



Legislation Text

File #: 2006-0304, **Version:** 2

AN ORDINANCE establishing the date for an election to determine whether an area known as Fairwood shall be incorporated as a non-charter code city; and appointing a committee to write a voters' pamphlet statement for the election.

PREAMBLE:

In accordance with chapter 35A.03 RCW and other applicable law, a petition for incorporation as a non-charter code city, signed by qualified voters who reside within the limits of the proposed city and at least equal in number to ten percent of the votes cast in the proposed area at the last preceding general state election has been presented to the records, elections and licensing services division.

The petition for incorporation states that the form of government under which the proposed city will operate in the event it is incorporated shall be council/manager, sets forth the proposed boundaries of the proposed incorporation, states that the name shall be the city of Fairwood and that the number of inhabitants therein as nearly as may be estimated, is twenty-six thousand and prays that it may be incorporated.

The director of records, elections and licensing services has determined that the petition for incorporation does not violate the prohibitions contained in RCW 35.02.010 with regard to number of inhabitants and that there are a sufficient number of valid signatures on the petition.

In accordance with chapters 35.02 and 36.93 RCW, the King County boundary review board ("BRB") conducted public hearings to consider the petition for incorporation. In accordance with RCW 36.93.160, on June 9, 2006, the BRB filed its written decision regarding the proposed

incorporation. The BRB recommended against the incorporation and modified the boundaries of the proposed incorporation, thereby reducing the number of inhabitants therein as nearly as may be estimated, to twenty-four thousand three hundred ninety-three. No appeal has been filed. In accordance with RCW 36.93.150(5)(c), although the BRB may recommend against a proposed incorporation, it may not disapprove the incorporation of a city with an estimated population of seven thousand five hundred or more, and therefore the BRB recommendation against incorporation of the proposed city of Fairwood does not prevent the proposition from being placed on the ballot should the petitioners so request.

The petitioners have requested that the proposed incorporation be placed on the ballot. RCW 35.02.078 requires that the question of incorporation be placed on the ballot at the next special election date that occurs sixty or more days after the final BRB action, that is, the September 19, 2006, special election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County boundary review board ("BRB") has acted on the matter of an election for incorporation of the city of Fairwood through its decision dated June 9, 2006.

SECTION 2. The name of the proposed city shall be the city of Fairwood.

SECTION 3. The official population of the proposed city of Fairwood, if incorporated with the BRB approved boundaries, will be approximately twenty-four thousand three hundred ninety-three.

SECTION 4. An election shall be held on September 19, 2006, within the area of the proposed city of Fairwood, as described in this ordinance, for the purpose of submitting to the qualified electors the question of whether it shall be incorporated as a non-charter code city, under the council/manager plan of government proposed in the petition.

SECTION 5. The ballot title for the incorporation shall be drafted by the prosecuting attorney.

SECTION 6. The boundaries of the territory proposed for incorporation are set forth in Attachment A to

this ordinance.

SECTION 7. The election shall be conducted pursuant to Title 29A RCW and chapter 35.02 RCW.

SECTION 8. Notice of the election shall be published as required by law.

SECTION 9. RCW 29A.32.280 provides that for each measure from a jurisdiction that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall formally appoint a committee to prepare arguments advocating voter approval of the measure and a committee to prepare arguments advocating voter rejection of the measure.

SECTION 10. In accordance with RCW 29A.32.280, the following individuals are appointed to serve on the voters' pamphlet committees, each committee to write a

statement for or against the proposed annexation ballot measure:

FOR

1. Aaron McLuen
2. Chris Shults
3. Mindy Mattson

AGAINST

1. J. Paul Blake
2. Don Bressler
3. Linda Peterson