



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager
From: Marilynne Beard, Assistant City Manager
Date: February 4, 2010
Subject: ANNEXATION AREA PARTICIPATION ON BOARDS AND COMMISSIONS

RECOMMENDATION:

City Council provides direction regarding additions to board and commission memberships for annexation area residents.

BACKGROUND DISCUSSION:

The City Council expressed an interest in temporarily expanding and/or altering the membership of selected boards and commissions in order to allow for participation by annexation area residents. In addition, more information was requested regarding the potential for temporary advisory appointments to the City Council of annexation area residents. The purpose of this memo is to provide background on existing board and commission memberships, policy considerations related to the appointments and options for Council consideration.

BOARDS AND COMMISSIONS

Practice in Past Annexations

In 1987, the City Council passed Resolution R-3394 "...regarding the structure and membership of the Kirkland Planning Commission in the event of the annexation of any or all of the potential annexation areas of North Rose Hill, South Rose Hill, and Lower Juanita." A copy of the resolution is attached. The appointments took place effective January 1, 1988 (the date the annexation was effective) following the election in November 1997. One person from each of the annexation areas was appointed, temporarily increasing the size of the Planning Commission from seven to ten for a period not to exceed four years. After four years the Planning Commission was reduced through attrition to seven with all positions to be "at large" rather than representing specific areas. The stated purpose of the appointments was to provide "representative membership on the Kirkland Planning Commission during review of the Land Use Policies Plan for neighborhoods within their respective areas."

Summary of Current Board and Commission Purpose and Membership

There are thirteen boards and commissions that advise the City Council on policy matters. Each board or commission is established either by ordinance or resolution and has specific duties and membership criteria. Some boards and commissions are governed by state law which may also dictate purpose and membership criteria. Resolution R-3680 approved by the City Council in 1995 lists the eligibility

requirements applicable to the Disability Board, Human Services Advisory Committee, Library Board, Park Board, Planning Commission and Plaza of Champions Committee:

A person must be at least 18 years of age and resident of the City of Kirkland to be considered eligible for appointment to a City advisory board or commission.

Subsequent to the adoption of Resolution R-3680, additional board and commissions were formed in some cases with different eligibility requirements. Youth members were also added following the initial resolution. Unless the eligibility requirements were specifically changed, Resolution R-3680 would be followed.

Following is a summary of the purpose and membership requirements for the existing boards and commissions. As you will see, some boards and commissions already allow membership of individuals that reside outside of the current City limits and, in fact, annexation area residents already serve on some boards and commissions.

Board/Commission	Purpose	Membership
Cultural Council	To promote strategic planning and development for arts, culture and heritage in the community.	Seven to fifteen members that are residents of Kirkland or that own a business within the city or its annexation area and have an interest in the arts.
Design Review Board (DRB)	Review and make decisions upon proposed development projects for compliance with City of Kirkland design regulations and guidelines in design districts.	Seven members with the majority having professional expertise in the areas of design or building and construction. Individuals who are residents of Kirkland and/or whose place of business is located within Kirkland are preferred
Disability Board	Performs all functions, exercises all powers and makes all determinations as specified in RCW 41.26.	Five members composed of two City Council members, one firefighter, one law enforcement officer and one resident of Kirkland who is appointed by majority vote of the other members (RCW 41.26).
Human Services Advisory Committee	Advise the City Council on all matters concerning human services and develop recommendations on priorities, planning, funding and the delivery of human services.	Five members that are residents of Kirkland and do not have any proprietary interest in human service organizations nor serve as a board or staff member of any human service organization.
Kirkland Senior Council	Participate in the advocacy, education and creation or programs that meet their needs.	No less than 11 and no more than 21 members, 51% of whom must be over the age of 50, and/or live, work or serve a population in the City of Kirkland. Members are appointed by the Senior Council.

