



Agenda for the Board of Fire Commissioners

Special Purpose Meeting

Conducted remotely via Zoom and with in-person attendance at Station 31
(1231 Franz ST SE, Lacey, WA 98516)

<https://zoom.us/j/743870521>

Meeting ID: 743 870 521

July 31st, 2023

5:30 pm

- I. CALL TO ORDER / FLAG SALUTE**
- II. APPROVAL OF THE AGENDA**
 - a. Additions / Deletions**
- III. HEARING OF THE PUBLIC / MEMBERS PRESENT**
- IV. NEW BUSINESS ITEM**
 - a. Potential Restoration of Operating Levy: Staff Report, Board Discussion and Potential Action.**
- V. HEARING OF THE PUBLIC / MEMBERS PRESENT**
- VI. ADJOURNMENT**

THERE WILL BE NO WORKSHOP CONDUCTED THIS EVENING.

Next Regular Meeting: August 3rd, 2023 – 5:30 pm

FIRE PROTECTION DISTRICT NO. 3
THURSTON COUNTY, WASHINGTON
(Lacey Fire District 3)

RESOLUTION NO. 888-07-23

Levy Lid Lift

A RESOLUTION of the Board of Fire Commissioners of Fire Protection District No. 3, Thurston County, Washington (Lacey Fire District 3), relating to the District's regular property tax levy; providing for the submission to the voters of the District at a special election to be held on November 7, 2023, in conjunction with the State General election to be held on the same date, of a proposition authorizing the District to levy regular property taxes in excess of the limitations provided in chapter 84.55 RCW for specified purposes; designating the Fire Chief and special counsel to receive notice of ballot title from the Auditor; and providing for related matters.

Adopted July 31, 2023

This document prepared by:

*FOSTER GARVEY P.C.
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
(206) 447-6264*

FIRE PROTECTION DISTRICT NO. 3
THURSTON COUNTY, WASHINGTON

RESOLUTION NO. 888-07-23

Levy Lid Lift

A RESOLUTION of the Board of Fire Commissioners of Fire Protection District No. 3, Thurston County, Washington (Lacey Fire District 3), relating to the District's regular property tax levy; providing for the submission to the voters of the District at a special election to be held on November 7, 2023, in conjunction with the State General election to be held on the same date, of a proposition authorizing the District to levy regular property taxes in excess of the limitations provided in chapter 84.55 RCW for specified purposes; designating the Fire Chief and special counsel to receive notice of ballot title from the Auditor; and providing for related matters.

BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF FIRE PROTECTION DISTRICT NO. 3, THURSTON COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Fire Commissioners (the "Board") of Fire Protection District No. 3, Thurston County, Washington (Lacey Fire District 3) (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) RCW 52.16.130, RCW 52.16.140 and RCW 52.16.160 limit the District's aggregate regular property tax levy to a maximum dollar rate of \$1.50 per \$1,000 of assessed value of taxable property within the District. Chapter 84.55 RCW currently further limits the amount of the regular property tax levy to 101% (or 100% plus inflation, if inflation is less than 1%) of the prior highest lawful levy amount (the "levy lid"), plus an additional dollar amount calculated by multiplying the regular property tax levy rate for the preceding year by the increase in assessed value from new construction and other specified adjustments. Due to the levy lid and increasing property values within the District, the District's current regular property tax levy is limited to a dollar rate of approximately \$1.16 per \$1,000 of assessed value.

(b) Under RCW 84.55.050(2), the District may submit to its voters at a primary or general election, for their approval or rejection, a proposition authorizing the District to increase its regular property tax levy annually in amounts exceeding the levy lid for up to six consecutive years (a "levy lid lift"). Under RCW 84.55.050(3) and (4), the proposition may provide that the District will use the final year's regular property tax levy amount so approved for purposes of computing the levy lid for subsequent levies.

(c) The money that will be available in the District's Expense Fund in calendar years 2024 through 2029 and in future years, will be insufficient to permit the District to pay for the increased expenses required to provide fire protection and emergency medical services essential and necessary for the protection of the public health, life and property of its residents, all as more particularly defined and described in Section 2(a) (the "Purposes").

