

Regional Fire Protection Service Authority

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With thanks to Alice M. Ostdiek of Foster Pepper PLLC
who helped guide the City of Auburn through its process

OVERVIEW - REGIONAL FIRE PROTECTION SERVICE AUTHORITY STATUTE

Prevention of and fighting fires are enumerated powers of cities and towns. As an alternative to operation of a regular city fire department, or annexing to or forming a fire protection district (a county process), the Washington state legislature empowered municipal entities (including fire protection districts) to form regional fire protection service authorities (RFAs). The empowering legislation was initially passed as Substitute Senate Bill 5326, adopted as Chapter 129, Laws of 2004. Most of the sections of that legislation were codified in Chapter 52.26 Revised Code of Washington (RCW).

According to the legislation, an RFA may be created by a single vote of the people approving a regional fire protection services authority plan and approving the creation of the authority.

The plan is created by a planning committee composed of three elected officials appointed by the governing bodies of each of the participating fire protection districts and city fire departments making up the proposed regional fire protection service authority. As an aside, the governing bodies from which the members of the planning committee are appointed may individually determine at their discretion to pay their appointees compensation at the rate of \$70 per day up to \$700 per year for serving on the planning committee.

The plan that is implemented by the authority, after it is developed, and after financing is arranged by the committee (as a part of the plan), may be for capital projects, fire and emergency service operations and preservation and maintenance of existing or future facilities and ambulance service in limited circumstances. Additionally, the plan must be reviewed every ten years.

The financing options include fire benefit charges as provided for fire protection districts, and three \$0.50 per \$1,000 assessed value voter-approved excess property tax levies. Generally, a simple majority vote of the voters in the territory of the authority is required for approval of the ballot measure forming the RFA. A second (simple majority) vote of the people is also required to implement the tax or benefit charges. The taxing authority of the regional authority is an alternative to rather than in addition to the existing taxing authority of the participating jurisdictions.

Once created, the authority may issue its own debt maturing in up to ten years and notes maturing in up to 20 years. It may also pledge taxes of the authority, by contract of up to 25 years, to pay principal and interest on bonds issued by the authority.

The authority may incur general indebtedness and issue general obligation bonds maturing in up to ten years to be paid by voter-approved excess property tax levies. The authority has the power

of eminent domain, among others. Provision is made for withdrawal and re-annexation of areas and for dissolution of the regional authority.

Subsequent to the initial adoption of the legislation creating Chapter 52.26, the legislature amended the RCW Chapter by adding RCW 52.26.280, providing for a civil service system for authority employees in the same manner, with the same powers, and with the same force and effect as provided by Chapter 41.08 RCW for cities, including restrictions against the discharge of an employee because of residence outside the limits of the regional fire protection service authority.

FINANCIAL FUNDING FOR THE AUTHORITY

As an alternative to regular property taxation, Section 24 of the bill – codified as RCW 52.26.180 – provides that the governing board of an RFA may by resolution, as authorized in the plan and approved by the voters, fix a benefit charge. The benefit charge shall be for the purposes of the authority, and shall be imposed on personal property and improvements to real property which are located within the authority that have received or will receive the benefits provided by the authority. The charges shall be paid by the owners of the properties. A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. The governing board of an authority may also determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution.

A benefit charge authorized by this chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter as described in the statute, but the property may be protected by the authority under a contractual agreement.

A benefit charge also does not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide *non-profit* religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. Property owned by such institutions as a part of a profit-making enterprise or activity *would* be subject to the charge.

As an additional limitation on the ratio of property tax to benefit charges, the aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected.

AUBURN, ALGONA AND PACIFIC'S AUTHORITY

The cities of Auburn, Algona and Pacific have formed such an RFA, the Valley Regional Fire Authority (VRFA). The approved plan called for this new – separate municipal entity to take over the fire department operations of the fire departments for each of the three cities comprising the VRFA.

In advance of the vote, the three cities convened a planning committee under Chapter 52.26 RCW to form an RFA. *See Exhibit C.* The Committee finalized the regional fire service protection plan and presented a ballot measure before the voters of the area of the VRFA at the

November 7, 2006 election. *See* Exhibit D. The formation measure (including proposals for property taxes and fire benefit charges) needed a 60% supermajority approval. The vote was successful, so that the RFA was created as of January 1, 2007. Any challenges to formation would have been needed to be filed within thirty (30) days following final certification of the election results or it will be time-barred. No such challenges were filed.

The VRFA had the authority (as an RFA) to impose three regular property tax levies of \$0.50 each, for a total possible property tax levy of \$1.50. The second \$0.50 would only be available if it “will not cause the combined levies to exceed the constitutional and statutory limitations” or if “released” by other districts pursuant to an interlocal agreement, and the third \$0.50 would be available only “if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed constitutional or statutory limitations or both.” The third \$0.50 is also unavailable as long as a fire benefit charge is being collected. As noted in Exhibit D, the plan called for the following funding:

1. The funding for the operation and administration of the [VRFA] contributed by each of the participating jurisdictions for (starting in) 2007 operations shall be in an amount equal to the funding total approved for fire department services in the budgets of each respective participating jurisdiction of the [VRFA] for (starting in) the 2007 calendar year.
2. Funding for the [VRFA] beginning in Fiscal Year 2008 and beyond shall be accomplished by an ad valorem fire tax of \$1.00 per thousand and a benefit service charge on all improved properties of Algona, Auburn, and Pacific based upon the formula and methodology provided in Appendix B of this [VRFA] plan.
3. To the extent permitted by law, the [VRFA] shall contract with agencies and entities exempt from ad valorem taxes in accordance with RCW 52.30.020 and related statutes, provided that this shall not include contracts with, or the need to contract with or otherwise pursue funding from, the participating jurisdictions of the cities of Algona, Auburn, and Pacific.

QUESTIONS

Several specific questions were raised during Auburn’s RFA development process, including the following, together with their answers provided with the assistance of Alice M. Ost diek of Foster Pepper PLLC:

Formation, Taxes, Benefit Charges and Timing: If the RFA is approved in the November 2006, election, when may it collect its first tax levy? What about fire benefit charges? What effect will this have on the cities’ tax levy limits? How will the RFA be funded in its first year?

If the RFA were approved in November 2006, it could collect its first tax levy and first fire benefit charges in 2008. The cities’ levy rate limits will be reduced by the RFA’s actual levy rates. It is advisable for the plan to provide for funding for the RFA during the first year, so that the cities continue to collect taxes and pay them to the RFA.

LEOFF and Pension Questions: What happens to the city’s fully-funded pension fund – does that get transferred to the RFA along with LEOFF pension liability? Can the cities transfer any of their LEOFF liability for other post-employment benefits (OPEB) to the RFA? (Are the answers different for retired employees vs. active employees?)

Chapter 52.26 indicates that Firemen's Pension Fund (FPF) and LEOFF liabilities would be automatically transferred to the RFA. However, because of potential issues regarding impairment of contracts, each city should either: (a) retain the FPF and all FPF responsibilities; or (b) retain responsibility (stated explicitly in the plan) for ensuring full funding for its FPF in the event of a deficiency. LEOFF responsibilities could be shifted to the RFA because it is a centrally administered and funded system. OPEB liabilities could be shifted, but for administrative simplicity, each city might consider retaining responsibility for retiree OPEBs.

RFA Assumption of (or Obligation for) City Debt: If the City of Auburn submits a bond issue to the voters in November 2006 for a new fire station, can the liability be transferred to the new RFA? Can the City contract for the RFA to reimburse for the debt payments? How specific does that contract for repayment have to be in the plan?

The RFA statute states that all contractual obligations relating to fire protection powers are automatically transferred to the RFA. However, because of the constitutional prohibition against impairment of contracts, this statement is probably not sufficient to effectively transfer City debt to the RFA. Moreover, it is unlikely that the voter approval (for both taxation and debt capacity purposes) would be "transferred" without specific statutory authorization. Thus, the RFA may be obligated to pay debt service on the bonds, but would likely have to do so under its non-voted debt capacity, with regular (rather than excess) taxes and fire benefit charge revenues. As a possible solution, the City and the RFA could enter into an interlocal agreement to clarify payment obligations. The interlocal agreement itself would not have to be included in detail in the plan.

Direct RFA Debt Issuance: Can a voted bond issue for a new fire station be embedded in the RFA formation? Can the RFA issue "councilmanic" (nonvoted) bonds for a new fire station? What would be the timing of such an issue? Could this be approved as part of the plan? Or would there need to be a new ballot proposition submitted by the new RFA board?

A voted bond issue for a new fire station cannot be embedded in the RFA formation. The RFA may issue nonvoted bonds for a new fire station at any time after the "creation date" of the RFA, provided that the tax (or other) revenues are sufficient to support the issue. If the timing of the issue requires funds before RFA tax collections begin, the RFA could contract with the cities (or a city) for revenues sufficient to pay debt service in the first year to be replaced by RFA tax and fire benefit charge revenues as those become available. The RFA plan does not need to make special provision for the issuance of debt because this authority is provided by statute.

List of Exhibits

Exhibit A SUMMARY OF LEGISLATION - Substitute Senate Bill 5326 (Chapter 129, Laws of 2004) with amendments per Substitute House Bill 2345 (Chapter 200, Laws of 2006)

Exhibit B CHAPTER 52.26

Exhibit C AUBURN RESOLUTION ESTABLISHING PLANNING COMMITTEE

Exhibit D AUBURN RESOLUTION PLACING REGIONAL FIRE PROTECTION SERVICE AUTHORITY ON BALLOT – WITH PLAN

Exhibit A

SUMMARY OF LEGISLATION - Substitute Senate Bill 5326 (Chapter 129, Laws of 2004) with amendments per Substitute House Bill 2345 (Chapter 200, Laws of 2006)

The initial bill (S.S.B. 5326) added a new chapter 52.26 RCW allowing for voters to create regional fire protection service authorities.

