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No. 91534-2

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

Filed 
Washington State Supreme Court

MAR 29 2016

Ronald R. Carpenter
Clerk

CITY OF SNOQUALMIE,

Respondent,

v.

THE STATE OF WASHINGTON DEPARTMENT OF REVENUE,

Appellant,

and,

KING COUNTY EXECUTIVE DOW CONSTANTINE; KING
COUNTY ASSESSOR LLOYD HARA; KING COUNTY

Defendants.

AMICUS CURIAE BRIEF OF MASTER BUILDERS ASSOCIATION
OF KING AND SNOHOMISH COUNTIES

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I. INTRODUCTION

This Amicus Curiae Brief is filed by the Master Builders of King and Snohomish Counties (the “MBA”) in support of Respondent City of Snoqualmie’s request for this Court to affirm the trial court’s order.

II. IDENTITY AND INTEREST OF AMICUS CURIAE

The MBA is a trade organization comprised of professional home builders, architects, remodelers, suppliers, manufacturers and sales and marketing professionals. The MBA has become the largest local home builders association in the United States primarily because of its active approach to the region's housing needs. With 2,771 member companies from all facets of housing construction, the MBA represents the authoritative voice on housing issues in the greater Seattle metropolitan area.

Engrossed Substitute House Bill 1287 (ESHB 1287 or the “PILT Law”), passed on April 4, 2015, creates a new taxing system for all tribal property within the State of Washington that was purchased prior to March 2014. Laws of 2014, ch. 207; RCW 84.36.010. Under this law, tribes may be exempted from property taxes by negotiating a payment in lieu of tax (PILT) with the county in which the property resides. Laws of 2014, ch. 207, § 5(2); RCW 84.36.010; RCW 84.36.012. For instance, on October 12, 2014, the King County Executive, Dow Constantine, fully

executed a Memorandum of Understanding with the Muckleshoot Indian Tribe regarding its property taxes for the Salish Lodge & Spa, wherein it was agreed that the tribe would pay 25% (\$103,132) of the 2014 property tax billed (\$412,526). *Memorandum of Understanding By and Between King County and the Muckleshoot Indian Tribe*, Oct. 12, 2014.¹

A tribal tax exemption that extends to all property under tribal ownership, not limited to trust or reservation property, creates an unequal playing field for MBA members and forces cities to seek taxes from other funding sources. Under the PILT system, tribes may purchase property within the State of Washington for the purposes of development, and may elect to not pay property taxes. One example is that the Muckleshoot tribe is currently proposing to construct 175 homes on 60 acres. The PILT Law would allow exemption from paying property taxes for the Muckleshoot tribe.

The PILT Law will shift a tax burden currently evenly distributed onto MBA members, the cities, and the greater populace. By leveraging this tax advantage, Washington tribes will have greater purchasing power when it comes to fee simple, private property. The PILT Law treats similarly situated property owners differently. The exemption given to

¹ This Memorandum of Understanding is attached hereto for the Court's reference and is also available at <http://static1.squarespace.com/static/55d8f102e4b090d16422c6e1/56104de6e4b06532b63c7894/56104e80e4b06532b63c9895/1443909248808/Muckleshoot-PILT-MOU.pdf?format=original>.

tribes puts all other fee simple, private property owners, including MBA members, at a competitive disadvantage in a market where land supplies are extremely short and developable lots are difficult to acquire. Those pressures are already forcing many MBA members to acquire land further away from urban hubs at inflated costs. In locations where MBA members compete for purchase and development of fee simple private property with others, such as Washington tribes, the tribal tax advantage will add another competitive disparity. As such, the resolution of this case will have a profound impact on the building industry and, therefore, it is of vital importance to MBA members. On behalf of its 2,771 members, the MBA urges the Court to affirm the trial court's decision that the PILT Law is unconstitutional.

III. ISSUE ADDRESSED BY AMICUS

Whether the PILT Law is unconstitutional because it establishes a real property tax exemption for tribe owned properties and instead imposes individually negotiated, non-uniform PILT for those exempt properties.

IV. STATEMENT OF THE CASE

Both Appellant the State of Washington Department of Revenue (the "Department") and Respondent City of Snoqualmie (the "City") have provided extensive briefings regarding the factual and procedural

background of this case. The MBA does not supplement the parties' Statements of the Case.

