

ORDINANCE NO. 2024-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, DECLARING AN INTENT TO ANNEX THE TOWN OF EATONVILLE TO SOUTH PIERCE FIRE AND RESCUE AND REQUESTING THE PIERCE COUNTY COUNCIL CALL AN ELECTION ON THE ANNEXATION AND PLACING THE SAME ON THE AUGUST 6, 2024 ELECTION BALLOT

WHEREAS, the growth of the Town of Eatonville (hereinafter the "Town") and South Pierce Fire and Rescue (hereinafter the "SPFR") is creating greater demand for fire and emergency services; and

WHEREAS, the Town has a long history of contracting with the SPFR for fire and emergency medical services; and

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

WHEREAS, the Town Council has considered alternatives and determined that the public interest will be served by the Town annexing to the District 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 town can declare its intent to annex into a fire protection district and, upon the concurrence of the Board of Commissioners of the fire protection district, transmit notification to the legislative authority of the county in which the town and fire protection district are located to call by resolution a special election in both the town and the fire protection district to vote on the proposed annexation; and

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

WHEREAS, the Town lies adjacent to the District and is thus located within reasonable proximity to the District and the population of the Town is less than 300,000; and

WHEREAS, RCW 52.04.061 further provides the legislative authority of such a town 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; now, therefore,

BE IT ORDAINED by the Town Council of the Town of Eatonville, Washington, as follows:

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

Section 2. The Town Council finds that the public interest will be served by the annexation of the Town into the District.

Section 3. The Town Council hereby declares its intent to annex to the District pursuant to RCW 52.04.061, and to have the matter called for a special election pursuant to RCW 52.04.071 and RCW 29A.04.321.

Section 4. If the Board of Fire Commissioners for the District shall concur in the proposed annexation of the Town, notification thereof shall be transmitted to Pierce County and the Pierce County Council as specified in RCW 52.04.061. The board is hereby authorized and directed to file a notice of the Town's intent to annex the Town to the District with the Pierce County Boundary Review Board, and the Town pledges to file a certified copy of this Ordinance with the Pierce County Board of Commissioners and the Pierce County Auditor. The Town further covenants that the costs incurred in setting forth the legal description of the proposed annexation area, pursuant to RCW 36.93.130 (3), shall be borne equally by the Town and the District. The Town hereby proclaims that annexation of the Town into the District shall create and preserve logical service areas, in accordance with the objectives of the Boundary Review Board set forth under RCW 36.93.180.

Section 5. Contingent upon the concurrence in this annexation of the Board of Fire Commissioners of the District, the Town Council hereby requests that the Pierce County Council call for a special election to be held both within Town, and within the District, on the question of whether the Town of Eatonville should be so annexed into the District, with the election to be held on the first Tuesday in August, 2024.

The ballot proposition shall be in substantially the following form:

Shall the Town of Eatonville be annexed to and be a part of South Pierce Fire and Rescue?

YES ☐

NO ☐

Section 6. Understanding that annexation shall require a majority vote both within the Town and the District, the Town further pledges continuing support of the above-proposed annexation, subject to the restrictions of RCW 42.17 A.555.

Section 7. 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 preempted 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 8. This Ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/22/2024

2ND READING: __/__/2024

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of _____, 2024.

David Baublits
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney