



**CITY OF KIRKLAND**

**City Manager's Office**

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**MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Erin Leonhart, Intergovernmental Relations Manager  
**Date:** December 22, 2009  
**Subject:** 2010 LEGISLATIVE UPDATE 1

The 2010 State Legislative session is scheduled to begin on January 11<sup>th</sup>. This report contains information from the final meeting of the 2009 Legislative Committee, an update on Kirkland's 2010 Federal Appropriations Requests and a proposed addition to the 2010 Legislative Agenda (attached).

**RECOMMENDATION**

It is recommended that the City Council receive an update on legislative issues and approve an addition to the 2010 Legislative Agenda related to the Public Records Act.

**COUNCIL LEGISLATIVE COMMITTEE 12/21/2009**

The 2009 Council Legislative Committee met on December 21, 2009 to meet Tim Schellberg and Briahna Taylor from Gordon Thomas Honeywell and to begin discussions about the upcoming session. The primary topics of conversation during the meeting were:

- Introduction to Tim Schellberg & Briahna Taylor from Gordon Thomas Honeywell – Mr. Schellberg and Ms. Taylor introduced themselves and the firm. Mr. Schellberg and Ms. Taylor are contracted to act in an advisory capacity on State Legislative issues for the 2010 session. The contract includes:
  - Monday morning reports, emailed to Kirkland every week during the Legislative Session;
  - Access to two Bill tracking lists with summaries – one specific to City priorities and the other including all AWC & King County interests;
  - Ms. Taylor or Mr. Schellberg will call Erin Leonhart, Intergovernmental Relations Manager, if there is a time-sensitive item of interest to the City;
  - Although Gordon Thomas Honeywell will not register as Kirkland's lobbyist, they can sign for the City in support or opposition of particular legislation if directed; and
  - The City can ask for advice or information on legislative issues.
- Legislative Session Schedule – The 2010 Legislative Session is scheduled to begin on January 11<sup>th</sup>. The Legislature finalizes the cutoff schedule on the first day of the session.
- 2010 Legislative Committee Meeting Schedule – Once the 2010 Legislative Committee membership is determined, the group will discuss meeting schedule. Historically, the Committee met weekly during the session to provide guidance on pressing issues.
- Public Records Act Disclosure Exemption – The City of Everett is pursuing legislation that would exempt the names of code enforcement complainants from disclosure under the Public Records Act. The Legislative Committee supported this legislation as recommended by the City Attorney's Office and the Planning and Community Development Department.
- Extension of Growth Management Act Deadlines – The Planning and Community Development Department requested support for changes to Growth Management Act planning deadlines to 10-year cycles instead of 7-year cycles. The Governor's Office may propose legislation that would temporarily extend the deadlines due to budget issues. This proposal should be released within the next few weeks.

- Washington State Sentencing Guidelines Commission – The Association of Washington Cities is seeking applications for a City Representative to fill a vacancy on the Washington State Sentencing Guidelines Commission. The Commission typically meets the second Friday of each month from 9:00am until noon.

### **2010 FEDERAL APPROPRIATIONS REQUESTS**

The City of Kirkland submitted four Federal Appropriations Requests to our Congressional Delegation for the 2010 Budget:

- 116<sup>th</sup> Ave NE Non-Motorized Project (\$2 million)
- NE 120<sup>th</sup> Street Extension (\$1.5 million)
- Emergency Services Training (\$675,000)
- Emergency Services Equipment (\$500,000)

As a result of Senator Murray and Congressman Inslee's support, there is an appropriation in the Omnibus Appropriations Bill for \$300,000 for Kirkland's Emergency Services Equipment. This funding will be awarded from the Department of Justice as a COPS Tech grant. Staff will provide details as they are available.

Senator Murray and Congressman Inslee also supported the two transportation projects; however, neither has been funded to date. Congressman Inslee included the 116<sup>th</sup> Ave NE Non-Motorized Project in the House version of the Transportation Reauthorization Bill but the reauthorization process did not progress during this Congressional session. Erin Leonhart, Intergovernmental Relations Manager, will work with Congressional staff to continue pursuit of funding for 116<sup>th</sup> and other requests per Council direction.

### **PROPOSED ADDITION TO 2010 LEGISLATIVE AGENDA**

The Council Legislative Committee supports the following addition on page six of the 2010 Legislative Agenda: "Kirkland supports legislation that would exempt the names of code enforcement complainants from disclosure under the Public Records Act." The City Attorney's Office and Planning and Community Services Department support this proposal.

