

# SNURE LAW OFFICE

A Professional Services Corporation

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RECEIVED  
PIERCE COUNTY AUDITOR

MAY 26 2009

**Clark B. Snure**  
clark@snurelaw.com

**Brian K. Snure**  
brian@snurelaw.com

Of counsel  
Thomas G. Burke  
Joseph F. Quinn

May 22, 2009

Pierce County Auditor

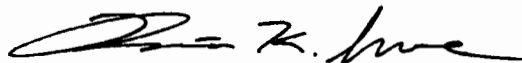
Re: Pierce County Fire Protection District No. 3

To Whom It May Concern::

I serve as of counsel to Joseph F. Quinn, general counsel to Pierce County Fire Protection District No. 3. This letter confirms that I have reviewed the explanatory statements for the District's Regular Property Tax Lid Lift Ballot Proposition and the District's EMS Property Tax Lid Lift Ballot Proposition.

Very Truly Yours,

SNURE LAW OFFICE, PSC



Brian K. Snure

cc: Client  
enclosures  
PE3LT5\_22\_09

MAY 26 2009

# Pierce County Mandatory Resolution Cover Sheet

This form must accompany each resolution that is submitted. Contact person or persons should have the authority to approve the completed ballot title(s). **It is very important that the contact person be available until this process is completed.**

Name of District: Pierce County Fire Protection District 3

Date of Election: August 18, 2009

Contact Person: Mitchell Sagers Title: Chief

Contact Phone Number: 253-534-3281 Fax Number: 253-564-1629

Contact Person: Kandace Jones Title: Administrative Director

Contact Phone Number: 253-534-3289 Fax Number: 253-564-1629

District Address: 3631 Drexler Drive West, Suite B University Place, Wa. 98466

Contact Email: msagers@piercfire.org kjones@piercfire.org

Type of Election (levy, bond, etc.): lid lift  
(i.e. lid lift, benefit charge)

Attorney for District: Joseph Quinn

Attorney Phone Number: 253-858-3226 Attorney Fax Number: 253-858-3221

Attorney Email Address: firelaw@comcast.net

Are you requesting a Vote by Mail Election? Yes  No

Is it included with resolution? Yes  No

Is there a separate letter requesting it? Yes  No

-If no letter, you will need to send in a letter stating your request within 5 working days.

Special Instructions: \_\_\_\_\_

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MAY 26 2009

UNIVERSITY PLACE FIRE DEPARTMENT  
PIERCE COUNTY, WASHINGTON

RESOLUTION NO. 051909-462

**A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF UNIVERSITY PLACE FIRE DEPARTMENT (PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3), PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE DISTRICT AT THE PRIMARY ELECTION TO BE HELD ON AUGUST 18, 2009, A PROPOSITION WHICH WOULD RE-AUTHORIZE THE LEVY RATE OF \$1.50 PER \$1,000 OF ASSESSED VALUATION NOTWITHSTANDING THE 1% ANNUAL INCREASE IN PROPERTY TAX REVENUE LIMITATION IMPOSED BY CHAPTER 84.55 OF THE REVISED CODE OF WASHINGTON, THE LEVY RATE OF \$1.50 PER \$1,000 OF ASSESSED VALUATION LIMIT HAVING BEEN PREVIOUSLY AUTHORIZED BY THE VOTERS FOR THE TAXING DISTRICT AND APPLICABLE TO ALL TAXABLE PROPERTY LOCATED IN THE DISTRICT.**

**BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3, PIERCE COUNTY, WASHINGTON, AS FOLLOWS:**

**WHEREAS**, in the judgment of the Board of Fire Commissioners (the "Board") of University Place Fire Department, whose legal name is Pierce County Fire Protection District No. 3 (the "District"), it is essential for the protection of the public health, safety, life, and property of the citizens and residents of the District that current service levels of fire protection and emergency medical services be maintained; and

**WHEREAS**, a regular property tax rate of \$1.50 per \$1,000 of assessed valuation, applicable to all taxable property located in the district, has been previously authorized and may be lawfully levied within the limits prescribed by Chapter 84.55 of the Revised Code of Washington, which limits annual property tax increases to 1% above the highest levy within the last three years; and

**WHEREAS**, Chapter 84.55 of the Revised Code of Washington authorizes the 1% limit on annual increases to be exceeded with voter approval, commonly referred to as a "lid lift" election, pursuant to RCW 84.55.050; and

**WHEREAS**, a 1% limitation would restrict the District from levying its full authorized levy rate of \$1.50 per \$1,000 of assessed valuation, necessitating a limitation in the level of services in the District, and

**WHEREAS**, the electorate should be given the opportunity to decide whether the level of services should remain the same permanently or be reduced, and whether the full re-authorized rate of \$1.50 per \$1,000 should be levied, waiving the 1% limit of the statute, commonly referred to as "lifting the lid".

