

RESOLUTION NO. 567

A RESOLUTION of the Board of Directors of Richland School District No. 400, Benton County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on April 22, 2003, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$77,800,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds to remodel, modernize, construct and equip district school facilities and authorizing the Superintendent to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

WHEREAS, improvements to school facilities are needed in Richland School District No. 400, Benton County, Washington (the "District"), in order to provide the students of the District with adequate, proper and safe educational facilities; and

WHEREAS, in order to provide part of the funds to enable the District to remodel, modernize, construct and equip its facilities, it is deemed necessary and advisable that the District issue and sell its unlimited tax levy general obligation bonds in the principal amount of \$77,800,000; and

WHEREAS, the Constitution and laws of the State of Washington (including RCW 28A.530.010 and RCW 84.52.056) provide that the question of whether or not such bonds may be issued and sold for such purposes and taxes levied to pay such bonds must be submitted to the qualified electors of the District for their ratification or rejection;

WHEREAS, if the proposition is approved, the District is planning for the issuance and sale of the Bonds; and

WHEREAS, the State Legislature in 1999, approved Senate Joint Resolution 8206, which has been codified as RCW Ch. 39.98 (the "Credit Enhancement Act") for the purpose of

establishing a credit enhancement program (the "Program") for voter-approved school district general obligation bonds; and

WHEREAS, Section 39.98.040 of the Credit Enhancement Act authorizes the state treasurer to make a determination that a school district is eligible for participation in the Program if the state treasurer determines that the district is eligible under rules adopted by the state finance committee; and

WHEREAS, if the proposition is approved and to the extent that the Program demonstrates substantial savings to the taxpayers of the District, the District wishes to participate in the Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Richland School District No. 400, Benton County, Washington, as follows:

Section 1. Findings. This Board of Directors (the "Board") hereby finds and declares that the best interest of the students and other inhabitants of the District require the District to carry out the plans hereinafter provided at the time or times and in the order deemed most necessary and advisable by the Board.

Section 2. Capital Improvements. The District shall make the following improvements to district schools:

- remodel Hanford High School and Richland High School;
- remodel Jason Lee Elementary School; and
- construct and equip a new elementary school and replacement middle school.

The cost of all necessary architectural, engineering, and other consulting services, inspection and testing, administrative and relocation expenses, site acquisition, on and off-site utilities, related improvements and other costs incurred in connection with the making of the

foregoing capital improvements shall be deemed a part of the costs of such improvements. Such improvements shall be complete with all necessary furniture, equipment and appurtenances.

If available funds are sufficient from the proceeds of bonds authorized for the above purposes, and state or local circumstances require, the District shall acquire, construct, equip and make other capital improvements to the facilities of the District, all as the Board of Directors may determine, after holding a public hearing thereon pursuant to RCW 28A.530.020.

The District shall determine the application of available moneys as between the various projects set forth above so as to accomplish, as nearly as may be, all improvements described or provided for in this section. The District shall determine the exact extent and specifications for construction of structures or other improvements.

If the Board shall determine that it has become impractical to accomplish any of such improvements or portions thereof by reason of state or local circumstances, including changed conditions, incompatible development or costs substantially in excess of those estimated, the District shall not be required to accomplish such improvements and may apply the bond proceeds or any portion thereof to other portions of the improvements, or to payment of principal of or interest on the bonds, as the Board may determine after holding a public hearing thereon pursuant to RCW 28A.530.020.

In the event that the proceeds of sale of the bonds, plus any other moneys of the District legally available, are insufficient to accomplish all of the capital improvements provided by this section, the District shall use the available funds for paying the cost of those improvements for which the bonds were approved deemed by the Board most necessary and in the best interest of the District.

It is anticipated that the District will receive funds from the State of Washington pursuant to RCW 28A.530.020 in the estimated amount of \$39,621,907. The District intends to apply such funds to complete the improvements described in Section 2 hereof. Such funds may also be applied to pay the principal of or interest on the bonds provided for herein or to make other capital improvements to the facilities of the District as the Board may determine after holding a public hearing thereon pursuant to RCW 28A.530.020.