Attachment

## CITY OF KIRKLAND 2010 LEGISLATIVE AGENDA – ADOPTED

### --- CITY COUNCIL GOALS ---

#### NEIGHBORHOODS

*Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.*

Legislative Issues – none

#### PUBLIC SAFETY

*Goal: Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.*

Legislative Issues

- Kirkland supports legislation that provides additional funding options for public safety purposes, including public safety facilities
- Kirkland supports cities' ability to form municipal courts and is working to preserve all options for providing municipal court services in the future.
- Kirkland supports coordination of criminal justice services provided by the state, counties and municipalities to achieve the greatest efficiencies possible.
- Kirkland opposes any further shifting of criminal justice services to municipalities from the state or county.
- Kirkland supports the 2010 Legislative priorities from the Association of Washington Cities' Subcommittee on Community Safety & Justice Funding for Gang Intervention and Prevention Activities:
  - Support local tools and innovation for gang prevention and intervention; seek sustainable, ongoing funding for gang prevention and intervention, graffiti removal programs, and law enforcement suppression activities.
  - Support the creation of new offenses for criminal gang intimidation and school criminal gang intimidation and sentence enhancements for gang-related offenses.
- Kirkland supports the 2010 Legislative Agenda from the Washington Association of Sheriffs & Police Chiefs (WASPC):
  - Obtain funding for WASPC's critical incident mapping program to finish mapping community colleges (approx. \$600,000) and K-12 new and major remodeled buildings (approx. \$400,000).
  - Maintain funding for the WASPC sex offender address verification program at the current level of \$5 million/year. Amend the sex offender registration laws in response to State v. Ramos (2009) which rendered the law requiring Level II and III registered sex offenders to check in every 90 days inoperable, by repealing the 90-day check-in requirement and codifying the new address verification program.
  - Amend WASPC's recently codified Sex Offender Notification and Registration Program (RCW 36.28A.040(6)) to protect the personal information of community members utilizing the notification services of the program.
  - Amend the Public Disclosure Act (RCW 42.56) to protect lists of burglar alarm customers, addresses and other records for false alarm programs retained by law enforcement agencies.

- Kirkland supports the following items from the 2010 Legislative Goals of the Washington Fire Chiefs:
  - Simple majority election (50% plus 1) for Emergency Medical Services Levies (via SB 5432)
  - Work toward mandatory residential sprinkler systems in new construction (HB 2224)
  - Fire Inspection/Investigation Issues:
    - Ability to obtain administrative search warrants for fire inspections in RCW 19.27
    - Presumptive illness provisions for PERS employees doing fire investigations akin to LEOFF covered employees
    - Ability for Fire Districts and Regional Fire Authorities to take over inspection/investigation from the County they reside within
    - Expand LEOFF eligibility to County or State Fire Marshalls
  - Increase the fee for E-911 in preparation for next generation systems (HB 2029 or HB 2351)

### HUMAN SERVICES

*Goal: To support a coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.*

#### Legislative Issues

- Kirkland supports legislative action aimed at preventing homelessness and moving the homeless to stable, supported housing as quickly as possible. To accomplish these goals, the City supports the appropriation of funding for temporary rental assistance and supportive services, increased resources for mental health and substance abuse treatment services, supportive services to those transitioning out of the corrections system and young people who age out of the foster care system.
- Kirkland supports the following legislative recommendations from the Eastside Human Services Forum for the 2010 Legislative Session:
  - Preventing and Ending Homelessness
    - Restore the Housing Trust Fund to the \$200 million level
    - Stabilize Washington Families Fund
  - Early Childhood and School Readiness
    - Preserve and restore Home Visiting funds to 2009 levels for a continuum of programs such as Parents as Teachers and the Parent Child Home Program
    - Support training for child care professionals
    - Change policies regarding state child care subsidy rates such as amount of co-pays, or frequency of eligibility reauthorization
  - Access to Basic Needs
    - Increase access to public benefits, such as Food Stamps and the Earned Income Tax Credit
    - Washington Information Network 2-1-1: Maintain current level of funding, improve quality and accessibility of services
  - Older Adults
    - Restore funding for Adult Day Health including transportation
    - Continue current funding for the Senior Citizens Services Act (SCSA is a primary source of funding for the critical Senior Information and Assistance programs operated through Area Agencies on Aging.)