**NOW THEREFORE BE IT HEREBY RESOLVED, FOUND, DETERMINED AND ORDERED, AS FOLLOWS:**

**Section 1.** A regular property tax rate of \$1.50 per \$1,000 of assessed valuation, applicable to all taxable property located in the district, has been **previously duly authorized**, and is necessary and appropriate to levy, notwithstanding the 1% annual increase limitation of Chapter 84.55 of the Revised Code of Washington, which places a 1% limitation on the tax revenue to be collected by the District in 2010. Such 1% limit would cause an estimated loss of revenue to the District of approximately \$1,088,498. Such a loss could necessitate a reduction in the level of services. This resolution and the resultant election would give the voters the opportunity to choose to continue service pursuant to the previously authorized levy rate adopted pursuant to RCW 52.16.160), waiving the 1% limit of the statute (commonly referred to as a “lid lift”.)

**Section 2.** The proposal set forth below, if authorized by the qualified electors of the District, will allow a continued levy rate of \$1.50 per \$1,000 of assessed valuation. There shall be submitted to the qualified electors of the District, for their ratification or rejection, at the primary election held on August 18, 2009, a proposition to exceed the 1% limitation (and “lift the lid”) of RCW 84.55.010 et seq. and levy the full re-authorized rate of \$1.50 per \$1,000 of assessed valuation, subject to statutory and constitutional limits, which are otherwise applicable.

**Section 3.** The Board hereby requests the Auditor of Pierce County, Washington, as ex officio County Supervisor of Elections, to call and conduct such election to be held within the District on Tuesday, August 18, 2009, and to submit to the qualified electors of the District the proposition in substantially the following form:

**PROPOSITION NO. 1**

**SUBMITTED BY UNIVERSITY PLACE FIRE DEPARTMENT  
(PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3)**

**RE-AUTHORIZING PREVIOUSLY EXISTING PROPERTY TAX RATE**

**OFFICAL BALLOT TITLE:** The Board of Commissioners of University Place Fire Department (Pierce County Fire District No.3) passed Resolution No. 051909-462 proposing to re-authorize the previously existing regular property tax levy rate. If passed, Proposition No. 1 would permit the District to levy for collection in 2010 the regular property tax at the rate of \$1.50 per \$1,000 of assessed valuation, which is the rate authorized previously by the voters, for collection in 2010 thereby lifting the revenue limitation in Chapter 84.55 RCW. The maximum allowable levy in 2010 shall be used to determine future increases as allowed by chapter 84.55 RCW.

**SHOULD PROPOSITION NO. 1 BE:**

APPROVED

REJECTED

**Section 4.** A notice of election shall be published at least once, if required by law, which publication shall take place not more than ten (10) days nor less than three (3) days prior to the date of said election. Said publication shall be in a newspaper of general circulation within the District.

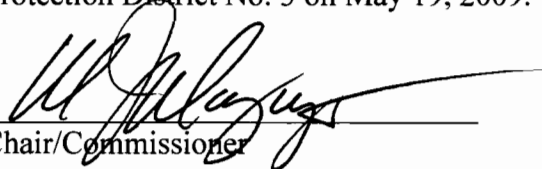
**Section 5.** Approval of the proposition described in Section 3 shall be construed and interpreted as qualified elector approval of a tax increase and permanent "lid lift" in compliance with RCW 84.55 as amended.


**Section 6.** The Secretary to the Board is hereby directed to deliver a certified copy of this resolution to the Auditor of Pierce County, Washington, as ex officio County Supervisor of Elections for the District, at least 45 days before the date of the election.

**Section 7.** With respect to this election, the District shall participate in the publication of information in the Local Voter's Pamphlet, including but not limited to an explanatory statement reviewed and approved by the District's attorney, a Statement For, and a Statement Against, pursuant to Chapter 29.81A of the Revised Code of Washington.

**Section 8.** This resolution shall take effect immediately upon adoption.

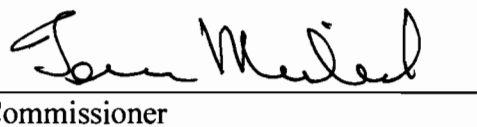
**ADOPTED AND APPROVED** by the Board of Fire Commissioners of Pierce County Fire Protection District No. 3 on May 19, 2009.