Section (1) of the initial bill [RCW 52.26.010] includes findings that state that the ability to respond to emergency situations by many of Washington state's fire protection jurisdictions has not kept up with the state's needs, particularly in urban regions, and providing a fire protection service system through shared partnerships and responsibilities among the federal, state, local, and regional governments and the private sector, and (new) regional fire protection service authorities could add efficiencies to fire operations while retaining local control.

Sections (2) through (4) of the initial bill [RCW 52.26.020-040] define the terms used, the creation of local planning committees, the duties and funding of such committees, and the creation of a service plan. Section (2) defines a "regional fire protection service authority" as a municipal corporation, an independent taxing authority within the meaning of Article VII, § 1 of the state Constitution, and a taxing district within the meaning of Article VII, § 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan. Section (3) states that any two or more adjacent fire protection jurisdictions (city departments or districts) may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. Also, each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. However, this section also states that no fire protection jurisdiction may participate in more than one authority. Section (4) lists factors to be considered in formulating the plan. Once the plan is adopted, it must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under Section (6) of the initial bill. The amending bill (S.H.B. 2345) specified that the functions of the regional fire protection service authority include "emergency services." [RCW 52.26.020 & 040]

The amending bill (Section 2) also authorized the plan to include for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids. However, the authority shall not provide for the establishment of an ambulance service that would compete with any existing private ambulance service, unless the authority determines that the region served by the authority, or a substantial portion of the region served by the authority, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the authority shall engage in a review process akin to that which is provided in RCW 35.21.766 – e.g., considering and publishing generally accepted medical standards and reasonable levels of service which must be published by the authority; upon preliminarily concluding that the existing private ambulance service is inadequate, calling for private ambulance service bids for a minimum of sixty days; etc. See also Section (34) of the initial bill which amended RCW 35.21.766 to reference regional fire protection service authorities.

Section (5) of the initial bill [RCW 52.26.050] (and amended by Section 3 of the amending bill) allows a majority of voters the option of approving funding for the operation of such authorities.

Funding may be in the form of a benefit charge, a property tax or a combination of the two. Taxes and benefit charges shall be as identified in the regional fire protection service authority plan and the plan is approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in Section (6) of the initial bill. The voter approval requirement provided in Section (6) of the initial bill is in addition to any other voter approval requirement under law for the levying of property taxes or the imposition of benefit charges.

If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of sixty percent of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. However, if the plan provides for alternative sources of revenue that become effective if the plan and creation of the authority is approved only by a majority vote, then the plan with alternative sources of revenue and creation of the authority may be approved by an affirmative vote of the majority of those voters. If the plan does not authorize the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060.

Sections (6) and (7) of the initial bill [RCW 52.26.060-070] (and amended by Sections 4 and 5 of the amending bill) address approval by the voters of the proposed service plan and subsequent certification of the plan. If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes, and benefit charges, if any, the authority is formed on the next January 1st or July 1st, whichever occurs first.

If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050.

Sections (8) through (9) of the initial bill [RCW 52.26.080-090] (and amended by Section 6 of the amending bill) define the creation, duties and authorities of a governing board for each service authority, including providing for fire protection and emergency services, and authorizing levying taxes and imposing benefit charges. RCW 52.26.090 specifies that the governing board is authorized to carry out the purposes, functions, and projects of the authority in accordance with Title 52 RCW - if one of the fire protection jurisdictions is a fire district, unless provided otherwise in the regional fire protection service authority plan, or in accordance with the statutes identified in the plan if none of the fire protection jurisdictions is a fire district

Section (10) of the initial bill [RCW 52.26.100] (and amended by Section 7 of the amending bill) describes the transfer of power and duties from the fire protection jurisdictions to the fire protection service authority. All powers, duties, and functions of a participating fire protection jurisdiction pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority. If a question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation. Additionally, the amending bill provides for the transfer of employees of the participating fire protection jurisdictions to the jurisdiction of the regional fire protection service authority on its creation date.

Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating fire protection jurisdiction, including rights to such things as compensation, retirement, vacation, sick leave, and any other accrued benefit; promotion and service time accrual; and the length or terms of probationary periods.

If any or all of the participating fire protection jurisdictions provide for civil service in their fire departments, the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions must negotiate regarding the establishment of a civil service system within the authority - unless none of the participating fire protection districts provide for civil service.

Section (11) of the initial bill [RCW 52.26.110] provides the mechanism for a regional fire protection service authority to withdraw areas from its boundaries.

Section (12) of the initial bill [RCW 52.26.120] defines the authority's ability to dissolve by a majority vote of the registered electors of the district. Subsequent responsibilities are also addressed.

Section (13) of the initial bill amends RCW 57.90.010 to include regional fire protection service authorities among the list of "special districts."

Section (14) of the initial bill [RCW 52.26.130] (as amended by Section 10 of the amending bill) describes debt and bonding by the authority. Essentially, an authority may incur general indebtedness for authority purposes, issue bonds, notes, or other evidences of indebtedness not to exceed an amount, together with any outstanding nonvoter approved general obligation debt, equal to three-fourths of one percent of the value of the taxable property within the authority. The maximum term of the obligations may not exceed twenty years. The obligations may pledge benefit charges and may pledge payments to an authority from the state, the federal government, or any fire protection jurisdiction under an interlocal contract. The interlocal contracts pledging revenues and taxes are binding for a term not to exceed twenty-five years, and taxes or other revenue pledged by an interlocal contract may not be eliminated or modified if it would impair the pledge of the contract. Additionally, an authority may also issue general obligation bonds for capital purposes not to exceed an amount, together with any outstanding general obligation debt, equal to one and one-half percent of the value of the taxable property within the authority. The authority may provide for the retirement of the bonds by excess property tax levies. The voters of the authority must approve a proposition authorizing the bonds and levies by an affirmative vote of three-fifths of those voting on the proposition at an election. At the election, the total number of persons voting must constitute not less than forty percent of the voters in the authority who voted at the last preceding general state election. The maximum term of the bonds may not exceed twenty-five years. Elections shall be held as provided in RCW 39.36.050. Obligations of an authority shall be issued and sold in accordance with chapters 39.46 and 39.50 RCW, as applicable.

Section (15) of the initial bill [RCW 52.26.140] (amended by Section 11 of the amending bill), describes the authority's ability to levy a property tax for property within the district, per RCW 52.26.130. Specifically, a levy of up to \$0.50; a levy of up to \$0.50, if this does not result in pro-rating for other taxing districts; or a levy of up to \$0.50 for districts that have (or contract for)

at least one full-time paid employee. Also, the authority may request excess levies from the voters.

Sections (16) through (23) of the initial bill address details of the taxing authority, including amending RCW Sections 84.09.030, 84.52.010, 84.52.052, 84.52.069, and adding a new Section 84.52.044 RCW to include and reference regional fire protection service authorities. [Sect. 16 is codified as RCW 52.26.150, § 17 as RCW 52.26.160, and § 18 as RCW 52.26.170. Section 19 amends RCW 84.09.030, § 20 creates RCW 84.52.044, § 21 amends RCW 84.52.010, § 22 - RCW 84.52.052, and § 23 - RCW 84.52.069.]

Sections (24) through (33) of the initial bill provide that the fire protection service authority may impose benefit charges on personal property and improvements to real property, as measured by the value of such property. Exemptions are provided for religious organizations, educational facilities and properties owned by persons enrolled in the property tax exemption program for senior citizens and disabled persons. Section (28) provides the form of the ballot measure. [Section 24 is codified as RCW 52.26.180, § 25 - RCW 52.26.190, § 26 - RCW 52.26.200, § 27 - RCW 52.26.210, § 28 - RCW 52.26.220 (amended by Section 12 of the amending bill), § 29 - RCW 52.26.230, § 30 - RCW 52.26.240, § 31 - RCW 52.26.250, § 32 - RCW 52.26.260, and § 33 - RCW 52.26.270.]

Section 8 of the amending bill added a new Section 52.26.280 RCW providing for (authorizing the board to provide for) civil service for its employees in the same manner, with the same powers, and with the same force and effect as provided by chapter 41.08 RCW for cities, towns, and municipalities, including restrictions against the discharge of an employee because of residence outside the limits of the regional fire protection service authority.

Section 9 of the amending bill added a new Section 52.26.290 RCW addressing annexation of territory to the participating jurisdiction, specifying that the property is annexed to the authority as of the effective date of the annexation to the participating jurisdiction, provided that the statutes regarding transfer of assets and employees do not apply to the participating jurisdictions relative to the annexation.

Exhibit B

CHAPTER 52.26

Chapter 52.26 RCW REGIONAL FIRE PROTECTION SERVICE AUTHORITIES

RCW SECTIONS

52.26.010	Findings.
52.26.020	Definitions.
52.26.030	Planning committee -- Formation -- Powers.
52.26.040	Planning committee -- Formulation of service plan -- Competition with private ambulance service.
52.26.050	Service plan -- Taxes and benefit charges.
52.26.060	Service plan -- Submission to voters.
52.26.070	Service authority -- Formation -- Challenges.
52.26.080	Organization and composition of governing board.
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52.26.100	Transfer of responsibilities and employees to authority -- Civil service system.
52.26.110	Withdrawal, reannexation of territory.
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52.26.130	Debt -- Interlocal contracts -- General obligation bonds.
52.26.140	Levy of taxes -- Levies authorized by special election -- Indebtedness -- Definition.
52.26.150	Levy of taxes -- To be made by county or counties where authority is located.
52.26.160	Taxation of lands lying within authority and forest protection assessment area.
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52.26.180	Benefit charges.
52.26.190	Benefit charges -- Exemptions.
52.26.200	Benefit charges -- Resolution -- County assessor's duties.
52.26.210	Benefit charges -- Administration and collection by county treasurer.
52.26.220	Benefit charges -- Submission to voters -- Renewal.
52.26.230	Benefit charges -- Establishment -- Public hearings -- Notice to property owners.
52.26.240	Benefit charges -- Limitation on imposition of property tax.
52.26.250	Benefit charges -- Complaints -- Review board.
52.26.260	Benefit charges -- Model resolution -- Assistance by Washington fire commissioners association.
52.26.270	Benefit charges--Additional exemption.
52.26.280	Civil service -- When authorized or required.
52.26.290	Annexation of territory.
52.26.900	Captions not law -- 2004 c 129.
52.26.901	Severability -- 2004 c 129.

