

# Spokane County Resolution Cover Sheet

This form must accompany each resolution filed with Spokane County Elections. The contact person or persons should have the authority to do so and be available to answer questions.

Name of District: The City of Cheney, Washington

District Address: 609 2nd Street, Cheney, WA 99004

Date of Election: August 1, 2023

Contact Person: Cindy Niemeier Title: Finance Director

Contact Phone: (509) 498-9215 Fax: N/A

Contact Email: cniemeier@cityofcheney.org

2<sup>nd</sup> Contact Person: Mark Schuller Title: City Administrator

2<sup>nd</sup> Contact Phone: (509) 498-9203

2<sup>nd</sup> Contact Email: mschuller@cityofcheney.org

Attorney for District: S.C. Danielle Quade, Hawley Troxell Ennis & Hawley LLP

Attorney Phone: (208) 765-7693 Attorney Fax: (208) 954-5285

Attorney Email Address: dquade@hawleytroxell.com

Type of Election (levy, bond, lid lift, etc.): General Obligation Bonds

Please state the pass/fail requirement for this measure (i.e. simple majority, 60%, etc.) as determined by your legal counsel, together with applicable statutory references: \_\_\_\_\_  
60% of qualified voters voting on such measure. RCW 84.52.056(1).

In addition, the number of voters voting for or against this measure must equal 40% of the number of voters who voted in the immediately preceding general election in the City. RCW 39.40.010. 40% of voters who voted in the 2022 General Election in the City of Cheney is 1,244 as validated by Spokane County.

Signature: \_\_\_\_\_

of person filing this form

Date: \_\_\_\_\_

5/8/23

This form may be filled out and printed.

**This mandatory resolution cover sheet must accompany any resolution.**

City of Cheney, Washington  
609 2<sup>nd</sup> Street  
Cheney, WA 99004

**ORDINANCE NO. Y-45**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON AUGUST 1, 2023, OF A PROPOSITION FOR THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000, OR SO MUCH THEREOF AS MAY BE ISSUED UNDER THE LAWS GOVERNING THE INDEBTEDNESS OF CITIES FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE OUTDOOR AQUATIC IMPROVEMENTS, AND LEVY EXCESS PROPERTY TAXES TO PAY THE BONDS.**

WHEREAS, the City of Cheney, Washington (the “City”) is a city duly organized and existing under and by virtue of the Constitution and the laws of the state of Washington;

WHEREAS, the City Council of the City (the “Council”) desires to provide for governmental services and finance a new outdoor aquatic facility, together with related improvements for the enjoyment and benefit of the City (the “Project”);

WHEREAS, in order to pay the costs of financing all or a portion of the costs of the Project, it is deemed necessary and advisable by the Council that the City issue and sell one or more series of its unlimited tax general obligation bonds in the principal amount of not to exceed \$13,000,000 (the “Bonds”); and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether 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 City for their ratification or rejection;

THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The Council hereby finds that the best interests of the residents of the City require the City to construct, develop, equip, upgrade, acquire, and improve the City’s recreation facilities, including the construction of the Project, as it has been outlined in the Swimming Pool Feasibility Study, dated March 20, 2023.

The Project costs are estimated to be up to \$13,000,000 and will be paid from proceeds of the Bonds (as defined in Section 2) authorized herein and, if necessary, other available funds of the City.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, project management, financial, legal and other consulting services, inspection and testing, demolition, administrative and relocation expenses, permitting, mitigation, construction, and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such Project. Such Project shall be complete with all necessary real property, equipment and appurtenances.

The Council shall determine the exact specifications for the Project, and the components thereof, as well as the timing, order and manner of completing the components of the Project. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general descriptions provided herein. The Council shall determine the application of moneys available for the various Project so as to accomplish, as nearly as may be, all of the Project.