IV. ARGUMENT

The Washington State Constitution unequivocally mandates “all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only.” Const. art. VII, § 1. Further, the Constitution requires that “all real estate shall constitute one class.” *Id.* These requirements for uniformity, equity, and focus on the greater public good have been extolled by Washington courts which have held that “tax uniformity is the highest and most important of all requirements applicable to taxation under our system.” *Welch Foods, Inc. v. Benton Cty.*, 136 Wn. App. 314, 326, 148 P.3d 1092, 1098 (2006) (citing *Inter Island Tel. Co. v. San Juan County*, 125 Wn.2d 332, 334, 883 P.2d 1380 (1994)) [internal quotations omitted].

In direct contravention, the PILT Law provides for unequal, non-proportionate, and unfair tax system, where the assessments for real properties of the same class and in the same taxing jurisdiction could vary greatly, from totally exempt to the regular amount of property tax, or to anywhere in between. The PILT Law in fact *requires* individual negotiations to determine the PILT amount, which certainly would result

in different PILT rates even among the same class of exempt tribal properties. The subsequent impact of the shift and shortfall of revenue is not at all considered by the PILT Law and must then be borne by the remaining property owners, the public, and municipalities, even though the interests of these entities that are supposed to be the underlying purpose of real property tax. As such, the PILT Law is unconstitutional because it is a tax scheme that assesses arbitrary and inequitable rates upon real property and fails to uphold the public purpose mandated by the Constitution.

A. Washington Law Mandates Uniformity in Taxation.

We concur with the City's well-reasoned analysis that the PILT is a property tax, rather than a fee or an excise tax. Nonetheless, regardless of whether this Court finds the PILT to be a property tax or an excise tax, Washington law and the principles of equity and fairness require uniformity in taxation.

The Washington Constitution provides that "all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax..." Const. art. VII, § 1. Correspondingly, Washington Courts have pronounced that the most important requirement in our tax system is tax uniformity. *See, Welch Foods*, 136 Wn. App. at 326; *Univ. Vill. Ltd. Partners v. King Cty.*, 106 Wn. App. 321, 325, 23

P.3d 1090, 1092 (2001). When a tax is based on the valuation of the true market value of the property, that basis must be applied to all alike; if the basis is a percentage of the true market value, likewise the same percentage must be applied to all alike. *Welch Foods*, 136 Wn. App. at 326. In other words, a tax is uniform if a) the taxing authority applies an equal tax rate; and b) the assessment ratios of the properties at issue are equal. *Univ. Vill.*, 106 Wn. App. at 325. An assessment ratio is the fractional relationship between an assessed value and the market value of the subject property; if one property is assessed at 80 percent of fair market value, then similar properties must also be valued at the same percentage. *Id.*

It is recognized that the Washington Legislature has broad discretion in determining classification for tax purposes within constitutional parameters. A tax classification will not be struck down if facts can reasonably be conceived that would sustain it because as a legislative enactment, it is presumed valid with the burden resting on challenger to prove it unreasonable. *Boeing Co. v. State*, 74 Wn.2d 82, 442 P.2d 970 (1968). At the same time, the Legislature acknowledges the mandate for uniformity imposed by the Washington Constitution and also has pronounced its importance in the real property taxing system. To illustrate, the Legislature declared:

Recent comprehensive studies by the legislative council have disclosed gross inequality and nonuniformity in valuation of real property for tax purposes throughout the state. Serious nonuniformity in valuations exists both between similar property within the various taxing districts and between general levels of valuation of the various counties. Such nonuniformity results in inequality in taxation contrary to standards of fairness and uniformity required and established by the Constitution and is of such flagrant and widespread occurrence as to constitute a grave emergency adversely affecting state and local government and the welfare of all the people. Traditional public policy of the state has vested large measure of control in matters of property valuation in county government, and the state hereby declares its purpose to continue such policy. However, present statutes and practices thereunder have failed to achieve the measure of uniformity required by the Constitution; **the resultant widespread inequality and nonuniformity in valuation of property can and should no longer be tolerated.** It thus becomes necessary to require general revaluation of property throughout the state.

RCW 84.41.010 [emphasis added].

