

**Initial Response of Clallam County Fire Protection District No. 3  
to PDC Complaint No. 59568.**

Clallam County Fire Protection District No. 3 denies the allegation in the Complaint. The article the complainant focuses on was part of the Fall 2019 Newsletter (copy attached as Exhibit A) and was intended to educate its citizens about the upcoming EMS levy in compliance with RCW 42.17A.555 and the PDC Guidelines for Local Government Agencies in Election Campaigns. In support of our position we note the following:

1. WAC 390-05-273 defines normal and regular conduct as “conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.”

The PDC Guidelines establish the following specific guidelines for Agency Publications:

- a. Agencies may include all or part of the information regarding agency needs and the anticipated impacts of a ballot measure in the agency’s regular publications, such as agency and department newsletters. (For example, a department newsletter may specifically describe the projects and/or programs planned for that department.)

Clallam County Fire Protection District No. 3 has, since 2017, regularly and consistently provided information about Clallam County Fire Protection District No. 3 through newsletters distributed on a jurisdiction wide basis. The District published newsletters in the Fall/Winter of 2017, Spring of 2018, Fall of 2018, Spring/Summer of 2019 and the Fall of 2019 (copies available on request).

As Clallam County Fire Protection District No. 3 has the legal authority and obligation to keep its citizens informed about fire protection and life safety issues and as the newsletters are distributed on a jurisdiction wide basis, the publication and distribution of the newsletters meet the definition of normal and regular conduct.

2. RCW 42.17A.555 does not prevent a public office or agency from ... (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

The article that the complainant objected to was one article included in the newsletter. The article was intended to present an objective and fair presentation of the facts related to the upcoming EMS levy and the reasons why Clallam County Fire Protection District No. 3 was running an EMS levy. In the staff guidance issued by the PDC to assist local governments with drafting fair and objective publications, the PDC prohibits the following types of information:

- (a). Overtly promotional or oppositional content (including inflammatory or emotionally-driven language; check marks and other indications of support; and gratuitous photos that tend to provoke an emotional reaction—e.g. an image of a body on an EMT stretcher, or a house exploding in flames);
- (b). Statements that speculate about possible secondary or tertiary impacts of a ballot proposition;
- (c). Statements seeking to minimize the cost of a ballot proposition, e.g., through comparisons to small-ticket items such as coffee, pizza, or a magazine subscription;

- (d). Statements purporting to describe the sponsoring agency’s responsible fiscal management;
- (e). Detailed information about property tax exemptions; and
- (f). Detailed information about the conduct of elections (e.g. ballot drop-off locations), unless it is the normal and regular conduct of the agency to provide such information in the manner of the proposed publication.

The newsletter was drafted with the intent of complying with the PDC rules and we did not intend to include any prohibited statements or information referenced in sections a-f above. Based on the complaint, we do recognize, in hindsight, that two phrases could possibly be interpreted as falling within the scope of section (a) so will address those statements.

*“This renewal is vital for the District to be able to continue to provide the high level of care citizens have become accustomed to.”* Although we believe this statement is factual and objective, we now recognize that using the term vital could be construed as “emotional” type of language. The subjective nature of the prohibition outlined in section (a) is difficult in practice to identify and we made a decision at the time that this language was acceptable. In the future we will be more cautious in our word choice.

*“We look forward to your continued support during this election.”* We note that this statement is also factual as the District is supported by the residents of the District. The language was not intended to direct voters how to vote but was intended as a general statement of appreciation to the community. Once again, in hindsight, we recognize that the use and placement of the statement in this article could be construed as promoting passage of the levy and in the future we will attempt to avoid using this type of language when presenting an objective article explaining a ballot measure.

We recognize that the use of the above language could be construed differently than intended and will be more cautious about our word choice and phrasing in the future. In this particular situation, the statements are factually correct, consistent with the mission and purpose of Clallam County Fire Protection District No. 3 and we do not believe the article, the newsletter or the specific language constitutes a substantive violation of RCW 42.17A.55 or the PDC rules.

3. The PDC enumerates the following “Basic Principles:”

- a. The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.

