

SUPERIOR COURT OF THE STATE OF WASHINGTON, COUNTY OF KING

Hammond, et al. v. King County, et al., No. 11-2-22680-8 KNT

**ATTENTION: IMPORTANT NOTICE OF FAIRNESS HEARING ON
AMENDMENT TO CLASS ACTION SETTLEMENT**

**TO: ALL PERSONS OR ENTITIES WHO PAID OR WERE OTHERWISE
SUBJECT TO CONSERVATION DISTRICT ASSESSMENTS IMPOSED
BY KING COUNTY FROM 2006 TO 2012**

YOU ARE NOTIFIED that a hearing regarding a proposed amendment to the settlement of this class action case will be held on December 9, 2016, at 10:00 a.m. before the Honorable LeRoy McCullough at the King County Superior Court, Maleng Regional Justice Center, located at 401 Fourth Avenue North, Kent WA 98032. The hearing will be held to determine whether the proposed amendment to the settlement agreement is fair, reasonable, and adequate. If you are a member of the plaintiff class, you should read this notice carefully because it will affect your rights.

BACKGROUND AND SUMMARY OF CASE: The *Hammond* case was filed on June 30, 2011, on behalf of individuals, businesses, and entities that paid conservation district assessments for the King Conservation District and the Pierce Conservation District, seeking invalidation of certain assessments and refunds for the assessments paid. The complaint alleged that King County and Pierce County were improperly imposing conservation assessments because the assessments were in reality illegal property taxes and not valid assessments.

On July 6, 2012, the Honorable LeRoy McCullough of the King County Superior Court entered an Order Approving Settlement Of Class Action in *Hammond v. King County et al.*, No. 11-2-22680-8 KNT, which approved a settlement of the litigation. The settlement was supported by all parties without objection from any class member.

The Settlement Agreement approved by the Superior Court defined the King County Class as: All persons or entities that paid or were otherwise subject to the assessments imposed by King County Ord. Nos. 15332, 15660, 15661, 16703, 16743 (Assessment years 2006-2012).

The Settlement Agreement provided for the appropriation and expenditure of certain settlement funds by King Conservation District and by Pierce Conservation District. The Settlement Agreement stated in relevant part: “The remaining balance of the Settlement Funds shall be used to provide credits or offsets against conservation assessments, rates, or charges imposed by the Conservation Districts during 2013 through 2017. The credits or offsets will be applied to each property assessed in 2012 and are not due to individual property owners or persons or entities. The credits or offsets must be distributed proportionally between the King County Class and the Pierce County Class based on the portion of total conservation assessment revenues received by the King Conservation District and the Pierce Conservation District respectively in 2011, i.e. the King County Class shall receive only the remaining balance of the Settlement Funds funded by the King Conservation District and the Pierce County Class shall receive only the remaining balance of the Settlement Funds funded by the Pierce Conservation District. The offsets, rebates or credits provided by the King Conservation District and the Pierce Conservation District during 2013 to 2017, may be paid in a single year or over multiple years within the stated period, as deemed appropriate by King Conservation District and Pierce Conservation District.”

PROPOSED AMENDMENT TO SETTLEMENT: King Conservation District, King County and King County Class have determined an alternative method for

the appropriation and expenditure of the remaining portion of the King Conservation District settlement funds described in the Settlement Agreement, through the implementation of certain conservation programs for the benefit of the King County Class. The remaining portion of the King Conservation District settlement funds is in an amount not less than \$1.4 million. Rather than each property receiving a one-time credit or offset of less than \$3, King Conservation District would apply the remaining settlement funds for the benefit of the King County Class through appropriation and expenditure for four conservation programs in an amount not less than \$1.4 million. Those programs are summarized as follows:

1. Agricultural Drainage Assistance. These agricultural drainage investments would complement the ongoing efforts of the Agricultural Drainage Assistance Program (ADAP) funding from King County. Budget: \$500,000. Long Term Policy Objective: Bring more acreage of workable farmland into production, thus supporting the local food initiatives in the very urbanized King County region. The waters of King County cross throughout the County and its cities. This program will also meet one of the fundamental goals of conservation districts to protect against soil erosion, watershed restoration and increased water quality for the benefit of downstream properties, and address required compliance with the federal Clean Water Act mandates that burden all properties of the County.

