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KING COUNTY ELECTIONS

JOINT RESOLUTION
CITY OF KENT RESOLUTION NO. 1820
KCFP DISTRICT NO. 37 RESOLUTION NO. 353

A JOINT RESOLUTION of the City Council of the City of Kent, Washington, and the Board of Commissioners of King County Fire Protection District No. 37, providing for the submission to qualified electors of the City and the District, at a special election to be held on April 27, 2010, of a proposition that, pursuant to Chapter 52.26 of the Revised Code of Washington, approves a plan to form a Regional Fire Protection Service Authority within the boundaries of the City and the District, effective July 1, 2010, to be funded by a property tax levy and a new six-year benefit charge.

RECITALS

A. The ability to respond to emergency situations by fire protection and emergency medical service agencies has not kept up or progressed with community needs and special service demands. Providing an effective fire protection and emergency medical service system requires a collaborative partnership and responsibility among local and regional governments and the private sector.

B. There are efficiencies that can be gained by regional fire protection and emergency medical service delivery, while maintaining local control. Timely development of significant projects can best be achieved by using existing taxing authority to address fire protection and emergency

service needs, with new benefit charging authority to address critical fire protection projects and emergency services.

C. The City of Kent Fire Department ("the City") and King County Fire Protection District No. 37 ("the District") have had a cooperative partnership, striving to provide the highest level of fire and emergency medical services to their citizens within the confines of available resources. This cooperative partnership began with an interlocal agreement in 1973, which provided that the City and the District would remain separate entities, but would work together cooperatively.

D. In 2007, the City and the District formed a Stakeholder Committee to evaluate the feasibility of creating a new and separate Regional Fire Authority to provide the fire protection and emergency services within the boundaries of the City and the District. The members of the Stakeholder Committee included citizens of the City, the District, and the City of Covington; union representatives of International Association of Firefighters Local 1747; business owners in the City, the District, and Covington; and elected officials of the City, the District, and the City of Covington. In 2008, over a nine-month period, the Stakeholder Committee met and completed a report recommending the creation of a Regional Fire Protection Service Authority as permitted by Chapter 52.26 of the Revised Code of Washington ("RCW"), to serve the City, the District, and the City of Covington, and a Planning Committee was formed to accomplish this task.

E. The Planning Committee met and prepared a Plan to create the "Kent Fire Department Regional Fire Authority," and to govern and finance its operation. The Plan was approved by the City on December 8, 2009, and the District on November 16, 2009, and is formally adopted by each entity pursuant to this Joint Resolution. Copies of the Plan are available from the administrative offices of the City and the District.

F. Authority to form a Regional Fire Protection Service Authority is authorized by Chapter 52.26 RCW. Chapter 52.26 RCW requires that in order to create a Regional Fire Protection Service Authority, the Plan must be approved by the voters of the area affected by the Plan. Therefore, in accordance with the Plan and state law, it is appropriate to place before voters within the proposed service boundaries of the Regional Fire Protection Services Authority, at a special election to be held on April 27, 2010, calling for the creation of the Kent Fire Department Regional Fire Authority, to be funded by a new six-year benefit charge and existing property tax levy, and the approval of the Plan, all in accordance with state law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, AND THE BOARD OF COMMISSIONERS OF KING COUNTY FIRE PROTECTION DISTRICT NO. 37, DO HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – *Adoption of Plan for Kent Fire Department Regional Fire Authority.* The City Council of the City of Kent and the Board of Commissioners of King County Fire Protection District No. 37 hereby formally adopt the Plan of the Kent Fire Department Regional Fire Authority, a true and correct copy of which is attached as Exhibit A and incorporated by this reference.

SECTION 2. – *Findings of Kent City Council and King County Fire Protection District No. 37.* The City Council of the City of Kent Washington and the Board of Commissioners of King County Fire Protection District No. 37 hereby find that it is in the best interests of the City and the District to submit to the qualified electors of the City and the District at a special election to be held on April 27, 2010, a proposition to adopt the Plan that

creates the Kent Fire Department Regional Fire Authority, which if approved will be funded by a six year benefit charge not to exceed sixty percent of the Authority's operating budget, and a property tax not to exceed $1.00 per thousand of assessed value during such time as the benefit charge is collected, and not to exceed $1.50 per thousand of assessed value if the benefit charge is not being collected. If approved by sixty percent of the voters within the boundaries of the authority voting on the ballot proposition in accordance with RCW 52.26.060, this proposition would create a regional fire protection service authority as provided in chapter 52.26 RCW called the "Kent Fire Department Regional Fire Authority," with boundaries coextensive with the boundaries of the City of Kent and King County Fire Protection District No. 37, effective July 1, 2010.

SECTION 3. – *Proposition for Voter Submittal.* There shall be submitted to the qualified electors of the District and the City for their ratification or rejection, at a special election on April 27, 2010, the question of whether or not the Kent Fire Department Regional Fire Authority should be created in accordance with the Plan and funded with a six year benefit charge and property tax levy. The Board of Commissioners of King County Fire Protection District No. 37 and the City Council of the City of Kent hereby requests the auditor of King County, as ex-officio Supervisor of Elections to call such election and to submit the following proposition at such election, in the form of a ballot title substantially as follows:

PROPOSITION NO. 1

> The City of Kent and King County Fire Protection District No. 37 have adopted a Joint Resolution approving the Kent Fire Department Regional Fire Authority Plan ("Plan") to create the Kent Fire Department Regional Fire Authority ("Authority") with an effective date of July 1, 2010.
>
> If approved, this proposition would create the Authority, in accordance with the Plan, to provide fire protection and emergency medical services in the City and the District. The

Authority will be funded by a six-year fire benefit charge (not to exceed 60% of the operating budget) and a property tax (not to exceed $1.00 per $1,000 of assessed value). This funding would replace the District's existing property tax rate of $1.50 per $1,000 of assessed value, and would reduce Kent's property tax capacity by the tax rate collected by the Authority.

Should the Plan to create a Regional Fire Protection Service Authority be approved?

YES [ ]

NO [ ]

SECTION 4. – *Authorize Continued Acts of Regional Fire Authority Planning Committee.* The City Council of the City of Kent Washington and the Board of Commissioners of King County Fire Protection District No. 37 hereby authorize the Regional Fire Authority Planning Committee to continue operating on an as needed basis until the effective date of the Authority. The Regional Fire Authority Planning Committee shall be considered the governing board for the purposes of RCW 52.26.230 and shall be responsible for conducting a public hearing on the benefit charge consistent with the requirements of RCW 52.26.230. The Planning Committee shall function as the governing board for the purposes of carrying out the requirements of Chapter 52.26 RCW until such time as a new governing board is established on July 1, 2010, pursuant to the Plan.

SECTION 5. – *Pro and Con Committee Appointments.* The Kent City Council and the King County Fire Protection District No. 37 Board of Commissioners hereby assign to the Regional Fire Authority Planning Committee the task of appointing members to a committee to advocate voters' approval of the proposition and to a committee to prepare arguments advocating voters' rejection of the proposition.

SECTION 6. – *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or

invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

SECTION 7. – *Ratification*. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

SECTION 8. – *Effective Date*. This resolution shall take effect and be in force immediately upon its passage.

SECTION 9. – *Triplicate Originals*. Three originals of this resolution are signed by the City of Kent and King County Fire Protection District No. 37.

PASSED at a regular open public meeting by the City Council of the City of Kent, Washington, this 19th day of January, 2010.

CONCURRED in by the Mayor of the City of Kent this 19th day of January, 2010.

ADOPTED by the Board of Commissioners of King County Fire Protection District No. 37, King County, Washington, at a regular open public meeting of such Board on the 19 day of January, 2010, the below commissioners being present and voting.

Suzette Cooke
SUZETTE COOKE, MAYOR

Cat Gordon
COMMISSIONER

Allan Barrie
COMMISSIONER

Michael J Denton
COMMISSIONER

ATTEST:

BRENDA JACOBER, CITY CLERK

KCFPD NO. 37 SECRETARY

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

BRIAN SNURE, KCFPD NO. 37 ATTY

I hereby certify that this is a true and correct copy of Resolution No. 1820 passed by the City Council of the City of Kent, Washington, the 19th day of January, 2010.

BRENDA JACOBER, CITY CLERK

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