(d) It is therefore in the best interests of the District and its residents to seek voter approval of a levy lid lift proposition to restore the District's regular property tax levy to fund the Purposes, including: (1) an increase to the District's regular property tax levy for collection in 2024 by a rate of approximately \$0.34 per \$1,000 of assessed value to the maximum aggregate rate of \$1.50 per \$1,000 of assessed value and (2) annual increases to the District's regular property tax levy for collection in years 2025 through 2029 of up to 106% of the District's maximum allowable levy for the immediately prior year.

Section 2. Purposes and Description of the Ballot Proposition. The Board seeks voter approval under RCW 84.55.050(2) of a levy lid lift proposition, as follows:

(a) Purposes. The amounts collected pursuant to the increases authorized in years 2024 through 2029 shall be used solely for the following Purposes: to provide fire protection, prevention and emergency response services in the District, to operate and maintain emergency fire, medical service and other District vehicles and equipment (including repair and replacement), to maintain District facilities, and to maintain staffing of such facilities by properly trained personnel who are equipped with proper firefighting and emergency medical equipment. The Purposes of this authorization do not include new or replacement buildings.

(b) Maximum Levy Rate Authorized in 2024. The proposition authorizes the District to restore its maximum aggregate regular property tax levy to the amount resulting from a rate of \$1.50 per \$1,000 of assessed value for levy in 2023 and collection in 2024. This represents an incremental increase in the regular property tax rate of approximately \$0.34 per \$1,000 of assessed value, over the current year's levy rate.

(c) Increase Authorized in Future Years. The District's maximum regular property tax levy for collection in each of the following five years (2025 through 2029) shall be computed annually by applying a limit factor of 106% to the District's maximum allowable levy for the immediately prior year.

(d) Computing the Limitations for Subsequent Levies. The District will use the dollar amount of the maximum aggregate property tax levy for collection in 2029 authorized under this resolution for the purpose of computing the limitations for subsequent levies under chapter 84.55 RCW.

Section 3. Calling of Election. The Auditor of Thurston County, Washington (the "Auditor"), as *ex officio* Supervisor of Elections, is requested to call and conduct a special election, in the manner provided by law, to be held in the District on November 7, 2023 (the "Special Election"), for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing the District to increase its aggregate regular property tax levy for collection in 2024 to \$1.50 per \$1,000 of assessed value, to increase its maximum regular property tax levy for collection in each of the following five years (2025 through 2029) by applying a limit factor of 106% to the District's maximum allowable levy for the immediately prior year and to use the dollar amount of the maximum allowable levy for collection in 2029 under this resolution for the purpose of computing the limitations for the District's subsequent levies under chapter 84.55 RCW.

Section 4. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Thurston County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

LACEY FIRE PROTECTION DISTRICT 3

PROPOSITION NO. 1

Levy Lid Lift

The Board of Fire Commissioners of Lacey Fire Protection District 3 adopted Resolution No. 888-07-23, concerning the District's regular property tax levy. This proposition, if approved, would authorize restoring the previous levy to an amount not to exceed \$1.50 per \$1,000 of assessed value for collection in 2024 and setting the limit factor for each subsequent year 2025 through 2029 at 106%. Revenues from the levy would be used for fire protection, prevention, and emergency medical services, including operating and capital costs. The final year's levy dollar amount would be used to compute the limitations for subsequent levies under chapter 84.55 RCW.

Should this proposition be approved:

Yes ☐

No..... ☐

Section 5. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Fire Chief of the District (the "Fire Chief") or his designee is authorized and directed to: (a) present a certified copy of this resolution to the Auditor no later than August 1, 2023; and (b) perform such other duties as are necessary or required by law to submit to the District's voters at the Special Election, for their approval or rejection, the proposition provided 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 Board hereby designates (a) the Fire Chief (Steve Brooks), telephone: (360) 528-2318; email: sbrooks@laceyfire.com; and (b) special counsel, Foster Garvey P.C. (Lee Marchisio), telephone: (206) 447-6264; email: lee.marchisio@foster.com, as the individuals to whom the Auditor shall provide such notice. The Fire Chief is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Thurston County Prosecuting Attorney.

