

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 9/23/19

AGENDA ITEM:	
RFA Resolutions	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

This agenda bill addresses four separate resolutions.

Voters approved the plan to create a regional fire protection authority (RFA) on April 23, 2019. The RFA becomes effective on October 1, 2019, and will replace the joint operation of the City and Fire Protection District No. 12 that has served the City for many years. The RFA Plan provided that the assets of the joint operation would be transferred to the RFA. There are four separate resolutions addressing the following – (1) real property, (2) personal property, (3) rolling stock, and (4) fund transfer. These are joint resolutions of the City, FPD 12, and the Marysville Fire District joint operation. The different types of property are being addressed via separate resolutions to maintain clarity about what property or funds are being transferred. The three entities are approving the resolutions because over the years of the joint operation, assets have been held in different ways (sometimes by FPD 12, sometimes by the Marysville Fire District, sometimes by the Marysville Fire District as a joint operation of the City and FPD 12). To ensure that the assets and funds are transferred without any question about title, we have chosen to have all three entities approve joint resolutions. The RFA is anticipated to accept the transfer by separate resolutions when its governing board meets for the first time on October 1, 2019.

RECOMMENDED ACTION: Staff recommends Council consider adopting the resolutions transferring property and funds to the RFA.

RECOMMENDED MOTION: I move to adopt Joint Resolution No. _____

CITY OF MARYSVILLE JOINT RESOLUTION NO. _____;

SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12
JOINT RESOLUTION NO. _____

MARYSVILLE FIRE DISTRICT A CONSOLIDATED FIRE DEPARTMENT
JOINT RESOLUTION NO. _____;

A JOINT RESOLUTION OF THE CITY OF MARYSVILLE, THE
SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12, AND
THE MARYSVILLE FIRE DISTRICT, A CONSOLIDATED FIRE
DEPARTMENT, AUTHORIZING THE TRANSFER OF PERSONAL
PROPERTY ASSETS TO THE DULY ESTABLISHED MARYSVILLE FIRE
DISTRICT, REGIONAL FIRE AUTHORITY.

WHEREAS, the City of Marysville (“City”) and the Snohomish County Fire Protection District No. 12 (“District 12”), by Interlocal Agreement in 1991, created the Marysville Fire District (District) to provide fire and emergency response services within the corporate limits of the City of Marysville and the boundaries of the Snohomish County Fire Protection District No. 12; and

WHEREAS, pursuant to that certain Agreement for Joint Operations of Fire and Emergency Medical Protection Facilities dated April 18, 2016, as amended by amendments one through four thereto (the “Agreement”) the City and District 12 continued the relationship established by agreement in 1991 and established a Consolidated Fire Department known as the Marysville Fire District; and

WHEREAS, pursuant to paragraph 17 of the Agreement, upon termination of the Agreement, all property owned by District 12 shall remain the property of District 12, all property owned by City shall remain the property of City, and all jointly owned property and jointly purchased property acquired under the terms of the Agreement shall be disposed of on an equitable basis and in such manner as may be agreed upon between the City and District 12; and

WHEREAS, with the growing needs of the community within the service area and the demands for enhanced fire and EMS services the City and the District determined that it was in the public interest to place a measure before the voters that if approved would result in formation of a regional fire authority (RFA); and

WHEREAS, pursuant to RCW 52.26.030 and 52.26.040 the City and the District formed an RFA Planning 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; and

WHEREAS, the members of the Planning Committee included the Marysville Mayor, three City Council members and the three Fire District Commissioners. Over a period

of several months, the Planning Committee met and created a Marysville Fire District Regional Fire Authority Plan ("Plan") providing for the governance, design, financing, and development of fire protection and emergency services; and

WHEREAS, the Planning Committee held its final meeting on November 27, 2018, and unanimously recommended the City Council and District Commissioners approve and adopt the Plan by Joint Resolution; and

WHEREAS, pursuant to City Resolution No. 2460 passed February 11, 2019, and District No. 12 Resolution No. 2019 A-1 passed February 20, 2019, the City and District approved and adopted the Plan which certified the Plan to be placed on the ballot for approval pursuant RCW 52.26.060; and

WHEREAS, authority to form a Regional Fire Authority is set forth in Chapter RCW 52.26 which requires that voters of the area affected by the Plan must approve the formation of a Regional Fire Authority; and

WHEREAS, pursuant to the special election was held on April 23, 2019, for consideration of Ballot Measure Proposition No. 1, the voters approved and authorized the creation of the Marysville Fire District, a regional fire authority effective October 1, 2019; and

WHEREAS, RCW 52.26.100(2)(a) states in pertinent part “all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to fire protection and emergency services powers, functions, and duties shall be delivered to the regional fire protection service authority; all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties shall be transferred to the regional fire protection service authority”; and

WHEREAS, RCW 52.26.100(4) states that “[t]he transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before creation of the regional fire protection service authority”; and

WHEREAS, by this Joint Resolution the City of Marysville, the Snohomish County Fire Protection District No. 12, and the Marysville Fire District a consolidated fire department desires to transfer certain personal property assets as identified in Exhibit A pursuant to RCW 52.26.100(2)(a) and the Plan, to the Marysville Fire District, a regional fire authority; and

WHEREAS, the Marysville Fire District, a regional fire authority, pursuant to RCW 52.26.100(2)(a) and the Plan, desires to accept the transfer of the assets identified in Exhibit A, which transfer is made pursuant to the terms of RCW 52.26.100(2)(a) and the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. TRANSFER AND AUTHORIZATION The City of Marysville transfers the assets as identified in Exhibit A attached hereto, to the Marysville Fire Protection District, a regional fire authority, pursuant to the terms of RCW 52.26.100(2)(a) and the Plan, and further authorizes the Mayor to execute any and all documents necessary to effectuate the authorization of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12 AS FOLLOWS:

