



## SPOKANE COUNTY ELECTIONS DEPARTMENT

1033 W GARDNER AVE., SPOKANE WA 99260-025

(509) 477-2320 \* FAX: (509) 477-6607 \* TDD: (509) 477-2333

Website: [www.spokanecounty.org/elections](http://www.spokanecounty.org/elections)

Email: [elections@spokanecounty.org](mailto:elections@spokanecounty.org)

### Ballot Title Contact Information

District: Cheney School District No. 360, Spokane and Whitman Counties, Washington

Subject of Ballot Title: Replacement Educational Programs and Operation Levy

Date of Election: February 13, 2018

Contact: Kassidy Probert, Director of Finance

Phone: 509.559.4501

Email: [kprobert@cheneyisd.org](mailto:kprobert@cheneyisd.org)

Contact: Jim McNeill, Foster Pepper PLLC

Phone: 509.777.1602

Email: [jim.mcneill@foster.com](mailto:jim.mcneill@foster.com)

Received Date: 12-8-17

Received By: *DL*

Received - Spokane

DEC 08 2017 *DL*

County Elections

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES, WASHINGTON

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

RESOLUTION NO. 10-17-18

A RESOLUTION of the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, providing for the submission to the voters of the District at a special election to be held therein on February 13, 2018, of a proposition authorizing a tax levy to be made annually for three years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$5,800,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$6,400,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value, and in 2020 for collection in 2021 of \$7,000,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval, for the District's General Fund, the proceeds of such levies to be used to pay expenses of educational programs and operation, all as more particularly set forth herein; designating the District's Director of Finance and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

ADOPTED: DECEMBER 6, 2017

*This document prepared by:*

*FOSTER PEPPER PLLC  
618 West Riverside Avenue, Suite 300  
Spokane, Washington 99201  
(509) 777-1602*

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES, WASHINGTON

RESOLUTION NO. 10-17-18

A RESOLUTION of the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, providing for the submission to the voters of the District at a special election to be held therein on February 13, 2018, of a proposition authorizing a tax levy to be made annually for three years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$5,800,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$6,400,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value, and in 2020 for collection in 2021 of \$7,000,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value, all in excess of the maximum tax levy specified by law for school districts without voter approval, for the District's General Fund, the proceeds of such levies to be used to pay expenses of educational programs and operation, all as more particularly set forth herein; designating the District's Director of Finance and special counsel to receive notice of the ballot title from the Auditor of Spokane County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CHENEY SCHOOL DISTRICT NO. 360, SPOKANE AND WHITMAN COUNTIES, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Cheney School District No. 360, Spokane and Whitman Counties, Washington (the "District"), takes note of the following facts and hereby makes the following findings and determinations:

(a) Calendar year 2018 is the last year of collection of the District's current three-year General Fund educational programs and operation tax levy, which was authorized pursuant to Resolution No. 3-14-15, adopted by the Board on September 10, 2014, and a special election held and conducted within the District on February 10, 2015.

(b) With the expiration of the District's current three-year General Fund educational programs and operation tax levy, it appears certain that the money which will be available for the General Fund for the school years 2018-2019, 2019-2020, 2020-2021 and 2021-2022 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 \$5,800,000 be made in 2018 for collection in 2019, \$6,400,000 be made in 2019 for collection in 2020, and \$7,000,000 be made in 2020 for collection in 2021 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 three-year General Fund educational programs and operation tax levy.

(d) The District is authorized pursuant to Article VII, Section 2(a) of the Washington Constitution and Revised Code of Washington ("RCW") 84.52.053 to submit to the District's voters at a special election, for their approval or rejection, the proposition of whether the District shall levy excess property taxes for support of the District's educational programs and operation expenses.

