

02/24/94
MMC

Introduced by: FIMIA

Proposed No.: 94-121

ORDINANCE NO. **11253**

AN ORDINANCE appointing commissioners for
Fire District 5 as required pursuant to
RCW 52.14, and declaring an emergency.

FINDINGS:

1. Lake Forest Park recently annexed territory which includes a portion of Fire District 5. The annexation was approved by the voters on February 16, 1994 and the annexation becomes effective on March 1, 1994. Annexation of a portion of a fire district to a city has the legal effect of removing that portion from the district.

2. All of the commissioners for Fire District 5 reside in the annexed territory. A fundamental qualification for a person to be a fire district commissioner is that they reside in the district. Effective March 1, 1994, the current commissioners will not be residents of the district, and their positions are vacant. As of March 1, 1994, there will be no legally existing board to conduct the affairs of the district until replacements are appointed.

3. Normally, when a vacancy on a fire district board occurs, it is to be filled by an appointment made by the remaining board members. However, in this case, there are no remaining members to fill the vacancies. Under these circumstances, RCW 52.14.050 provides for the county legislative authority to appoint sufficient commissioners to constitute a majority of the board, which then makes the additional appointments needed to fill the remaining positions. The county legislative authority is not authorized to appoint more than a majority of the board.

4. This district functions with a three member board. Therefore, the council is obligated to appoint two new board members, and not more.

5. These appointments are to be made within thirty days of the occurrence of the vacancy. In order to assure that this ordinance is effective prior to the thirty day deadline, and to assure that the district continues to legally function with minimal disruption, this ordinance should be made effective as soon as possible. Therefore, an emergency clause is included, making the ordinance effective upon adoption.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The following persons are appointed to serve as commissioners for Fire District 5 until such time as an election is held to elect their replacements, or the district

1 is dissolved or merged with another district, whichever occurs
2 first:

3 Stanley R. Terry, 15811 28th Avenue NE, Seattle, WA.

4 William J. Rundall, 14624 23rd NE, Seattle, WA.

5 SECTION 2. The county council finds as a fact and
6 declares that an emergency exists and that this ordinance is
7 necessary for the immediate preservation of public peace,
8 health or safety or for the support of county government and
9 its existing public institutions.

10 INTRODUCED AND READ for the first time this 28th day
11 of February, 1994.

12 PASSED this 7th day of March, 1994.

13 KING COUNTY COUNCIL
14 KING COUNTY, WASHINGTON

15 Kent Pullen
16 Chair

17 ATTEST:

18 Gerald A. Peterson
19 Clerk of the Council

20 APPROVED this 18th day of March, 1994.

21 Gary Locke
22 King County Executive

23 Attachments: none

24

Passed by a vote of 9 to 0.