52.26.010. Findings

The legislature finds that:

- (1) The ability to respond to emergency situations by many of Washington state's fire protection jurisdictions has not kept up with the state's needs, particularly in urban regions;
- (2) Providing a fire protection service system requires a shared partnership and responsibility among the federal, state, local, and regional governments and the private sector;
- (3) There are efficiencies to be gained by regional fire protection service delivery while retaining local control; and
- (4) Timely development of significant projects can best be achieved through enhanced funding options for regional fire protection service agencies, using already existing taxing authority to address fire protection emergency service needs and new authority to address critical fire protection projects and emergency services.

52.26.020. Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional fire protection service authority.
- (2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing

district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

52.26.030. Planning committee--Formation--Powers

Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more adjacent fire protection jurisdictions may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one authority.

(2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.

(3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.

(4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under RCW 52.26.040.

(5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

52.26.040. Planning committee--Formulation of service plan--Competition with private ambulance service

(1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection and emergency services. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria; and

(b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems. The plan may authorize the authority to establish a system of ambulance service to be operated by the authority or operated by contract after a call for bids. However, the authority shall not provide for the establishment of an ambulance service that would compete with any existing private ambulance service, unless the authority determines that the region served by the authority, or a substantial portion of the region served by the authority, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the authority shall take into consideration objective generally accepted medical standards and reasonable levels of service which must be published by the authority. Following the preliminary conclusion by the authority that the existing private ambulance service is inadequate, and before establishing an ambulance service or issuing a call for bids, the authority shall allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and

accepted levels of service. In the event of a second preliminary conclusion of inadequacy within a twenty-four-month period, the authority may immediately issue a call for bids or establish its own ambulance service and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service. A private ambulance service that is not licensed by the department of health or whose license is denied, suspended, or revoked is not entitled to a sixty-day period within which to demonstrate adequacy and the authority may immediately issue a call for bids or establish an ambulance service; and

(c) In the plan, recommend sources of revenue authorized by RCW 52.26.050, identify the portions of the plan that may be amended by the board of the authority without voter approval, consistent with RCW 52.26.050, and recommend a financing plan to fund selected fire protection and emergency services and projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under RCW 52.26.060.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

52.26.050. Service plan--Taxes and benefit charges

(1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

(a) Benefit charges under RCW 52.26.180 through 52.26.270;

(b) Property taxes under RCW 52.26.140 through 52.26.170 and 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

(c) Both (a) and (b) of this subsection.

(2) The authority may impose taxes and benefit charges as set forth in the regional fire protection service authority plan upon creation of the authority, or as provided for in this chapter after creation of the authority. If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of sixty percent of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. However, if the plan provides for alternative sources of revenue that become effective if the plan and creation of the authority is approved only by a majority vote, then the plan with alternative sources of revenue and creation of the authority may be approved by an affirmative vote of the majority of those voters. If the plan does not authorize the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. Except as provided in this section, all other voter approval requirements under law for the levying of property taxes or the imposition of benefit charges apply. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

52.26.060. Service plan--Submission to voters

The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under RCW 52.26.040, may certify the plan to the ballot, including identification of the revenue options specified to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan and establish the authority is required for approval. However, if the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW 29A.04.321 and 29A.04.330.

52.26.070. Service authority--Formation--Challenges

If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes and benefit charges, if any, the authority is formed on the next January 1st or July 1st, whichever occurs first. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the

challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

52.26.080. Organization and composition of governing board

(1) The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern authority affairs, which may include:

- (a) The time and place of regular meetings;
- (b) Rules for calling special meetings;
- (c) The method of keeping records of proceedings and official acts;
- (d) Procedures for the safekeeping and disbursement of funds; and
- (e) Any other provisions the board finds necessary to include.

(2) The governing board shall be determined by the plan and consist solely of elected officials.

52.26.090. Powers of governing board

(1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board may:

(a) Levy taxes and impose benefit charges as authorized in the plan and approved by authority voters;

(b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;

(d) Monitor and audit the progress and execution of fire protection and emergency service projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire, manage, and terminate employees; and

(g) Exercise powers and perform duties as the board determines necessary to carry out the purposes, functions, and projects of the authority in accordance with Title 52 RCW if one of the fire protection jurisdictions is a fire district, unless provided otherwise in the regional fire protection service authority plan, or in accordance with the statutes identified in the plan if none of the fire protection jurisdictions is a fire district.

(2) An authority may enforce fire codes as provided under chapter 19.27 RCW.

52.26.100. Transfer of responsibilities and employees to authority--Civil service system

(1) Except as otherwise provided in the regional fire protection service authority plan, all powers, duties, and functions of a participating fire protection jurisdiction pertaining to fire protection and emergency services shall be transferred to the regional fire protection service authority on its creation date.

(2)(a) Except as otherwise provided in the regional fire protection service authority plan, and on the creation date of the regional fire protection service authority, all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to fire protection and emergency services powers, functions, and duties shall be delivered to the regional fire protection service authority; all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties shall be transferred to the regional fire protection service authority; and all funds, credits, or other assets held by the participating fire protection jurisdiction in connection with the fire protection and emergency services powers, functions, and duties shall be transferred and credited to the regional fire protection service authority.

(b) Except as otherwise provided in the regional fire protection service authority plan, any appropriations made to the participating fire protection jurisdiction for carrying out the fire protection and emergency services powers, functions, and duties shall be transferred and credited to the regional fire protection service authority.

(c) Except as otherwise provided in the regional fire protection service authority plan, whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) Except as otherwise provided in the regional fire protection service authority plan, all rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority, and all existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before creation of the regional fire protection service authority.

(5) If apportionments of budgeted funds are required because of the transfers, the treasurer for the authority shall certify the apportionments.

(6)(a) Subject to (c) of this subsection, all employees of the participating fire protection jurisdictions are transferred to the jurisdiction of the regional fire protection service authority on its creation date. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating fire protection jurisdiction, including rights to:

- (i) Compensation at least equal to the level at the time of transfer;
- (ii) Retirement, vacation, sick leave, and any other accrued benefit;
- (iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) If any or all of the participating fire protection jurisdictions provide for civil service in their fire departments, the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions must negotiate regarding the establishment of a civil service system within the authority. This subsection does not apply if none of the participating fire protection districts provide for civil service.

(c) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law.

52.26.110. Withdrawal, reannexation of territory

(1) As provided in this section, a regional fire protection service authority may withdraw areas from its boundaries or reannex into the authority areas that previously had been withdrawn from the authority under this section.

(2)(a) The withdrawal of an area is authorized upon: (i) Adoption of a resolution by the board approving the withdrawal and finding that, in the opinion of the board, inclusion of this area within the regional fire protection service authority will result in a reduction of the authority's tax levy rate under the provisions of RCW 84.52.010; or (ii) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the withdrawal, if the area is located outside of a city or town, but within a fire protection district.

(b) A withdrawal under this section is effective at the end of the day on the thirty-first day of December in the year in which the resolution under (a)(i) or (ii) of this subsection is adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c) The withdrawal of an area from the boundaries of an authority does not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the authority existing at the time of withdrawal.

(3)(a) An area that has been withdrawn from the boundaries of a regional fire protection service authority under this section may be reannexed into the authority upon: (i) Adoption of a resolution by the board proposing the reannexation; and (ii) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the reannexation, if the area is located outside of a city or town but within a fire protection district.

(b) A reannexation under this section shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the resolution under (a)(ii) of this subsection occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c)(i) Referendum action on the proposed reannexation under this section may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or governing body of the fire protection district, within a thirty-day period after the adoption of the resolution under (a)(ii) of this subsection, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

(ii) If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date specified in RCW 29A.04.330 that occurs forty-five or more days

after the petitions have been validated. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

52.26.120. Dissolution of fire protection district--Election--Transfer of responsibilities

Any fire protection district within the authority may be dissolved by a majority vote of the registered electors of the district at an election conducted by the election officials of the county or counties in which the district is located in accordance with the general election laws of the state. The proceedings for dissolution may be initiated by the adoption of a resolution by the board. The dissolution of the district shall not cancel outstanding obligations of the district or of a local improvement district within the district, and the county legislative authority or authorities of the county or counties in which the district was located may make annual levies against the lands within the district until the obligations of the districts are paid. All powers, duties, and functions of a dissolved fire protection jurisdiction within the authority boundaries, pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

52.26.130. Debt--Interlocal contracts--General obligation bonds

(1) An authority may incur general indebtedness for authority purposes, issue bonds, notes, or other evidences of indebtedness not to exceed an amount, together with any outstanding nonvoter approved general obligation debt, equal to three-fourths of one percent of the value of the taxable property within the authority. The maximum term of the obligations may not exceed twenty years. The obligations may pledge benefit charges and may pledge payments to an authority from the state, the federal government, or any fire protection jurisdiction under an interlocal contract. The interlocal contracts pledging revenues and taxes are binding for a term not to exceed twenty-five years, and taxes or other revenue pledged by an interlocal contract may not be eliminated or modified if it would impair the pledge of the contract.

(2) An authority may also issue general obligation bonds for capital purposes not to exceed an amount, together with any outstanding general obligation debt, equal to one and one-half percent of the value of the taxable property within the authority. The authority may provide for the retirement of the bonds by excess property tax levies. The voters of the authority must approve a proposition authorizing the bonds and levies by an affirmative vote of three-fifths of those voting on the proposition at an election. At the election, the total number of persons voting must constitute not less than forty percent of the voters in the authority who voted at the last preceding general state election. The maximum term of the bonds may not exceed twenty-five years. Elections shall be held as provided in RCW 39.36.050.

