



State of Washington

PUBLIC DISCLOSURE COMMISSION

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June 6, 2018

Delivered electronically to Brett Gibbs at “gibbsb@live.com”

Subject: Complaint filed against the Bellevue School District, PDC Case 32938

Mr. Gibbs:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on February 1, 2018. Your complaint alleged that the Bellevue School District (BSD) may have violated RCW 42.17A.555 by using school district facilities to produce and distribute a mailer that supported three BSD levies that were on the February 13, 2018 special election ballot.

PDC staff reviewed the allegations listed in your complaint, the statutes and rules, and the response from Charles W. Lind, Of Counsel Attorney with Patterson Buchanan Forbes & Leitch Inc. PS on behalf of BSD, and as a result we found the following:

- RCW 42.17A.555 prohibits the use of public facilities, including school districts, to support or oppose candidates or ballot propositions.
- Mr. Lind stated the flyer that was included with the complaint was “compiled and disseminated by the Bellevue School District using public funds”, and he cited RCW 28A.320.090 which allows the BSD Board of Directors to expend public funds to distribute information to residents concerning the general maintenance and operation of the school district. He stated that the flyer was part of the BSD’s normal and regular communications with residents of the district, including distributing information about bond and levy ballot propositions.
- Mr. Lind stated that the flyer informed the community there were three BSD levies on the February 13, 2018 special election ballot: (1) An Educational Programs & Operations Levy; (2) A Technology & Capital Projects Levy; and (3) A School Bus Levy. The flyer provided the cost, purpose and use for each levy, the duration of the levy, the amount of funds expected to be generated each year for each of the three levies, and whether the levy was replacing an existing levy.
- Mr. Lind stated the flyer also explained to residents how the funds would be spent, and the estimated cost impacts on property tax rates for property owners. He added that the purpose of the flyer was not to influence the public to vote in any particular manner.

- Mr. Lind stated the flyer explained that the costs associated with upkeep for the school and facilities in the BSD for routine maintenance, installing carpeting, repairing/replacing roofs, and heating/cooling systems were not funded through the State of Washington. He stated the BSD receives no capital funding from Washington State to undertake those costs to maintain the school and facilities within the district.
- Mr. Lind stated that while Washington State reimburses the district for some expenditures over time related to school transportation, there is no state funding provided for the district to buy new school buses related to increased student enrollment in the BSD. He stated that BSD student enrollment has grown over the last five years by more than 2,500 students, and the district's need for new transportation has increased significantly during that time.
- Finally, Mr. Lind stated that school district levies seek a specified dollar amount per \$1,000 of assessed value for homeowners. He stated that due to increased valuation of existing homes and businesses within the BSD's boundaries, combined with the development of new properties, that the BSD property tax rate for individual property owners "will continue to decrease over the duration of the levy as a prorated portion of the total collected amount."

Based on these findings, staff has determined that in this instance, there is no evidence that supports a finding of a material violation warranting further investigation of the Bellevue School District. The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Kurt Young by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

/s _____
Kurt Young, Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl, Deputy Director
For Peter Lavalley, Executive Director

cc: Charles W. Lind, Patterson Buchanan Forbes & Leitch Inc. PS