



Gig Harbor Fire & Medic One

PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 5

BONDS FOR FIRE STATIONS AND TRAINING FACILITY

RESOLUTION NO. 2022-03

A RESOLUTION of the Board of Fire Commissioners of Pierce County Fire Protection District No. 5, providing for the submission to the voters of the District at a special election to be held on August 2, 2022, in conjunction with the State Primary election to be held on the same date, of a proposition authorizing the District to issue general obligation bonds in the aggregate principal amount of no more than \$80,000,000 for the purpose of paying or reimbursing costs for constructing a training facility, replacing Station 51 (Gig Harbor), renovating Stations 53 (Fox Island), 57 (Crescent Valley), 58 (Swede Hill) and 59 (Artondale) and making other capital improvements and acquisitions, the principal of and interest on such bonds to be payable from annual excess property tax levies; designating the Assistant Chief of Finance and Administration and bond counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; and providing for related matters.

Adopted: April 12, 2022

This document prepared by:

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

RESOLUTION NO. 2022-03
April 12, 2022

A **RESOLUTION** of the Board of Fire Commissioners of Pierce County Fire Protection District No. 5, providing for the submission to the voters of the District at a special election to be held on August 2, 2022, in conjunction with the State Primary election to be held on the same date, of a proposition authorizing the District to issue general obligation bonds in the aggregate principal amount of no more than \$80,000,000 for the purpose of paying or reimbursing costs for constructing a training facility, replacing Station 51 (Gig Harbor), renovating Stations 53 (Fox Island), 57 (Crescent Valley), 58 (Swede Hill) and 59 (Artondale) and making other capital improvements and acquisitions, the principal of and interest on such bonds to be payable from annual excess property tax levies; designating the Assistant Chief of Finance and Administration and bond counsel to receive notice of the ballot title from the Auditor of Pierce County, Washington; and providing for related matters.

BE IT RESOLVED by the Board of Fire Commissioners of Pierce County Fire Protection District No. 5, as follows:

Section 1. Findings and Determinations. The Board of Fire Commissioners (the "Board") of Pierce County Fire Protection District No. 5 (the "District"), takes note of the following facts and makes the following findings and determinations:

(a) The need to improve community and firefighter health and safety, respond to increasing emergency call volumes and reduce emergency response times for the protection of public health, life and property; outdated fire stations (including seismic instability and inadequate and insufficient living quarters, decontamination areas and Americans with Disabilities Act accessibility); and the absence of live fire training capabilities of the District's existing fire and emergency medical services facilities, all require the District to: construct a training facility, replace Station 51 (Gig Harbor) and renovate Stations 53 (Fox Island), 57 (Crescent Valley), 58 (Swede Hill) and 59 (Artondale), all as more particularly defined and described in Section 2 (the "Projects").

(b) The District lacks sufficient money from its operations levies to pay costs of the Projects.

(c) To pay costs of the Projects, it is necessary and advisable that the District issue and sell unlimited tax general obligation bonds in the aggregate principal amount of no more than \$80,000,000 (the "Bonds"), or such lesser maximum amount as may be issued under the laws governing the limitation of indebtedness or required to carry out and accomplish the Projects.

(d) Under Article VII, Section 2(b) and Article VIII, Section 6 of the Washington Constitution and the laws of the State of Washington, including without limitation Revised Code of Washington ("RCW") 39.36.050, RCW 52.16.080 and RCW 84.52.056, the District may submit to its voters at a special election, for their approval or rejection, a proposition authorizing the District to issue the Bonds to pay costs of the Projects and levy annual excess property taxes in amounts sufficient to pay principal of and interest on the Bonds when due (*i.e.*, repay the Bonds).

(e) The best interests of the District and its residents require the District to carry out and accomplish the Projects.

Section 2. Description of the Projects. The Projects to be paid for with proceeds of the Bonds, including interest earnings thereon ("Bond Proceeds"), are more particularly defined and described as follows:

(a) Construct and equip a new training facility with live fire training capabilities, all as determined necessary and advisable by the Board.

(b) Construct and equip a new fire station to replace the existing Station 51 (Gig Harbor), all as determined necessary and advisable by the Board.

(c) Renovate (which may include new construction) and equip Stations 53 (Fox Island), 57 (Crescent Valley), 58 (Swede Hill) and 59 (Artondale), all as determined necessary and advisable by the Board.

(d) Make other capital improvements and acquisitions, including facilities, land and firefighting and emergency medical services equipment and apparatus, for emergency services purposes and logistics, all as determined necessary and advisable by the Board. The term "land" as used herein includes all real property and improvements and other structures thereon and all interests therein.

(e) Acquire, construct and install all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances in or for the foregoing, all as determined necessary and advisable by the Board.

