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OF COUNSEL

Charles W. Lind

April 13, 2018

VIA EMAIL

Micaiah Titus Ragins
Compliance Coordinator
Public Disclosure Commission
711 Capitol Way S. #206
PO Box 40908
Olympia, WA 98504-0908

*Re: Bellevue School District's Response to PDC Complaint
Public Disclosure Commission Case No. 32938*

Dear Mr. Ragin:

This letter serves as the response of the Bellevue School District (“the District”) to the PDC complaint filed by Mr. Brett Gibbs with the Commission (No. 32938), as requested in your email correspondence of March 21, 2018. The complaint is focused on an informational pamphlet mailed by the District to community members regarding the amounts, impact, and intended purpose of three local levies that were on the February 13, 2018, ballot. These levies included an Educational Programs and Operations levy, a Technology and Capital Projects levy, and a School Bus levy.

The Commission sifted through the citizen complaint and identified two potential allegations:

(1) a violation of RCW 42.17A.555 for using public school funds to engage in political activities; and

(2) a violation of RCW 42.17A.555 for using public school district resources to create, send, and endorse a mailing for a political campaign.

The informational pamphlet regarding the District's 2018 local levies was, in fact, compiled and disseminated by the Bellevue School District using public funds. The intended purpose of the flyer was *not* to influence the public to vote in any particular manner, but rather to succinctly inform the school district community of:

- the purpose and use of each of the three levies;
- whether the levy was replacing a previously-existing levy;
- the duration period of the levy;
- the amount of funds the levy was expected to generate each year during the duration of the levy;
- how the generated revenue from each levy would be used; and
- the estimated impact on property tax rates for community property owners.

Because the Bellevue School District community strives for a high level of educational program enriched beyond what the state has funded or will fund, the public was informed factually and truthfully that the levies on the February 2018 ballot were intended to “maintain the high quality of programs and services students currently receive.”

The District is confident that the informational mailing complies with RCW 28A.320.090, which authorizes a district's board of directors to expend funds for the preparation and distribution of information to explain the instructional program, operation, and maintenance of the schools of the district. This provision recognizes the obviously absurd predicament in which a public school district would find itself—and the frustration that community members would experience—were levies placed on a ballot with no information provided to local voters regarding the amount of revenue anticipated to be generated, the estimated impact on property tax rates, or the purpose and intended use of public tax money. The complainant is obviously unaware that RCW 28A.320.090 authorizes the use of public funds to produce and distribute informational materials to the community.

The complainant also alleges, without evidence, that the information in the mailing was “intentionally and materially false and deceptive.” The District adamantly denies that any information is false, misleading, and/or deceptive. Contrary to the complainant's implied understanding, “carpeting, roofs, and heating and cooling systems” are not funded through the material and supply funds the District receives from the State. Such expenditures would involve an outlay of capital funds, but the Bellevue School District receives no capital funding from the State. Similarly, the State reimburses Districts over a lengthy period of time for expenditures related to school transportation, but the State does not provide the District money to buy new school buses related to enrollment growth or bus price escalation. District enrollment has grown

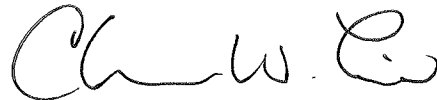
by more than 2,500 students over the past five years and the need for new transportation has increased significantly.

Moreover, the complainant may be unaware that these school district levies seek a specified amount from voters and do not establish a tax rate, like state taxes. Due to increased valuation and growth with new property development in the District, it is estimated that the District's property tax rates for each individual property owner will continue to decrease over the duration of the levy as a prorated portion of the total collected amount. This has been a historical trend for the District over the past several years, and the District has every reason to believe that this trend will continue. The impact on the homeowners reflected in the bar chart on the mailing refers to just the tax rate of the levies.

We agree with Mr. Gibbs that he may have a "simple misunderstanding" about the mailing and we would be more than happy to address questions from him or any other member of the public (whether they reside inside or outside of our District) regarding the information contained within the mailing. We maintain, however, that the mailing was truthful, accurate, and informational in compliance with RCW 28A.320.090, and did not seek to improperly influence the District's voters. The pamphlet is consistent with the District's long-standing practice of distributing similar information to District voters for past levies.

If the Commission has any additional questions or would like anything further, please do not hesitate to contact my office.

Very truly yours,



Charles W. Lind

cc: Dr. Ivan Duran, Superintendent, Bellevue School District
Melissa deVita, Deputy Superintendent, Financial Services and Operations
Kevin F. O'Neill, General Counsel, Bellevue School District

CWL/cjm