To: Spokane County Auditor
From: Cindy Niemeier, Finance Director
Date: 7/16/2021
Re: Submission of City of Cheney Proposition #1 for the November 2, 2021 ballot.

The Cheney City Council approved Resolution E-930 on July 13, 2021 to submit City of Cheney Proposition #1 to the voters on November 2, 2021.

Attached, please find a certified copy of Resolution E-930.

Contact information for the City Clerk and City Attorney is as follows:

City Clerk
Cindy Niemeier
509-498-9215
cniemeier@cityofcheney.org

City Attorney
Stanley Schwartz
509-625-5265
sns@witherspoonkelley.com

Thank you and please contact me if further documentation is needed.
CERTIFICATION OF RESOLUTION

STATE OF WASHINGTON

COUNTY OF SPOKANE

CITY OF CHENEY

OFFICE OF THE CITY CLERK

Resolution E-930

I, Cynthia L. Niemeier, Clerk of the City of Cheney, County of Spokane, Washington, do hereby certify that the annexed paper is a full, true, and correct copy of Resolution No. E-930 as adopted by the City Council at their regular session on July 13, 2021 and signed by Mayor Chris Grover on the July 13, 2021, the original of which is on file in the office of the City Clerk of the City of Cheney, Spokane County, Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and the affixed the official seal of the City of Cheney, Spokane County, Washington this 16th day of July 2021.

Cynthia L. Niemeier, City Clerk
CITY OF CHENEA
SPOKANE COUNTY, WASHINGTON

RESOLUTION NO. E-930

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF CHENEA AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, IN CONJUNCTION WITH THE STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE, OF A PROPOSITION AUTHORIZING THE CITY TO LEVY REGULAR PROPERTY TAXES IN AN AMOUNT IN EXCESS OF THE LIMITATIONS PROVIDED IN CHAPTER 84.55 RCW TO PROVIDE FOR THE PROVISION OF PUBLIC SAFETY SERVICES AND EQUIPMENT; SETTING FORTH THE BALLOT TITLE THEREFORE; REQUESTING THAT THE SPOKANE COUNTY AUDITOR PLACE THE PROPOSITION ON THE NOVEMBER 2, 2021 BALLOT; DESIGNATING THE CITY ATTORNEY AND THE CITY CLERK TO RECEIVE NOTICE OF BALLOT TITLE FROM THE AUDITOR; AND FIXING THE TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council of the City of Cheney, Washington (the “City”) desires to provide for the continual provision of public safety services to protect the public health and safety of the City;

WHEREAS, to provide for the above, the City requires additional funds to supplement existing City general fund revenue;

WHEREAS, the City’s current regular property tax levy is approximately $2.70 per $1,000 of assessed value, compared to $3.10 per $1,000 of assessed value which is statutorily authorized;

WHEREAS, RCW 84.55.050 provides for the levy of regular property taxes in an amount exceeding the limitations specified in chapter 84.55 RCW if such increased levy is authorized by a ballot proposition approved by a majority of the voters at an election held within the City (a “levy lid lift”);

WHEREAS, the effect of Initiative 747 (codified in RCW 84.55.005 - .0101) has limited the increase in property tax revenues to the City to amounts that have been less than the actual costs of providing services to the citizens of the City;
WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to submit a levy lid lift proposition to the City’s voters for their approval or rejection;

WHEREAS, RCW 84.55.050(2) authorizes a city council to place a proposition before the voters to authorize annual increases in regular property tax levies for multiple consecutive years (up to six consecutive years), during which period each year’s authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, so long as the ballot proposition states the dollar rate proposed for the first year of the consecutive years along with the limit factor or a specified index (such as the consumer price index) to be used for determining the limit factor in each of the subsequent (five) consecutive years;

WHEREAS, under RCW 84.55.050(3) and (4), the proposition may provide that the City will use the final year’s regular property tax levy amount so approved for purposes of computing the limitations for subsequent levies under chapter 84.55 RCW;

WHEREAS; under RCW 84.55.050(4) the proposition may provide that the exemption for low-income senior citizens, disabled veterans and other people with disabilities authorized by RCW 84.36.381 will apply to the levy of any additional regular property taxes authorized by the voters;