(f) Pay incidental costs incurred in connection with carrying out and accomplishing the Projects described above under RCW 52.16.080 and RCW 39.46.070. Incidental costs constitute a part of the Projects and include without limitation: (1) costs related to the issuance, sale and delivery of the Bonds; (2) payments for fiscal and legal costs; (3) costs of obtaining ratings and bond insurance; (4) costs of printing, advertising, establishing and funding accounts; (5) payment of interest due on the Bonds for up to six months after completion of construction; (6) necessary and related engineering, architectural, planning, consulting, inspection, permitting and testing costs; (7) administrative and relocation costs; (8) site assessment, acquisition and improvement costs; (9) demolition costs; (10) costs related to demolition and/or deconstruction of existing facilities to recycle, reclaim and repurpose such facilities and/or building materials; (11) costs of on-site and off-site utilities and road improvements; and (12) costs of other similar activities or purposes, all as determined necessary and advisable by the Board.

The District is authorized to accomplish the Projects, or any portion or portions thereof, insofar as is practicable with available Bond Proceeds, together with any other money of the District legally available and provided therefor, and in such order of time as determined necessary and advisable by the Board. Subject to Sections 6 and 7, the Board will allocate the Bond Proceeds between the various parts of the Projects so as to accomplish, as near as may be, all of the Projects. The Board will determine the time, order, extent and specifications for the Projects. The Projects are to be more fully described in the plans and specifications to be filed with the District.

Section 3. Calling of Election.

(a) The Auditor of Pierce County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), is requested to call and conduct a special election, in the manner provided by law, to be held in the District on August 2, 2022 (the "Special Election"), in conjunction with the State Primary election to be held on the same date, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition authorizing the District to issue the Bonds to pay costs of the Projects and levy annual excess property taxes to repay the Bonds.

(b) If the proposition is approved by the requisite number of voters, the District will be authorized to issue, sell and deliver the Bonds in the manner described in this resolution, spend the Bond Proceeds to pay costs of the Projects and levy annual excess property taxes to repay the Bonds. The Bond Proceeds may be used, either with or without additional money now or at any time available to the District, for capital purposes only, as permitted by law, excluding the replacement of equipment.

Section 4. Authorization to Issue the Bonds.

(a) The District may issue the Bonds as a single bond, as a single issue, as a part of a combined issue with other authorized bonds or in more than one series, all as determined necessary and advisable by the Board and as permitted by law. The District may issue the Bonds, as determined necessary and advisable by the Board, as taxable bonds, tax-exempt bonds or any other type of bonds that are now or in the future may be authorized under applicable state and federal law.

(b) Each series of the Bonds will be issued as fully registered bonds; bear interest payable as permitted by law; mature within 20 years from the date of issuance of such series of Bonds (but may mature at an earlier date or dates as fixed by the Board); be paid by annual property tax levies sufficient in amount to pay both principal and interest when due, which annual property tax levies will be made in excess of regular property tax levies without limitation as to rate or amount; and be issued and sold in the manner, times and amounts required for the purpose for which such series of Bonds are to be issued, all as determined necessary and advisable by the Board and as permitted by law. The life of the Projects to be financed with Bond Proceeds will as near as practicable or as otherwise required by law exceed the term of the respective series of Bonds that finance the Projects. The amount, date, denominations, interest rates, payment dates, final maturity, redemption rights, price and other terms and conditions (or parameters with respect thereto) of the Bonds will be fixed by one or more resolutions of the Board authorizing the issuance, sale and delivery of the applicable series of Bonds, which resolutions may delegate to a District officer or employee the authority to fix any of the foregoing, all as determined necessary and advisable by the Board and as permitted by law.

(c) Pending the issuance of any series of the Bonds, the District may levy excess property taxes to repay those Bonds and may issue short-term obligations pursuant to chapter 39.50 RCW to pay for any portion of the costs of the Projects. The short-term obligations may be paid or refunded with Bond Proceeds.

Section 5. Intent to Reimburse. To the extent the District makes capital expenditures for the Projects prior to the date the District issues the Bonds (or other bonds or obligations issued as tax-exempt or tax credit obligations) to finance the Projects from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the District under its existing and reasonably foreseeable budgetary and financial circumstances to pay costs of the Projects, the Board declares those capital expenditures are intended to be reimbursed out of Bond Proceeds, or proceeds of other bonds or obligations, issued in an amount not to exceed the principal amount of the Bonds provided by this resolution.

Section 6. Sufficiency of Bond Proceeds. If Bond Proceeds are more than sufficient to carry out and accomplish the Projects, the District may use those excess Bond Proceeds to: (a) acquire, construct, remodel, renovate, install, equip, furnish and make other capital improvements to District facilities for emergency services purposes; or (b) retire and/or defease a portion of the Bonds or other outstanding bonds of the District, all as the Board may determine necessary or advisable and as permitted by law. In the event the Bond Proceeds, together with any other money of the District legally available, are insufficient to carry out and accomplish all of the Projects, the District may use the Bond Proceeds and other available money for paying the cost of any portions of the Projects the Board determines most necessary and in the best interests of the District.

