

**CITY OF BATTLE GROUND
ORDINANCE NO. 2019-26**

AN ORDINANCE OF THE CITY OF BATTLE GROUND, WASHINGTON,
DECLARING AN INTENT TO ANNEX THE CITY OF BATTLE GROUND
TO CLARK COUNTY FIRE DISTRICT NO. 3 AND REQUESTING CLARK
COUNTY CALL AN ELECTION ON THE ANNEXATION AND PLACING
THE SAME ON THE FEBRUARY 2020 SPECIAL ELECTION BALLOT.

WHEREAS, local municipalities, including the City of Battle Ground, have experienced increased expenditures and declining revenues along with demands for services; and

WHEREAS, the City of Battle Ground currently contracts with Clark County Fire District No. 3 for fire and emergency services and pays for this service with property tax collection; and

WHEREAS, the fire service contract with the District will exceed the City's property tax collection revenues by 2021; and

WHEREAS, the City formed a fire task force on July 9, 2018 consisting of two council members, one fire commissioner and a combination of fire district #3 and city staff to examine the issue of providing sustainable fire and emergency medical services for the City; and

WHEREAS, the fire task force studied several options and recommended that the City annex to fire district #3 to provide fire and emergency medical services in a more efficient and sustainable manner; and

WHEREAS, RCW 52.04.061 and RCW 52.04.071 provide the statutory authority and process by which the legislative authority of a city can declare its intent to annex into a fire protection district and, upon the concurrence of the of the board of commissioners of the fire protection district, transmit notification to the legislative authority of the county in which the city and fire protection district are located to call by resolution a special election in both the city and the fire protection district to vote on the proposed annexation; and

WHEREAS, RCW 52.04.061 provides that a city located within reasonable proximity to a fire protection district may be annexed if at such time of the initiation the population of the City is less than 300,000; and

WHEREAS, RCW 52.04.061 further provides the legislative authority of such a city may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby; and

WHEREAS, the City of Battle Ground lies adjacent to Clark County Fire District No. 3 and is thus located within reasonable proximity to the fire district as defined by RCW 51.04.061; and

WHEREAS, the City of Battle Ground has a population less than 300,000 citizens; and

WHEREAS, the City Council of the City of Battle Ground finds that the public interest would be served by the annexation of the City of Battle Ground into Clark County Fire District No. 3; and

WHEREAS, the City Council of the City of Battle Ground finds that an Interlocal Agreement for the Annexation of the City of Battle Ground to Clark County Fire District No. 3 is necessary and appropriate to accommodate such annexation; and

WHEREAS, in consideration of the adoption of this Ordinance the City Council of the City of Battle Ground further finds it is appropriate to authorize the City Manager of the City of Battle Ground to execute the Interlocal Agreement between the City of Battle Ground, a Washington Municipal Corporation, and Clark County Fire District No. 3, a duly incorporated special purpose district under the laws of the State of Washington for Annexation of the City of Battle Ground to Clark County Fire District No. 3, which is attached as Exhibit "A" and is incorporated herein by reference, upon notification from Clark County Fire District No.3 that the board of commissioners adopted a resolution concurring to the intent to annex as provided by RCW 52.04.061 and has similarly authorized approval of the Interlocal Agreement for Annexation referenced herein; and

WHEREAS, the City of Battle Ground passed Resolution No. 19-09 on August 19, 2019 to reduce the utility tax rate by 10% if annexation is successful to help reduce the cost to citizens; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOW:

Section 1. The foregoing recitals shall be and are hereby adopted as the findings and conclusions of the City Council of the City of Battle Ground in support of this ordinance.

Section 2. Quality fire and emergency services are essential to the health, safety, and welfare of the City of Battle Ground. The current fire service contact will exceed the City's property tax collection revenues by 2021. This puts emergency service levels at risk and is why the City is asking property owners to consider annexing to the Clark County Fire District No. 3.

Section 3. The City Council hereby declares its intent to join and be annexed into Clark County Fire District No. 3.

Section 4. The City Council of the City of Battle Ground finds that the public interest would be served by the annexation of the City of Battle Ground into Clark County Fire District No. 3

Section 5. If the Board of Fire Commissioners of Clark County Fire District No. 3 shall concur in the proposed annexation of the City of Battle Ground, notification thereof shall be transmitted to the Clark County Commissioners as specified in RCW 52.04.061.

In the event this occurs, in accordance with RCW 52.04.071, the City Council of the City of Battle Ground requests the Clark County Board of County Councilors by resolution call a special election to be held in the City of Battle Ground and in Clark County Fire District No. 3 on the second Tuesday in February 2020 as provided by RCW 29A.04.321. The ballot proposition shall be in substantially the following form:

Shall the City of Battle Ground be annexed to and be part of Clark County Fire District No. 3?

YES []
NO []

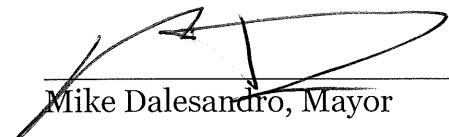
The City Council also requests the Clark County Auditor cause notice of the election to be given as provided for in RCW 29A.04.355 and conduct the election in accordance with all election laws of the state.

Section 6. Upon notification from Clark County Fire District No. 3 that the Board of Commissioners has voted to concur with the City Council's intent to annex and has adopted a resolution declaring the same as provided in RCW 52.04.061 and that the Board of Commissioners has further authorized the execution of the Interlocal Agreement between the City of Battle Ground, a Washington Municipal Corporation, and Clark County Fire District No. 3, a duly incorporated special purpose district under the laws of the State of Washington for Annexation of the City of Battle Ground to Clark County Fire District No. 3, the City Manager is authorized to execute the Interlocal Agreement which is attached as Exhibit "A" and incorporated herein by reference.

Section 7. This ordinance, not being subject to initiative or referendum, shall take effect five (5) days from the date of adoption.

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 21ST DAY OF OCTOBER 2019.

CITY OF BATTLE GROUND



Mike Dalesandro, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Kay Kammer", written over a horizontal line.

Kay Kammer, City Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read "Christine Hayes", written over a horizontal line.

Christine Hayes, City Attorney