This strong declaration by the Legislature unequivocally disagreeing with the inequality and unfairness resulting from non-uniformity in taxation of real property demonstrates a commitment to uniformity. The Legislature has made very clear that the adverse consequences of non-uniformity is borne by the “state and local government and the welfare of the people.” *See, Id.*

Washington law also requires uniformity for excise taxes. RCW 82.29A.010. The PILT Law does not meet this uniformity requirement. The PILT Law is supposedly “an Act relating to subjecting federally recognized Indian tribes to the same conditions as state and local

governments for property owned exclusively by the tribe...” Laws of 2014, ch. 207. But, unlike the PILT Law, the state and local government property rates are not established through the process of negotiation. For state and local governmentally owned property, “a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property or real or personal property of a community center through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent.” RCW 82.29A.030. The Legislature has recognized that “properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government...[and thus,] **the legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.**” RCW 82.29A.010. As such, consistent with the mandate for real property tax uniformity, a leasehold excise tax is also required to be uniform.

B. The PILT Law Improperly Creates Non-Uniform Taxes for Properties of the Same Classification.

As stated above, although the PILT Law purports to equalize treatment of tribal properties with that of government properties, the PILT

Law admits that it constitutes “preferential tax treatment” to “create jobs and improve the economic health of tribal communities.” Laws of 2014, ch. 207, § 1(1), (2). Even though this motive may be noble, and its stated intent is to equalize the treatment of real properties owned by Indian tribes with government properties, the PILT Law expressly acknowledges that it creates a disparate system. However, the PILT does not address or resolve the disparities it creates. Further, it is also inherently flawed in its execution, rendering it adverse to the public good and unconstitutional.

The PILT Law modifies the taxation of certain real properties owned by tribes, if ownership is prior to March 1, 2014, to allow for an exemption from standard real property taxation. *See*, Laws of 2014, ch. 207, § 5(2). Upon proper application and qualification, a tribe may choose to pay a PILT instead of property taxes. *Id.* The PILT amount is to be “determined jointly and in good faith negotiation between the tribe that owns the property and the county in which the property is located...[but] the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.” *Id.* § 8(2); RCW 82.29A.050(2). If the Tribe and the County cannot agree to the terms on the amount of the PILT, then the “department may determine the rate, provided that the amount may not exceed the leasehold excise tax

amount that would otherwise be owed by a taxable leasehold interest in the property.” *Id.*

The PILT Law effectually creates a non-uniform taxing scheme on two levels: (i) whether certain tribe-owned properties would receive an exemption of real properties taxes, and (ii) if an exemption is granted, the amount of PILT that the tribe must pay. In the first instance, the PILT Law produces two classes—exempt and non-exempt real property—within the same classification of tribe-owned properties exclusively used for essential government services as defined in RCW 84.36.010. RCW 84.36.012. This improper split is the result of an absence of any requirement or regularity for tribes to apply for an exemption or any requisite timing thereof. Certain tribe-owned real properties used solely for essential government services would be exempt from standard property taxes while others would not.

Second and perhaps more important, those real properties that are determined exempt may instead pay the PILT, an amount that is not at all uniform. Instead of a set rate, such as twelve percent of taxable rent for publically owned properties under RCW 82.29A.030, the PILT Law requires a completely arbitrary methodology for assessing its so-called leasehold excise tax which does not bear any relationship to the PILT Law’s stated purpose to treat tribal properties the same as government

properties. Moreover, nothing in the PILT Law even attempts to accomplish tax uniformity through an equal tax rate or an equal assessment ratio, in complete contradiction to the holdings in *Welch Foods* and *Univ. Vill.* discussed above. See, *Welch Foods*, 136 Wn. App. at 326; *Univ. Vill.*, 106 Wn. App. at 325.

Instead, the PILT Law mandates that “the amount of the payment in lieu of leasehold excise taxes must be determined jointly and in good faith negotiation between the tribe that owns the property and the county in which the property is located...[and] if the tribe and the county cannot agree to terms on the amount of payment in lieu of taxes, the department may determine the rate...” Laws of 2014, ch. 207, § 8(2); RCW 82.29A.055. Such individual negotiations between each tribe and the County for each exempt real property and/or determinations by the Department cannot realistically result in anything other than varying basis for the PILT amounts.