Section 7. Alteration of Expenditures. If the Board subsequently determines circumstances (including without limitation changed conditions or needs, regulatory considerations or incompatible development) require alterations to the Projects, the District will not be required to accomplish all of the Projects and may apply the Bond Proceeds (or any portion) to: (a) the acquisition, construction, installation, equipping and making of other capital improvements to other District facilities for emergency services purposes; or (b) the retirement and/or defeasance of all or a portion of the Bonds or other outstanding bonds of the District, all as determined necessary or advisable by the Board and as permitted by law.

[Remainder of page intentionally left blank]

Section 8. Form of Ballot Title. Pursuant to RCW 29A.36.071, the Pierce County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION NO. 1

PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 5
(GIG HARBOR FIRE & MEDIC ONE)

BONDS FOR FIRE STATIONS AND TRAINING FACILITY

The Board of Fire Commissioners of Pierce County Fire Protection District No. 5 (Gig Harbor Fire & Medic One) adopted Resolution No. 2022-03, concerning emergency services facilities to protect public health, life and property. If approved, Proposition No. 1 will authorize the District to: construct a live fire training facility; replace Station 51 (Gig Harbor); renovate Stations 53 (Fox Island), 57 (Crescent Valley), 58 (Swede Hill) and 59 (Artondale); make other capital improvements and acquisitions; issue no more than \$80,000,000 of general obligation bonds maturing within 20 years; and levy annual excess property taxes to repay the bonds, all as provided in Resolution No. 2022-03. Should this proposition be:

Approved

Rejected

Section 9. Authorization to Deliver Resolution to Auditor and Perform Other Necessary Duties. The Fire Chief of the District or his designee (the "Fire Chief") is authorized and directed to: (a) present a certified copy of this resolution to the Auditor no later than May 13, 2022; and (b) perform such other duties as are necessary or required by law to submit to the District's voters at the Special Election, for their approval or rejection, the proposition authorizing the District to issue the Bonds to pay costs of the Projects and levy annual excess property taxes to repay the Bonds.

Section 10. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates (a) the Assistant Chief of Finance and Administration (Perry Oldenburg), telephone: (253) 549-6697; email: poldenburg@gigharborfire.org; and (b) bond counsel, Foster Garvey P.C. (Lee Marchisio), telephone: (206) 447-6264; email: lee.marchisio@foster.com, as the individuals to receive such notice from the Auditor. The Fire Chief is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor or the Pierce County Prosecuting Attorney.

Section 11. General Authorization and Ratification of Prior Acts. This resolution may be executed in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure (“electronic form”), or in any other manner evidencing its adoption. The Fire Chief, the Secretary, the Chair, the Assistant Chief of Finance and Administration other appropriate officers of the District and bond counsel, Foster Garvey P.C., are each individually authorized to take such actions and to create, accept, execute, send, use and rely upon such documents, records and signatures (including in electronic form) as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects.

Section 12. Severability. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this resolution invalid or unenforceable, then the offending provision is null and void, is separate and severable from the remaining provisions of this resolution and in no way affects the validity of the other provisions of this resolution, of the Bonds or of the levy or collection of the taxes pledged to repay the Bonds.

Section 13. Effective Date. This resolution takes effect from and after its adoption.

[Remainder of page intentionally left blank; signature page follow]

ADOPTED by the Board of Fire Commissioners of Pierce County Fire Protection District No. 5, at a regular open public meeting held this 12th day of April, 2022.

PIERCE COUNTY FIRE PROTECTION
DISTRICT NO. 5



Alex Wilsie (Apr 14, 2022 08:16 PDT)

Chair and Commissioner


Thomas A Sutich (Apr 13, 2022 07:14 PDT)

Commissioner


Kevin L Entze (Apr 13, 2022 07:14 PDT)

Commissioner


Bryce Nelson (Apr 13, 2022 17:01 PDT)

Commissioner


Joe Urzina (Apr 12, 2022 19:03 PDT)

Commissioner

ATTEST:



Dennis Doan
Secretary of the District

CERTIFICATION

I, Dennis Doan, Secretary of Pierce County Fire Protection District No. 5 (the "District"), certify as follows:

1. The foregoing Resolution No. 2022-03 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Fire Commissioners of the District (the "Board") held on April 12, 2022 (the "Meeting"), as that Resolution appears in the minute book of the District.

2. The Resolution is now in full force and effect.

3. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time.

4. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance via the District's website, a quorum was present throughout the Meeting, and a sufficient number of Fire Commissioners of the Board so present voted in the proper manner for the adoption of the Resolution.

Dated as of April 12, 2022.

PIERCE COUNTY FIRE PROTECTION
DISTRICT NO. 5



Dennis Doan
Secretary of the District