(3) Obligations of an authority shall be issued and sold in accordance with chapters 39.46 and 39.50 RCW, as applicable.

52.26.140. Levy of taxes--Levies authorized by special election-- Indebtedness--Definition

(1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) Authorities may provide for the retirement of general indebtedness by excess property tax levies as set forth in RCW 52.26.130.

(4) For purposes of this chapter, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

52.26.150. Levy of taxes--To be made by county or counties where authority is located

At the time of making general tax levies in each year, the county legislative authority or authorities of the county or counties in which a regional fire protection service authority is located shall make the required levies for authority purposes against the real and personal property in the authority in accordance with the equalized valuations of the property for general tax purposes and as a part of the general taxes. The tax levies are part of the general tax roll and must be collected as a part of the general taxes against the property in the authority.

52.26.160. Taxation of lands lying within authority and forest protection assessment area

In the event that lands lie within both a regional fire protection service authority and a forest protection assessment area they shall be taxed and assessed as follows:

(1) If the lands are wholly unimproved, they are subject to forest protection assessments but not to authority levies;

(2) If the lands are wholly improved, they are subject to authority levies but not to forest protection assessments; and

(3) If the lands are partly improved and partly unimproved, they are subject both to authority levies and to forest protection assessments. However, upon request, accompanied by appropriate legal descriptions, the county assessor shall segregate any unimproved portions which each consist of twenty or more acres, and thereafter the unimproved portion or portions are subject only to forest protection assessments.

52.26.170. Collection of taxes

It is the duty of the county treasurer of the county in which the regional fire protection service authority created under this chapter is located to collect taxes authorized and levied under this chapter. However, when a regional fire protection service authority is located in more than one county, the county treasurer of each county in which the authority is located shall collect the regional fire protection service authority's taxes that are imposed on property located within the county and transfer these funds to the treasurer of the county in which the majority of the authority lies.

52.26.180. Benefit charges

(1) The governing board of a regional fire protection service authority may by resolution, as authorized in the plan and approved by the voters, for authority purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the authority on the date specified and which have received or will receive the benefits provided by the authority, to be paid by the owners of the properties. A benefit charge does not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. However, a benefit charge does apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected. It is the duty of the county legislative authority or authorities of the county or counties in which the regional fire protection service authority is located to make any necessary adjustments to assure compliance with this limitation and to immediately notify the governing board of an authority of any changes thereof.

(2) A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and is subject to contest on the grounds of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the authority. The governing board of an authority may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but the property may be protected by the authority under a contractual agreement.

(3) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the authority, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(4) For the purposes of this section and RCW 52.26.190 through 52.26.270, the following definitions apply:

(a)(i) "Personal property" includes every form of tangible personal property including, but not limited to, all goods, chattels, stock in trade, estates, or crops.

(ii) "Personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock.

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

52.26.190. Benefit charges--Exemptions

All personal property not assessed and subjected to ad valorem taxation under Title 84 RCW, all property under contract or for which the regional fire protection service authority is receiving payment for as authorized by law, all property subject to chapter 54.28 RCW, and all property that is subject to a contract for services with an authority, is exempt from the benefit charge imposed under this chapter.

52.26.200. Benefit charges--Resolution--County assessor's duties

(1) The resolution establishing benefit charges as specified in RCW 52.26.180 must specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the benefit charge to be charged to each property owner subject to the resolution.

(2) The county assessor of each county in which the regional fire protection service authority is located shall determine and identify the personal properties and improvements to real property that are subject to a benefit charge in each authority and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the benefit charge to apply to each. These benefit charges must be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection apply.

52.26.210. Benefit charges--Administration and collection by county treasurer

Each regional fire protection service authority shall contract, prior to the imposition of a benefit charge, for the administration and collection of the benefit charge by each county treasurer, who shall deduct a percentage, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the benefit charges imposed on behalf of each authority, less the deduction provided for in the contract.

52.26.220. Benefit charges--Submission to voters--Renewal

(1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. A ballot measure that contains an authorization to impose benefit charges and that is approved by the voters pursuant to RCW 52.26.060 meets the proposition approval requirement of this section. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for(insert number of years not to exceed six) 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

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions)..... be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) 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
[] []"

52.26.230. Benefit charges--Establishment--Public hearings--Notice to property owners

(1) Not fewer than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this chapter, the governing board of the regional fire protection service authority shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities that will maintain or improve the services afforded in the authority. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to November 15th of each year the governing board of the authority shall hold a public hearing to review and establish the regional fire protection service authority benefit charges for the subsequent year.

(3) All resolutions imposing or changing the benefit charges must be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the authority.

(4) After the benefit charges have been established, the owners of the property subject to the charge must be notified of the amount of the charge.

52.26.240. Benefit charges--Limitation on imposition of property tax

A regional fire protection service authority that imposes a benefit charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.26.140(1)(c).

52.26.250. Benefit charges--Complaints--Review board

After notice has been given to the property owners of the amount of the charge, the governing board of a regional fire protection service authority imposing a benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of an aggrieved party owning property in the authority, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

52.26.260. Benefit charges--Model resolution--Assistance by Washington fire commissioners association

The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the regional fire protection service authority benefit charge authorized by this chapter and may provide assistance to authorities in the establishment of a program to develop benefit charges.

52.26.270. Benefit charges--Additional exemption

A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 is exempt from any legal obligation to pay a portion of the benefit charge imposed under this chapter as follows:

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b)(i) or (ii) is exempt from twenty-five percent of the charge;

(2) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

(3) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

52.26.280. Civil service--When authorized or required

(1) Subject to subsection (2) of this section, a regional fire protection service authority may, by resolution of its board, provide for civil service for its employees in the same manner, with the same powers, and with the same force and effect as provided by chapter 41.08 RCW for cities, towns, and municipalities, including restrictions against the discharge of an employee because of residence outside the limits of the regional fire protection service authority.

(2) If an agreement is reached to provide for civil service under RCW 52.26.100(6), the regional fire protection service authority shall establish such a system as is required by the agreement.

52.26.290. Annexation of territory

Territory that is annexed to a participating jurisdiction is annexed to the authority as of the effective date of the annexation. The statutes regarding transfer of assets and employees do not apply to the participating jurisdictions in the annexation.

52.26.900. Captions not law--2004 c 129

Captions used in this act are not any part of the law.

52.26.901. Severability--2004 c 129

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Exhibit C

AUBURN RESOLUTION ESTABLISHING PLANNING COMMITTEE

RESOLUTION NO. 4 0 3 8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO WORK WITH THE CITIES OF ALGONA AND PACIFIC TO ESTABLISH A PLANNING COMMITTEE FOR A REGIONAL FIRE PROTECTION SERVICE AUTHORITY

WHEREAS, in order to provide the most effective fire protection service for the City of Auburn and surrounding communities, it would be to the advantage to the City to explore creation of a regional fire protection service authority; and

WHEREAS, pursuant to state law, the establishment of a regional fire protection service authority commences with a planning committee to consider matters identified in RCW 52.26.040 and other related matters, ultimately culminating in preparation of a regional fire protection service authority plan to be submitted to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, HEREBY RESOLVES as follows:

Section 1. That the Mayor or designee is hereby authorized to take such steps as is appropriate for the development of a plan for a regional fire protection service authority including the cities of Auburn, Pacific and Algona, including identification and creation of a planning committee to address the statutory prerequisites for the regional fire protection service authority.

Section 2. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, and the following three elected officials are appointed to the planning committee in conformance with RCW 52.26.030(2):

- 1. Auburn Mayor Peter B. Lewis
- 2. Auburn City Councilmember Richard Wagner
- 3. Auburn City Councilmember Gene Cerino

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2006.

CITY OF AUBURN

ATTEST:

Danielle E. Daskam, City Clerk

PETER B. LEWIS, MAYOR

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Exhibit D

AUBURN RESOLUTION PLACING REGIONAL FIRE PROTECTION SERVICE AUTHORITY ON BALLOT – WITH PLAN

RESOLUTION NO. 4091

A RESOLUTION of the City Council of the City of Auburn, Washington, providing for the submission to the qualified electors of the City, at an election to be held on November 7, 2006, of a proposition regarding the creation of the Valley Regional Fire Protection Service Authority coextensive with the boundaries of the cities of Algona, Auburn and Pacific and the approval of a regional fire protection service authority plan; appointing persons to serve on the committees to draft the voter pamphlet statements for and against; and providing for other matters properly related thereto, with contingencies

WHEREAS, over the past few years, local municipalities have faced constraints that have resulted in decreasing tax revenues and increasing demand for services; and

WHEREAS, these constraints have increased the challenges facing cities in providing the municipal services upon which their citizens depend; and

WHEREAS, recent changes in the law have created opportunities that could help cities meet their needs of providing municipal services by consolidating among various participating municipalities the resources relegated to fire protection; and

WHEREAS, this consolidation of resources, through the establishment of a regional fire protection service authority, provides a way for the participating municipalities to maximize their abilities to provide police and fire protection services.

WHEREAS, in order to provide the most effective fire protection service for the City of Auburn and surrounding communities, the City Council of the City of Auburn, Washington, along with the city councils of the cities of Algona and Pacific, authorized the establishment of a Regional Fire Protection Authority Planning Committee to evaluate Regional Fire Protection needs and the parameters of the Regional Fire Protection Authority; and

WHEREAS, the Regional Fire Protection Authority Planning Committee (“RFA Committee”) developed its plan (“RFA Plan”) for the Valley Regional Fire Protection Authority, copies of which plan are on file with the city clerks for the cities of Algona, Auburn and Pacific (collectively, the “Cities”); and

WHEREAS, in accordance with said plan and with chapter 52.26 RCW, it is appropriate to place before the voters of the proposed Regional Fire Protection

Authority a proposition calling for the creation of the Valley Regional Fire Protection Authority and the approval of the Plan, all in accordance with state law; and

WHEREAS, the City Council of the City of Auburn heretofore passed its initial Resolution No. 4091, on September 5, 2006, based on the plan that included the three cities of Algona, Auburn and Pacific; and

WHEREAS, in the event that not all of the Cities approve the plan for submission to the voters, it would be appropriate to provide a contingency whereby the plan could proceed with the cities that did approve the plan, with a corresponding reduction of the geographic scope of the Valley Regional Fire Protection Authority, including only those cities that did so approve submitting the plan to the voters, amending Resolution No. 4091 as stated below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. FINDINGS AND DESCRIPTION OF PROPOSITION.

