

**VALLEY REGIONAL FIRE AUTHORITY
KING AND PIERCE COUNTIES, WASHINGTON**

RESOLUTION NO. 198

A RESOLUTION of the of the Board of Governance of the Valley Regional Fire Authority, King and Pierce Counties, Washington, providing for the reauthorization and continuation of its fire benefit charge; providing for the submission to the qualified electors of the Authority at a special election held in conjunction with the state general election on November 5, 2024, of a proposition authorizing the continuation of the Authority's benefit charge on personal property and improvements to real property within the Authority for up to six years; calling for a public hearing; setting forth the text of the ballot proposition; directing proper Authority officials to take necessary actions; and providing for other properly related matters.

BE IT RESOLVED BY the Board of Governance of the Valley Regional Fire Authority, King and Pierce Counties, Washington, as follows:

Section 1. Recitals. The Board of Governance (the "Board") of Valley Regional Fire Authority, King and Pierce Counties, Washington (the "Authority") makes the following findings and determinations:

(a) State law (RCW 52.26.180, et seq) authorizes the Authority to collect a fire benefit charge on personal property and improvements to real property located within the Authority to provide for fire services to its residents. In accordance with RCW 52.26.240, the benefit charge is in lieu of a portion of the property taxes it could otherwise impose. The benefit charge apportions the responsibility for paying for fire services based on the cost of providing service to each structure in the service area.

(b) The voters of the Authority first approved a fire benefit charge for a six-year period in 2006 and renewed the benefit charge in 2012 and again in 2018 for additional six-year periods. The current approval will expire at the end of 2024.

(c) The Board has determined that in order to provide the required level of fire protection and emergency services to its residents, it is essential that the Authority ask the voters to approve continuation of the benefit charge.

(d) The Board has determined that, without the continuation of the benefit charge, the revenues that will be available to the Authority in the future will be insufficient to provide the level of service residents desire. Therefore, the Board has further determined that it is in the interests of the Authority and its residents to submit this proposition to the voters for their approval or rejection.

Section 2. Fire Benefit Charge. The Board declares its intent to continue to fix and impose a benefit charge on personal property and improvements to real property which are located within the Authority on the date such charge is imposed and which have received or will receive the benefits provided by the Authority, to be paid by the owners of the properties, all in accordance with RCW 52.26.180, et seq, as follows:

(a) *Method of Apportionment.* The benefit charge shall be reasonably proportioned to the measurable benefits to property resulting from the services provided by the Authority using a method of apportionment established on an annual basis in accordance with RCW 52.26.180 and 52.26.190.

(b) *Amount.* The benefit charge for each year shall be set in the year preceding imposition of the charge after a public hearing to review and establish the amount of the benefit charge pursuant RCW 52.26.230 and shall not exceed 60% of the operating budget of the Authority in accordance with RCW 52.26.180(4).

(c) *Notice to Property Owners.* After the annual public hearing required by RCW 52.26.230(2), property owners will be notified in writing each year of the benefit charge and the amount of the charge.

(d) *Review Board.* After establishing the annual benefit charge and notifying the property owners, the Authority shall form a review board pursuant to RCW 52.26.250. The review board shall be convened and available for at least a two-week period to hear and decide written appeals from property owners regarding their particular benefit charge assessment.

(e) *Effective Date for Continued Charge.* If approved by the voters, this continued benefit charge shall be imposed on the affected properties beginning January 1, 2025.

Section 3 Public Hearing. The Board held a public hearing on July 9, 2024 (which is a date at least ten days and not more than six months prior to the election, in accordance with RCW 52.26.230) to consider the proposal to impose benefit charges for the support of the legally authorized activities of the Authority to maintain and improve the services afforded in the Authority. The Authority shall cause public notice of the hearing to be posted prior to the date of the hearing in accordance with applicable requirements for public hearings by the Board. A report of the public hearing is on file with the county treasurer of each county in which the property is located and is available for public inspection.

Section 4. Calling of Election; Ballot Title.

(a) There shall be submitted to the qualified electors of the Authority for their ratification or rejection, at a special election on November 5, 2024, the question of whether or not such benefit charge for fire protection purposes shall be authorized. Pursuant to RCW 52.26.220(3)(a), this measure requires a majority vote to be approved and no validation requirements apply.

(b) The Board hereby requests that the Director of Records and Elections of King County and the Pierce County Auditor (together, the "County Elections Officials"), as *ex officio* supervisors of elections within the Authority, call such special election, and to submit to the voters of the Authority, a proposition in substantially the following form:

VALLEY REGIONAL FIRE AUTHORITY
King and Pierce Counties, Washington

Proposition 1

Continuation of Fire Benefit Charge

Shall the Valley Regional Fire Authority, composed of the Cities of Auburn, Pacific and Algona, be authorized to continue voter-authorized benefit charges each year for six consecutive years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

Yes
 No

(c) The Board further finds that the ballot proposition authorized by this resolution will no longer be necessary if the ballot proposition set forth in Resolution No. 196 passes at the August 6 election. Therefore, upon certification of passage of the proposition at the August election, the appropriate officers of the Authority are authorized and directed to rescind this call for an election and to withdraw this proposition from appearing on the November ballot. If the certification of the August election occurs after the final deadlines for removing a proposition from the November ballot, then, to the extent that it is presented at that election, it shall be deemed to be an advisory vote only and the results of such vote shall not supersede the approval obtained at the August election.

Section 5. Notices Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the Board of Governance hereby designates: (a) the Authority's Chief Financial Officer (Mark Horaski, Mark.Horaski@vrfa.org); and (b) special counsel to the Authority (Alice Ostdiek, Stradling Yocca Carlson & Rauth LLP, AOstdiek@stradlinglaw.com) as the individuals to whom such notice should be provided.

Section 6. Authorization to Deliver Resolution and Perform Other Necessary Duties. The Administrative Services Director (or the Director's designee) is authorized and directed, no later than August 6, 2024, to certify a copy of this Resolution to the Auditors and to perform such other duties as are necessary or required by law to the end that the proposition described herein should appear on the ballot at the November 5, 2024 election.

Section 7. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on this ballot proposition is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot proposition. In accordance with RCW 29A.32.280, committees to prepare arguments advocating approval and disapproval of the measure shall be appointed by the Administrative Services Director in accordance with the deadlines established by the County Auditors. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be

composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition.

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 and shall in no way affect the validity of the other provisions, or of the levy or collection of the taxes authorized herein.

Section 9. Effective Date. This resolution shall become effective immediately upon its adoption.

Adopted at a regular meeting of the Board of Governance of the Valley Regional Fire Authority this 9th day of July 2024.

VALLEY REGIONAL FIRE AUTHORITY



NANCY BACKUS
Governing Board Chair

ATTEST:



Stefanie Harper
Clerk of the Board