

PROSSER CONSOLIDATED SCHOOL DISTRICT NO. 116-219
BENTON AND KLICKITAT COUNTIES, WASHINGTON

PROPOSITION NO. 2 – CAPITAL LEVY FOR SAFETY, SECURITY AND
INFRASTRUCTURE IMPROVEMENTS

RESOLUTION NO. 26-23

A RESOLUTION of the Board of Directors of Prosser Consolidated School District No. 116-219, Benton and Klickitat Counties, 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 four years commencing in 2024 for collection in 2025 of \$751,063, in 2025 for collection in 2026 of \$773,595, in 2026 for collection in 2027 of \$796,803, and in 2027 for collection in 2028 of \$820,707, for the District’s Capital Projects Fund to support the construction, modernization and remodeling of school facilities; designating the Secretary to the Board and special counsel to receive notice of the ballot title from the Auditor of Benton County, Washington; and providing for related matters.

ADOPTED: NOVEMBER 15, 2023

This document prepared by:

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BENTON AND KLICKITAT COUNTIES, WASHINGTON

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PROSSER CONSOLIDATED SCHOOL DISTRICT NO. 116-219, BENTON AND KLICKITAT COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Prosser Consolidated School District No. 116-219, Benton and Klickitat Counties, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) Student and staff safety and security needs and the existing condition of school facilities require the District to support the construction, modernization and remodeling of school facilities by making District-wide safety, security and infrastructure 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 it is necessary that an excess tax levy of \$751,063 be made in 2024 for collection in 2025, \$773,595 be made in 2025 for collection in 2026, \$796,803 be made in 2026 for collection in 2027, and \$820,707 be made in 2027 for collection in 2028 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 safety, security and infrastructure improvements throughout existing school facilities, including, but not limited to: (1) acquiring, installing, implementing and/or modernizing secure entrances, security cameras, entry/access controls, door locks and other safety and security systems; (2) installing, upgrading and/or improving facilities for Americans with Disabilities Act (“ADA”) accessibility; (3) installing new tennis/pickleball courts; (4) installing, improving and/or modernizing concessions, restrooms and parking facilities; (5) upgrading and/or improving heating, ventilation and air conditioning equipment and systems (“HVAC”), electrical and plumbing systems and equipment; and (6) making other safety, security and infrastructure improvements to District facilities, all as determined necessary and advisable by the Board.

(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 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 Benton 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 13, 2024, for the purpose of submitting to the District’s voters, for their approval or rejection, the proposition authorizing a Capital Projects Fund excess property 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 2024 for collection in 2025 of \$751,063, the estimated dollar rate of tax levy required to produce such an amount being \$0.35 per \$1,000 of assessed value, in 2025 for collection in 2026 of \$773,595, the estimated dollar rate of tax levy required to produce such an amount being \$0.35 per \$1,000 of assessed value, in 2026 for collection in 2027 of \$796,803, the estimated dollar rate of tax levy required to produce such an amount being \$0.35 per \$1,000 of assessed value, and in 2027 for collection in 2028 of \$820,707, the estimated dollar rate of tax levy

required to produce such an amount being \$0.35 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.

[Remainder of page intentionally left blank]

Section 6. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Benton 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. 2

PROSSER CONSOLIDATED SCHOOL DISTRICT NO. 116-219

CAPITAL LEVY FOR SAFETY, SECURITY AND
INFRASTRUCTURE IMPROVEMENTS

The Board of Directors of Prosser Consolidated School District No. 116-219 adopted Resolution No. 26-23, concerning a proposition to finance safety, security and infrastructure improvements. This proposition would authorize the District to levy the following excess taxes, on all taxable property within the District, to finance secure entrances, security cameras, entry/access controls, door locks, ADA accessibility, tennis/pickleball courts, concessions, restrooms and parking facilities, HVAC, electrical, plumbing, and other infrastructure improvements:

<u>Collection Year</u>	<u>Estimated Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2025	\$0.35	\$751,063
2026	\$0.35	\$773,595
2027	\$0.35	\$796,803
2028	\$0.35	\$820,707

all as provided in Resolution No. 26-23. 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 and the Auditor of Klickitat County, Washington, 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 Secretary (Kim Casey), telephone: 509.786.3323; email: kim.casey@prosserschools.org; and (b) special counsel, Foster Garvey P.C. (Lee Marchisio), telephone: 206.447.6264; email: lee.marchisio@foster.com as the individuals to whom the Auditor and the Auditor of Klickitat 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 Benton 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 Director of Business and Operations, the President, other appropriate officers of the District 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 Prosser Consolidated School District No. 116-219, Benton and Klickitat Counties, Washington, at a special open public meeting, of which due notice was given as required by law, held this 15th day of November, 2023.

PROSSER CONSOLIDATED SCHOOL DISTRICT
NO. 116-219 BENTON AND KLICKITAT
COUNTIES, WASHINGTON




President and Director



Vice President and Director




Director



Director



Director

ATTEST:


KIMBERLY CASEY
Secretary to the Board of Directors

CERTIFICATION

I, KIMBERLY CASEY, Secretary to the Board of Directors of Prosser Consolidated School District No. 116-219, Benton and Klickitat Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 26-23 (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 on November 15, 2023 (the "Meeting"), as that Resolution appears in the records of the District, and the Resolution is now in full force and effect;

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;

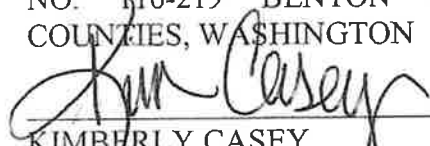
3. The Notice was also posted on the District's website and prominently displayed at the main entrance of the District's Business Office and the entrance to the special meeting location at least 24 hours prior to the Meeting;

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, 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 15th day of November, 2023.

PROSSER CONSOLIDATED SCHOOL DISTRICT
NO. 116-219 BENTON AND KLICKITAT
COUNTIES, WASHINGTON



KIMBERLY CASEY
Secretary to the Board of Directors

APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING