

ORDINANCE NO. 17-013

AN ORDINANCE OF THE CITY OF KITTITAS, WASHINGTON, DECLARING AN INTENT TO ANNEX THE CITY OF KITTITAS TO KITTITAS COUNTY FIRE DISTRICT #2, AND REQUESTING KITTITAS COUNTY CALL AN ELECTION ON THE ANNEXATION AND PLACING THE SAME ON THE NOVEMBER GENERAL ELECTION BALLOT.

WHEREAS, the growth within the City of Kittitas and the Kittitas County Fire District #2 is creating greater demand for fire and emergency medical services; and

WHEREAS, fire and emergency medical services are critical services and are necessary for the public health and safety; and

WHEREAS, the City Council has from time-to-time considered and studied the City's abilities and options for rendering adequate fire and/or emergency medical services through its volunteer program and available equipment; and

WHEREAS, it is in the best interest of the City to enhance efficiency and effectiveness in providing fire and emergency medical services; and

WHEREAS, at a regularly scheduled meeting on June 13, 2017, the City Council considered the advantages and disadvantages of its options for providing fire and emergency medical services to its citizens, which are remaining independent and working with the District, contracting with the District for said services, or annexing into the District; and

WHEREAS, RCW 52.04.061 and 52.04.071 provide the statutory authority and processes by which the City can declare its intent to annex into the District and put the matter to a vote of the City's voters and the District's voters; and

WHEREAS, on July 7, 2017, the City Council adopted Resolution No. 17-012R whereby the City Council determined that it was in the best interest of the City's citizens to have a single fire and emergency medical services agency and thereby resolved to declare its intent to annex into the District and put the matter to a vote in the November, 2017 general election; and

WHEREAS, RCW 52.04.061 requires that the annexation process be initiated with the passage of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby; and

WHEREAS, at a regularly scheduled meeting on July 11, 2017, the City Council adopted Ordinance No. 17-012 with the intent of initiating the annexation process pursuant to RCW 52.04.061; and

WHEREAS, Ordinance No. 17-012 contains some formal deficiencies and also does not provide for the calling of an election to put the annexation matter to a vote; and

WHEREAS, the City Council wishes to repeal Ordinance No. 17-012; and

WHEREAS, it is in the best interest of citizens of Kittitas to have a single fire and emergency medical services agency to serve the community; and

WHEREAS, the City Council desires to place before the voters of the City and the District the of whether to annex the City into the District; and

WHEREAS, there is limited time by which this Ordinance must take effect so that it may be transmitted to the Kittitas County Board of Commissioners and the Kittitas County Auditor to meet deadlines for placement on the ballot for the State General Election to be held on November 7, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KITTITAS DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact.

The above "Whereas" Recitals are hereby adopted and incorporated as Findings of Fact. The City Council of the City of Kittitas, Washington further finds that the public interest will be served by the annexation of the city to Kittitas County Fire District # 2. Therefore, the City Council declares its intent to join the District pursuant to RCW 52.04.061 and have the matter called for a special election pursuant to RCW 52.04.071.

Section 2. Boundary Review Board Consideration and Filing of Ordinance.

The City Fire Chief and/or the City Clerk are each hereby authorized and directed to cause a notice of intention for the annexation of the City of Kittitas to the Kittitas County Fire District #2 to be filed with the Kittitas County Boundary Review Board, and to cause a certified copy of this Ordinance to be filed with the Kittitas County Board of Commissioners and the Kittitas County Auditor.

Section 3. Calling of Election.

The City Council hereby requests that the Kittitas County Board of Commissioners call by resolution a special election to be held in both the City of Kittitas and the Kittitas County Fire District #2 in conjunction with the State General Election to be held on November 7, 2017, on the question of whether the City of Kittitas should be annexed to the Kittitas County Fire District #2. The ballot proposition shall be as follows:

Shall the City of Kittitas be annexed to and be a part of Kittitas County Fire District #2?

YES.....[]

NO.....[]

The City Council also requests that the Kittitas County Auditor cause notice of the election to be given as provided for in RCW 29A.52.355 and conduct the election in accordance with the general election laws of the state.

Section 4. Repealer.

The following ordinance is hereby repealed:

Ordinance No. 17-012 titled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KITTITAS, WASHINGTON, DECLARING AN INTENT TO ANNEX THE VOLUNTEER FIRE DEPARTMENT OF KITTITAS TO KITTITAS COUNTY FIRE DISTRICT #2, AND PLACING ON THE NOVEMBER GENERAL ELECTION BALLOT" adopted at a regularly scheduled City Council Meeting on July 11, 2017 *nunc pro tunc* for July 7, 2017.

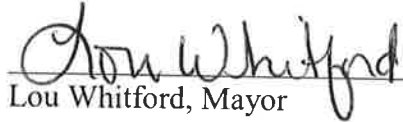
Section 5. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

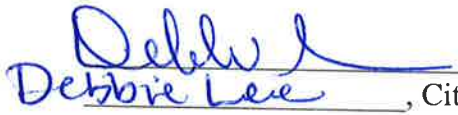
Section 6. Effective Date.

This ordinance shall take effect and be in full force and effect immediately upon passage as set forth herein.

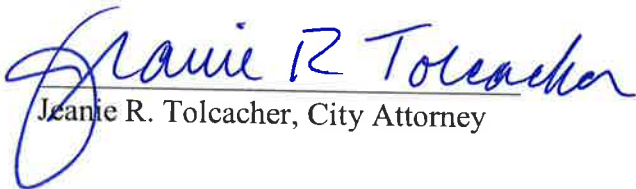
PASSED by the City Council of the City of Kittitas, Washington, this 24th day of July, 2017.


Lou Whitford, Mayor

ATTEST:


Debbie Lee, City Clerk

APPROVED AS TO FORM:


Jeanie R. Tolcacher, City Attorney

PASSED the 24 day of July, 2017.

APPROVED the 24 day of July, 2017.

PUBLISHED the ____ day of _____, 2017.