



proud past, promising future

CLARK COUNTY  
WASHINGTON

Prop. 7

## RESOLUTION COVER SHEET

This form **MUST** accompany each original or certified copy of the resolution. Contact person or persons should have the authority to approve change and to answer questions.

Name of District: Battle Ground School District No. 119, Clark County, Washington

District Address: Mailing: PO Box 200 Battle Ground, WA 98604

Date of Election: February 13, 2024

Contact Person: Michelle Scott Title: Chief Financial Officer

Contact Phone Number: 360.885.5311 Fax Number: 360.885.5351

Contact Email: scott.michelle@battlegroundps.org

2<sup>nd</sup> Contact Person: Denny W. Waters Title: Superintendent and Secretary to the Board

2<sup>nd</sup> Contact Phone Number: 360.885.5338

2<sup>nd</sup> Contact Email: waters.denny@battlegroundps.org

Attorney for District: Jim McNeill, Foster Garvey PC

Attorney Phone Number: 206.447.5339

Attorney Email Address: jim.mcneill@foster.com

Type of election (levy, bond, lid lift, etc.): Proposition No. 7 - Capital Levy for Safety, Facility and Technology Improvements

Please state the pass/fail requirements 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

CLARK COUNTY ELECTIONS  
NOV 17 2023

BATTLE GROUND SCHOOL DISTRICT NO. 119  
CLARK COUNTY, WASHINGTON

PROPOSITION NO. 7 - CAPITAL LEVY FOR SAFETY, FACILITY AND  
TECHNOLOGY IMPROVEMENTS

RESOLUTION NO. H-23

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 13, 2024, of a proposition authorizing an excess tax levy to be made annually for three years commencing in 2024 for collection in 2025 of \$8,500,000, in 2025 for collection in 2026 of \$9,200,000 and in 2026 for collection in 2027 of \$10,000,000 for the District's Capital Projects Fund to support the modernization and remodeling of school facilities; 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 related matters.

ADOPTED: NOVEMBER 13, 2023

*This document prepared by:*

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

Clark County Elections  
Received

**NOV 17 2023**

BATTLE GROUND SCHOOL DISTRICT NO. 119  
CLARK COUNTY, WASHINGTON

RESOLUTION NO. H-23

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 13, 2024, of a proposition authorizing an excess tax levy to be made annually for three years commencing in 2024 for collection in 2025 of \$8,500,000, in 2025 for collection in 2026 of \$9,200,000 and in 2026 for collection in 2027 of \$10,000,000 for the District's Capital Projects Fund to support the modernization and remodeling of school facilities; 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 related matters.

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) Safety and security concerns, the existing condition of capital equipment (including technology equipment, infrastructure and systems), and the institution of new instructional programs require the District to support the modernization and remodeling of school facilities and the learning environment for students by making District-wide safety, facility and technology improvements, all as more particularly defined and described in Section 2 herein (collectively, the "Projects").

(b) It appears certain that the money in the District's Capital Projects Fund will be insufficient to permit the District to pay costs of the Projects, and that it is necessary that an excess tax levy of \$8,500,000 be made in 2024 for collection in 2025, \$9,200,000 be made in 2025 for collection in 2026, and \$10,000,000 be made in 2026 for collection in 2027 for the District's Capital Projects Fund to provide the money required to pay those costs.

(c) 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 to support (*i.e.*, to pay or finance) costs of the Projects.

(d) The best interests of the District's students and other inhabitants require the District to carry out and accomplish the Projects.

Section 2. Description of the Projects. The Projects to be paid for with the excess property taxes authorized herein are more particularly defined and described as follows:

(a) Make District-wide safety, facility and technology improvements, including, but not limited to: (1) upgrading security (including acquiring, installing and/or upgrading cameras, entry

controls and communication systems, improving parking/traffic circulation, and making other safety and security system improvements); (2) repairing roofs; (3) improving and/or upgrading heating, ventilation and air conditioning systems and equipment (“heating/cooling”); (4) upgrading and/or improving lighting (including other energy efficiency systems and equipment); (5) upgrading technology (including acquiring, installing, implementing and modernizing computers, wireless network, and other technology devices, equipment, software, phones, infrastructure, systems and facilities, providing related staff training and support to implement such technology improvements, and making other improvements and upgrades to the District’s technology systems and facilities); (6) creating learning spaces for construction trades, culinary, health sciences, and middle school STEM programs; and (7) making other safety, facility and technology improvements to existing school facilities, all as determined necessary and advisable by the Board. The foregoing technology equipment, infrastructure, improvements and upgrades shall be part of the District’s integrated technology systems and facilities for instruction and research.

(b) Acquire, construct and install all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances in or for the foregoing, all as determined necessary and advisable by the Board.

(c) Pay costs associated with implementing the foregoing technology equipment and infrastructure, including, but not limited to, acquiring, constructing and installing hardware and licensing software, online applications and training related to the installation of the foregoing, all as determined necessary and advisable by the Board. Such costs constitute a part of the Projects and also include, but are not limited to, ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the use, installation and integration of these products and services, all as determined necessary and advisable by the Board. The hardware, software or applications shall be an integral part of the District’s technology systems and facilities for instruction and research.