Board/Commission	Purpose	Membership
Kirkland Youth Council	Provide a vital link between the youth of Kirkland, the greater community and the government.	24 to 26 members composed of nine to ten students from each of the two Kirkland high schools, one student each from "choice school," two students from each junior high school, one student from BEST High School, and one home-schooled student. Members are appointed by the Youth Council
Library Board	Serve as an advisory body to the Kirkland City Council and the Kirkland City Manager and to serve as liaison to the King County rural library district.	Six members that are residents of Kirkland.
Lodging Tax Advisory Committee	Performs the functions of a lodging tax advisory committee under RCW 67.28.187 and KMC 5.19.	Seven members composed of one City Council member, three representatives from businesses required to collect the tax and three members involved in activities authorized to be funded by lodging tax revenue.
Park Board	Advise the City Council on matters relating to parks, recreation and community services.	Eight members that reside in Kirkland.
Parking Advisory Board	Advise the City Council regarding those parking issues in or adjacent to the downtown or as referred to them by the City Council.	Eight members composed of individuals who are downtown property owners or who own manage or work in a downtown retail or restaurant establishment or who are residents of downtown and one at-large member who is resident of Kirkland and one youth member.
Planning Commission	Advise the City Council on matters relating to city planning documents and to specific texts of land use regulations.	Seven members who reside Kirkland.
Salary Commission	Review the salaries paid by the city to the mayor and city council.	Three members that reside in Kirkland
Transportation Commission	Advise the City Council regarding planning and development of those transportation issues referred to them by the Council.	Eight members that reside or work in Kirkland or the annexation area. At least three members are to have some background in transportation issues.

For the purposes of this discussion, the boards and commissions divide roughly in two categories.

- Advisory bodies that already allow and/or have membership from the annexation area and those whose membership is governed by state law. No action is recommended with regard to membership of these groups.
 - Cultural Council
 - Design Review Board
 - Kirkland Youth Council*
 - Kirkland Senior Council*
 - Lodging Tax Advisory Committee
 - Parking Advisory Board
 - Transportation Commission

*The Youth Council and Senior Council appoint their own members. The Youth Council already includes members from the annexation area and the Senior Council is planning to expand its membership to include annexation area residents. The Cultural Council appoints all additional members beyond the first five seats.

- Advisory bodies that currently limit membership to City residents that have a core mission that may impact the annexation area
 - Human Services Advisory Committee
 - Library Board*
 - Park Board
 - Planning Commission
 - Salary Commission

*After the effective date of annexation, Kirkland will have two libraries under the jurisdiction of the Library Board (Kirkland downtown branch and the Kingsgate Branch).

Since each of these bodies were created by an ordinance or resolution adopted by the City Council, formal action would be needed to change the eligibility requirements.

Options for Making Appointments of Annexation Area Residents

A board and commission recruitment is currently underway for appointments that expire on March 31, 2010. The City's policies limit individual appointments to a maximum of two four-year terms and require that all vacancies are filled using a competitive process. The effective date for the annexation is June 1, 2011. There are several options the Council can consider in order to accommodate annexation area representation beginning in 2010.

1. Temporarily expand the number of seats on the selected boards and commissions designated specifically for annexation area residents and to conduct a second recruitment in 2010 for terms that would end on March 31, 2012. At that time, the City Council would hold its annual recruitment and all residents could compete for available positions and the board or commission would return to the original membership numbers. Current appointees that are ending their first term in 2012 would need to compete for their second term (as they do now). However, annexation area appointees would not serve full terms (i.e. if their appointment was effective May 1, 2010 they would still serve until March 31, 2011 rather than a four-year term).
2. Temporarily expand the number of seats on the selected boards and commissions designated for annexation area residents and appoint members for terms in length consistent with existing

terms (i.e. four years, two years, etc.). If a vacancy occurs during the member's term, the vacancy would not be filled until the membership fell below the original number of members for the board or commission.

Policy Questions

1. Which board and commissions should be increased to allow for annexation area participation?
2. How many additional seats should be added?
3. When should terms expire and/or how long should the boards or commissions continue at the larger size?

ADVISORY APPOINTMENTS TO CITY COUNCIL

City Council also requested information regarding the City of Vancouver's action to appoint two non-voting members to the City Council to represent the annexation area prior to the next regular City Council election. The City of Vancouver approved a major annexation petition in 1996. The same annexation had previously been presented in an election in 1985, but had been defeated. In an effort to create connections between the annexation residents and the City, the City Council appointed a Citizen's Advisory Group on Representation to provide input to the City Council as to whether the City Charter should be amended with regard to the process for electing Council members. Specifically, the group was to provide a recommendation to the City Council regarding the size of the Council and whether positions would be elected by district or at large (at the time, there were six Council members and a separately-elected mayor who were elected at large).

The Citizen Advisory Committee recommended that two non-voting members from the annexation area be appointed to serve beginning on the effective date of annexation until the results of the next regular Council election were known. A districting plan was also recommended by the committee but ultimately was not taken further by the City Council.

The purpose of the appointments was to provide citizens from the annexation area "a voice in City affairs before the next general municipal election in 1997, [which] would benefit efforts to build a unified urban community." The non-voting council members began their service on January 1, 1997 and the next regular council election was held in November 1997.

A copy of the resolution authorizing the temporary appointive positions is included as an attachment to this memo. Key provisions included:

- Created two appointive, non-voting council positions with the status of "appointive officers" of the City of Vancouver
- Required non-voting members to be registered voters and residents of the annexation area for at least two years prior to their appointment
- Provided that the Mayor would appoint non-voting members with majority approval of the voting members of the City Council
- Established the term of office to begin January 1, 1997 and expire upon certification of the results of the November 1997 council election.

- Established authority and responsibilities as follows:
 - “Shall be entitled to a seat on City Council during Council meetings, except in quasi-judicial matters.”
 - “May recommend an action, policy, or plan of City Council on any matter affecting the City.”
 - “May be appointed to participate as an advisory member to the city council committees.”
 - “May perform such other official or ceremonial duties as may be assigned by the Mayor.”

- Provided that non-voting council members would receive no salary but would be reimbursed for expenses incurred per city reimbursable expense policies.

In Vancouver, the non-voting members were city residents at the beginning of their term which coincided with the effective date of the annexation. Vancouver did not expand their boards and commissions since they added seats at the Council level and citizens were eligible to apply for board and commission vacancies in any event. In Kirkland’s case, the effective date of annexation is June 1, 2011 and the next general council election will be held in November 2011. Since the appointees are non-voting members, there would technically be nothing preventing the Council from making the appointments prior to the effective date.

Policy Question:

1. Does the City Council want to pursue this further and, if so, what additional information would be needed?

Attachments:

- Resolution R-3394 Providing for Temporary Expansion of the Kirkland Planning Commission (1987)
- Resolution R-3860 Establishing Policies and Procedures for Appointment of Board and Commission Members
- City of Vancouver Staff Reports and Ordinance Creating Temporary Non-Voting Members to the Vancouver City Council

RESOLUTION NO. R-3394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REGARDING THE STRUCTURE AND MEMBERSHIP OF THE KIRKLAND PLANNING COMMISSION IN THE EVENT OF THE ANNEXATION OF ANY OR ALL OF THE POTENTIAL ANNEXATION AREAS OF NORTH ROSE HILL, SOUTH ROSE HILL, AND LOWER JUANITA

WHEREAS, the Kirkland City Council heretofore by Resolution 3320 delineated three potential annexation areas, namely North Rose Hill, South Rose Hill, and Lower Juanita as shown in Attachment 1; and

WHEREAS, citizen advisory committees for each of the three potential annexation areas have studied the implications, costs, and benefits of potential annexation of their unincorporated neighborhoods to the City of Kirkland; and

WHEREAS, a major focus of the committee's analysis was land use planning and zoning; and

WHEREAS, these committees have concluded that new growth in their areas should be guided by land use policies and regulations developed with the active participation of residents of those areas; and

WHEREAS, the City of Kirkland's current "Planning Work Program" as shown in Attachment 2 indicates that the Planning Commission will undertake review of the Land Use Policies Plan neighborhoods for Rose Hill and Lower Juanita in 1988; and

WHEREAS, it has always been the policy of the City of Kirkland to maximize citizen participation in the formulation of land use plans and regulations and likewise to provide a geographic balance to the membership of the Planning Commission; and

WHEREAS, an election on the question of annexation of each of the three potential annexation areas may be placed before the voters as November 3, 1987; and

