

**LEGAL ACTION REQUEST
FOR CLALLAM COUNTY PROSECUTING ATTORNEY**

DEPARTMENT: Auditor DATE: December 14, 2023

Legal action requested or question you desire to be answered:

Attached you will find Forks Community Hospital, Clallam County Public Hospital District No. 1 Levy Lid Lift For Health Services. Please draft a Ballot Title for this resolution; it will appear on the February 13, 2024 Special Election ballot.

If you have any questions please contact Susan Johnson, my extension is 2217.

If request is for contract review:

- Is this for a subcontract under a grant or other contract for private, state or federal funding? Yes [] No [X]
- Have you previously submitted subcontracts under the grant or contract for review? Yes [] No []
- If both responses are "yes," identify:
Granting/contracting entity:
Grant/contract number:
Date of grant/contract: _____
- If the first is answered "yes" and the second "no," please provide a copy of the grant or contract.

Legal action needed by: December 18, 2023
(date)

Please attach any materials necessary or helpful to the attorney in accomplishing this request.

Shoona Riggs

Official Requesting Action Ext. 2222

PROSECUTING ATTORNEY USE ONLY:

Referring Dept. _____
Date Received _____

Resolution Cover Sheet

Resolution Cover Sheet

Please include this form with each resolution.

Name of District: CLALLAM COUNTY PUBLIC HOSPITAL DISTRICT No. 1

District Address: 530 BOGACHIEL WAY, FORKS, WA 98331

Date of Election: FEBRUARY 13, 2024

Contact Person/ Title: HEIDI ANDERSON, CEO OR PAUL BARBOCK, CFO

Contact Phone: 360-374-6271 Email: heidia@forkshospital.org
paulb@forkshospital.org

Attorney for District: BRAD BERG AT FOSTER GAFFEY PC

Attorney Phone: 206-447-8970 Email: brad.berg@foster.com

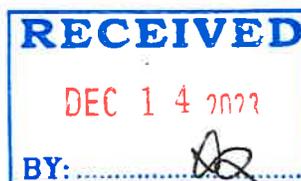
Type of Election (levy, bond, lid lift, etc.): LID LIFT

Please state the pass/fail requirement for this measure (simple majority, supermajority, 60% plus validation, etc.) as determined by your legal counsel:

SIMPLE MAJORITY.

Questions?

Clallam County Elections Division Phone: 360-417-2217
Email: elections@clallamcountywa.gov



Public Hospital District No. 1, Clallam County, Washington (Forks Community Hospital)

Explanatory Statement for Proposition No. 1

Word Count: 200 out of 200 maximum

Election Date: February 13, 2024

Prepared By: Bradley Berg, Foster Garvey P.C., special counsel to the District

PROPOSITION NO. 1

Levy for Health Care Services

Public Hospital District No. 1 (the "District") operates Forks Community Hospital.

Under state law, public hospital districts are authorized to levy regular property taxes at a rate of up to 75 cents per \$1,000 of assessed value. Because state law limits the amount taxes can be increased without voter approval, the District's levy rate has declined over the years from 75 cents in 2006 to 42.8 cents in 2023.

The District is requesting voter approval to restore its levy to 75 cents per \$1000 of assessed value beginning in 2025, which is an increase of approximately 32 cents above the tax levy rate in 2023. The levy will provide additional funds to support health care services including purchasing medical equipment and supporting additional staffing and recruitment.

Based on the current assessed value of property within the district, the proposed 32 cent increase in the District's levy would result in an estimated additional levy amount payable by an owner of a home with an assessed value of \$300,000 of \$8.00 per month or \$96 per year. The 2025 levy amount will be used for the purpose of computing the limitations for the District's levies in subsequent years.



