

ORIGINAL

JOINT RESOLUTION NO. 2010-01

A JOINT RESOLUTION of the City Council of the City of Prosser, Washington, and the Board of Commissioners of Benton County Fire Protection District No. 3, providing for the submission to qualified electors of the City and the District, at the general election to be held on November 2, 2010, of a proposition that, pursuant to Chapter 52.26 of the Revised Code of Washington, approves a plan to form a regional fire protection service authority within the boundaries of the City and the District, effective July 1, 2011 and providing for other matters properly related thereto.

RECITALS

A. The ability to respond to emergency situations by fire protection and emergency medical service agencies has not kept up or progressed with community needs and special service demands. Providing an effective fire protection and emergency medical service system requires a collaborative partnership and responsibility among local and regional governments and the private sector.

B. There are efficiencies that can be gained by regional fire protection and emergency medical service delivery, while maintaining local control.

C. The City of Prosser ("the City") and Benton County Fire Protection District No. 3 ("the District") have had a cooperative partnership, striving to provide the highest level of fire protection and emergency medical services to their citizens within the confines of available resources. This cooperative partnership began with an interlocal agreement in 2002, which created a separate entity to provide services funded through contributions from both parties.

D. In 2009, the City and the District formed a Planning Committee to evaluate regional fire protection needs, stable funding mechanisms and the parameters of the Regional Fire Protection Service Authority (the "Prosser RFA");

ORIGINAL

E. The Planning Committee met and prepared a Plan to create the "Prosser Regional Fire Authority," and to govern and finance its operation. The Plan is being formally approved and adopted by each entity pursuant to this Joint Resolution. A copy of the Plan is attached as Exhibit A and incorporated by this reference. Copies are also available from the administrative offices of the City and the District.

F. Authority to form a Regional Fire Protection Service Authority is authorized by Chapter 52.26 RCW. Chapter 52.26 RCW requires that in order to create a Regional Fire Protection Service Authority, the Plan must be approved by the voters of the area affected by the Plan. Therefore, in accordance with the Plan and state law, it is appropriate to place before voters within the proposed service boundaries of the Regional Fire Protection Services Authority, at the general election to be held on November 2, 2010, calling for the creation of the Prosser Regional Fire Authority, to be funded by a property tax levy, and the approval of the Plan, all in accordance with state law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, AND THE BOARD OF COMMISSIONERS OF BENTON COUNTY FIRE PROTECTION DISTRICT NO. 3, DO HEREBY RESOLVE AS FOLLOWS:

**RESOLUTION**

**SECTION 1. – Findings of Prosser City Council and Benton County Fire Protection District No. 3.** The City Council of the City of Prosser Washington and the Board of Commissioners of Benton County Fire Protection District No.3 hereby find that it is in the best interests of the City and the District to submit to the qualified electors of the City and the District at the general election to be held on November 2, 2010, a proposition to approve the Plan and to create the Prosser Regional Fire Authority. The Plan authorizes the RFA to be initially funded by a regular property tax levy of up to \$1.50 per \$1,000 of assessed value, which is offset by a state law mandated reduction in City and District property tax levy rates. Certain other revenue sources may be

ORIGINAL

authorized in the future, including the authority to propose to the voters additional voted tax levies and fire benefit charges, if the Plan is approved by a supermajority of the voters. The City and the District expect that the RFA will be initially funded by a regular property tax, and estimate the levy for collection in 2012 to be approximately \$0.97 per \$1,000 of assessed value.

If approved by a simple majority of the voters within the boundaries of the proposed Authority voting on the ballot proposition in accordance with RCW 52.26.060, this proposition would create a regional fire protection service authority as provided in chapter 52.26 RCW called the "Prosser Regional Fire Authority," with boundaries coextensive with the boundaries of the City of Prosser and Benton County Fire Protection District No. 3, effective July 1, 2011 funded by a property tax and other sources that do not require supermajority voter approval. If this ballot proposition is approved by a supermajority, it would also allow the Authority to submit to the voters certain taxes and benefit charges requiring supermajority voter approval without requiring amendment of the Plan. Certain provisions of the Plan may be amended by the Governing Board of the proposed Authority without requiring voter approval, all as set forth in the Plan.