  
Chair/Commissioner

  
Commissioner

  
Commissioner

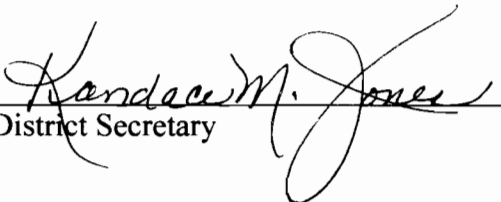
  
Commissioner

  
Commissioner

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph F. Quinn, Attorney, WSB#6810

  
District Secretary

MAY 26 2009

# Pierce County Mandatory Resolution Cover Sheet

This form must accompany each resolution that is submitted. Contact person or persons should have the authority to approve the completed ballot title(s). **It is very important that the contact person be available until this process is completed.**

Name of District: Pierce County Fire Protection District 3

Date of Election: August 18, 2009

Contact Person: Mitchell Sagers Title: Chief

Contact Phone Number: 253-534-3281 Fax Number: 253-564-1629

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Contact Phone Number: 253-534-3289 Fax Number: 253-564-1629

District Address: 3631 Drexler Drive West, Suite B University Place, Wa. 98466

Contact Email: msagers@piercefir.org kjones@piercefir.org

Type of Election (levy, bond, etc.): lid lift  
(i.e. lid lift, benefit charge)

Attorney for District: Joseph Quinn

Attorney Phone Number: 253-858-3226 Attorney Fax Number: 253-858-3221

Attorney Email Address: firelaw@comcast.net

Are you requesting a Vote by Mail Election? Yes  No

Is it included with resolution? Yes  No

Is there a separate letter requesting it? Yes  No

-If no letter, you will need to send in a letter stating your request within 5 working days.

Special Instructions: \_\_\_\_\_

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MAY 26 2009

UNIVERSITY PLACE FIRE DEPARTMENT  
PIERCE COUNTY, WASHINGTON

RESOLUTION NO. 051909-463

**A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF UNIVERSITY PLACE FIRE DEPARTMENT (PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3), PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE DISTRICT AT THE PRIMARY ELECTION TO BE HELD ON AUGUST 18, 2009, A PROPOSITION WHICH WOULD RE-AUTHORIZE THE EMS LEVY RATE OF \$ .50 PER \$1,000 OF ASSESSED VALUATION NOTWITHSTANDING THE 1% ANNUAL INCREASE IN PROPERTY TAX REVENUE LIMITATION IMPOSED BY CHAPTER 84.55 OF THE REVISED CODE OF WASHINGTON, THE EMS LEVY RATE OF \$ .50 PER \$1,000 OF ASSESSED VALUATION LIMIT HAVING BEEN PREVIOUSLY AUTHORIZED BY THE VOTERS FOR THE TAXING DISTRICT AND APPLICABLE TO ALL TAXABLE PROPERTY LOCATED IN THE DISTRICT.**

**BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3, PIERCE COUNTY, WASHINGTON, AS FOLLOWS:**

**WHEREAS**, in the judgment of the Board of Fire Commissioners (the "Board") of University Place Fire Department, whose legal name is Pierce County Fire Protection District No. 3 (the "District"), it is essential for the protection of the public health, safety, life, and property of the citizens and residents of the District that current service levels of emergency medical services be maintained; and

**WHEREAS**, an emergency medical services (EMS) levy property tax rate of \$ .50 per \$1,000 of assessed valuation, applicable to all taxable property located in the district, has been previously authorized and may be lawfully levied within the limits prescribed by Chapter 84.55 of the Revised Code of Washington, which limits annual property tax increases to 1% above the highest levy within the last three years; and

**WHEREAS**, Chapter 84.55 of the Revised Code of Washington authorizes the 1% limit on annual increases to be exceeded with voter approval, commonly referred to as a "lid lift" election, pursuant to RCW 84.55.050; and

**WHEREAS**, a 1% limitation would restrict the District from levying its full authorized EMS levy rate of \$ .50 per \$1,000 of assessed valuation, necessitating a limitation in the level of services in the District, and

**WHEREAS**, the electorate should be given the opportunity to decide whether the level of EMS services should remain the same permanently or be reduced, and whether the full re-authorized rate of \$ .50 per \$1,000 should be levied, waiving the 1% limit of the statute, commonly referred to as "lifting the lid".