WHEREAS, the City Council desires to offset the ongoing loss of revenues resulting from Initiative 747 and limit the ongoing structural deficit by allowing the electors to approve or reject a proposition under RCW 84.55.050(2) that authorizes the City Council to levy the City’s regular property tax in an amount that exceeds the limit factor that would otherwise be prescribed by RCW 84.55.010; and

WHEREAS, the proceeds of the increase in the regular property tax on real property that would be authorized by the ballot proposition requested below will provide funding for the continuation of public safety services provided by the City to its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cheney, Washington, as follows:

Section 1. Levy Lid Lift Ballot Proposition. Pursuant to RCW 84.55.050(2) and RCW 29A.04.330, the Cheney City Council hereby calls for the submission of a proposition to the qualified electors of the City asking whether the City shall levy regular property taxes in excess of the limitation established in RCW 84.55.010, as follows:

(a) Purpose of Levy. The amounts collected pursuant to the increases authorized in years 2022 through 2027 shall be used solely for the purposes of providing for the continual provision of public safety services, including related equipment.

(b) Maximum Levy Rate Authorized in 2022. The proposition authorizes the City to restore its maximum regular property tax levy to the amount resulting from a rate of $3.10 per $1,000 of assessed value on property in the City for levy in 2021 and collection in the 2022.
(c) **Increase Authorized in Future Years.** For the first five years following 2022, (i.e. the years 2023-2027), the proposition provides the City’s maximum regular property tax levy will be computed annually by applying a limit factor of one hundred six percent (106%) to the City’s maximum allowable levy for the immediately prior year.

(d) **Computing the Limitations for Subsequent Levies.** The proposition authorizes the City to use the dollar amount of the maximum property tax levy for collection in 2027 authorized under this resolution for the purpose of computing the limitations for subsequent levies under chapter 84.55 RCW.

(e) **Exemption.** The exemption authorized by RCW 84.36.381 applies to the additional regular property taxes authorized by this proposition.

**Section 2. Election.** The Spokane County Auditor’s office, as the City’s *ex officio* Supervisor of Elections, is hereby requested to call and conduct said election on Tuesday, November 2, 2021, and submit to the qualified electors of the City the proposition set forth herein. The Spokane County Auditor’s office, as the City’s *ex officio* Supervisor of Elections shall conduct the election, canvas the vote, and certify the results in the manner provided by law.

**Section 3. Form of Ballot Title.** Pursuant to RCW 29A.36.071, the City Attorney has prepared the concise description of the aforesaid proposition for the ballot title in substantially the following form:

**CITY OF CHENEY**  
**PROPOSITION NO. 1**  
**PUBLIC SAFETY LEVY**

The Cheney City Council adopted Resolution No. ____ , concerning a proposition to restore the City’s regular property tax levy.

This proposition would: provide funds for the limited purposes of public safety services; restore the maximum regular levy for collection in 2022 to $3.10 per $1,000 of assessed value; set the limit factor for levy increases in 2023 through 2027 at 106%; provide the 2027 levy amount will be used for purposes of computing limitations for subsequent levies under chapter 84.55 RCW; exempt qualifying low-income seniors and disabled veterans and others from the levy increase under RCW 84.36.381.

Should this proposition be approved?

**YES _____ NO _____**

**Section 4. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties.** The City Clerk is hereby authorized and directed to (a) present a certified copy of this resolution to the Auditor no later than August 3, 2021; and (b) perform such other duties as
are necessary or required by law to submit to the City’s voters at the November 2, 2021 election, for their approval or rejection, the proposition authorized herein.

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 City Council hereby designates (a) the City Clerk (Cynthia L. Niemeier), telephone: ____; email: ____; and the City Attorney (Stanley M. Schwartz), telephone ____; email: ____, as the individuals to whom notice is to be provided.

Section 6. Changes. The Mayor and the City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Spokane County Auditor, as long as the intent of the proposition remains clear and consistent with the intent of this resolution as approved by the City Council.

Section 7. Severability. If any section, sentence, clause or phrase of this resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 8. Effective Date. This resolution takes effect from and after its passage.

ADOPTED on this 13th day of July, 2021, by the Cheney City Council at their regularly scheduled meeting hosted virtually on the Zoom platform originating at the Wren Pierson Community Center, 615 4th Street, Cheney, WA 99004.

Mayor, Chris Grover

ATTEST:

City Clerk, Cynthia L. Niemeier