WHEREAS, the present members of the City Council believe that it will be in the best interest of the City and such of the areas as may become annexed to the City for said areas to have representative membership on the Kirkland Planning Commission during review of the Land Use Policies Plan for neighborhoods within their respective areas.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. It is the declared policy of the present City Council that in the event that any or all of the three potential annexation areas shown in Attachment 1 do vote to annex to the City of Kirkland at the November 3, 1987 general election, then, effective January 1, 1988, the structure of the Kirkland Planning Commission should be revised as follows:

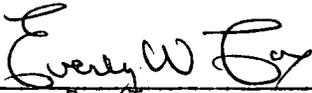
- a. One new Planning Commission member should be appointed from each of the areas that do, in fact, annex. Such newly appointed members should hold positions for four years (one term) and should function as regular members of the Planning Commission.
- b. The current number of Planning Commission members may be expanded to accommodate any newly appointed positions, but in no event should the Commission exceed nine members nor consist of an even number of members.
- c. In the event that the Planning Commission does expand beyond its present size it should be the City's intent and objective to return its size to seven members as soon as circumstances permit.

Section 2: It is the declared policy of the present City Council of the City of Kirkland to maintain a geographic balance in the membership of the Planning Commission; however, it is not the policy of the present City Council, nor the intent of this resolution, to create or perpetuate a district or precinct system, as evidenced by the four year life of any additional position created pursuant to Section 1.a. above.

Section 3. A copy of this Resolution shall be distributed to all members of the Kirkland Planning Commission and the Citizen Advisory Committees for North Rose Hill, South Rose Hill, and Lower Juanita.

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 15th day of June, 1987.

SIGNED in authentication thereof on the 15th day of June, 1987.