Section 2. Calling of Election. The Auditor of Spokane 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 District in the manner provided by law to be held therein on February 13, 2018, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether a replacement General Fund educational programs and operation tax levy shall be made annually for three years commencing in 2018 for collection in 2019 on all of the taxable property within the District of \$5,800,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in 2019 for collection in 2020 of \$6,400,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 per \$1,000 of assessed value, and in 2020 for collection in 2021 of \$7,000,000, the estimated dollar rate of tax levy required to produce such an amount being \$1.50 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 Levy Proceeds. If the proposition authorized by this resolution is approved by the requisite number of voters, the District will be authorized to levy excess property taxes and use the proceeds of such levies to meet the educational needs of its students and pay expenses of educational programs and operation support not funded by the State of Washington, including, but not limited to, teaching, school supplies, nutrition, technology, security, athletics, buildings and transportation, during the school years 2018-2019, 2019-2020, 2020-2021 and 2021-2022, all as may be authorized by law and deemed necessary or 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 deemed 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 Spokane 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 1

CHENEY SCHOOL DISTRICT NO. 360

REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATION LEVY

The Board of Directors of Cheney School District No. 360 adopted Resolution No. 10-17-18, concerning a replacement levy for education. This proposition would authorize the District to meet the educational needs of its students by levying the following excess taxes, in place of an expiring levy, on all taxable property within the District, for support of the District's 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>
2019	\$1.50	\$5,800,000
2020	\$1.50	\$6,400,000
2021	\$1.50	\$7,000,000

all as provided in Resolution No. 10-17-18. 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 his designee is directed to: (a) present a certified copy of this resolution to the Auditor no later than December 15, 2017; 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 of whether the District shall 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 District's Director of Finance (Kassidy Probert), telephone: 509.559.4501; fax: 509.559.4508; email: [kprobert@cheneysd.org](mailto:kprobert@cheneysd.org); and (b) special counsel, Foster Pepper PLLC (Jim McNeill), telephone: 509.777.1602; fax 800.533.2284; 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, deemed necessary by the Auditor or the Spokane County Prosecuting Attorney.

Section 7. General Authorization and Ratification. The Secretary, the District's Director of Finance, the President of the Board, other appropriate officers of the District and special counsel, Foster Pepper PLLC, 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 hereby ratified and confirmed in all respects.

Section 8. Severability. If any provision of this resolution shall be 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 shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington, at a special open public meeting thereof, of which due notice was given as required by law, held this 6<sup>th</sup> day of December, 2017, the following Directors being present and voting in favor of the resolution.

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES,  
WASHINGTON

\_\_\_\_\_  
President and Director

*Stacy Nicol*

\_\_\_\_\_  
Vice President and Director

\_\_\_\_\_  
Director

*Marcie Estrella*

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

*Suzanne Delle*

ATTEST:

*Robert W. Roettger*  
\_\_\_\_\_  
Robert W. Roettger  
Secretary to the Board of Directors



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CERTIFICATION

I, Robert W. Roettger, Secretary to the Board of Directors of Cheney School District No. 360, Spokane and Whitman Counties, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 10-17-18 (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 at the regular meeting place thereof on December 6, 2017, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Written notice specifying the time and place of the special meeting and noting the business to be transacted was given to all members of the Board by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special meeting (the "Notice"), a true and complete copy of the Notice is attached hereto as Appendix 1;

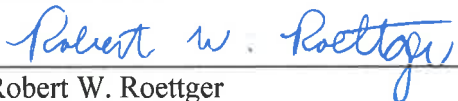
3. The Notice was also posted on the District's web site and prominently displayed at the main entrance of the District's Administrative Office and the special meeting site at least 24 hours prior to the special meeting;

4. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the special 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. 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 6<sup>th</sup> day of December, 2017.

CHENEY SCHOOL DISTRICT NO. 360  
SPOKANE AND WHITMAN COUNTIES,  
WASHINGTON

  
\_\_\_\_\_  
Robert W. Roettger  
Secretary to the Board of Directors



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APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING





*For our children, our community, our world, our future*  
**CHENEY PUBLIC SCHOOLS**  
12414 S. ANDRUS RD., CHENEY, WA 99004

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(509) 559-4599 \* FAX 559-4508  
www.cheneysd.org

November 20, 2017

Mr. John McCallum  
Cheney Free Press  
P. O. Box 218  
Cheney, WA 99004

Dear Mr. McCallum:

As you know, at their regular meeting on November 15, 2017, the Cheney School District Board of Directors agreed to hold a special School Board meeting on Wednesday, December 6, 2017, beginning at 6:00 p.m. for possible approval of the Replacement Educational Programs and Operation Levy Resolution, the revised capital project budget, and the Cheney High School Schematic Design.

The special meeting will be held at Cheney High School, 460 N. Sixth, Cheney, Washington.

Thank you for your help in publicizing this special Board meeting on December 6.

Sincerely,

Robert W. Roettger  
Superintendent