Recently, this Court held that fuel tax agreements between Indian tribes and the State made by the executive (governor) was not an unconstitutional delegation of legislative authority. *Auto. United Trades Org. v. State*, 183 Wn.2d 842, 859, 357 P.3d 615, 623 (2015). This Court stated that a constitutional delegation of legislative power is when “(1) that the legislature has provided standards or guidelines which define in

general terms what is to be done and the instrumentality or administrative body which is to accomplish it; and (2) that procedural safeguards exist to control arbitrary administrative action and any administrative abuse of discretionary power.” *Id.* at 860-61 (citing *Barry & Barry, Inc. v. Dep't of Motor Vehicles*, 81 Wn.2d 155, 159, 500 P.2d 540 (1972)). The Court explained that the executive can properly enter into fuel tax agreements with the tribes because the legislature made such authorization and provided fairly detailed standards and guidelines, such as the authority to delegate to the department of licensing, direction to formulate a dispute resolution mechanism to resolve questions and issues, limitation on the use of refunds to certain purposes, and requirement for audit provisions and reporting to the legislature. *Id.* at 860. Moreover, the Court noted that although the statutes did not define the objective of the agreements to state that the tribes are entitled to payment, they are not improper because a fair reading shows the statutes to be aimed at resolving conflicts over tribal immunity and the State’s desire to collect fuel taxes. *Id.* at 861. Finally, the Court found that the requirement of regular audits and reporting and the ability to bring a challenge to superior court to be adequate procedural safeguards to control arbitrary administrative action or abuse of discretionary power. *Id.*

Unlike the fuel tax statutes in *Auto. United Trades*, the only provision which might constitute a standard in the PILT Law is that the maximum payment “not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.” Laws of 2014, ch. 207, § 8(2); RCW 82.29A.055 (emphasis added). There is no minimum amount and there are no standards by which to evaluate the negotiated payment. Even under the premise of “good faith negotiations,” the Legislature did not define any procedural standards or guidance, and instead, the negotiations would be dependent on subjective criteria such as individual negotiation skills, personal subjectivities, and other capricious attributes. The PILT amount can be as little as zero and up to a maximum twelve percent of taxable rent, which again, is wholly contradictory to tax uniformity. *Id.*; see, *Welch Foods*, 136 Wn. App. at 326; *Univ. Vill.*, 106 Wn. App. at 325.

Additionally, if good faith negotiations fail to produce any resolution, then the PILT Law directs the Department to step in to make a determination of the PILT amount. Laws of 2014, ch. 207, § 8(2); RCW 82.29A.055. However, unlike the *Auto. United Trades* statutes the PILT Law again provides absolutely no standard or guidance for the Department to make its determination. Accordingly, the PILT Law can only result in arbitrary PILT amounts that have no relationship to the valuation of the

properties or leaseholds, and rather would be dependent on improper, subjective criteria. Because there would be no measurable, objective or fair setting of the PILT amount among properties in the same class and same taxing jurisdiction, the PILT Law is inconsistent with the principles of fairness and equity and does not pass constitutional muster.

C. The PILT Law Improperly and Unfairly Shifts the Real Property Tax Burden to Non-Tribe Property Owners, Inconsistent with the Purpose of Taxes on Real Property.

The consequence of lesser, arbitrary PILT amounts in place of standard, uniform property taxes places a burden on other property owners, such as MBA members and their customers, to make up the difference in local jurisdictions' revenue. As the City has fully explained, the City, like any other municipality, utilizes its share of real property taxes to pay for services such as police, fire, emergency medical, water, sewer, stormwater, parks, planning, public works, roads and streets, municipal court, municipal prosecution, public defense, human services, and waste collection. *See*, Complaint, pp. 2 – 3, ¶3.1. These expenditures correspond with the purpose of the real property tax to benefit the public overall. *See*, Const. art. VII, § 1. The PILT Law does not take into account that the City's responsibilities do not change despite the reduction in revenue that the PILT Law creates.

Even though the Department concedes that the City must continue to provide services regardless that a substantial chunk of its revenue source has been taken away, it irresponsibly suggests that the City could simply fill its revenue gap by raising the property tax rates for all other property owners. See, Brief of Appellant, pp. 15 – 16. According to the Department, since the City has not yet reached its levy limit—the maximum property tax rate that the Legislature allows the City to impose—in this regard, there is no harm to the City. *Id.* The Department does not justify the resulting disparity and increased burden this imposes on all other property owners like the MBA’s members.

The Department overlooks the very clear harm to the City, its residents and MBA members and homeowners. By reducing the amount of revenue the City receives from property taxes, the PILT Law would certainly require a higher tax rate upon the remaining real properties. MBA members and the homeowners and homebuyers that MBA members work with would surely be adversely affected by increased property taxes. Moreover, although the City’s levy limit has not been reached, an increase in the property tax rate would certainly bring this rate closer to the maximum limit, begging the eventuality that the decreasing revenue would necessitate a rate increase beyond the maximum limit. This grave consequence is not speculative in the least because PILT amounts are

required to be negotiated on a yearly basis, yet without regard to their consequence.