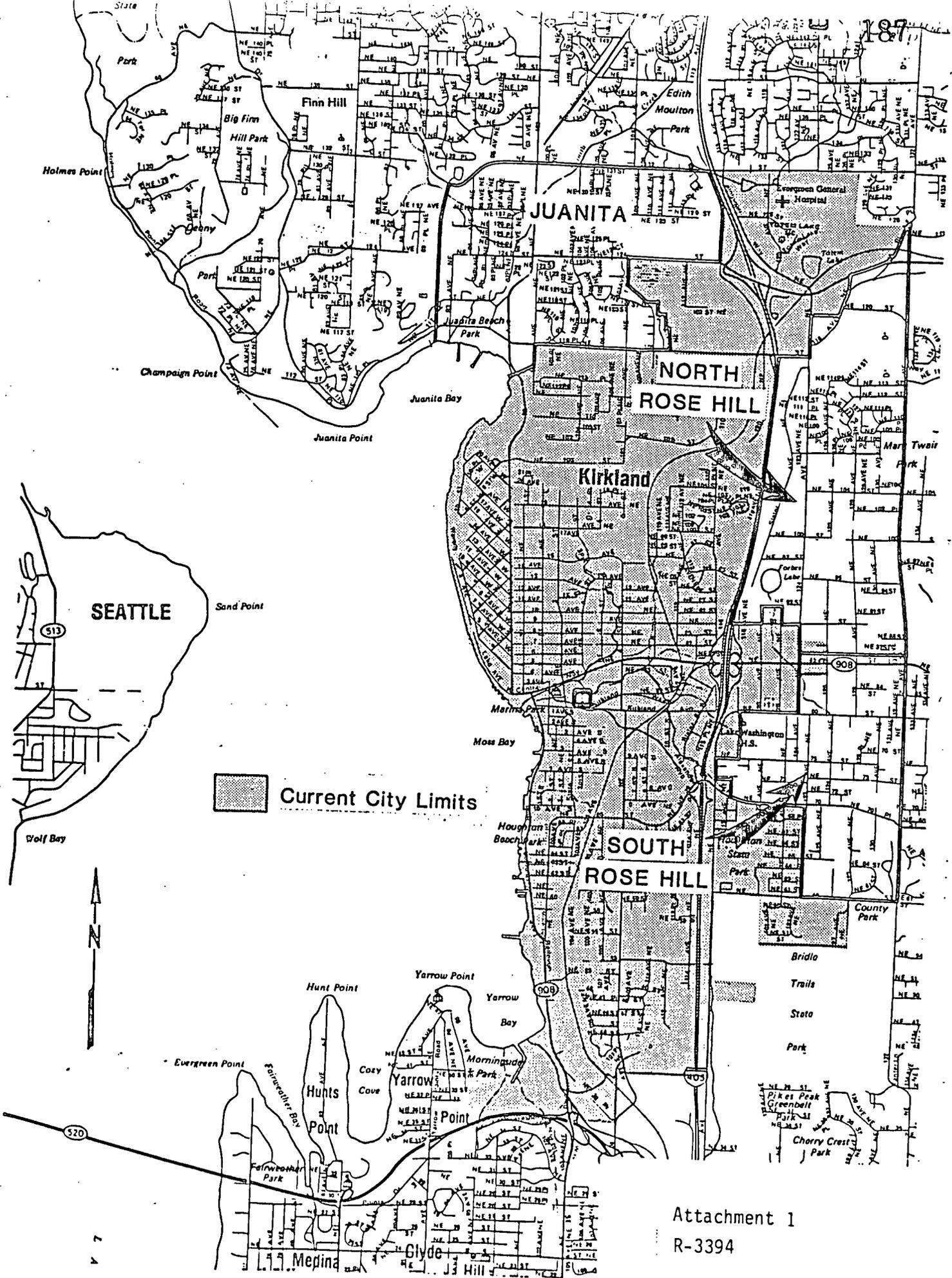
 Mayor Pro Tem

Attest:



 City Clerk

7067C/275A:JWT:rk



187

Current City Limits

Attachment 1
R-3394



	1986												1987												1988													
	J F M A				M J J A S O				N D J F M A				M J J A S O				N D J F M A				M J J A S O																	
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
1	Goals and Policies																																				*	
2	Bridle Trs. Neighborhood																																				*	
3	Norkirk LI Study																																					
4	Totem West Study																																				*	
5	Central Neighborhood																																					
5.a	Perimeter Areas																																					
5.b	CBD																																					
6	Norkirk Neighborhood																																					
7	Market Neighborhood																																					
8	Highlands Neighborhood																																					
9	Everest Neighborhood																																					
10	Totem Lake Neighborhood																																					
11	S. Rose Hill Neighborhood																																					
12	N. Rose Hill Neighborhood																																					
13	Juanita Neighborhood																																					
14	PLA 2/3 Study																																					
15	Shoreline Master Program																																				*	
16	Zoning Code Amendments																																					
16.a	Phase I - Misc.																																					
16.b	Phase II - Use Zones																																					
16.c	Phase III																																					
17	Greater Kirkland																																					
18	Interlocal Agreements																																					
19	Eastside Trans. Program																																					
20	L.W. Blvd. Master Plan																																					
21	T. Skyline Master Plan																																				*	
22	Shipyard Master Plan																																					
23	Ev. Hos. Master Plan																																					
24	PLA 9 Final P.U.D.																																					
25	Harbortown Center																																					
26	Waverly School Prsg.																																					
27	Juanita Park Plan																																				?	

RESOLUTION NO. R-3680**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH THE CITY COUNCIL POLICY FOR APPOINTMENT AND REAPPOINTMENT TO CITIZENS ADVISORY BOARDS AND COMMISSIONS**

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Boards and Commissions. The provisions of this Resolution apply to the following City of Kirkland citizen advisory boards and commissions whose members are appointed by the City Council:

- A. Human Services Advisory Committee
- B. Library Board
- C. Park Board
- D. Planning Commission
- E. Plaza of Champions Committee
- F. Such other Citizens Advisory Boards, Commissions or Task Forces, as now exist or may hereafter be created by the City Council, and whose members are to be appointed by the City Council, except those Boards and Commissions for which the term, appointment, or "appointing authority" or qualification for membership are otherwise established by State statute. (Examples: Civil Service Commission, Disability Board).

