ROSS

Secretary to the Board of Directors