BALANCED TRANSPORTATION

*Goal: To reduce reliance on single occupancy vehicles.*

## Legislative Issues

- Kirkland supports non-motorized transportation and issues raised by the Bicycle Alliance of Washington, specifically:
  - Compliance with Manual of Uniform Traffic Code in Construction Zones: Support compliance with national standards that that bicycles and pedestrians be considered when planning for access through construction zones, particularly when detours are necessary.
  - School Transportation Funding: Support and encourage programs that educate, engineer, encourage and evaluate walking and biking programs and facilities for schools.
  - Global Warming: Support policies that recognize bicycles as an earth-friendly transportation option.
  - 3-Foot Passing: Support specifying that motorists allow a minimum of three feet of distance when passing bicyclists.

PARKS, OPEN SPACES AND RECREATIONAL SERVICES

*Goal: To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well being of the community.*

## Legislative Issues

- Kirkland supports the WRPA (Washington Recreation & Park Association) legislative agenda, which is based on the following principles:
  - Parks are about helping build and sustain Healthy Communities, especially important at a time when health care costs and obesity rates continue to rise.
  - Parks are about open spaces and recreation inside of growing communities, especially important with increasing population densities, and state policy goals associated with achieving Climate Change, cleanup and restoration of the Puget Sound, and livable and walkable communities.
  - Parks are about connecting communities through trails and greenways, especially important at a time where population growth puts more pressure on our natural resources, and scarce transportation dollars and ever-rising gas prices are inducing more people to walk and bike as an alternative to the automobile.
  - Parks are inducers of and incentivizers to economic development, urban plazas, waterfront parks, greenways, and trail connections and the like are central to tourism.

DIVERSE HOUSING

*Goal: To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.*

## Legislative Issues

- Kirkland supports protection of and new state contributions to the Housing Trust Fund levels established in 2008 to support statewide public-private investment in low-income housing.
- Kirkland also supports tax incentives and targeted investments in workforce housing.
- Kirkland supports legislation amending RCW 82.02.060 to eliminate the requirement that impact fees waived for affordable housing be paid from public funds other than impact fee accounts.

FINANCIAL STABILITY

*Goal: Provide a sustainable level of core services that are funded from predictable revenue.*

## Legislative Issues

- Kirkland supports legislation to reverse the court decision (Lane vs. Seattle) that allocates hydrant/fire suppression costs to the general fund
- Kirkland supports the City Flexibility Package proposed by the Association of Washington Cities:
  - Public safety sales tax (0.3% county-wide local option) – 2SSB 5433, which passed in 2009, allowed for partial supplanting of the public safety sales and use tax until 2015. Pursue full removal of non-supplant language and no expiration date.
  - Real estate excise tax – Currently cities that collect the 2nd 0.25% REET must spend those funds on a shorter list of projects than the 1st 0.25% REET. Allow the list of projects for the 2nd 0.25% locally collected real estate excise tax to match the list of projects for the 1st 0.25% real estate excise tax.
  - Gambling tax – Currently this tax can be used for local gambling enforcement programs. Expand uses to general public safety purposes.
  - Lodging tax – Currently the lodging tax is restricted to specific uses that are tourism-related. Expand uses for any purpose that maintains or enhances tourism, including public safety.
  - Growth Management Act (GMA) impact fees – Currently cities can charge for fire, parks, roads and schools if provided by the city. Add police/public safety and emergency response facilities, as well as fire, if provided by a district. Broaden definition of allowable transportation expenditures to include "multimodal" (trails, transit and others). Extend period of time when impact fees can be spent.
  - GMA & shoreline update – Skip next round of GMA updates in smaller/slow growth cities and counties. Alter GMA and Shoreline planning update schedule (i.e. provide more time).
  - Grant-matching requirements – Reduce matching requirements for State grants.
  - Transportation Benefit District – Amend statute to extend voter approved sales tax beyond current 10 year provision. This would allow bonding of this revenue stream.
- Kirkland supports legislation that would improve cost recovery for public disclosure requests.
- Kirkland supports legislation to implement a more equitable distribution of the state gas tax, with an increased share allocated to cities. Since 1991, the per capita gas tax distribution has declined significantly because the tax is not distributed equitably to growing municipal areas.

ENVIRONMENT

*Goal: To protect our natural environment for current residents and future generations.*

## Legislative Issues

- Kirkland supports the Secure Medicine Return Bill – HB 1165/SB 5279
- Kirkland supports Mercury Lighting Recycling – HB 1469/SB 5543
- Kirkland supports legislation that builds on the land use and transportation planning that is already required of state and local governments to help accomplish the State's adopted greenhouse gas emissions reduction goals. This approach should be targeted at the more populous cities, counties and regions. Kirkland supports legislation related to climate change and believes that funding for this legislation should not be fully borne by cities.
- Kirkland supports legislation that implements the Governor's Climate Advisory Team recommendations and that provides monetary incentives for reducing vehicle miles traveled and increasing fuel efficiency through annual motor vehicle license fees.