The City Council of the City of Auburn, Washington, hereby finds that it is in the best interests of the City to submit to the qualified electors of the City, at the general election to be held on November 7, 2006, a proposition regarding the creation of the Valley Regional Fire Protection Authority (the "Authority"), pursuant to chapter 52.26 RCW, and the approval of the Plan for the Authority. If approved by the voters in accordance with RCW 52.26.060, this proposition would: (1) create a regional fire protection service authority, as defined in RCW 52.26.020, whose boundaries are coextensive with the Cities, or, in the event that one of the cities did not approve submitting the plan to the voters, then coextensive with the boundaries of those Cities that did timely approve submitting the RFA Plan to the voters, with the plan being modified to exclude such city that did not so approve; and (2) approve the RFA Plan prepared by the RFA Committee and available from the City Clerks of the Cities. The governing body of the RFA shall have such rights to modify the details of the RFA Plan from time to time as provided by law and the provisions of the RFA Plan; PROVIDED That in the event that any one of the three cities fails to approve the plan for submission to the voters for consideration at the November 7, 2006 election, the ballot measure and the Plan shall be amended to include only the remaining two participating cities, and the question shall be presented to the voters of the two participating cities at the November 7, 2006 election, as amended. In such event, if approved by the voters of the two

participating cities by the requisite number of votes, the Authority shall be formed with boundaries coextensive with those of the two participating cities, and all references in the Plan to the non-participating city shall be automatically deleted. No further action of the Planning Committee shall be required to complete the amendments described herein.

Section 2. BALLOT TITLE AND PROPOSITION

The Director of Records and Elections of King County, Washington, and the Pierce County Auditor (together, the "County Auditors"), as *ex officio* supervisor of elections in each County, are each hereby requested to submit to the qualified electors of the City, at the general election to be held on November 7, 2006, a proposition in the following form, which has been prepared by the City Attorney pursuant to RCW 29A.36.071:

PROPOSITION _____

City of Auburn, Washington

CREATION OF REGIONAL FIRE PROTECTION SERVICE AUTHORITY

The Regional Fire Protection Service Authority Planning Committee has submitted to the Cities of Auburn, Algona and Pacific a Regional Fire Service Plan to create a Regional Fire Protection Service Authority under chapter 52.26 RCW. If this measure is approved, it would approve the Plan to create a regional authority for fire protection and emergency services funded with fire benefit charges (not more than 60% of operating budget) and property taxes (not more than \$1.50/\$1,000 assessed value). The maximum City property tax rate would be reduced by the tax rate collected by the Authority. Fire benefit charges would be authorized for 2008 through 2013, during which time the Authority's maximum property tax would be reduced to \$1.00/\$1,000.

Should the Plan for a Regional Fire Protection Service Authority be approved?

YES

NO

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom the Director of Elections shall provide such notice.

Section 3. APPOINTMENT OF VOTER PAMPHLET COMMITTEES

The City Council proposes and appoints the following persons to serve on the committees to draft the statements for and against the above described proposition as may be published in the applicable Voter's Pamphlet and/or other appropriate voter information:

Statement for:

1. _____, Citizen
2. _____, Citizen
3. _____, Citizen

Statement Against:

1. _____, Citizen
2. _____, Citizen
3. _____, Citizen

Section 4. COPIES FILED WITH THE KING AND PIERCE COUNTY AUDITOR.

The City Clerk, or her designee, is hereby authorized and directed, no later than September 22, 2006, to provide to each County Auditor a certified copy of this resolution and to perform such other duties as are necessary or required by law to the end that the proposition described in this resolution appear on the ballot at the November 7, 2006 election. All actions taken prior to the effective date of this resolution and in furtherance of this objective are hereby ratified and confirmed.

Section 5. IMPLEMENTATION.

The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including modifying the text of the RFA Plan and the text of the Ballot Measure and any other text, language and/or descriptions relative thereto, in the event that one of the other cities did not timely approve submitting the plan to the voters, and adding the names of individuals, if able to be identified, to serve on the committees to draft the statements for and against the above described proposition as may be published in the applicable Voter's Pamphlet and/or other appropriate voter information.

Section 6. EFFECTIVE DATE.

This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this _____ day of _____, 2006.

CITY OF AUBURN

ATTEST:

PETER B. LEWIS, Mayor

Danielle Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney



City of Algona



City of Auburn



City of Pacific



VALLEY REGIONAL FIRE AUTHORITY

REGIONAL FIRE PROTECTION SERVICE AUTHORITY PLAN

August 29, 2006

REGIONAL FIRE PROTECTION SERVICE AUTHORITY NEEDS STATEMENT:

(1) The ability to respond to emergency situations by fire protection / emergency medical services jurisdictions has not kept up with the community's needs and special service demands, particularly in urban regions;

(2) Providing a fire protection and emergency medical service system requires a shared partnership and responsibility among the local and regional governments and the private sector;

(3) There are efficiencies to be gained by regional fire protection / emergency medical service delivery while retaining local control; and

(4) Timely development of significant projects can best be achieved through enhanced funding options for regional fire protection / emergency medical service agencies, using already existing taxing authority to address fire protection / emergency service needs and new authority to address critical fire protection projects and emergency services.

REGIONAL FIRE PROTECTION SERVICE AUTHORITY PLAN DEFINITIONS:

The definitions in this section apply throughout this RFPSA Plan, unless the context clearly requires otherwise.

(1) "**Board**" means the governing body of a regional fire protection service authority.

(2) "**Participating jurisdictions**" means the municipal jurisdictions joining the RFPSA in accordance with RCW 52.26.

(3) "**Regional Fire Protection Service Authority**" or "**RFPSA**" means a municipal corporation, an independent taxing authority within the meaning of Article VII, Section 1 of the state Constitution, and a taxing district within the meaning of Article VII, Section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under RCW 52.26 to implement a **Regional Fire Protection Service Authority Plan**.

(4) "**Regional Fire Protection Service Authority Planning Committee**" or "**Planning Committee**" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a **Regional Fire Protection Service Authority Plan** to design, finance, and develop a regional fire protection and emergency service jurisdiction.

(5) "**Regional Fire Protection Service Authority Plan**." or "**Plan**" means a plan to develop and finance a Regional Fire Protection Service Authority jurisdiction, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and the preservation and maintenance of existing or future facilities and services.

OBJECT I: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

FORMATION AUTHORITY

REFERENCE:

1. *AUTHORITY* to form a **REGIONAL FIRE PROTECTION SERVICE AUTHORITY** between the City of Algona, the City of Auburn, and the City of Pacific is authorized by RCW 52.26.
2. Authority and empowerment of the Algona / Auburn / Pacific **PLANNING COMMITTEE** is provided by RCW 52.26.030.
3. Appointment and participation on the Algona / Auburn / Pacific RFPSA Planning Committee includes the Mayor's of each respective jurisdiction and two appointed City Council members in accordance with RCW 52.26.030.
4. Upon successful development and approval of the RFPSA Plan by the RFPSA Planning Committee, the RFPSA Plan shall be brought to each participating jurisdiction's city council for approval and adoption by resolution for placement of the RFPSA Plan on the ballot for approval by the respective voters.

ACTIVITY/OPERATION:

1. No current activity or operation of the Auburn Fire Department or Pacific Fire Department will change during the planning period of the RFPSA.
2. Should the RFPSA Plan be ratified with a successful vote by the collective electorate of Algona, Auburn, and Pacific, the RFPSA shall be formed on January 1, 2007.

ASSETS/DOCUMENTATION TRANSFERRED:

1. No transfer of current assets, equipment, documents, contracts, agreements, or records of the Auburn Fire Department or Pacific Fire Department will occur during the planning period of the RFPSA.
2. The transfer of assets, equipment, documents, contracts, agreements, and records to the RFPSA from the respective participating fire departments shall occur on January 1, 2007, and be in accordance with the Objectives identified in this RFPSA Plan.

RFPSA PLAN REVISION DISPOSITION:

The *AUTHORITY* portion of the RFPSA Plan is subject to alteration only by a revised RFPSA Plan being re-submitted to the electorate for approval.

OBJECT II: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

JURISDICTIONAL BOUNDARIES

REFERENCE:

The authority to define the JURISDICTION of the Regional Fire Protection Service Authority is provided by RCW 52.26.020 (2).

ACTIVITY/OPERATION TRANSFERRED:

1. The jurisdictional boundaries of the RFPSA shall be the current legal boundaries of each jurisdiction, which boundaries are depicted on the map attached hereto and marked as Appendix A of this Plan, and shall be transferred on January 1, 2007 upon successful approval by the collective electorate.

2. All annexations by the City of Algona, Auburn, and Pacific after the date of RFPSA formation (January 1, 2007) shall automatically be transferred into the RFPSA in accordance with RCW 52.26.100. The territory added to the RFPSA by annexation to a participating jurisdiction shall be thereafter subject to the taxation, charges, and bonded indebtedness of the RFPSA in the same means as the RFPSA.

ASSETS TRANSFERRED:

Transfer of authority and jurisdiction for the RFPSA from the respective participating fire departments shall occur on January 1, 2007 in accordance with the Objectives identified in this RFPSA Plan.

RFPSA PLAN REVISION DISPOSITION:

The *JURISDICTION* portion of the RFPSA Plan is subject to alteration only by a revised RFPSA Plan being re-submitted to the electorate for approval.

