

PEND OREILLE COUNTY FIRE PROTECTION DISTRICT NO.3
Resolution number 11-04-08

MERGER OF PEND OREILLE COUNTY FIRE DISTRICT NO. 1
INTO PEND OREILLE COUNTY FIRE DISTRICT NO. 3

A RESOLUTION of the Board of Fire Commissioners of Pend Oreille Fire District No.3, declaring Fire Protection Districts 1 and 3 of Pend Oreille County merged into Pend Oreille County Fire District 3; Declaring Pend Oreille County Fire District 1 dissolved without further proceedings; authorizing and directing all property and funds of Fire District 1 to be transferred, conveyed and delivered to Fire District 3 as part of completing all of the corporate affairs of Fire District 1, together with a all interest and right to collect any assessments and or taxes previously levied; and directing that all budgets of the two districts be appropriately amended to reflect the merger.

WHEREAS, the Board of Fire commissioners of Pend Oreille County Fire District No. 1, recognizes that the communities of both fire districts will continue to grow and that it must diligently plan for this growth so that it might provide excellent fire and emergency medical services; and

WHEREAS, the Board of Fire commissioners of Pend Oreille County Fire District No. 1, believes that by merging Fire District 1 into Fire District 3, the new fire district will be able to provide the organizational structure, leadership, legislative control, administrative organization, funding and operation necessary to better manage the needs of the communities in which both fire districts serve while increasing the fire and emergency medical services thereto; and

WHEREAS, on July 14, 2008 the Board of Fire commissioners of Pend Oreille County Fire District No. 1, petitioned the Board of Commissioners of Pend Oreille Fire District No. 3 requesting that Fire District 1 be merged into Fire District 3; and

WHEREAS, on July 28, 2008 the Board of Fire commissioners of Pend Oreille County Fire District No. 3, adopted resolution no. 07-28-2008(a) approving the petition of the Board of Fire commissioners of Pend Oreille County Fire District No. 1, and transmitted the petition and resolution no. 07-28-2008(a) back to the Board of Fire District 1; and

WHEREAS, the proposition was submitted to the electors in November 2008 and approved; and

WHEREAS, pursuant to RCW 52.06.050 the board of the merging district notified the board of the merger district of the results of the election and therefore this concurrent resolution is now necessary to effectuate the merger of the two districts;

NOW, THEREFORE, BE IT RESLOVED BY THE BOARD OF FIRE COMMISSIONERS OF PEND OREILLE COUNTY FIRE DISTRICT NO. 3 THAT;

Section 1. Pend Oreille County Fire Districts no. 1 and 3 are hereby declared to be merged effective January 1, 2009 upon adoption of this concurrent resolution, under the legal name of Pend Oreille Fire District No. 3. The unofficial name of South Pend Oreille Fire and Rescue will be used on apparatus, equipment and letterhead of the district.

Section 2. Pend Oreille Fire District No. 1 is hereby dissolved without further proceedings. The boundaries of Pend Oreille Fire District No. 3 are hereby extended to include all of the area included within the boundaries of Fire District 1. The merger of the districts is declared to be final and binding; the legal existence of the merged district cannot be questioned by any person by reason of any defect in the proceedings had for the merger.

Section 3. All property and funds of Fire District 1 shall be transferred, conveyed and delivered to Pend Oreille Fire District No. 3 within a reasonable time. Any and all deeds or bills of sale, necessary to convey any real or personal property, respectively, shall be executed by the appropriate officials as part of the winding up of affairs of the dissolved district.

Section 4. The obligations of Pend Oreille Fire District No. 1 and those of Pend Oreille Fire District No. 3 shall not be affected in any way by this merger and dissolution. All land liable to be assessed to pay any indebtedness shall remain liable to the same extent as if the districts had not been merged. Any assessments previously levied against any land shall remain unimpaired and shall be collected in the same manner as if the districts had not merged. The commissioners of the merger district (Pend Oreille Fire District No. 3) shall have the powers of the two districts to levy, assess and cause to be collected all assessments against any land in either district that may be necessary to pay for the indebtedness thereof. Until the assessments are collected and all indebtedness of the districts paid, separate funds shall be maintained for each district as were maintained before the merger.

Section 5. The 2009 budget for Pend Oreille Fire District No. 3 and Pend Oreille Fire District No. 1 shall be consolidated into one budget as submitted by Pend Oreille Fire District No. 3.

Section 6. Hereafter, all commissioner elections and vacancies in the merger district shall be done pursuant to RCW 52.06.085.

**MOVED AND PASSED at a Open public meeting of the Fire commissioners
of Pend Oreille Fire District No. 3 thereof**

This 8th day of December, 2008

Commissioner/ Chairman

Attested and Certified

Commissioner

Secretary

Commissioner