

**KITTITAS COUNTY
COMMISSIONER'S OFFICE
AGENDA STAFF REPORT**

AGENDA DATE: August 2, 2011

ACTION REQUESTED: Consider a Resolution Annexing Certain Properties into Kittitas County Fire District #7

BACKGROUND: On July 6, 2011 the Kittitas County Board of Commissioners office received a memo from the Auditor's office, along with a Certificate of Sufficiency and a copy of Kittitas County Fire District #7 Resolution #6-8-2011.

INTERACTION: Since there is no Boundary Review Board in place, per RCW 52.04.011(3), if 60% of the qualified registered electors residing within the territory proposed to be annexed, and if the Board of Fire Commissioners concur, an election in the territory and a hearing on the petition shall be dispensed with and the County legislative authority shall enter its order incorporating the territory into the existing fire protection district.

RECOMMENDATION:
Consider a Resolution Annexing Certain Properties into Kittitas County Fire Protection District 7

HANDLING: After 5 days from the Commissioners approval of the Resolution, a certified copy is to be filed with the County Auditor and the County Assessor.

ATTACHMENTS: Memo dated July 6, 2011 from the Auditor's office & Certificate of Sufficiency
Kittitas County Fire District 7 Resolution 6-8-2011

LEAD STAFF: Julie Kjorsvik, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**RESOLUTION
NO. 2011-_____**

**A Resolution Annexing Certain Properties into Kittitas County Fire Protection
District 7**

WHEREAS, on June 8, 2011, Kittitas County Fire Protection District 7 received petitions for annexation, to annex into Fire Protection District 7, Kittitas County, Washington; and

WHEREAS, Kittitas County does not have a Boundary Review Board to process such petitions; and

WHEREAS, in the absence of a Boundary Review Board, Chapter 52.04 RCW governs annexations for fire protection districts; and

WHEREAS, the petition method of annexation is an alternative method to the election method, and is governed by RCW 52.04.031, 041, and .051, as well as by other statutes to which reference is made within those statutes; and

WHEREAS, in accord with RCW 52.04.031, the annexation petition was filed with the Board of Fire Commissioners of Fire Protection District 7, signed by the owners of at least 60% of the area of land to be annexed, and included a legal description and a plat outlining the boundaries of the proposed annexation; and

WHEREAS, in accord with RCW 52.04.041, District 7 Fire Commissioners by Resolution dated June 8, 2011, approved the annexation; and

WHEREAS, the Board of Fire Commissioners of Fire Protection District 7 submitted a signed and certified copy of its Resolution and Petitions for Annexation to the Kittitas County Auditor's office, which was then reviewed for sufficient signatures of registered voters, as required by RCW 52.04.011(1) and issued a Certificate of Sufficiency;

WHEREAS, on July 6, 2011 the Auditor's office provided the Resolution, copies of the Petitions for Annexation signed by the land owners and a Certificate of Sufficiency;

WHEREAS, according to RCW 52.04.011(3) if 60% of the qualified registered voters signed the petition, it allows the county legislative authority, if the Board of Fire Commissioners concur, to dispense with any public hearing and election, and shall enter its order incorporating territory into the existing fire protection district;

WHEREAS, at a public meeting the BOCC considered only those areas located within the County, and did not include any lands outside the boundaries of the proposed annexation; and

WHEREAS, the BOCC did not exclude any lands from the boundaries described in the petition;

WHEREAS, the BOCC finds that the annexation will be conducive to the public safety, welfare and convenience; and

WHEREAS, the BOCC approves the Resolution of Fire Protection District No. 7 dated June 8, 2011, to annex the property as attached hereto as Exhibit #1.

NOW, THEREFORE, BE IT RESOLVED: according to statute, the Board of Kittitas County Commissioners adopts the recommendation of the Kittitas County Fire Protection District 7, as submitted by the fire district's Resolution dated June 8, 2011 to annex certain property into Kittitas County Fire Protection District 7.

DATED this _____ day of _____, 2011, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

ATTEST:

Paul Jewell, Chair

Julie A. Kjorsvik

Alan Crankovich, Vice Chair

APPROVED AS TO FORM:

Obie O'Brien, Commissioner

Deputy Prosecuting Attorney

RECEIVED

JUN 14 2011



KITTITAS COUNTY FIRE & RESCUE 7

KITTITAS COUNTY AUDITOR

Mail P.O. Box 777 South Cle Elum, WA 98943

Office – 123 East First Street, Cle Elum, WA 98922

509-674-5371

"Neighbors helping Neighbors"

RESOLUTION 6-8-2011

A Resolution by the Board of Fire Commissioners of Kittitas County Fire Protection District No. 7, to accept the Petition for Annexation of certain real property situated in Kittitas County, State of Washington, to be annexed into and become part of Kittitas County Fire Protection District #7; and to file the Petition for Annexation with the County Auditor.