If the Council shall determine that it has become impractical to design, construct, improve, obtain permits, renovate, acquire, develop, or equip all or any component of the Project by reason of changed conditions, incompatible development, costs substantially in excess of the amount of Bond proceeds or tax levies estimated to be available, or acquisition by or dependence on a superior governmental authority, the City shall not be required to provide such component or components. If all of the Project have been constructed or acquired or duly provided for, or found to be impractical, the City may apply remaining proceeds of the Bonds authorized herein (including earnings thereon) or any portion thereof to other park, recreation and open space capital purposes or to the redemption of the Bonds as the Council, in its discretion, shall determine.

In the event that the proceeds from the sale of the Bonds, plus any other money of the City legally available for such purpose, are insufficient to accomplish all of the Project, the City shall use the available funds for paying the cost of those portions of the Project deemed by the Council most necessary and in the best interest of the City.

**Section 2. Authorization of Bonds.** For the purpose of providing all or a portion of the funds necessary to finance and/or refinance debt previously issued by the City to finance the costs of the Project, together with incidental costs and costs of issuance of the Bonds, the City shall issue and sell its unlimited tax general obligation bonds in the aggregate principal amount of not to exceed \$13,000,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the Constitution and laws of the State of Washington. The balance, if any, of the cost of the Project shall be paid out of any other legally available funds. The Bond proceeds (and earnings thereon) shall be used to finance and refinance the costs of the Project, together with incidental costs and costs related to the sale and issuance of the Bonds, and shall not be used for the replacement of equipment or for a purpose other than a capital purpose.

**Section 3. Details of the Bonds.** The Bonds provided for in Section 2 hereof shall be issued in such amounts and at such time or times as deemed necessary and advisable by the Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the Council. The Bonds shall mature in such amounts and at such times within a maximum term of up to 29 years from date of issue of a series, all as authorized by the Council and as provided by law. The Bonds shall be unlimited tax general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the Council.

In anticipation of the issuance of the Bonds, the City has issued and may issue additional short-term obligations as authorized by chapter 39.50 RCW. Such obligations may be paid or refunded with proceeds of the Bonds. The proceeds of the Bonds may also be used to reimburse the City for expenditures previously made for such Projects.

**Section 4. Bond Election.** It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of funding the Project, at an election to be held on August 1, 2023. The City Council has determined that the excess levy would be eligible for exemptions and deferrals as allowed under RCW 84.36.381. The Spokane County Director of Records and Elections, as *ex officio* supervisor of elections in Spokane County, Washington, is hereby requested to assume jurisdiction of and to call and conduct the election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth. Such election shall be conducted by mail.

The City Clerk is hereby authorized and directed to certify the proposition to the Spokane County Director of Records and Elections (the "Director") in substantially the following form:

**CITY OF CHENEY PROPOSITION NO. 1**

**GENERAL OBLIGATION BONDS FOR OUTDOOR AQUATIC IMPROVEMENTS**

The City Council of the City of Cheney adopted Ordinance No. Y-45 concerning recreation improvements. This proposition authorizes the City to construct a new outdoor aquatic center for leisure and recreation activities, together with related amenities; issue up to \$13,000,000 of general obligation bonds maturing no later than 29 years from issuance to finance such project; and levy annual excess property taxes to repay such bonds, as provided in Ordinance No. Y-45.

Should this proposition be approved:

YES.....

NO.....

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this Ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the Bonds shall be issued, as provided in this Ordinance, to the electors at the August 1, 2023 election.

**Section 5. Voters' Pamphlet.** The Council finds and declares it to be in the best interests of the City to have information regarding the aforesaid proposition included in local voters' pamphlets, and authorizes the appropriate costs thereof to be charged to and paid by the City, and further authorizes and directs the City Attorney and City Clerk to provide such information to the Director and to take such other actions as may be necessary or appropriate to that end.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and confirmed.

**Section 7. Severability.** If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds. All acts taken pursuant to the authority granted in this Ordinance but prior to its effective date are hereby ratified and confirmed.