Section 2. Eligibility for Appointment: To be eligible for appointment to a board or commission subject to the provisions of this Resolution, a candidate must be at least 18 years of age and a resident of the City of Kirkland. Relatives or family members of Council members will not be eligible to serve on such boards or commissions. Members of the family of a City employee who works in a department which provides staff assistance or support to a board or commission shall not be eligible to serve on that board or commission. At no time shall any person serve concurrently as a member of more than one City board or commission, nor may an elected official of the City serve as a member of any appointive board or commission while also serving as an elected official.

Section 3. Non-discrimination: The City Council shall not discriminate in making appointments on the basis of an applicant's race, ethnic background, creed, age, sex, marital status or sensory or physical handicap.

Section 4 Term of Appointment: An appointment shall be made for a four-year term. Except as otherwise provided in this section, no individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed board or commission. Where circumstances warrant a limited extension, the Council may extend a second term for a specific period of time not to exceed one year.

Section 6 Application and Appointment Process: Openings for Board or Commission positions shall be widely advertised in local newspapers including but not limited to the City's official newspaper. Such other means available and appropriate may also be utilized to announce the opening. Applicant's must complete a City application form provided for this purpose and file a completed application by the specified recruitment deadline. Late applications will not be accepted, however, the Council may choose to extend an application deadline if necessary in order to obtain a sufficient number of applicant's for consideration. Copies of all applications filed with the City will be provided to the City Council.

Upon receipt of applications, the Council may choose to interview all applicants or in the event of a large number of applicants, use a screening process to reduce the number of candidates for interview. The Council may establish criteria for screening. Preliminary screening may be performed by the Council serving as a committee of the whole or by a Council subcommittee appointed by the Mayor for this purpose. In the event a subcommittee is utilized to screen applications, non-subcommittee council members will be invited to convey their comments and questions regarding the qualifications of applicants to the screening subcommittee.

Interviews of applicants shall be conducted in open session. The chairperson of the respective board or commission will also be invited to attend the interviews and may participate in the process to the degree desired by the Council. Upon completion of interviews the Council will convene in executive session to discuss the qualifications

of candidates as provided for by law. The Council shall make its appointment in open session. Following appointment, the appointee, as well as all other candidates, shall be notified in writing of the Council's decision.

Section 7. Reappointment: At the conclusion of a first four-year appointive term the City Council will initiate an open and competitive application process and solicit applications for the position. If the Council wishes to consider an incumbent for reappointment and the incumbent desires to be considered for reappointment to a second four-year term, then three months prior to the expiration of the term the chairperson of the respective board or commission may be invited to meet with the Council in executive session to review the level of participation, performance and contributions of the individual as a basis for possible reappointment to a second term. Based upon this review, the Council will either reappoint the individual to a second term or proceed with the normal open and competitive recruitment process and solicit applications.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of July, 1991.

Signed in authentication thereof this 2nd day of July, 1991.



 MAYOR Pro Tem

ATTEST:



 City Clerk

DEPUTY
CLERK

o-r\advisory

#7

STAFF REPORT NO. 237-96

TO: Mayor and City Council
FROM: Vernon E. Stoner, City Manager

DATE: 11/25/96

Subject: Resolution Establishing Two Temporary Appointive, Non-voting City Council Positions for Citizens of Newly Annexed Areas.

Objective: To provide immediate representation for citizens of newly-annexed areas through advisory participation in City Council deliberations and activities.

Present Situation: In anticipation of large areas of East Clark County being annexed to the City of Vancouver January 1, 1997, City Council appointed a Citizens Committee on Representation in the spring of 1996 to explore and make recommendations regarding representation on City Council. On November 18, 1996, Council heard public testimony on the Committee's recommendations and unanimously agreed that adding two, non-voting members from the newly-annexed areas would assist in providing citizens of those areas a voice in City affairs before the next general municipal election in 1997, and would benefit efforts to build a unified urban community.

Proposal: Adopt a resolution establishing two appointive, non-voting positions on City Council.

Advantage: Provides immediate local representation on City Council for citizens in the newly-annexed East County area.

Disadvantage: The ad hoc members will be unable to vote on Council issues; however, they may participate fully in all Council deliberations.

Action Requested: Adopt resolution establishing two ad hoc City Council positions.