**PUBLIC HOSPITAL DISTRICT NO. 1
CLALLAM COUNTY, WASHINGTON**

RESOLUTION NO. 2023-579

A RESOLUTION of the Commission of Public Hospital District No. 1, Clallam County, Washington (Forks Community Hospital), relating to regular property taxes; providing for the submission to the qualified electors of the District at a special election to be held on February 13, 2024, of a proposition authorizing the District to levy regular property taxes in excess of the limitations imposed by chapter 84.55 RCW; setting forth the text of the ballot proposition; directing proper District officials to take necessary actions; repealing Resolution No. 2023-577 of the District; and providing for other properly related matters.

BE IT RESOLVED BY THE COMMISSION OF PUBLIC HOSPITAL DISTRICT NO. 1, CLALLAM COUNTY, WASHINGTON (Forks Community Hospital), as follows:

Section 1. Findings. The Commission (the "Commission") of Public Hospital District No. 1, Clallam County, Washington (Forks Community Hospital) (the "District"), hereby makes the following findings and determinations:

(a) Under the provisions of RCW 70.44.060, public hospital districts are authorized to levy regular property taxes at a rate of up to 75 cents per \$1,000 of assessed value for purposes of operating and maintaining the hospital and health care facilities and services of the public hospital district.

(b) In 2023, the District levied regular property taxes at the rate of 42.8 cents per \$1000 of assessed value.

(c) RCW 84.55.010 and RCW 84.55.092 provide that the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed the "limit factor" multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, or the highest amount that could have been levied in any year since 1985, plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from (i) new construction, (ii) increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, (iii) improvements to property, and (iv) any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

(d) RCW 84.55.005 provides that the limit factor for taxing districts with a population of less than 10,000 in the calendar year prior to the assessment year is 101% and for taxing districts with a population equal to or greater than 10,000 is the lesser of



101% or one hundred percent plus inflation unless an increase greater than this limit is approved by the voters of the district at an election provided by RCW 84.55.050.

(e) Because the District's current levy rate is below its statutory maximum of 75 cents, an increase in the levy rate to 75 cents requires voter approval pursuant to the provisions of 84.55.050(1).

(f) The Commission has determined that it is necessary and in the best interest of the residents of the District to seek voter approval for a regular property tax levy to provide additional operating and capital funds to support the delivery of hospital and other health care services to the District's residents and other persons served by the District including purchasing medical equipment and supporting additional staffing and recruitment.

(g) The Commission has determined that it is essential and necessary for the public health, safety, and welfare of the District residents that the District levy a regular property tax at a rate of 75 cents per \$1000 of assessed value beginning in 2025.

Section 2. Calling of Election. The Commission finds that it is in the best interests of the District to submit to the qualified voters of the District, at a special election on February 13, 2024, a proposition authorizing the District to levy regular property taxes in 2024 for collection in 2025 by an amount greater than otherwise permitted under chapter 84.55 RCW and to use the dollar amount of such levy in 2025 for the purpose of computing limitations for the District's levies in subsequent years. If this proposition is approved, the Commission will be authorized to adopt, in accordance with its regular budget process, a regular property tax levy as described in Section 3.

Section 3. Description of Ballot Proposition. The Commission seeks voter approval under RCW 84.55.050(1) for a levy lid lift, as follows:

(a) Maximum Levy Rate Authorized for Levy in 2024 and Collection in 2025. The proposition would authorize a maximum total regular levy rate of 75 cents per \$1,000 of assessed value for levy in 2024 and collection in 2025.

(b) Increase Authorized in Future Years. The dollar amount of the maximum allowable levy under chapter 84.55 RCW levied in 2024 for collection in 2025 shall be used for the purpose of computing the limitations on levies in subsequent years under chapter 84.55 RCW.