WHEREAS, the Board desires to annex certain real property into the Kittitas County Fire Protection District No. 7 service area; and

WHEREAS, on June 8, 2011, the Board received petitions, signed by certain qualified registered electors of the real property proposed to be annexed; and

WHEREAS, the legal description of the area petitioned for annexation includes the South half of Sections 13, 14, 15 in Township 20, Range 15 WM. All of Sections 23 in Township 20, Range 15 WM. The North two-thirds of Section 24, Township 20, Range 15 WM. All of Sections 19, 20, 21 & 22 in Township 20, Range 16 WM. The North half and the West half of the South half of Section 23 in Township 20, Range 16 WM. All in Kittitas County, State of Washington.

WHEREAS; it appears that sixty percent of the available electors in the proposed annexation area signed the petition, this meets 60% of qualified registered electors of the land included in the annexation petitions as required by RCW 52.04.011 (3); and

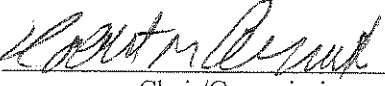
WHEREAS; upon verification of sufficiency of qualified registered electors presiding within the petitioned territory the Board of Fire Commissioners of Kittitas County Fire Protection District No.7 request the Kittitas County Board of Commissioners dispense with the public hearing and elections provided in RCW 52.04.011 (3);

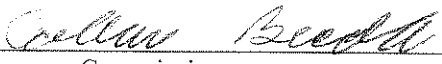
NOW THEREFORE; be it resolved by the Board of Fire Commissioners of Kittitas County Fire Protection District No.7, that the Board accepts the Petitions and shall forward the Petitions to the Kittitas County Auditor to certify the sufficiency of the signatures.

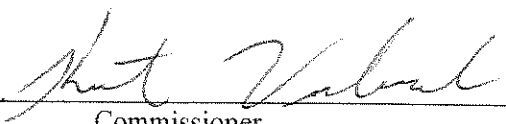
ADOPTED AND APPROVED; at the special meeting of the Board of Fire Commissioners of Kittitas County Fire Protection District No.7.

Dated this 8th day of June, 2011

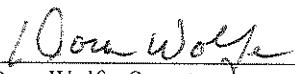
Kittitas County Fire Protection District No.7
Kittitas County Washington

By: 
Chair/Commissioner

By: 
Commissioner

By: 
Commissioner

ATTEST:


Dora Wolfe, Secretary

Attachments: Exhibit A

Memorandum

To: Julie- County Commissioners Office
From: Sue- Auditor's Office
Date: 7/6/2011
Re: Kittitas County Fire District 7 Annexation

Julie-

I am providing you with a copy of the Certificate of Sufficiency for Kittitas County Fire District 7 regarding their annexation of property north of the City of Cle Elum.

Please let me know if you have any questions.

Thanks!

Sue



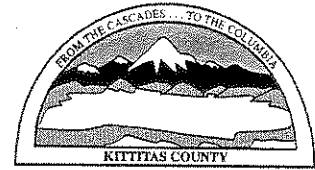
RECEIVED

JUL 6 2011

1st ____ 2nd ____ 3rd ____

KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS

Jerald V. Pettit
Kittitas County Auditor
205 West 5th - Suite 105
Ellensburg, WA 98926
509-962-7504 Fax 509-962-7687



July 6, 2011

Kittitas County Fire District #7
PO Box 777
South Cle Elum, WA 98943

RE: CERTIFICATE OF SUFFICIENCY

Kittitas County Fire District No. 7 submitted Resolution 6-8-2011, accepting Petitions to annex certain areas located within the area described herein:

The South half of Sections 13, 14, 15 in Township 20, Range 15 WM. All of Sections 23 in Township 20, Range 15 WM. The North two-thirds of Section 24, Township 20, Range 15 WM. All of Sections 19, 20, 21 & 22 in Township 20, Range 16 WM. The North half and the West half of the South half of Section 23 in Township 20, Range 16 WM. All in Kittitas County, State of Washington.

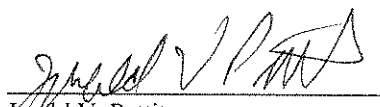
Said petitions contain **SUFFICIENT** signatures of registered voters, as required by RCW 52.04.011 (1) to be issued a certificate of Sufficiency.

There are 3 registered voters in the area: 4 petitions were submitted- 2 from qualified registered electors within the area as described above, and 2 from residents not registered within the area described above. A total of 2 signatures of qualified electors were verified, exceeding the required amount to meet sufficiency.

This is adequate to be issued a certificate of sufficiency with 66.6%.

If 60% of the qualified registered voters signed the petition, RCW 52.04.011 (3) allows the county legislative authority, if the board of fire commissioners concur, to dispense with any public hearing and election, and shall enter its order incorporating territory into the existing fire protection district;

Dated this 6th day of July, 2011


Jerald V. Pettit
Kittitas County Auditor



RCW 52.04.011

Annexation of territory by election method — Procedure — Indebtedness — Election dispensed with, when.