Section 1. TRANSFER AND AUTHORIZATION The Snohomish County Fire Protection District No. transfers the assets as identified in Exhibit A attached hereto, to the Marysville Fire Protection District, a regional fire authority, pursuant to the terms of RCW 52.26.100(2)(a) and the Plan, and further authorizes the Chair, or designee, to execute any and all documents necessary to effectuate the authorization of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE MARYSVILLE FIRE DISTRICT AS FOLLOWS:

Section 1. TRANSFER AND AUTHORIZATION The Marysville Fire District, a consolidated fire department, does hereby adopt this Resolution transferring the assets as identified in Exhibit A attached hereto, to the Marysville Fire Protection District, a regional fire authority, pursuant to the terms of RCW 52.26.100(2)(a) and the Plan, and further authorizes the Chair, or designee, to execute any and all documents necessary to effectuate the authorization of this Resolution.

CITY OF MARYSVILLE

ADOPTED by the City Council at an open public meeting this ____ day of September, 2019.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Jan Berg, City Clerk

By _____
Jon Walker, City Attorney

SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12

ADOPTED by the Snohomish County Fire Protection District No. 12 this ____ day of September, 2019.

BOARD OF COMMISSIONERS

Chairperson

Commissioner

Commissioner

ATTEST:

District Secretary

MARYSVILLE FIRE DISTRICT, A CONSOLIDATED FIRE DEPARTMENT

ADOPTED by the Marysville Fire District, a consolidated fire department this ____ day of September, 2019.

BOARD OF DIRECTORS

Chairperson

Board Member

Board Member

Board Member

Board Member

Board Member

Board Member

ATTEST:

District Secretary

EXHIBIT A

ASSET TRANSFER

WHEREAS, pursuant to that certain Agreement for Joint Operations of Fire and Emergency Medical Protection Facilities dated April 18, 2016, as amended by amendments one through four thereto (the "Agreement"), the City of Marysville ("City") and Snohomish County Fire Protection District No. 12 ("District 12") entered into an agreement to establish a Consolidated Fire Department known as the Marysville Fire District; and

WHEREAS, pursuant to paragraph 17 of the Agreement, upon termination of the Agreement, all property owned by District 12 shall remain the property of District 12, all property owned by City shall remain the property of City, and all jointly owned property and jointly purchased property acquired under the terms of the Agreement shall be disposed of on an equitable basis and in such manner as may be agreed upon between the City and District 12; and

WHEREAS, pursuant to that certain Marysville Fire District Regional Fire Authority (RFA) Plan adopted by Joint Resolution of the City of Marysville, Resolution 2460 passed February 11, 2019, and Marysville Fire Protection District No. 12, Resolution 2019A-1 passed February 20, 2019, and approved by the voters in the special election held April 23, 2019, all in accordance with RCW 52.26.100(2)(a), the City and District 12 have moved to terminate the Marysville Fire District Consolidated Fire Department and to establish a regional fire authority to replace it; and

WHEREAS, pursuant to RCW 52.26.100(2)(a), all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to fire protection and emergency services powers, functions, and duties shall be delivered to the regional fire protection service authority; all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties shall be transferred to the regional fire protection service authority; and all funds, credits, or other assets held by the participating fire protection jurisdiction in connection with the fire protection and emergency services powers, functions, and duties shall be transferred and credited to the regional fire protection service authority; NOW, THEREFORE.

KNOW ALL MEN BY THESE PRESENTS that Grantors, the City of Marysville, a municipal corporation of the State of Washington, Snohomish County Fire Protection District No. 12 and Marysville Fire District, a Consolidated Fire Department composed of the City of Marysville and Snohomish County Fire Protection District No. 12, in consideration of establishment of a regional fire authority, in accordance with RCW 52.26.100(2)(a), hereby convey and quit claim to Marysville Fire District, a Regional Fire Authority, all of their respective interests in the following-described personal property:

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the City, the District and/or Marysville Fire District Consolidated Fire Department pertaining to fire protection and emergency services powers, functions and duties, and all personal property including cabinets, furniture, office equipment, and other tangible property employed by the Marysville Fire District Consolidated Fire Department in carrying out the fire protection and emergency

services powers, functions, and duties, and all funds, credits, or other assets held by the Marysville Fire District Consolidated Fire Department, including, but not limited to, the equipment specifically described in in EXHIBIT A attached hereto and incorporated herein by this reference.

All of said personal property is conveyed "as is," "where is," without warranty expressed or implied.

DATED this _____ day of September, 2019.

CITY OF MARYSVILLE

By _____
JON NEHRING, Mayor

DATED this _____ day of September, 2019.

SNOHOMISH COUNTY FIRE PROTECTION
DISTRICT NO. 12

By _____
MARTIN McFALLS, Chief

DATED this _____ day of September, 2019.

MARYSVILLE FIRE DISTRICT, a consolidated fire
department composed of the City of Marysville and
Snohomish County Fire Protection District No. 12

By _____
MARTIN McFALLS, Chief

Accepted this ____ day of October, 2019:

MARYSVILLE FIRE DISTRICT
A Regional Fire Authority, pursuant to authority of the Board of Directors

By _____
MARTIN McFALLS, Chief

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that JON NEHRING is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the CITY OF MARYSVILLE to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of September, 2019.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that MARTIN McFALLS is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Chief of SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of September, 2019.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that MARTIN McFALLS is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Chief of MARYSVILLE FIRE DISTRICT, a consolidated fire department composed of the City of Marysville and Snohomish County Fire Protection District No. 12, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of September, 2019.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

EXHIBIT A
List of personal property valued \$5,000 or more