(d) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects. Such incidental costs constitute a part of the Projects and include, but are not limited to: (1) payments for fiscal and legal costs; (2) costs of establishing and funding accounts; (3) necessary and related engineering, architectural, planning, consulting, permitting, inspection and testing costs; (4) administrative and relocation costs; (5) site acquisition and improvement costs; (6) demolition costs; (7) costs related to demolition and/or deconstruction of existing school facilities to recycle, reclaim and repurpose all or a portion of such facilities and/or building materials; (8) costs of on and off-site utilities and road improvements; and (9) costs of other similar activities or purposes, all as determined necessary and advisable by the Board.

The Projects, or any portion or portions thereof, shall be acquired or made insofar as is practicable with available money and in such order of time as shall be determined necessary and advisable by the Board. The Board shall determine the application of available money between the various parts of the Projects so as to accomplish, as near as may be, all of the Projects. The Board shall determine the exact order, extent and specifications for the Projects. The Projects are to be more fully described in the plans and specifications to be filed with the District.

Section 3. 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 13, 2024, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing a Capital Projects Fund 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 2024 for collection in 2025 of \$8,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, in 2025 for collection in 2026 of \$9,200,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 per \$1,000 of assessed value, and in 2026 for collection in 2027 of \$10,000,000, the estimated dollar rate of tax levy required to produce such an amount being \$0.44 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 may be adjusted based upon the actual assessed value of the taxable property within the District at the time of the tax levy.

Section 4. 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 provided in this resolution to pay costs of the Projects, all as may be authorized by law and determined necessary and advisable 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.

Section 5. Sufficiency of Taxes. If the excess property taxes authorized herein are more than sufficient to carry out the Projects, or should state or local circumstances require any alteration in the Projects, the District may apply such taxes to other capital purposes, or reduce or eliminate the excess property tax levies authorized herein, all as the Board may determine by resolution and as permitted by law.

If the Board determines that it has become impractical to accomplish the Projects or any portion thereof by reason of state or local circumstances, including changed conditions or needs, regulatory considerations, incompatible development or costs substantially in excess of those estimated, or for any other reason determined by the Board, the District will not be required to accomplish such Projects and may apply the excess property taxes authorized herein or any portion thereof to other capital purposes of the District, or reduce or eliminate the excess property taxes authorized herein, all as the Board may determine by resolution and as permitted by law. In the event that the excess property taxes, plus any other money of the District legally available therefor, are insufficient to accomplish all of the Projects, the District may use the available money for paying the cost of that portion of the Projects that the Board determines most necessary and in the best interests of the District.

Notwithstanding anything in this resolution to the contrary, the excess property taxes authorized herein may be used only to support the construction, modernization or remodeling of school facilities or to implement the District's technology facilities plan.

Section 6. 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 NO. 7

BATTLE GROUND SCHOOL DISTRICT NO. 119

CAPITAL LEVY FOR SAFETY, FACILITY AND TECHNOLOGY IMPROVEMENTS

The Board of Directors of Battle Ground School District No. 119 adopted Resolution No. H-23, concerning a proposition for capital improvements to support the learning environment. This proposition would authorize the District to levy the following excess taxes, on all taxable property within the District, for making District-wide safety, facility and technology improvements (upgrading security, including cameras and entry controls; repairing roofs; improving heating/cooling; upgrading lighting and technology; creating learning spaces for construction trades, culinary, health sciences):

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2025	\$0.44	\$8,500,000
2026	\$0.44	\$9,200,000
2027	\$0.44	\$10,000,000

all as provided in Resolution No. H-23. Should this proposition be approved?

LEVY . . . YES

LEVY . . . NO

Section 7. 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 December 15, 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 annual excess property taxes to pay costs of the Projects.

Section 8. 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 (Michelle Scott), telephone: 360.885.5311; and (b) special counsel, Foster Garvey P.C. (Jim McNeill), telephone: 206.447.5339; 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, determined necessary by the Auditor or the Clark County Prosecuting Attorney.

Section 9. 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 President

of the Board (the "President"), 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 Chief Financial Officer, the President, 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 10. 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 11. 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 13<sup>th</sup> day of November, 2023.

BATTLE GROUND SCHOOL DISTRICT NO. 119  
CLARK COUNTY, WASHINGTON

DocuSigned by:  
*Jackie Maddux*  
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President and Director

DocuSigned by:  
*Mark Watrin*  
BC900DFAF8C14C3...  
Vice President and Director

DocuSigned by:  
*Mary Sutilly*  
A4961969F784DC...  
Director

DocuSigned by:  
*Andrew D Lawson, Esq.*  
5D166CDA75574B4...  
Director

DocuSigned by:  
*Ted Champine*  
F1C2BFC6F843471...  
Director

ATTEST:

DocuSigned by:  
*Denny Waters*  
4741322832241E  
DENNY W. WATERS  
Secretary to the Board of Directors

CERTIFICATION

I, DENNY W. WATERS, 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. H-23 (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 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. The Meeting was duly convened, held and included an opportunity for public comment, 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 13<sup>th</sup> day of November, 2023.

BATTLE GROUND SCHOOL DISTRICT NO. 119  
CLARK COUNTY, WASHINGTON

DocuSigned by:

Denny Waters

DENNY W. WATERS

Secretary to the Board of Directors