OBJECT III: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

FUNDING

REFERENCE:

1. The authority to provide FUNDING and levy taxes for the RFPSA is provided by RCW 52.26.050, RCW 52.26.140, RCW 52.26.150, RCW 52.26.160, RCW 52.26.170, and RCW 52.26.180.
2. The authority and mechanism for the collection of taxes and the benefit service charge shall be in accordance with RCW 52.26.200, RCW 52.26.210, RCW 52.26.220, and RCW 52.30.020.

ACTIVITY/OPERATION:

1. The funding for the operation and administration of the RFPSA contributed by each of the participating jurisdictions for **2007** operations shall be in an amount equal to the funding total approved for fire department services in the budgets of each respective participating jurisdiction of the RFPSA for the **2007** calendar year.
2. Funding for the RFPSA beginning in Fiscal Year 2008 and beyond shall be accomplished by an ad valorem fire tax of \$1.00 per thousand and a benefit service charge on all improved properties of Algona, Auburn, and Pacific based upon the formula and methodology provided in Appendix B of this RFPSA Plan.
3. To the extent permitted by law, the RFPSA shall contract with agencies and entities exempt from ad valorem taxes in accordance with RCW 52.30.020 and related statutes, provided that this shall not include contracts with, or the need to contract with or otherwise pursue funding from, the participating jurisdictions of the cities of Algona, Auburn, and Pacific.

FINANCIAL ASSETS TRANSFERRED:

1. No financial assets of the City of Algona, City of Auburn, and the City of Pacific shall be transferred to the RFPSA on the date of formation unless otherwise specifically allowed by the RFPSA Plan.
2. Transfer of funds for the **2007** RFPSA Operating Budget only shall occur from the City of Algona, City of Auburn, and the City of Pacific as provided by the City of Auburn Financial Director.

RFPSA PLAN REVISION DISPOSITION:

The *FUNDING* portion of the RFPSA Plan is subject to alteration only by a revised RFPSA Plan being re-submitted to the electorate for approval.

OBJECT IV: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

GOVERNANCE

REFERENCE:

The authority to provide GOVERNANCE for the Regional Fire Protection Service Authority is provided by RCW 52.26.080 and RCW 52.26.090.

ACTIVITY/OPERATION:

1. As provided by RCW 52.26.080, the RFPSA Governing Board shall come into existence and authority on January 1, 2007.
2. As provided by RCW 52.26.080, the RFPSA Governing Board shall consist of the current Mayor and two (2) current, seated city council members from the City of Algona, City of Auburn, and City of Pacific.
3. There shall be an equal number of members from each represented jurisdiction to sit on the Governance Board.
4. The RFPSA Governance Board shall adopt governance policies and rules for conducting business for the RFPSA upon formation after January 1, 2007, in accordance with RCW 52.26.080.
5. The RFPSA Governance Board shall adopt bylaws to govern RFPSA affairs upon formation after January 1, 2007, in accordance with RCW 52.26.080.
6. The RFPSA Governance Board shall have all the power and authority granted governing boards under Washington State Law, and shall include the power and authority to make any decisions appropriate for the RFPSA and for issues related to RCW 52.26.
7. Placement of ballot measures before the voters of the RFPSA.
 - a. Ballot measures may be placed on the ballot for a vote by the members of the RFPSA by a majority vote of the members of the Governing Board of the RFPSA.
 - b. Ballot measures may also be placed before the voters of the RFPSA by the unanimous vote of the elected official representatives of the participating jurisdiction constituting a majority of the entire population of the RFSA.

ASSETS TRANSFERRED:

Unless otherwise noted in this Plan, all *current* assets, equipment, documents, contracts, agreements, and records from the respective participating fire departments relating to the GOVERNANCE of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.

RFPSA PLAN REVISION DISPOSITION:

The *GOVERNANCE* portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

OBJECT V: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

ORGANIZATIONAL STRUCTURE

REFERENCE:

The authority for the RFPSA to establish an ORGANIZATIONAL STRUCTURE is provided in RCW 52.26.040.

ACTIVITY/OPERATION:

1. On the day of formation, the RFPSA shall be organized and managed, with leadership provided as shown in Appendix C of this RFPSA Plan.
2. The RFPSA Administrative / Operations / Prevention Divisions of the RFPSA shall be organized and a chain of command be established in accordance with the organizational structure provided in Appendix C.
3. The current Deputy Fire Chief of Auburn shall be appointed as the Interim Fire Chief of the RFPSA, until such time as the Governing Board makes a permanent appointment or selection.
4. The RFPSA shall complete a business plan within thirty (30) days of formation. The business plan shall identify the leadership model, identify all divisions of the RFPSA and their mission/duties, identify the chain of command, identify mission/vision/value statements, identify external and internal services the RFPSA will provide, and identify the chain of communications.

ASSETS TRANSFERRED:

Unless otherwise noted in this Plan, all *current* assets, equipment, documents, contracts, agreements, and records from the respective participating fire departments relating to the ORGANIZATIONAL STRUCTURE of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.

RFPSA PLAN REVISION DISPOSITION:

The *ORGANIZATIONAL STRUCTURE* portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

OBJECT VI: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

ADMINISTRATIVE / MANAGEMENT / PERSONNEL COMPONENTS

REFERENCE:

The authority for the RFPSA to establish and provide ADMINISTRATIVE / MANAGEMENT / PERSONNEL components is provided in RCW 52.26.040.

ACTIVITY/OPERATION:

1. The RFPSA shall be organized as provided in Appendix C of this RFPSA Plan.
2. The current Deputy Fire Chief of Auburn shall be appointed as the Interim Fire Chief of the RFPSA, until such time as the Governing Board makes a permanent appointment or selection.
3. The current Executive, Command, and Administrative staff of the participating fire agencies shall be transferred over to the RFPSA to fulfill the duties of those positions outlined in the organizational structure in Appendix C. All current FTE's of the Auburn and Pacific Fire Departments shall be transferred on the day of formation at their current rank, grade and seniority.
4. Unless otherwise noted in this RFPSA Plan, the transfer of authority and the administration and management of the RFPSA shall be seamless and shall initially model the current administrative and management components of the Auburn Fire Department.
5. All current employee agreements, collective bargaining unit agreements, outstanding labor issues, personal service contracts, and any other contracts or agreements pertaining to work, duties, services, or employment with the City of Auburn Fire Department and the City of Pacific Fire Department shall be transferred over with all personnel on the day of formation. Any consolidation of employees into one of the existing labor agreements must be mutually agreed upon by the labor unions and each of the participating jurisdictions prior to the January 1, 2007 implementation date of the RFPSA.
6. The City of Auburn will keep the liability for retired and active LEOFF I Auburn Fire Department FTE's to include medical and long-term care insurance payments and any other expenses incurred by Auburn Fire Department LEOFF I personnel in accordance with the City of Auburn LEOFF I Policies and Procedures.
7. The City of Auburn LEOFF Board will continue to oversee LEOFF I benefits for said personnel in accordance with the City of Auburn LEOFF I Policies and Procedures.
8. The City of Auburn will retain its Fire Relief and Pension Fund and make required pension payments to eligible LEOFF I participants.
9. The City of Auburn will work with the Association of Washington Cities to maintain the current medical / dental and vision plan for the RFPSA personnel which will be paid for by the RFPSA.
10. A RFPSA Management / Labor Committee shall be formed for the purposes of providing effective communication and input for the leadership and workforce of the RFPSA into operational and administrative issues. The Labor / Management Committee will develop their own operating guidelines in accordance with the current collective bargaining agreements and those mutually agreed upon guidelines and procedures that enhance the effectiveness of the Committee.
11. The Administrative Staff of the RFPSA shall be the current members of the Auburn Fire Department Administrative Staff. All current administrative and business functions, agreements, documents, operations, and policies and procedures from the Auburn Fire Department shall transfer over to the RFPSA unless otherwise noted in this Plan.
12. For 2007, human resource and personnel activities and duties of the RFPSA shall be provided by the City of Auburn Human Resources Department. The RFPSA shall contract for such services beginning January 1, 2008, and provide up-to-date personnel policy and procedural documents for the Auburn Human Resource Department upon which to conduct RFPSA business.
13. For 2007, the City of Auburn Finance Department shall provide financial services and act as the RFPSA's Treasurer. Revenue services, payroll activities, accounts payable, accounts receivable,

billing or fees for service, and RFPSA fund management and investment services shall be provided by contract from the City of Auburn beginning January 1, 2008.

14. For 2007, legal services shall be provided to the RFPSA by the City of Auburn Legal Department for those services necessary to operate the RFPSA. The RFPSA shall contract for such services beginning January 1, 2008.

15. For 2007, the RFPSA shall provide its own insurance services through contractual arrangements; however, risk management services for operations, administration, support, and capital assets will be provided by the City of Auburn. The RFPSA shall contract for such insurance services beginning January 1, 2008.

16. For 2007, the City of Auburn will work with WCIA to obtain liability and property insurance for the RFPSA, which will be paid for by the RFPSA. The RFPSA shall contract for such services beginning January 1, 2008.

17. The RFPSA shall conduct and develop an organizational Strategic Plan to include services, levels of service, standards of coverage, deployment standards, and customer expectations during the first year of operations (2007).

ASSETS TRANSFERRED:

1. Unless otherwise noted in this Plan, all *current* assets, equipment, documents, contracts, agreements, and records from the respective participating fire departments relating to the ADMINISTRATIVE AND MANAGEMENT / PERSONNEL components of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.

2. All current executive and command functions, operations, policies, and procedures from the Auburn Fire Department shall transfer over to the RFPSA unless otherwise noted in this Plan.

3. Transfer of assets for the RFPSA from the respective participating fire departments shall occur on January 1, 2007 in accordance with the Objectives identified in Plan.

RFPSA PLAN REVISION DISPOSITION:

The *ADMINISTRATIVE/MANAGEMENT/PERSONNEL* portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

OBJECT VII: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

OPERATIONS AND DELIVERY SYSTEMS

REFERENCE:

The authority for the RFPSA to establish and provide OPERATION and DELIVERY SYSTEM components of the RFPSA Plan is provided in RCW 52.26.040.