Clallam County Fire Protection District No. 3 takes its responsibility to keep the public informed about operation and maintenance issues affecting its residents seriously. We regularly use our newsletters to meet this obligation. The newsletter and article that is the subject of the complaint is a continuation of Clallam County Fire Protection District No. 3’s efforts to educate it’s citizens by notifying them of the facts and reasons why the EMS tax levy was placed on the ballot. Clallam

County Fire Protection District No. 3's actions were guided by PDC rules and guidelines, our intent is to fully comply with the law and the PDC rules and guidelines and we will work cooperatively to maintain our compliance in the future and will more closely review for language that could be interpreted as falling within the prohibition on overtly promotional or emotional content. We believe the article and newsletter substantially comply with RCW 42.17A.555 and respectfully request that the complaint be dismissed.

Submitted: November 7, 2019

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# Chief's Corner

By Chief Ben Andrews



## EMS Levy Renewal

During the 2019 November election, Clallam County Fire District 3 (District) will seek voter approval for a 10 year renewal of the current Emergency Medical Services (EMS) Levy. This is a renewal, not a new (or addition-al) tax. The EMS Levy renewal would begin in 2021 and sunset in 2030. If the voters approve this Levy renewal, it authorizes the continuation of the EMS levy at a rate not to exceed \$0.50 per thousand dollars of assessed valuation. This Levy was originally adopted in 1999 and renewed in 2009. Revenue from this levy can only be used to maintain EMS. The vast majority of the work the District does is EMS related. In 2018, the District responded to 7464 calls for service. Of those calls, 6,273 were EMS related; 84% of the District's total call volume. This renewal is vital for the District to be able to continue to provide the high level of care citizens have become accustomed to. If not renewed, the Levy will expire in 2020 and the District will lose approximately 25% of its total annual revenue.

We look forward to your continued support during this election!

Additional information can be found on our website at [www.ccf3.org](http://www.ccf3.org). I also am personally available to answer questions at (360) 683-4242 or [bandrews@ccfd3.org](mailto:bandrews@ccfd3.org).

## Making the Most of Tax Dollars

Clallam County Fire District 3 (District) is primarily funded through two property Tax Levies:

- The General Tax Levy, which, thanks to the citizens of Eastern Clallam County, was passed in November of 2018; provides 75% of the District's annual budget.
- The EMS Levy, which is on the ballot this November for renewal; provides 25% of the District's annual budget.

District staff are and continue to be very budget conscious stretching valuable tax dollars as far as possible. An example of this is a recent grant award the District received for radio replacement. The District relies heavily on radios to communicate internally and with other first response organizations. Our current radios have lived past their useful lives, therefore in an effort to conserve funds the District applied for and received an Assistance for Firefighting Grant (AFG) from FEMA in the amount of \$321,576. The District's cost-share of the AFG grant is 10% or \$32,158 for a grand total of \$353,734. Grant funds cannot substitute for regular funding, but allow the District to maximize tax dollars received.



## Insurance Rating Information

The District was re-rated by the Washington Surveying and Rating Bureau (WSRB) in May 2019. The WSRB rates fire department capability using a scale of one to ten, with one being the highest (best) rating a fire department can receive. Intended to reflect a fire department's performance capability, the higher the rating, the more capable a community is of providing fire prevention and suppression services.

WSRB ratings are one of the many factors insurance carriers consider when determining insurance premium rates for home and business owners. How this rating impacts premiums, if at all, varies from insurance carrier to insurance carrier.

**TIP:** When shopping for homeowners insurance, ask about the impact of the WSRB rating for your home.

The District's protection class rating for homes and businesses located more than five miles from a fire station is Class Nine. Areas outside the City and within 5 miles of a station are rated at a Class Five. Areas within the City of Sequim are rated at a Class Four. The Diamond Point station received a Class Nine rating due to this station currently only having four volunteer firefighters living within five road miles of the station. Once the number of volunteer firefighters is above six, the rating will return to a Class Five.

### Volunteers Needed

Volunteers are a vital part of our organization. Volunteer Firefighters, EMT's and support personnel are needed to ensure the District can continue to deliver a high level of service. To become a volunteer, please visit our website at [www.ccf3.org](http://www.ccf3.org) and submit a volunteer interest card or stop by the headquarters station located at 323 N. 5<sup>th</sup> Ave. in Sequim.