

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KITSAP**

In re: Dissolution of Kitsap Hospital District  
No. 2

**NO.**

**PETITION FOR  
DISSOLUTION OF  
PUBLIC HOSPITAL DISTRICT  
(No Mandatory Form Developed)  
CLERKS ACTION REQUIRED**

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COME NOW W.H. (Bill) Sims and Norman Fulwiler in accordance with RCW Chapter 53.48 to petition the Court for an order of dissolution of Kitsap County Hospital District No. 2 (“the District”).

**I. PETITIONERS**

1. Petitioner W. H. (Bill) Sims is a commissioner of the District, which is a Public Hospital District created pursuant to RCW Chapter 70.44. He is chairman of the District’s three-person board of commissioners (“the Board”), which governs the District. His term of office began on January 1, 2002 and expires on December 31, 2007.

2. Petitioner Norman Fulwiler is a commissioner of the District. His term of office began on January 1, 2000 and expires on December 31, 2005.

3. The third commissioner position is vacant. Carol E. Daniels served as commissioner from January 1, 1998 until her term expired on December 31, 2003. The District's remaining commissioners, who constitute a majority of the Board, took no action to fill this vacancy because they were considering the presentation of a petition to dissolve the District.

## **II. JURISDICTION**

1. RCW 53.48.020 gives this Court jurisdiction over this petition, which a majority of the Board has signed. The District is located at the north end of Kitsap County and is situated wholly within Kitsap County.

## **III. RATIONALE FOR PETITION**

1. In an election held on November 8, 1977, a majority of the voters residing within the proposed boundaries of the District approved the creation of the District and elected three commissioners to the Board.

2. On August 15, 1978, the Board passed Resolution No. 1, in which the Board resolved "to remain active and able to furnish at any given time, should the need arise for it, services in furnishing an ambulance for the area."

3. At a meeting on March 3, 1982, the Board approved a contract with Fire Protection District No. 14 (“Fire District No. 14”) in which the fire district “would assume the responsibility for payment of election costs incurred by the Hospital District.”

4. At a meeting on March 11, 1982, the commissioners of Fire District No. 14 adopted Resolution No. 102 in which the fire district agreed to enter into a contract with the District to “assume expense [sic] as assessed by Kitsap County for the election of Commissioners for Hospital District #2 of Kitsap County.”

5. Around March 11, 1982, the commissioners of the District and Fire District No. 14 entered into a “joint agreement” in which the District would not submit a budget request to Kitsap County for operating funds and Fire District No. 14 would “provide Emergency Medical Rescue Service in the area [of the District].” This agreement was deemed desirable “since it is identical Kitsap County tax funds that would be utilized” whether the District or Fire District No. 14 provided this service. In addition, Fire District No. 14 would assume the expenses that Kitsap County assessed the District for the election of the District’s commissioners.

6. On September 19, 2000, the voters of Fire District No. 14 and Fire District No. 10 approved the merger of Fire District No. 14 into Fire District No. 10.

7. Since the District’s creation, it has provided no Emergency Medical Rescue Service or other health care service to the District’s residents or others situated within the District’s boundaries. In addition, the District has had no superintendent or employees since it was created.

8. After the joint agreement between the District and Fire District No. 14 went into effect and since Fire District No. 14 was merged into Fire District No. 10, those fire districts have paid all the expenses that Kitsap County assessed the District for the election of its commissioners.

9. Because Fire District No. 10 continues to provide Emergency Medical Rescue Service to the District and this fire district's continuing payment of District election expenses is not the best use of its fiscal resources, the District's commissioners determined that "the best interests of all persons concerned will be served by the proposed dissolution [of the District]." Consequently, they approved a motion for dissolution at a Board meeting on April 15, 2005 and subsequently adopted a resolution at a special meeting of the Board on August 24, 2005 to further memorialize the motion.

#### **IV. ASSETS AND DEBTS OF THE DISTRICT**

1. The District has no assets. At no time during its existence did the Board receive tax revenues or obtain any other monies to operate the District.

2. The District has no debts. The only expenses incurred by the District during its existence were assessments by Kitsap County for expenses pertaining to the election of the District's commissioners. Fire District No. 14 and Fire District No. 10 have paid those expenses.