ACTIVITY/OPERATION:

1. Upon successful approval by the electorate, all current operational and service delivery aspects of the Auburn and Pacific Fire Departments shall be transferred over on the day of formation.
2. Current staffing models, standards of coverage, deployments standards, field operations, command staffing, and operational policies and procedures shall be transferred and continued at the current level of service on the day of transfer.
3. As a part of the Organizational Strategic Plan exercise, required by this Plan in 2007, the RFPSA shall adopt new standards of coverage and a deployment plan based upon the new jurisdictional boundaries.
4. All current automatic aid and mutual aid agreements, and any other contractual services agreements, documents, or memorandums currently in place with the City of Auburn and the City of Pacific, shall be transferred over on January 1, 2007 to provide continuous, seamless readiness and emergency services coverage.
5. Construction of a new fire station at 4910 A Street SE, Auburn, Washington, shall commence not later than April 30, 2008.

ASSETS/DOCUMENTATION TRANSFERRED:

1. The real property of each participating jurisdiction that currently has fire stations constructed upon it, and that will be used by the RFPSA, shall be retained in ownership by the respective participating jurisdiction, and shall be available for the RFPSA to continue using for fire/emergency medical services operational purposes only. The RFPSA shall pay each respective jurisdiction one dollar (\$1) per year for each site to use for said purposes. Should the real property of any participating jurisdiction, or any portion of the real property, be used by the RFPSA for other purposes than stated above, the right to use the real property of said jurisdiction shall immediately cease and possession of the real property shall be returned to the jurisdiction owning the real property. See Appendix D for the details of what property is retained or transferred.
2. Unless otherwise set forth in Appendix D, all non-real property assets shall be transferred to the RFPSA for fire/emergency medical services operations purposes only, provided that all reserve cash funds established for equipment /apparatus replacement shall be retained by each participating jurisdiction to be used for any governmental purpose their Council deems.
3. Any real property surplus by the Federal Government which currently houses fire/emergency medical service facilities shall be owned by the participating jurisdiction in which the property is located. To this extent, the lease for fire station number 33 shall be excluded from any asset transfer to the RFPSA.
4. All building and equipment, whose ownership is retained by the respective participating jurisdiction, shall be operated, insured, and maintained at the expense of the RFPSA.
5. Unless otherwise noted in this Plan, all *current* assets, equipment, documents, contracts, agreements, and records from the respective participating fire departments relating to OPERATIONS and DELIVERY SYSTEMS of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.
6. Transfer of assets for the RFPSA from the respective participating fire departments shall occur on January 1, 2007 in accordance with the Objectives identified in this current RFPSA Plan.

RFPSA PLAN REVISION DISPOSITION:

The OPERATIONS and DELIVERY SYSTEMS portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

OBJECT VIII: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

SUPPORT SERVICES

REFERENCE:

1. The authority for the RFPSA to establish and provide SUPPORT SERVICES components is provided in RCW 52.26.040.

ACTIVITY/OPERATION:

1. The current Auburn Fire Department and Pacific Fire Department staff assigned to Support Services, Logistics, Supply, Fleet Maintenance, and Facilities shall be transferred over to fulfill the duties of those services as outlined in the organizational structure in Appendix C.

2. Unless otherwise noted in this RFPSA Plan, the transfer of authority and the Support Services of the RFPSA shall be seamless and shall initially model the current Support Services of the Auburn Fire Department.

3. For 2007, the City of Auburn shall provide the RFPSA with Information Technology (IT) and Information Management (IM) services. The RFPSA shall contract for such services beginning January 1, 2008, in order to provide seamless, up-to-date IT/IM Services for the City of Auburn to assist with RFPSA business.

4. The RFPSA will contract with the City of Kent for continued fleet maintenance services. The RFPSA shall contract for such services beginning January 1, 2008, in order to provide seamless repair, maintenance, and readiness operations of the RFPSA fleet.

5. For 2007, facility maintenance services shall be provided to the RFPSA by the City of Auburn. The RFPSA shall contract for such services beginning January 1, 2008, in order to provide seamless repair, maintenance, and readiness operations of the RFPSA facilities.

6. For 2007, non-specialized fire fleet vehicles, not covered in the fleet maintenance and repair contract with Kent referenced in item 4 of this section, will continue as a function with the City of Auburn vehicle maintenance and repair shops. The RFPSA shall contract for such services beginning January 1, 2008, in order to provide seamless repair, maintenance, and readiness of the RFPSA fleet.

7. In 2007, the current fuel procurement and associated fuel services will be provided by the City of Auburn. The RFPSA shall contract for such services beginning January 1, 2008.

ASSETS TRANSFERRED:

1. Unless otherwise noted in this Plan, all *current assets* assigned to and relating to the SUPPORT SERVICES of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.

2. Transfer of assets for the RFPSA from the respective participating fire departments shall occur on January 1, 2007 in accordance with the Objectives identified in this current RFPSA Plan.

RFPSA PLAN REVISION DISPOSITION:

The *RFPSA SUPPORT SERVICES* portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

OBJECT IX: REGIONAL FIRE PROTECTION SERVICE AUTHORITY

PREVENTION / PUBLIC EDUCATION SERVICES

REFERENCE:

1. The authority for the RFPSA to establish and provide FIRE PREVENTION /PUBLIC EDUCATION components is provided in RCW 52.26.040.

ACTIVITY/OPERATION:

1. The RFPSA Prevention/Education division shall be organized as provided in Appendix C of this RFPSA Plan.
2. The current Auburn Fire Department and Pacific Fire Department staff assigned to Fire Prevention and Public Education Services shall be transferred over to fulfill the duties of those RFPSA services outlined in the organizational structure in Appendix C.
3. Unless otherwise noted in this RFPSA Plan, the transfer of authority and the Fire Prevention and Public Education Services of the RFPSA shall be seamless and shall initially model the current Fire Prevention and Public Education Services of the Auburn Fire Department.
4. The RFPSA Fire Marshal will work closely with the City of Algona, the City of Auburn, and the City of Pacific in adopting updated codes and developing municipal standards regarding fire prevention, fire codes, and life safety codes.
5. The RFPSA Fire Marshal will work closely with the City of Algona, the City of Auburn, and the City of Pacific in reviewing and making recommendations on all new construction or development projects within the RFPSA and respective Potential Annexation Area's and Urban Growth Area's, according to municipal standards for fire prevention, fire codes, and life safety codes.
6. The City of Algona, the City of Auburn, and the City of Pacific will retain code enforcement authority in accordance with Washington State law for their respective jurisdictions. While the RFPSA will provide all inspection and fire prevention services, the code enforcement responsibility shall remain with the respective cities.
7. For 2007, the City of Auburn Legal Department will provide the RFPSA the legal services necessary to operate the RFPSA fire prevention division. However, the primary legal services for code enforcement activities will remain with each City participating in the RFPSA for activities occurring within said participating jurisdictions.

ASSETS TRANSFERRED:

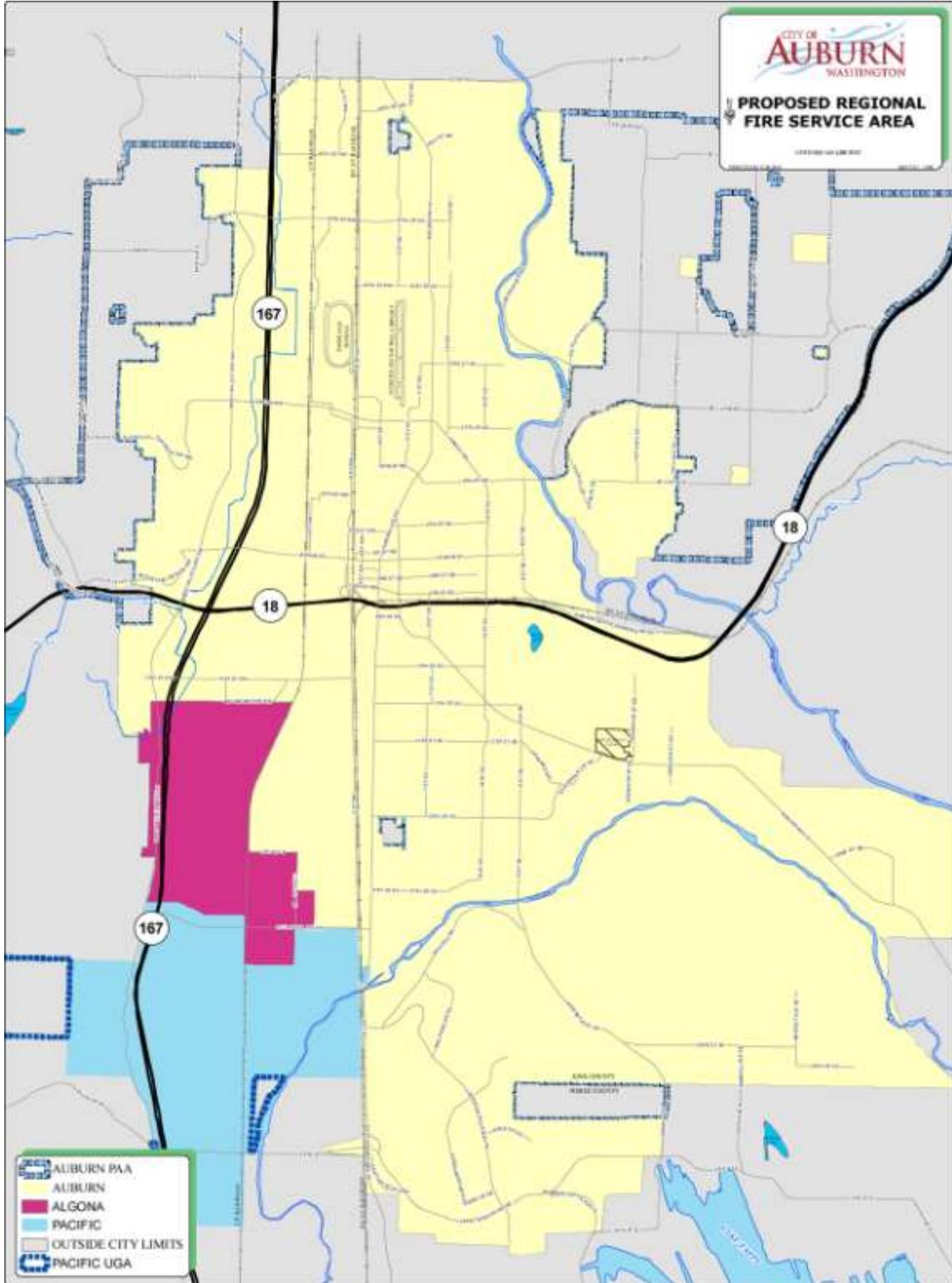
1. Unless otherwise noted in this Plan, all *current assets* assigned to, and relating to, the FIRE PREVENTION/PUBLIC EDUCATION DIVISION of the Auburn and Pacific Fire Departments shall be transferred to the RFPSA.
2. Transfer of assets for the RFPSA from the respective participating fire departments shall occur on January 1, 2007 in accordance with the Objectives identified in this current RFPSA Plan.