D. The PILT Law Places MBA Members at a Competitive Disadvantage in the Marketplace.

In addition to the added burden to homeowners and homebuyers such as those served by the MBA and its members, a tribal tax exemption given for all tribally-owned fee-simple property creates an unequal playing field for MBA members. The PILT Law permits tribes to purchase property in Washington State for the purposes of development without having to pay any standard real property taxes. *See*, Laws of 2014, ch. 207; RCW 84.36.010. For instance, under the PILT system, the Muckleshoot tribe could choose not to pay real property taxes on its current proposal to construct 175 homes on 60 acres, creating a huge advantage in the tribe's favor.

This tax advantage would also give the tribes greater purchasing power in the future. With developable land very difficult to acquire and increasingly so, MBA members have been forced to find land further away from urban centers and closer to tribal properties. The PILT Law's "preferential tax treatment" of tribes places MBA members at a substantial disadvantage when competing to purchase the same lots when bidding against tribes. *See*, Laws of 2014, ch. 207, § 1. The PILT Law unfairly

skews the playing field against the MBA and its members, which has a profound, negative effect on the homebuilding industry in our region. Thus, a resolution of this case affirming the trial court's decision that the PILT Law is unconstitutional is crucial to the health and well-being of the homebuilding industry, the MBA and its members, the general public.

V. CONCLUSION

Based on the foregoing analysis and argument, the MBA respectfully requests that the Supreme Court uphold the Superior Court's decision that Engrossed Substitute House Bill 1287 (the PILT Law) is unconstitutional, null and void in its entirety.

Dated this 21st day of March, 2016.

JOHNS MONROE MITSUNAGA
KOLOUŠKOVÁ PLLC

By: 

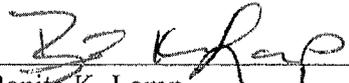
Duana Koloušková, WSBA #27532
Trisna Tanus, WSBA No. 46568
Attorneys for the Master Builders
Association of King and
Snohomish Counties

DECLARATION OF SERVICE

I, Benita K. Lamp, am a citizen of the United States, resident of the State of Washington, and declare under the penalty of perjury under the laws of the State of Washington, that on this date, I caused to be served via legal messenger and email service a true and correct copy of the foregoing AMICUS CURIAE BRIEF OF MASTER BUILDERS ASSOCIATION OF KING AND SNOHOMISH COUNTIES upon all counsel and parties of record at the address listed below.

| | |
|---|---|
| <p>Margaret A. Pahl Senior Deputy Prosecuting Attorney W 400 King County Courthouse 516 Third Avenue Seattle WA 98104 Peggy.Pahl@kingcounty.gov</p> <p><i>Attorney for Defendants King County Executive Dow Constantine, King County Assessor Lloyd Hara, and King County</i></p> <p>Ruth Leers Legal Assistant Ruth.Leers@kingcounty.gov</p> | <p>David M. Hankins Kelly Owings Andrew Krawczyk Washington State Office of the Attorney General Revenue Division 7141 Cleanwater Drive SW PO Box 40123 Olympia WA 98504</p> <p>DavidH1@atg.wa.gov KellyO2@atg.wa.gov AndrewK1@atg.wa.gov</p> <p><i>Attorneys for Appellant the State of Washington Department of Revenue</i></p> <p>Susan Barton, Legal Assistant SusanB5@atg.wa.gov RevO1yEL@atg.wa.gov</p> |
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Dated this 21st day of March, 2016, in
Bellevue, Washington.



Benita K. Lamp

1300-1 Amicus Curiae Brief 3-21-16

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
KING COUNTY
and
THE MUCKLESHOOT INDIAN TRIBE**

This Memorandum of Understanding (hereinafter "MOU") is entered into by and between King County (the "County") and the Muckleshoot Tribe (the "Tribe");

In consideration of the recitals set forth below and the mutual promises and covenants contained in this Agreement, the County and the Tribe (collectively "the Parties") agree as follows:

Part 1. RECITALS

1.1 This MOU is the outcome of a good faith negotiation between the Parties for the purpose of determining a 2015 payment in lieu of leasehold excise tax (hereinafter "PILT") for the Salish Lodge;

1.2 The 2014 Washington State Legislature amended RCW 84.36.010 to recognize "economic development" as an essential government services for the purpose of qualifying tribally owned property for property tax-exempt status. To qualify property used for economic development, a tribe must have owned the property prior to March 1, 2014;