**Section 8. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as required by law. A summary of this Ordinance, consisting of the title, may be published in lieu of publishing the Ordinance in its entirety.

Introduced this 11<sup>th</sup> day of April, 2023.

Passed by the City Council this 25<sup>th</sup> day of April, 2023.

Approved by the Mayor this 25<sup>th</sup> day of April, 2023.

DocuSigned by:  
*Chris Grover*  
0B2BE92C6A9E4DE...  
Chris Grover, Mayor

ATTEST:

DocuSigned by:  
*Cindy Niemeier*  
A8FD6264CE0149A...  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
*Mike Kaupan*  
DE33BE1339A241B...  
Mike Kaupan, City Attorney

CERTIFICATE

I, the undersigned, City Clerk of the City of Cheney, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. Y-45 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on April 25, 2023, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law.

Dated this 25<sup>th</sup> day of April, 2023.

CITY OF CHENEY, WASHINGTON

Cynthia L. Niemeier, City Clerk

DocuSigned by:  
*Cindy Niemeier*  
A8FD5254CE0149A...

---

## OFFICIAL BALLOT TITLE

The City Council of the City of Cheney adopted Ordinance No. Y-45 concerning recreation improvements. This proposition authorizes the City to construct a new outdoor aquatic center for leisure and recreation activities, together with related amenities; issue up to \$13,000,000 of general obligation bonds maturing no later than 29 years from issuance to finance such project; and levy annual excess property taxes to repay such bonds, as provided in Ordinance No. Y-45.

Should this proposition be approved?

## EXPLANATORY STATEMENT

The City Council of the City of Cheney (the “City”) has adopted an ordinance, calling for an election for the issuance of general obligation bonds to finance a new outdoor aquatic facility. The City Council is asking the City’s registered voters to authorize up to \$13,000,000 in such bonds. The levy rate is estimated to be \$0.53 per thousand of assessed valuation, costing a typical homeowner (\$200,000 home) \$106.00 per year or \$8.83 per month.

The above amount is within the authorized debt limit of the City. The maximum term of such bonds would not exceed 29 years.

The outdoor aquatic facility would include (i) a pool for lap swimming, swim lessons and recreational swimming, with certain water features and recreation activities, and (ii) a new locker room building adjacent thereto equipped with all required amenities for aquatic center operations, staff and patrons.

Exemptions may apply for certain homeowners age 61 year or older, the disabled, and who meet income requirements set by state law.

# For/Against Committee Member Appointment Form

Name of District: City of Cheney  
District Contact Name: Mark Schuller  
Email Address: mschuller@cityofcheney.org Phone: 509-498-9255

## Jurisdiction's responsibility:

1. Email completed form to [pamphlet@spokanecounty.org](mailto:pamphlet@spokanecounty.org) by the resolution submittal deadline.
2. Provide committee members with statement submission requirements and deadlines. Committees are solely responsible for submitting voters' pamphlet statements to the Elections Division.

Deadlines are on page 13 of these administrative rules. Questions? Contact the Elections Office at [pamphlet@spokanecounty.org](mailto:pamphlet@spokanecounty.org) or call 509.477.2320.

## Information for inclusion in voters' pamphlet:

### "For" Committee (1-3 members):

Committee Name: Citizens for a New Cheney Aquatic Center

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Web: \_\_\_\_\_

Committee Member #1: Sue Eggart Email: SUEEGGART@hotmail.com

Committee Member #2: Karen Malisani Email: Kmalisjohnson@gmail.com

Committee Member #3: Crissy Laskey Email: Crissylewis@hotmail.com

### "Against" Committee (1-3 members): No volunteers against the ballot measure Came forward to write a statement

Committee Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Web: \_\_\_\_\_

Committee Member #1: \_\_\_\_\_ Email: \_\_\_\_\_

Committee Member #2: \_\_\_\_\_ Email: \_\_\_\_\_

Committee Member #3: \_\_\_\_\_ Email: \_\_\_\_\_