Section 3. Authorization of Bonds. [For the purpose of providing part of the funds necessary to pay the cost of the improvements described in Section 2 hereof, together with incidental costs and costs related to the sale and issuance of the bonds, the District shall issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$77,800,000. [The balance of the cost of such improvements shall be paid out of any moneys which the District now has or may later have on hand which are legally available for such purposes and out of possible state or federal grants of money.] None of said bond proceeds shall be used for the replacement of equipment or for any other than a capital purpose. Such bonds shall be issued in an amount not exceeding the amount approved by the qualified electors of the District as required by the Constitution and laws of the State of Washington or exceeding the amount permitted by the Constitution and laws of the State of Washington.

Section 4. Details of Bonds. The bonds provided for in Section 3 hereof shall be sold in such amounts and at such time or times as deemed necessary and advisable by this Board and as permitted by law, shall bear interest at a rate or rates not to exceed the maximum rate permitted by law at the time the bonds are sold, and shall mature in such amounts and at such times within a maximum term of twenty (20) years from the date of issue, but may mature at an earlier date or dates, as authorized by this Board and as provided by law. Said bonds shall be

general obligations of the District and, unless paid from other sources, both principal thereof and interest thereon shall be payable out of annual tax levies to be made upon all the taxable property within the District without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms and maturities of said bonds shall be as hereafter fixed by resolution of the Board of Directors. After voter approval of the bond proposition and in anticipation of the issuance of such bonds, the District may issue short term obligations as authorized and provided by Chapter 39.50 RCW.

Section 5. Election. It is hereby found and declared that an emergency exists requiring the District to submit to the qualified electors of the District the proposition of whether or not the District shall issue the Bonds at a special election to be held on April 22, 2003. The Benton County Auditor as ex officio supervisor of elections is hereby requested also to find the existence of such emergency and to call and conduct the special election to be held within the District and to submit to the qualified electors of the District the proposition set forth below. The Secretary of the Board is hereby authorized and directed to certify the proposition to said officials in the following form:

PROPOSITION NO. ____

RICHLAND SCHOOLS FACILITY IMPROVEMENT
GENERAL OBLIGATION BONDS - \$77,800,000

The Board of the Richland School District #400 passed Resolution #567 concerning this proposition. This proposition authorizes the District to remodel Hanford and Richland High Schools, remodel Jason Lee Elementary School and construct and equip a new elementary school and replacement middle school, issue \$77,800,000 of general obligation bonds maturing within a maximum term of 20 years, and levy property taxes annually, in addition to regular tax levies to repay such bonds, all as provided in Resolution #567. Shall this proposition be:

APPROVED?..... ☐

REJECTED?..... ☐

The polls for such special election shall be open from 7:00 o'clock A.M. to 8:00 o'clock P.M.

The Secretary of the Board of Directors is hereby authorized to deliver a certified copy of this resolution to the Benton County Auditor.

Section 6. Request for Eligibility for the Credit Enhancement Program. In preparation for the issuance and sale of the bonds after approval by the voters, the Board of Directors hereby requests that the State Treasurer issue a certificate of eligibility in favor of the District for participation by the District in the Program with respect to the bonds. The Superintendent is hereby authorized and directed (following voter approval) to submit such applications, resolutions and certifications as shall be required by the State Treasurer in reviewing the District's request for participation.

Section 7. Severability. In the event that any provision of this resolution shall be held to be invalid, such invalidity shall not affect or invalidate any other provision of this resolution or the Bonds, but they shall be construed and enforced as if such invalid provision had

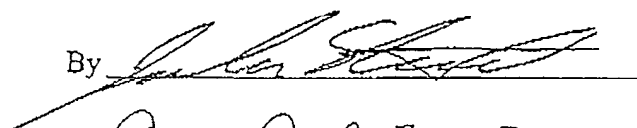
not been contained herein; provided, however, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 8. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Richland School District No. 400, Benton County, Washington, at a regular meeting held February 11, 2003.