Section 7. General Authorization and Ratification of Prior Acts. This resolution may be executed by the Fire Commissioners being present and voting in favor of the resolution, or only the Chair of the Board, and attested by the Secretary of the District, in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Fire Chief, the Chair of the Board, the Secretary of the District, other proper officers of the District and special counsel, Foster Garvey P.C., are severally authorized to take such actions and to create, accept, execute, send, use and rely upon such documents, records and signatures (including in tangible medium, manual, facsimile or electronic form, under any security procedure

or platform, and notwithstanding any other District resolution, rule or policy) as in their judgment may be necessary or desirable to carry out the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of the purposes described in this resolution and not inconsistent with the terms of this resolution are ratified and confirmed in all respects.

Section 8. Withdrawal of Authority. On April 20, 2023, the Board adopted Resolution No. 887-04-23, which authorized the submission to the qualified voters within the District at a special election to be held on August 1, 2023, of a proposition authorizing the District to levy regular property taxes in excess of the limitations provided in chapter 84.55 RCW for specified purposes. In the event the proposition authorized by Resolution No. 887-04-23 is approved by the qualified voters within the District on August 1, 2023, then this Resolution No. 888-07-23 shall be repealed and have no further force or effect and the Fire Chief or his designee shall be authorized to withdraw the proposition authorized by this Resolution No. 888-07-23 from the Special Election and notify the Auditor of such withdrawal and that the proposition shall not be submitted to the qualified voters within the District at the Special Election.

Section 9. Severability. The provisions of this resolution are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this resolution invalid or unenforceable, then the offending provision is null and void, is separate and severable from the remaining provisions of this resolution and in no way affects the validity of the other provisions of this resolution or of the levy or collection of the regular property taxes as so authorized herein.

Section 10. Effective Date. This resolution takes effect from and after its adoption.

ADOPTED by the Board of Fire Commissioners of Fire Protection District No. 3, Thurston County, Washington, at a special open public meeting held this 31st day of July, 2023.

FIRE PROTECTION DISTRICT NO. 3
THURSTON COUNTY, WASHINGTON
(Lacey Fire District 3)

Chair and Commissioner

Vice Chair and Commissioner

Commissioner

Commissioner

Commissioner

ATTEST: District Secretary

CERTIFICATION

I, Steve Brooks, Secretary of Fire Protection District No. 3, Thurston County, Washington (Lacey Fire District 3) (the “District”), certify as follows:

1. The foregoing Resolution No. 888-07-23 (the “Resolution”) is a full, true and correct copy of the Resolution duly adopted at a special meeting of the Board of Fire Commissioners of the District (the “Board”) held on July 31, 2023 (the “Meeting”), as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect;

2. Written notice specifying the time, place and noting the business to be transacted (the “Notice”) was given to all members of the Board by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the Meeting, a true and complete copy of the Notice is attached hereto as Appendix 1;

3. The Notice was also posted on the District’s website and prominently displayed at the main entrance of the District’s Headquarters Station and the entrance to the special meeting location at least 24 hours prior to the Meeting;

4. The Notice was also given by mail, fax, electronic mail or by personal delivery at least 24 hours prior to the Meeting to each local radio or television station and to each newspaper of general circulation that has on file with the District a written request to be notified of special meetings and to any others to which such notices are customarily given by the District; and

5. The Meeting was duly convened, held and provided an opportunity for public comment, in all respects in accordance with law, a quorum was present throughout the meeting, and a sufficient number of members of the Board so present voted in the proper manner for the adoption of the Resolution.

DATED: July 31, 2023.

FIRE PROTECTION DISTRICT NO. 3,
THURSTON COUNTY, WASHINGTON
(Lacey Fire District 3)

Steve Brooks
Secretary of the District

APPENDIX 1

COPY OF NOTICE OF SPECIAL MEETING

Resolution Cover Sheet



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

Name of District: _____

District Address: _____

Date of Election: _____

Contact Person: _____ Title: _____

Contact Phone: _____ Fax: _____

Contact Email: _____

2nd Contact Person: _____ Title: _____

2nd Contact Phone: _____

2nd Contact Email: _____

Attorney for District: _____

Attorney Phone: _____ Attorney Fax: _____

Attorney Email Address: _____

Type of Election (levy, bond, lid lift, etc.): _____

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: _____

For February and April elections only:

Does the district wish to publish a Voters' Pamphlet?

☐

Yes

☐

No

Signature: _____
of person filing this form

Date: _____

This form may be filled out and printed.

This mandatory resolution cover sheet must accompany any resolution.