1.3 The Tribe has expressed an interest in applying for a property tax exemption for the Salish Lodge property, effective in 2015. The Tribe is the sole member of Salish Lodge LLC, the owner of the Salish Lodge;

1.4 Before the Tribe may apply to the State Department of Revenue (DOR) for a property tax exemption for tax year 2015, under the revised law, the County and the Tribe are required to enter into good faith negotiations to determine a payment in lieu of leasehold excise tax (PILT); and

1.5 The Salish Lodge property is currently identified by real property tax account number 302408-9064-02 and personal property tax account number 4200-03048352.

PART 2. AGREEMENT

2.1 King County and the Tribe have agreed on a methodology and amount of the PILT for 2015. The amount of the PILT will be 25 percent of the 2014 property taxes billed for the Salish Lodge, including both real and personal property.

2.2 The table below sets forth the calculation for the 2015 PILT for the Salish Lodge.

| Salish Lodge LLC | |
|--|-----------|
| 2014 Real Property Tax Billed (account # 302408-9064-02) | \$393,948 |
| 2014 Personal Property Tax Billed (account # 4200-03048352) | \$18,578 |
| Total 2014 Property Tax Billed | \$412,526 |
| 2015 PILT (25% of 2014 property tax billed) | \$103,132 |

2.3 This MOU is effective September 5, 2014 and is intended to be a one year PILT agreement for the Salish Lodge starting and ending in 2015.

2.4. The Parties agree that any future PILT agreements will be negotiated separately from this MOU.

2.5. If the DOR approves the Tribe's 2015 application for property tax exemption, the Tribe agrees to pay the full amount of the 2015 PILT to King County by April 30, 2015. Payment shall be made to King County Treasury, 500 Fifth Avenue, Rm. 600, Seattle, WA 98104.

2.6. Consistent with state law, the County will distribute the payment to the local taxing districts, including the City of Snoqualmie, in the same proportion that each district would have shared if a leasehold excise tax had been levied.

2.7. It is expressly understood and agreed by the Tribe and the County that the parties intend that this MOU to create a legally binding and enforceable obligation upon the part of both Parties.

2.8. Each signatory below warrants that they are lawfully authorized to sign this MOU on behalf of the County and Tribe, respectively.

AGREED to and Signed the date set forth below our signatures


King County Executive

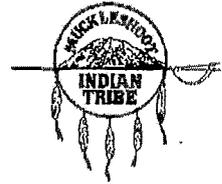
10-12-14
Date


Chairperson, Muckleshoot Indian Tribe

9-26-14
Date



MUCKLESHOOT INDIAN TRIBE
OFFICE OF THE TRIBAL ATTORNEY
39015 - 172ND Avenue S.E. • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • FAX: (253) 876-3181



September 30, 2014

Diane Carlson
King County Executive Office
Chinook Building
Suite 800
401 5th Avenue
Seattle, WA 98104

Re: Muckleshoot Tribe King County PILT MOU on Salish Lodge

Dear Diane,

Enclosed are two originals of a Memorandum of Understanding between King County and the Muckleshoot Indian Tribe concerning the Payment in Lieu of Taxes ("PILT") for 2015 property taxes for the Salish Lodge & Spa signed by Virginia Cross, Chairperson of the Tribe. Please have both originals signed and return one original to me. Thank you for your assistance on this.

Sincerely,

Robert L. Otsea, Jr.
Chief Legal Counsel

Encs.

OFFICE RECEPTIONIST, CLERK

To: Benita Lamp
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Subject: RE: City of Snoqualmie v. State of WA Dept. of Revenue and King County et. al., No. 91534-2

Received 3-21-2016

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Subject: City of Snoqualmie v. State of WA Dept. of Revenue and King County et. al., No. 91534-2

Good morning,

City of Snoqualmie,
Respondent,

v.

The State of Washington Department of Revenue,
Appellant,

and

King County Executive Dow Constantine; King County Assessor Lloyd Hara; King County,
Defendants.

No. 91534-2

Attached for filing in the above matter are the following:

1. Motion for Leave to File Amicus Curiae Brief of Master Builders Association of King and Snohomish Counties, and
2. Amicus Curiae Brief of Master Builders Association of King and Snohomish Counties.

Please let me know if you have any questions or comments.

Thank you!

Benita K. Lamp, Paralegal

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