RFPSA PLAN REVISION DISPOSITION:

The **FIRE PREVENTION/PUBLIC EDUCATION** portion of the RFPSA Plan may be revised by a majority vote of the current sitting RFPSA Governance Board.

APPENDIX A

- ⊕ **City of Algona** municipal city limits
- ⊕ **City of Auburn** municipal city limits
- ⊕ **City of Pacific** municipal city limits



APPENDIX B – RFPSA BENEFIT CHARGE FORMULA

Auburn/Algona/Pacific Fire Authority Fire Benefit Charge Formula

The basis for benefit charge assessments used or favored by most fire jurisdictions that have considered them is “fire flow”. The principle is that the basic unit of public fire service is delivery of water to the fire. Fire flow increases with fire load, a determination that accounts primarily for building construction type, use type and size (total area). Therefore, the Board has adopted the following fire flow based formula for the calculation of the fire benefit charge.

$$\text{SQRT(Square Feet)} * 18 * \text{CF} * \text{CPG} * \text{BF} * \text{Senior or Sprinkler Disc.} = \text{FBC}$$

(If applicable)

SQRT(Square Feet) * 18 * Construction Type

This is an ISO formula for determining fire flow (Ref: *NFPA Handbook, 18th Ed., Ch 6, Water Flow Requirements for Fire Protection*). We have used a Construction Type factor of “1” due to the variety of construction types in the Fire Authority and the inability to determine the construction type for every structure from existing database information. Therefore, since Construction Type is equal to “1”, we have not displayed this factor within the FBC formula itself.

Category Factors (CF):

Multi-Family = 0.6

Commercial

Comm 1	= 1.0 < 4,000 sq. ft.
Comm 2	= 3.0 < 10,000 sq. ft.
Comm 3	= 4.5 < 30,000 sq. ft.
Comm 4	= 6.5 < 100,000 sq. ft.
Comm 5	= 8.0 < 200,000 sq. ft.
Comm 6	= 10.0 > 200,000 sq. ft.

Mobile Home = 0.8

Residential = 1.0

Categories are “Use Type” groups. Use Type information is obtained from the County database. Each **Category Factor** is a weighted value and is determined by evaluating the relative “fire benefit” provided to the category of structures. The benefit to each category of structures is proportional to the total square feet of improvements of the Fire Authority.

Cost Per Gallon (CPG):

The Cost Per Gallon (CPG) is determined by dividing the total Supplemental Operating funds needed (**Total FBC**) by the **Total Fire Flow** (SQRT(totsqft)*18) of the total Fire Authority.
(TotFBC/TotFF) = CPG

Balancing Factor (BF):

The Balancing Factor is used as an adjustable multiplier to finely tune the FBC calculation to reach precisely the desired target FBC amount.

Senior Citizen Discount:

Seniors are eligible for the same discount rate they receive for regular property taxes. This information is obtained from, and maintained by, King County.

Sprinkler System Discount:

A Commercial building with a full coverage sprinkler system will receive a ten percent (10%) FBC discount. Partial coverage systems are considered on a case-by-case basis but will normally be proportional to the total area of the building.

Minimum Square Footage:

A Benefit Charge will not be applied to parcels with a total improvement square footage of less than 400 sq. ft.

Mobile Homes:

King County does not adequately maintain square feet data for mobile homes. Since the FBC formula is based upon building square footage, the Board determined the most practical means was to consider the average mobile home square footage and apply it to each mobile home parcel. They determined the average mobile home size to be 1500 square feet.

Decks and Porches:

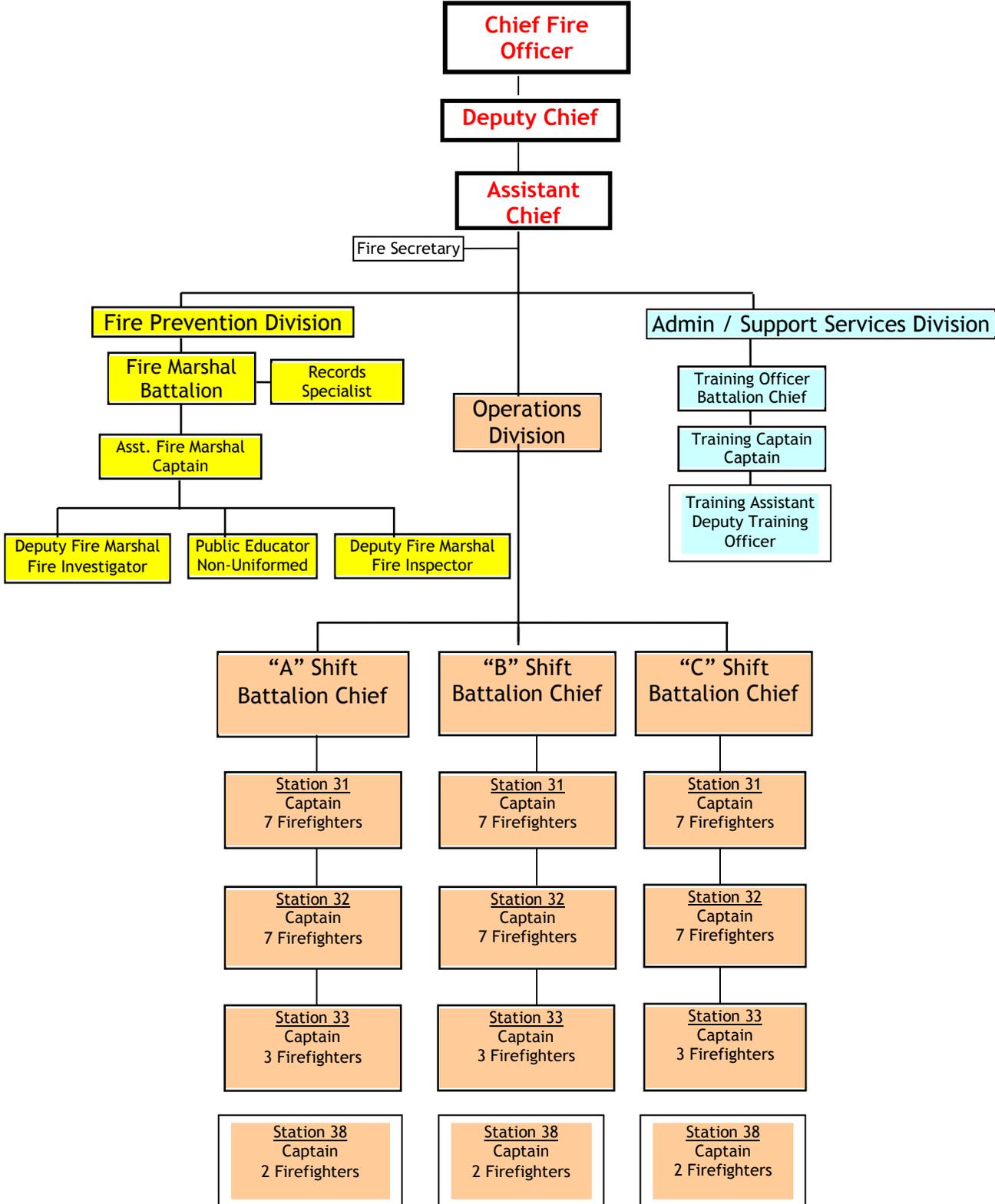
The square footage for decks and porches are not included in the total improvement square footage for the parcel. The information is not applied consistently by the County and creates many more appeals than the benefit of trying to include them.

Formula Application:

The formula is applied uniformly to all parcels except for Multi-Family parcels where the parcel square footage is divided by the number of apartment units within the parcel to determine the average square footage per unit. That resulting average is inserted in the formula thereby determining the “average” FBC for each unit. That figure is then multiplied by the number of units within the parcel to produce the total FBC for that parcel.

VALLEY RFPSA

Organizational Chart



APPENDIX D

Pacific Fire Station #38, located at 133 3rd Avenue SE, Pacific, Washington

Auburn Fire Station #31, located at 1101 D Street NE, Auburn, Washington

Auburn Fire Station #32, located 1951 R Street SE, Auburn, Washington

Auburn Fire Station #33, located 2902 C Street SW, Auburn, Washington

Auburn land located at 4910 A Street, King County tax parcel number 3621049018 (The ownership of this property shall be retained by the City of Auburn.)

Auburn land located at 350 Oravetz Road SE, King County tax parcel number 3354400680 (The ownership of this property shall be retained by the City of Auburn.)

No other real property shall be used by or transferred to the RFPSA, including the Auburn land located on 30th Street SE (I street and AWN) , King County tax parcel number 0001000020 (The ownership of this property shall be retained by the City of Auburn. This land is retained by the City of Auburn for its municipal purposes, and it shall not be transferred to the RFPSA for any of its purposes).