**NOW THEREFORE BE IT HEREBY RESOLVED, FOUND, DETERMINED AND ORDERED, AS FOLLOWS:**

**Section 1.** An EMS levy property tax rate of \$ .50 per \$1,000 of assessed valuation, applicable to all taxable property located in the district, has been **previously duly authorized**, and is necessary and appropriate to levy, notwithstanding the 1% annual increase limitation of Chapter 84.55 of the Revised Code of Washington, which places a 1% limitation on the tax revenue to be collected by the District in 2010. Such 1% limit would cause an estimated loss of revenue to the District of approximately \$362,833. Such a loss could necessitate a reduction in the level of EMS services. This resolution and the resultant election would give the voters the opportunity to choose to continue service pursuant to the previously authorized levy rate adopted pursuant to RCW 84.52.069, waiving the 1% limit of the statute (commonly referred to as a “lid lift”.)

**Section 2.** The proposal set forth below, if authorized by the qualified electors of the District, will allow a continued levy rate of \$ .50 per \$1,000 of assessed valuation. There shall be submitted to the qualified electors of the District, for their ratification or rejection, at the primary election held on August 18, 2009, a proposition to exceed the 1% limitation (and “lift the lid”) of RCW 84.55.010 et seq. and levy the full re-authorized rate of \$ .50 per \$1,000 of assessed valuation, subject to statutory and constitutional limits, which are otherwise applicable.

**Section 3.** The Board hereby requests the Auditor of Pierce County, Washington, as ex officio County Supervisor of Elections, to call and conduct such election to be held within the District on Tuesday, August 18, 2009, and to submit to the qualified electors of the District the proposition in substantially the following form:

**PROPOSITION NO. 2**

**SUBMITTED BY UNIVERSITY PLACE FIRE DEPARTMENT  
(PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 3)**

**RE-AUTHORIZING PREVIOUSLY EXISTING PROPERTY TAX RATE**

**OFFICIAL BALLOT TITLE:** The Board of Commissioners of University Place Fire Department (Pierce County Fire District No.3) passed Resolution No. 051909-463 proposing to re-authorize the previously existing EMS property tax levy rate. If passed, Proposition No. 2 would permit the District to levy for collection in 2010 the EMS property tax at the rate of \$ .50 per \$1,000 of assessed valuation, which is the rate authorized previously by the voters, for collection in 2010, thereby lifting the revenue limitation in Chapter 84.55 RCW. The maximum allowable levy in 2010 shall be used to determine future increases as allowed by chapter 84.55 RCW.

**SHOULD PROPOSITION NO. 2 BE:**

APPROVED

REJECTED

**Section 4.** A notice of election shall be published at least once, if required by law, which publication shall take place not more than ten (10) days nor less than three (3) days prior to the date of said election. Said publication shall be in a newspaper of general circulation within the District.

**Section 5.** Approval of the proposition described in Section 3 shall be construed and interpreted as qualified elector approval of a tax increase and permanent "lid lift" in compliance with RCW 84.55 as amended.

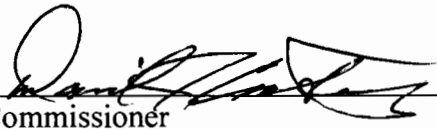
**Section 6.** The Secretary to the Board is hereby directed to deliver a certified copy of this resolution to the Auditor of Pierce County, Washington, as ex officio County Supervisor of Elections for the District, at least 45 days before the date of the election.


**Section 7.** With respect to this election, the District shall participate in the publication of information in the Local Voter's Pamphlet, including but not limited to an explanatory statement reviewed and approved by the District's attorney, a Statement For, and a Statement Against, pursuant to Chapter 29.81A of the Revised Code of Washington.


**Section 8.** This resolution shall take effect immediately upon adoption.


**ADOPTED AND APPROVED** by the Board of Fire Commissioners of Pierce County Fire Protection District No. 3 on \_\_\_\_\_, 2009.

  
Chair/Commissioner

  
Commissioner

  
Commissioner

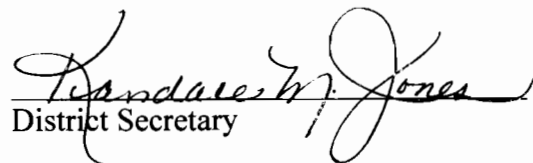
  
Commissioner

  
Commissioner

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Joseph F. Quinn, Attorney, WSB#6810

  
District Secretary