**SECTION 2. - Proposition for Voter Submittal.** There shall be submitted to the qualified electors of the District and the City for their ratification or rejection, at the general election on November 2, 2010, the question of whether or not the Prosser Regional Fire Authority should be created in accordance with the Plan. The Board of Commissioners of Benton County Fire Protection District No.3 and the City Council of the City of Prosser hereby requests the Auditor of Benton County, as *ex-officio* Supervisor of Elections, to call such election and to submit to the voters of the City and the District the following proposition at such election, in the form of a ballot title, which has been prepared by the which has been prepared by the City Council and the District Board, pursuant to RCW 52.26.060, as follows:

[Continued on next page.]

[CITY OF PROSSER]  
[BENTON COUNTY FIRE PROTECTION DISTRICT No. 3]  
PROPOSITION 1

The City of Prosser and Benton County Fire Protection District No. 3 have adopted a Joint Resolution approving the Prosser Regional Fire Authority Plan ("Plan") concerning creation of the Prosser Regional Fire Authority ("Authority"), effective July 1, 2011.

If this measure is approved, it would approve the Plan and create the Prosser Regional Fire Authority to provide regional fire protection and emergency medical services funded with property taxes (up to \$1.50/\$1,000 assessed value) and other sources identified in the Plan. The 2012 RFA levy is expected to be approximately \$0.97/\$1,000 assessed value; City and District levies would be reduced to offset the Authority's levy. Fire benefit charges and additional voted taxes may be collected only upon future supermajority voter approval.

Should the Plan for and formation of the Prosser Regional Fire Authority be approved?

YES [ ]

NO [ ]

SECTION 3. – Authorize Continued Acts of Regional Fire Authority Planning Committee. The City Council of the City of Prosser Washington and the Board of Commissioners of Benton County Fire Protection District No. 3 hereby authorize the Regional Fire Authority Planning Committee to continue operating on an as needed basis until the effective date of the Authority. The Planning Committee shall function as the governing board for the purposes of carrying out the requirements of Chapter 52.26 RCW until such time as a new governing board is established on July 1, 2011 pursuant to the Plan.

SECTION 4. – Pro and Con Committee Appointments. The Prosser City Council and the Benton County Fire Protection District No. 3 Board of Commissioners hereby

assign to the Regional Fire Authority Planning Committee the task of appointing members to a committee to advocate voters' approval of the proposition and to a committee to prepare arguments advocating voters' rejection of the proposition.

SECTION 5. - Designation of Individuals to Receive Notices re: Ballot Title. For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the Prosser City Council and the Board of Fire Commissioners hereby designates the Fire Chief/District Secretary and the City Attorney as the individuals to whom the County Auditor shall provide such notice.

SECTION 6.- Implementation. The Fire Chief/District Secretary 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 "Prosser RFA Plan" and the text of the ballot title and any other text, language and/or descriptions relative thereto necessary to conform such ballot title, text, language and/or descriptions to the intent of the parties, consistent with the objectives of this resolution. No substantive modifications to the ballot title, text, language and/or descriptions of any document shall be made without the approval of the Mayor.

SECTION 7. Copies Filed with the Benton County Auditor. The City Clerk and the Fire Chief/District Secretary, or his or her designee, are each hereby authorized and directed, no later than August 10, 2010, to provide to the County Auditor a certified copy of this resolution and the proper City and District officials are authorized to perform such other duties or take such other actions as are necessary or required by law to the end that the proposition described in this resolution appear on the ballot before the voters of the proposed Authority at the November 2, 2010 election.

SECTION 8. - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.



ORIGINAL

ADOPTED by the Board of Commissioners of Benton County Fire Protection District No.3, Benton County, Washington, at a regular open public meeting of such Board on the 3<sup>RD</sup> day of AUGUST, 2010, the below commissioners being present and voting.

Red Bell  
COMMISSIONER

Fandy Fox  
COMMISSIONER

Opposed - Ed Muen  
COMMISSIONER

ATTEST:

Douglas N. Merritt  
FIRE CHIEF/ SECRETARY