2. Discovery Farms Demonstration Project. This conservation project would create on-site opportunity to study, collect and analyze data, and make recommendations on best ways to protect the environment while maximizing productivity on a local farm in an urbanized region. Working buffers will be a focus of the program. Budget: \$200,000.

Long Term Policy Objective: The purpose of a King County Discovery Farms Demonstration project would be to establish an on-farm research site for demonstrations, data collection, and to perform peer-reviewed research on economically viable strategies for protecting the environment, especially in buffers, while increasing farm production. This body of work will support the Central Puget Sound local food economy through increasing production. Increased local food will be sold at local farmers markets and otherwise distributed to benefit the desirability and livability of the many and diverse communities in Central Puget Sound.

3. Small Lot Forest Management and Fire Protection. The purpose of the small lot forest management and fire protection investment package is to assist small lot forest land owners with implementation of firewise practices to protect structures, forest health management practices to enhance forest resources, and a cooperative approach for small forest land owners in King County to work together to take advantage of economies of scale in management and harvest efforts. Budget: \$500,000. Long Term Policy Objective: Protect and enhance the long term social, economic and ecological values of forests. Natural resource protection and enhancement is a state-wide goal and a fundamental part of the Growth Management Act. This program will further those goals for the benefit of all County residents who enjoy the benefits of the forested lands in the County.

4. King County Agriculture Strategic Plan. This conservation project would develop an Agriculture Strategic Plan to improve the long term productivity of farmland, bring more acres into production, especially food production, and increase the opportunities for farmers to develop the necessary infrastructure to support or increase

their farm business. Budget: \$200,000. Long Term Policy Objective: The desirability of living in Central Puget Sound is enhanced by the availability a robust local food economy. A robust local food economy brings public health, affordable food, and reduced environmental impacts to the region. A robust local food economy for the region, first and foremost is dependent on having access to prime agricultural soils and agricultural practices that protect water resources and the economic viability of farming. A Strategic Plan is critical for bringing these benefits to residents in the region.

To the extent King Conservation District's remaining portion of the settlement funds exceed the total budgeted amounts (\$1.4 million), the excess amounts will be expended proportionally among the conservation programs.

The Amendment does not change any other material term of the settlement that was previously approved by the Superior Court in 2012, and does not affect the Pierce County Class. By December 31, 2017, Pierce Conservation District will have completed its appropriation and expenditure of its remaining portion of the settlement funds to the Pierce County Class. Pierce Conservation District has no objection to the Amendment.

Counsel for the King County Class may recover its reasonable attorneys' fees, costs and expenses in an amount not to exceed \$5,000 with respect to its work on the Amendment, which will be reimbursed from King Conservation District's portion of the settlement funds.

To Object to the Amendment to the Settlement: Any class member who objects to the proposed Amendment to the settlement may appear personally or through counsel at the hearing on December 9, 2016 and object to the approval of the Amendment. In order to be heard or to have papers or briefs considered by the Court, any objecting class member

must file with the Court a notice of intention to appear along with any papers for the Court to consider and must serve the counsel listed below by December 6, 2016. **IF YOU DO NOT OPPOSE THE PROPOSED AMENDMENT TO THE SETTLEMENT YOU NEED NOT APPEAR AT THE HEARING OR FILE ANY PAPERS.** All objections should be sent to the court clerk at: Clerk of Court, King County Superior Court, 401 Fourth Avenue North, Kent WA 98032 and specifically reference *Hammond v. King County*, No. 11-2-22680-8 KNT. Copies of all documents filed with the clerk of the court must be sent to the following counsel:

Attorneys for the Class:

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The pleadings and all other records of the case may be examined and copied at any time during regular office hours in the offices of the Clerk of the Superior Court at the above listed address.

Pleadings and copies of the settlement documents and the Court's prior settlement approval orders in this case are also available at:

www.gskonline.com/hammond-settlement

ADDRESS ALL INQUIRIES IN WRITING TO THE ATTORNEYS FOR THE CLASS AT THE ADDRESS SET FORTH ABOVE.

Dated: November 4, 2016 BY ORDER OF THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY, THE HONORABLE LEROY MCCULLOUGH