#### IV. PETITION

WHEREFORE, petitioners ask the Court to take the following actions:

1. Enter an order setting a hearing on their petition of dissolution at a date not less than 30 days from the filing of this petition;
2. Order the clerk of the Court to give notice of the hearing by:
  - (a) Setting out in the notice the filing of the petition, its purpose and the date and place of the hearing;
  - (b) Publication of the notice in a newspaper of general circulation in Kitsap County once a week for three successive weeks; and
  - (c) Posting the notice in three public places in Kitsap County, of which one place shall be in the District, at least 21 days before the hearing.
3. Hold a hearing on the petition on the date ordered.
4. Make the following findings after the hearing that:
  - (a) The District has no assets or liabilities; and
  - (b) The best interest of all persons concerned will be served by the proposed dissolution of the District.
5. Enter an order dissolving the District.
6. Make provision for the costs and expenses of the proceedings necessary to effectuate the dissolution of the District and for the payment of these costs and expenses as required by RCW 53.48.120.

7. For such other and further actions as the Court deems just and equitable.

DATED this \_\_\_ day of \_\_\_\_, 2005.

By: \_\_\_\_\_  
W. H. (Bill) Sims, Commissioner  
Kitsap County Hospital District No. 2

\_\_\_\_\_  
Norman Fulwiler, Commissioner  
Kitsap County Hospital District No. 2

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KITSAP**

In re: Dissolution of Kitsap Hospital District  
No. 2

The Honorable Judge M. Karlynn Haberly

**NO. 05 2 02089 1**

**FINDINGS OF FACT, CONCLUSION OF  
LAW, AND ORDER GRANTING  
DISSOLUTION**

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THIS MATTER came before the Court on December 2, 2005, on the petition by the Board of Commissioners of Kitsap Hospital District No. 2 to dissolve this public hospital district. In accordance with the provisions of RCW 58.43.030 and RCW 58.48.040, the Court set and held a hearing on this matter, at which time it considered the petition, as well as testimony and evidence. Now, therefore, the Court hereby enters the following:

**I. FINDINGS OF FACT**

1. Kitsap Hospital District No. 2 (“the District”) is a public hospital district that was created in accordance with RCW Chapter 70.44 by a majority of the voters residing within the District in an election held on November 8, 1977. At that time, the voters also elected three commissioners to the District’s Board of Commissioners.

2. The District is located at the north end of Kitsap County and is situated wholly within Kitsap County.
3. On August 15, 1978, the District's Board of Commissioners ("the Board") passed Resolution No. 1, in which it resolved "to remain active and able to furnish at any given time, should the need arise for it, services in furnishing an ambulance for the area."
4. Since its creation, the District has not provided ambulance service or any other health care service. Fire Protection District No. 14 provided Emergency Medical Rescue Service within the District until its merger with North Kitsap Fire and Rescue (also known as Fire Protection District No. 10) on September 19, 2000. Since that time, North Kitsap Fire and Rescue has provided this service within the District and will continue to do so. In addition, Fire Protection District No. 14 and North Kitsap Fire and Rescue have paid all assessments by Kitsap County for expenses pertaining to the election of the District's commissioners.
5. Because North Kitsap Fire and Rescue will continue to provide Emergency Medical Rescue Service within the District and the Board determined that the monies North Kitsap Fire and Rescue expends for the election of District commissioners could be used for direct Emergency Medical Rescue Service activities benefiting District residents and others, the Board approved a motion for dissolution of the District at a meeting on April 15, 2005. The Board subsequently adopted a resolution at a special meeting on August 24, 2005 to further memorialize this motion.
6. The District has had no superintendent or employees since its creation.

7. The District has no assets and no debts. The Board has never received tax revenues or obtained any other monies to operate the district. The only expenses incurred by the District during its existence have pertained to the election of the District's commissioners and were paid by Fire Protection District No. 14 and North Kitsap Fire and Rescue.
8. There is no longer a need for the District because North Kitsap Fire and Rescue continues to provide Emergency Medical Rescue Service within the District.
9. The public would receive greater benefit if the monies paid by North Kitsap Fire and Rescue for assessments related to the election of the District's commissioners were used to provide Emergency Medical Rescue Service within the District and elsewhere.

BASED UPON THE FOREGOING Findings of Fact, the Court enters the following

## **II. CONCLUSION OF LAW/FINDING**

1. The best interests of all persons concerned will be served by the dissolution of the District.

## **III. ORDER**

For the reasons set forth in the above Findings, it is hereby ORDERED that:

1. The Petition for Dissolution of Kitsap Hospital District No. 2 be granted and the District dissolved.

2. All records of the District be transferred to the Secretary of State, Division of Archives and Records Management, Puget Sound Region.
3. The Court, in accordance with RCW 53.48.120, shall provide and pay for all costs and expenses of the proceedings needed to dissolve the District.

DATED \_\_\_\_\_

\_\_\_\_\_  
JUDGE M. KARLYNN HABERLY