- Kirkland supports incentives for including transit-oriented development with transit investment.
- Kirkland supports legislation that encourages alternative modes of transportation including capital and regulatory support to encourage biking and walking.

### ECONOMIC DEVELOPMENT

*Goal: To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.*

#### Legislative Issues

- Kirkland supports revisions to Local Revitalization Funding criteria to allow communities to compete that may not have large developments planned. Or, simply, to make funding available for needed infrastructure without the requirement of a known developer.
- Kirkland supports community facilities districts legislation
- Kirkland supports development of a source of funding for small brownfield projects such as gas station and dry cleaner sites
- Kirkland supports reconsideration/strengthening of role of Associate Development Agencies (ADOs) such as enterpriseSeattle particularly in the area of business recruitment

### DEPENDABLE INFRASTRUCTURE

*Goal: To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.*

#### Legislative Issues

- Kirkland supports legislation to eliminate RCW 47.17.855, transferring jurisdiction of SR 908 (NE 85<sup>th</sup> Street from I-405 to SR-202 in Redmond) from the Washington State Department of Transportation to the Cities of Redmond and Kirkland. Kirkland also supports the transfer of pavement overlay funds budgeted specifically for SR 908.
- Kirkland supports legislation that would allow for strategies such as Tax Increment Financing that would assist with the formation and funding of public/private partnerships in support of infrastructure and affordable housing. This funding must have safeguards to mitigate/minimize risks.
- Kirkland supports Municipal Stormwater Funding – a long-term state funding mechanism is needed to support "Phase I" and "Phase II" NPDES stormwater requirements, as well as Puget Sound cleanup efforts, that impacts 137 cities. AWC will aggressively pursue ESHB 1614 (from 2009) which would establish a fee on a barrel of unrefined oil (approximately \$120M/year in revenue); however, we will remain open to alternative legislation that provides equivalent funding.
- Kirkland supports Street Utility – declared unconstitutional in 1995, a new authority would enable cities to charge a fee based on trip generation.
- Kirkland urges the state to take the following actions to ensure completion of the six-lane State Route 520 Bridge and Corridor Project by 2016:
  - Make a decision on the design plan for the west side that is achievable within the constraints of the current project budget to keep the project on schedule; and
  - Provide funding for design and construction of the east side corridor project to allow completion of the project by 2014.
- Kirkland supports implementation of express toll lanes on Interstate 405.

- Kirkland supports revisions to grant eligibility that would reward cities for accepting density in accordance with the Growth Management Act and additional grant funding to assist cities with implementation of new stormwater regulations.
- Kirkland generally supports roadway pricing as an effective tool for managing the regional transportation system and generating additional revenue to leverage against existing revenue sources. Revenues from pricing may be used for a variety of purposes, including transit service on tolled or adjacent facilities, but there must be a reasonable nexus between collection and spending. Pricing for management must have clear objectives and pricing efforts must include careful consideration of potential negative impacts, particularly considering the needs of low income users of priced facilities.

--- OTHERS ---

#### TELECOMMUNICATIONS

- Kirkland supports maintaining local franchising and opposes any legislation that would create a statewide franchise. Kirkland recognizes the importance and need for local governments to manage their rights-of-ways and ability to deliver local programming.
- Kirkland supports telecommunications legislation that is balanced and addresses the concerns and interests of local government, consumers and telecommunication/ broadband providers.

#### PUBLIC RECORDS ACT

- Kirkland supports legislation proposed by the AWC and the Sunshine Committee addressing the Public Records Act (PRA), in particular:
  - Adding a "meet and confer" requirement to the PRA. This would say requesters should meet and confer (like CR 26(i)) before filing suit. It will not be mandatory, but if requesters do not meet and confer, the trial court will have the authority to reduce and/or eliminate attorney fees and penalties if the court determines that a meeting would have avoided a lawsuit.
  - Allowing agencies to fulfill PRA requests by giving links to documents posted on line.
  - Removing the legislative exemption to the PRA
  - Requiring that all new PRA exemptions expressly cite to 42.56 and be referenced in 42.56
- Kirkland supports legislation that would exempt the names of code enforcement complainants from disclosure under the Public Records Act.

#### LEGISLATIVE DISTRICTS

Kirkland supports legislation that would preserve jurisdictions in the same legislative district.