RICHLAND SCHOOL DISTRICT NO. 400,
BENTON COUNTY, WASHINGTON

By



Phyllis J. Strickler

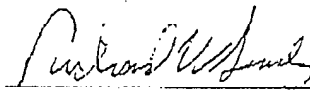
James L. Peterson

Carolyn L. Joyce

Rick E. Jamn

Board of Directors

ATTEST:



Secretary, Board of Directors

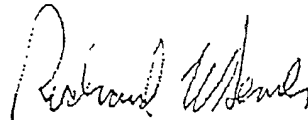
CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of Richland School District No. 400, Benton County, Washington (the "District"), and keeper of the records of the Board of Directors (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 567 of the Board (herein called the "Resolution"), duly adopted at a regular meeting thereof held on the 11th day of February, 2003.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of said Resolution; that all other requirements and proceedings incident to the proper adoption of said Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of February, 2003.



Secretary, Board of Directors

OFFICE OF THE BENTON COUNTY AUDITOR
OF
BENTON COUNTY, WASHINGTON

WHEREAS, the undersigned as the duly elected, qualified and acting Auditor for Benton County, Washington, has jurisdiction of and is required by law to conduct all special elections for school districts within the county; and

WHEREAS, Richland School District No. 400, Benton County, Washington, lies entirely within the boundaries of Benton County; and

WHEREAS, the Board of Directors of said district by resolution adopted February 11, 2003, a certified copy of which has been delivered to the undersigned, has found that an emergency exists requiring the holding of a special elections on April 22, 2003; and

WHEREAS, said district by said resolution has authorized and directed the undersigned to assume jurisdiction of and conduct said special election within Benton County;

NOW, THEREFORE, it is hereby authorized and ordered as follows:

The undersigned concurs in the finding of an emergency and does hereby assume jurisdiction within Benton County of the above-mentioned special election of Richland School District No. 400, Benton County, Washington, authorized and ordered by resolution of its Board of Directors adopted February 11, 2003, and will conduct said special election to be held on April 22, 2003.

DATED at Prosser, Washington, this ____ day of _____, 2003.

Benton County Auditor

RICHLAND SCHOOL DISTRICT NO. 400
BENTON COUNTY, WASHINGTON

GENERAL OBLIGATION BONDS

RESOLUTION NO. 567

A RESOLUTION of the Board of Directors of Richland School District No. 400, Benton County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on April 22, 2003, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$77,800,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds to remodel, modernize, construct and equip district school facilities and authorizing the Superintendent to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

ADOPTED FEBRUARY 11, 2003

PREPARED BY:

PRESTON GATES & ELLIS LLP
Seattle, Washington

OFFICIAL BALLOT

RICHLAND SCHOOL DISTRICT NO. 400, BENTON COUNTY, WASHINGTON

April 22, 2003

INSTRUCTIONS TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the word "APPROVED"; to vote against the following proposition, place a cross (X) in the square opposite the word "REJECTED."

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APPROVED?..... ☐

REJECTED?..... ☐

NOTICE OF SPECIAL ELECTION

RICHLAND SCHOOL DISTRICT NO. 400
BENTON COUNTY, WASHINGTON

April 22, 2003

NOTICE IS HEREBY GIVEN that on Tuesday, April 22, 2003, a special election will be held in the above-named school district for the submission to the qualified electors of said school district of the following proposition:

PROPOSITION NO. ____

RICHLAND SCHOOLS FACILITY IMPROVEMENT
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APPROVED?..... ☐

REJECTED?..... ☐

The polling places for all precincts wholly or partially within the district shall be as follows:

Precincts

Polling Places

The polling places shall be open from 7:00 o'clock A.M. to 8:00 o'clock P.M.

Benton County Auditor