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

PUBLIC HOSPITAL DISTRICT NO. 1
CLALLAM COUNTY, WASHINGTON (FORKS COMMUNITY HOSPITAL)
PROPOSITION NO. 1

LEVY LID LIFT FOR HEALTH CARE SERVICES

The Commission of Public Hospital District No. 1, Clallam County, Washington (Forks Community Hospital) adopted Resolution No. 2023-579 concerning the district's regular property tax levy. If approved, this proposition would provide additional operating and capital funds for hospital and other health care services including purchasing medical equipment and supporting additional staffing and recruitment. It authorizes a maximum regular property levy rate for collection in 2025 of 75 cents per \$1,000 of assessed value. The 2025 levy amount will be used for the purpose of computing the limitations for levies in subsequent years. Should this proposition be:

APPROVED

REJECTED

Section 5. Filing with Auditor. The Superintendent of the District, or his designee, is authorized and directed (a) to present a certified copy of this resolution to the Auditors of Clallam County, Washington, on or before December 15, 2023, and (b) to perform such other duties as are necessary or required by law to submit to the District's voters at the aforesaid election, for their approval or rejection, the proposition of whether or not the District should increase the levy rate as herein provided.

Section 7. Notices. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Commission hereby designates: (a) Paul Babcock, Chief Financial Officer (360-327-8327, paulb@forkshospital.org); and (b) legal counsel, Foster Garvey PC (Brad Berg, 206-447-8970, brad.berg@foster.com) as the individuals to whom such notice should be provided. The Superintendent of the District and President of the Commission are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Clallam County Auditor or the Clallam County Prosecuting Attorney.

Section 6. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution, or of the levy or collection of the taxes.

Section 8. Effective Date. This resolution shall become effective immediately upon its adoption.

Section 9. Repeal. Resolution No. 2023-577, which was adopted by the Commission on November 15, 2023, is hereby repealed.

ADOPTED and APPROVED by the Commission of Public Hospital District No. 1, Clallam County, Washington, at a special open public meeting thereof of which due notice was given as provided by law this 13th day of December, 2023, the following Commissioners being present and voting.

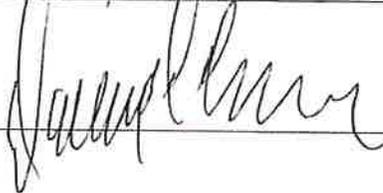


President and Commissioner

Sarah Huling

Secretary and Commissioner





CERTIFICATION

I, the undersigned, Secretary of the Commission of Public Hospital District No. 1, Clallam County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 2023-579 (the "Resolution") is a full, true and correct copy of a resolution duly adopted at a special meeting of the Commission of the District held at the regular meeting place thereof on December 13, 2023, as that resolution appears on the minute book of the District; and
2. A quorum of the members of the Commission was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 2023.

PUBLIC HOSPITAL DISTRICT NO. 1,
CLALLAM COUNTY, WASHINGTON

Sarah Huling
Secretary of the Commission

Committee Member Appointment Form

Committee "For" and "Against" Appointment Form

Name of Jurisdiction/Proposition No.: CLALLAM COUNTY PUBLIC HOSPITAL DISTRICT No. 1

Jurisdiction Contact Name: PAUL BABCOCK, CEO

Email: paulb@forkshospital.org Phone: 360-327-8327

Jurisdiction's responsibility:

Submit completed form to Clallam County Elections Division on or before the resolution submittal deadline:

Provide committee members with statement submission requirements and deadlines. (Requirements and deadlines can be found in the Elections Guide for Jurisdictions and Candidates.)

elections@clallamcountywa.gov Questions? Call (360) 417-2217

"For" Committee (1-3 members)	
*1st Committee Member:	
Name	<u>KELLY THOMPSON</u>
Email	<u>kellyt@forkshospital.org</u>
Phone	<u>360-327-8335</u>
Website	<u>forkshospital.org</u>
2nd Committee Member:	
Name	
Email	
3rd Committee Member:	
Name	
Email	

"Against" Committee (1-3 members)	
*1st Committee Member:	
Name	
Email	
Phone	
Website	
2nd Committee Member:	
Name	
Email	
3rd Committee Member:	
Name	
Email	



Each Committee Member must provide at least one method of contact, which will be published in the voters' guide/pamphlet.