



Fire District 40

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COPY

March 13, 2009

Ms. Claudia Hirschey, Chair
State of Washington Boundary Review Board for King County
Yesler Building
400 Yesler Way, Room 240
Seattle, WA 98104

Re: Response to February 25, 2009 letter from Renton Mayor Denis Law

Dear Ms. Hirschey:

This letter is in response to Renton Mayor Denis Law's February 25, 2009 letter to the Boundary Review Board regarding the Henderson, Young & Company draft Fairwood Feasibility study, and is offered to clarify and correct any information you might have received regarding the role of the fire service in this incorporation and in order to assist the citizens in the Fairwood area in making an informed decision regarding incorporation.

Our comments below are strictly related to the sections of Mayor Law's remarks regarding Public Safety as found on page 2. In each instance, the statement to be clarified is quoted.

- 1) "The level of specificity regarding the delivery of fire and emergency services, and their associated cost, is notably absent from the analysis". In actuality, references to the provision of fire services are found repeatedly throughout the analysis, specifically:
 - a) Executive Summary, on page iii
 - b) Main report, page 11
 - c) Main report, page 21
 - d) Main report, page 23
 - e) Main report, page 35
 - f) Main report, page 39
 - g) Main report, page 56
 - h) Main report, page 59

Of special note is the fact that on page 38 the study points out that there are special financial benefits to a City of Fairwood by annexing into fire districts. This refers to the fact that as Fire District 40's current levy rate is slightly over \$1.00 per \$1,000 of assessed value, a City of Fairwood could bank nearly \$0.50 per \$1,000 of assessed value each year and utilize such capacity to stabilize a major source of funding for the City (if the City were to annex in its entirety into Fire District 40).

"Dedicated to the Community We Serve"

- 2) "Currently, the City of Renton provides fire and emergency services to the entirety of Fire District 40 for an annual contract cost of \$4.7 million". The \$4.7 million figure quoted is indeed the 2009 rate. It should be noted that the 2008 annualized rate was \$4.2 million. It is unknown what future rates will be as a number of factors, most importantly Renton's personal service costs related to employing members of International Association of Firefighters Local 864, will greatly impact the amount Fire District 40 will pay. IAFF Local 864 members received a salary increase of 5.5% in 2009 from the City of Renton.
- 3) "Per the contract, a newly incorporated City of Fairwood would need to decide whether to continue the contract for service and terminate (sic) within the required two-year notice period; or whether to have Fire District 40 return to providing direct services to the area; or whether to choose to annex to a neighboring fire district to receive these services".

There are two major misstatements in this paragraph:

- a) There is nothing in the contract for service between Fire District 40 and the City of Renton that in any way governs what decisions a City of Fairwood would or must make. Indeed, any such language would be unenforceable.
- b) The letter's interpretation of the fire service options available to a City of Fairwood are incomplete. RCW 52.04.161 prescribes the procedure for what initially happens to a fire district when a new city is incorporated. Specifically, "*if the area of a newly incorporated city or town is located in one or more fire protection districts, the city or town is deemed to have been annexed by the fire protection district or districts effective immediately on the city's or town's official date of incorporation, unless the city or town council adopts a resolution during the interim transition period precluding the annexation of the newly incorporated city or town by the fire protection district or districts. The newly incorporated city or town shall remain annexed to the fire protection district or districts for the remainder of the year of the city's or town's official date of incorporation, or through the following year if such extension is approved by resolution adopted by the city or town council and by the board or boards of fire commissioners, and shall be withdrawn from the fire protection district or districts at the end of this period, unless a ballot proposition is adopted by the voters providing for annexation of the city or town to one fire protection district or providing for the fire protection district or districts to annex only that area of the city or town located within the district. Such election shall be held pursuant to RCW 52.04.071 where possible, provided that in annexations to more than one fire protection district, the qualified elector shall reside within the boundaries of the appropriate fire protection district or in that area of the city located within the district.*"

Thus, within either the first or second year of incorporation (depending upon the actions of the City Council), the City of Fairwood would need to make the decision to either start its own fire department or put it to a vote of the citizens to annex into one or both of the existing fire districts.

It is entirely plausible that citizens of a City of Fairwood would opt to annex into both Fire Districts 40 and 37, or entirely into one or the other. Regardless of which fire district the City annexes into, the fire district would remain solely responsible for providing fire and emergency services and the City of Fairwood would have no fiscal responsibility. Almost all new cities recently formed have opted to annex into their respective fire districts, such as Federal Way, Maple Valley, Covington, Woodinville, Burien and Shoreline. Indeed, even some long-established cities, such as Des Moines

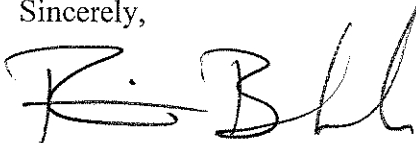
and Normandy Park, have long had their fire and emergency services provided by fire districts.

Finally, should a City of Fairwood opt to start their own fire department, they would have the authority to levy property taxes up to an additional \$1.50 per \$1,000 of assessed value thus providing the necessary funding. This is an important omission that was discussed on pages 20 and 21 of the feasibility study.

- 4) "On the cost side, the combined police and fire estimate of \$3 million for public safety services appears to be very low, making it impossible to maintain the current level of service for both law enforcement and fire and emergency services." The study was clear that the \$3 million figure being quoted is related entirely to public safety, excluding fire services. The working assumption in the study is that the fire districts will continue to provide fire and emergency services using their available funding authority.
- 5) "If fire and emergency medical services theoretically made up one half of the \$3 million projected public safety costs for a new city, that amount would not fund a fire station with one staffed aid car, using the costs of any fire department in the region as an example". Again, the study is clear that the \$3 million is entirely for public safety absent fire services. As mentioned above, the study's working assumption is that the existing fire districts would continue to provide fire and emergency services. In addition, it should be noted that the Commissioners of Fire District 40 are currently providing funding for a four-person engine company, a two-person aid car, and one-half of a battalion chief for the Fairwood fire station at 14810 SE Petrovitsky Road. This staffing level is currently above the minimum staffing found in the City of Renton, and is provided solely due to a decision of the Fire District 40 Board of Commissioners and funded entirely through District 40 revenues.

Thank you for your time in consideration of these comments.

Sincerely,



Ronnie Behnke

Chair, King County Fire District 40 Board of Commissioners

cc: The Honorable Denis Law, Mayor, City of Renton
Metropolitan King County Councilmembers
Dean Radford, Renton Reporter and Kent Reporter
Gwen Clemens, King County OMB