(1) A territory adjacent to a fire protection district and not within the boundaries of a city, town, or other fire protection district may be annexed to the fire protection district by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such territory may be located in a county or counties other than the county or counties within which the fire protection district is located. The petition shall be filed with the fire commissioners of the fire protection district and if the fire commissioners concur in the petition they shall file the petition with the county auditor of the county within which the territory is located. If this territory is located in more than one county, the original petition shall be filed with the auditor of the county within which the largest portion of the territory is located, who shall be designated as the lead auditor, and a copy shall be filed with the auditor of each other county within which such territory is located. Within thirty days after the date of the filing of the petition the auditor shall examine the signatures on the petition and certify to the sufficiency or insufficiency of the signatures. If this territory is located in more than one county, the auditor of each other county who receives a copy of the petition shall examine the signatures and certify to the lead auditor the number of valid signatures and the number of registered voters residing in that portion of the territory that is located within the county. The lead auditor shall certify the sufficiency or insufficiency of the signatures.

After the county auditor has certified the sufficiency of the petition, the county legislative authority or authorities, or the boundary review board or boards, of the county or counties in which such territory is located shall consider the proposal under the same basis that a proposed incorporation of a fire protection district is considered, with the same authority to act on the proposal as in a proposed incorporation, as provided under chapter 52.02 RCW. If the proposed annexation is approved by the county legislative authority or boundary review board, the board of fire commissioners shall adopt a resolution requesting the county auditor to call a special election, as specified under *RCW 29.13.020, at which the ballot proposition is to be submitted. No annexation shall occur when the territory proposed to be annexed is located in more than one county unless the county legislative authority or boundary review board of each county approves the proposed annexation.

(2) The county legislative authority or authorities of the county or counties within which such territory is located have the authority and duty to determine on an equitable basis, the amount of any obligation which the territory to be annexed to the district shall assume to place the property owners of the existing district on a fair and equitable relationship with the property owners of the territory to be annexed as a result of the benefits of annexing to a district previously supported by the property owners of the existing district. If a boundary review board has had its jurisdiction invoked on the proposal and approves the proposal, the county legislative authority of the county within which such territory is located may exercise the authority granted in this subsection and require such an assumption of indebtedness. This obligation may be paid to the district in yearly benefit charge installments to be fixed by the county legislative authority. This benefit charge shall be collected with the annual tax levies against the property in the annexed territory until fully paid. The amount of the obligation and the plan of payment established by the county legislative authority shall be described in general terms in the notice of election for annexation and shall be described in the ballot proposition on the proposed annexation that is presented to the voters for their approval or rejection. Such benefit charge shall be limited to an amount not to exceed a total of fifty cents per thousand dollars of assessed valuation: PROVIDED, HOWEVER, That the special election on the proposed annexation shall be held only within the boundaries of the territory proposed to be annexed to the fire protection district.

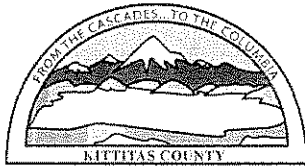
(3) On the entry of the order of the county legislative authority incorporating the territory into the existing fire protection district, the territory shall become subject to the indebtedness, bonded or otherwise, of the existing district. If the petition is signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and if the board of fire commissioners concur, an election in the territory and a hearing on the petition shall be dispensed with and the county legislative authority shall enter its order incorporating the territory into the existing fire protection district.

[1999 c 105 § 1; 1989 c 63 § 8; 1984 c 230 § 22; 1973 1st ex.s. c 195 § 49; 1965 ex.s. c 18 § 1; 1959 c 237 § 3; 1947 c 254 § 5; 1945 c 162 § 2; 1941 c 70 § 3; Rem. Supp. 1947 § 5654-116a. Formerly RCW 52.08.060.]

Notes:

***Reviser's note:** RCW 29.13.020 was recodified as RCW 29A.04.330 pursuant to 2003 c 111 § 2401, effective July 1, 2004.

Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195: See notes following RCW 84.52.043.



Kittitas County, Washington
BOARD OF COUNTY COMMISSIONERS

District One
Paul Jewell

District Two
Alan Crankovich

District Three
Obie O'Brien

July 18, 2011

Chief Hobbs
Kittitas County Fire District 7
PO Box 777
South Cle Elum, WA 98943

Dear Chief Hobbs,

On July 6, 2011 our office received a Memorandum and Certificate of Sufficiency from the Kittitas County Auditor's office regarding Kittitas County Fire District 7 Resolution 6-8-2011.

Since the County does not have a Boundary Review Board in place the Kittitas County Board of Commissioners will consider the request to annex certain properties into Kittitas County Fire Protection District 7 at their August 2, 2011 Agenda Session. This meeting will take place at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue Ellensburg, WA.

If you have any questions please feel free to contact our office at your convenience. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Kjorsvik".

Julie Kjorsvik
Clerk of the Board

cc: Auditor
Assessor
Prosecutor