Attachment: Resolution

11-25-96

RESOLUTION NO. M-3071

A RESOLUTION relating to City Council and establishing pursuant to Vancouver City Charter Section 11.02, two temporary, appointive, non-voting positions on the Vancouver City Council; setting forth the method of appointment, qualifications, term of office, grounds for removal, authority and responsibility, and terms of compensation; and initiating immediate recruitment of candidates for such positions.

WHEREAS, the City of Vancouver will undergo unprecedented growth due to annexations which become effective January 1, 1997; and

WHEREAS, residents of the newly-annexed areas have expressed a strong desire for immediate representation of their needs and concerns on City Council; and

WHEREAS, residents within the current city limits have expressed a desire to build formal and informal bridges to the citizens of the newly-annexed areas in order to heal and prevent divisions within the community; and

WHEREAS, the Citizens Advisory Committee on Representation, appointed by City Council to evaluate current City Council representation, has recommended that City Council appoint two ad hoc non-voting members to City Council from the newly-annexed areas as soon as possible; and

WHEREAS, Vancouver City Charter Section 11.02 provides for non-voting members of City Council to be designated by vote of the City Council; and

WHEREAS, City Council held a public meeting on the representation options presented by the Committee November 18, 1996, at which public support for the appointment of non-voting Councilmembers was voiced; and

WHEREAS, it is the unanimous position of City Council that such non-voting, temporary members from the newly-annexed areas would benefit the entire City in its efforts to build a new and united community.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Positions Created. There are hereby created pursuant to City Charter Section 11.02 two appointive, non-voting Vancouver City Council positions. Such non-voting members shall have the status of appointive officers of the City of Vancouver.

Section 2. Qualifications. The non-voting Councilmembers shall have been registered voters and residents of the newly-annexed areas of the City of Vancouver described in Exhibit "A" to this resolution for a continuous period of at least two years prior to their appointment, and shall hold no other public office or employment under city government.

Section 3. Appointment. The non-voting members of City Council shall be appointed by the Mayor, with approval by majority vote of the voting members of City Council.

Section 4. Term of Office/Removal. The terms of office for non-voting councilmembers shall commence upon appointment, and in any event, as soon practicable after January 1, 1997. The terms of office of such appointees shall expire upon certification of the

results of the November 1997, general municipal election for Vancouver City Council positions. A non-voting councilmember may be removed at any time by the Mayor, upon approval by majority vote of the voting members of City Council, in the event that the member ceases to have the qualifications set forth in Section 2 of this Resolution, or for misconduct or for unexcused absences from more than three City Council meetings.

Section 5. Authority and Responsibilities. A non-voting City Councilmember:

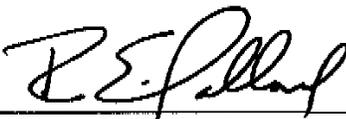
- (a) Shall be entitled to a seat on City Council during Council meetings, except in quasi-judicial matters.
- (b) May recommend an action, policy, or plan of City Council on any matter affecting the City.
- (c) May be appointed to and participate as an advisory member to city council committees.
- (d) May perform such other official or ceremonial duties as may be assigned by the Mayor.

Section 6. Compensation. The non-voting Councilmembers shall receive no salary, but shall be reimbursed for expenses in accordance with City policies governing reimbursement for appointive members of City boards and commissions.

Section 7. Recruitment. The City Manager is directed to commence recruitment of candidates for the non-voting City Councilmember positions immediately upon adoption of this resolution.

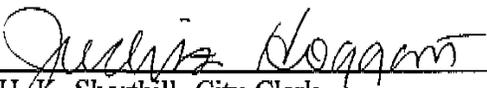
ADOPTED at a regular session of the Council of the City of Vancouver, this

25th day of November, 1996.



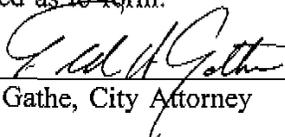
Royce E. Pollard, Mayor

Attest:



H. K. Shorthill, City Clerk
By: Judith Hoggatt, Deputy

Approved as to form:



Ted H. Gathe, City Attorney

Attachment: Exhibit "A"

G6112001/1Z.MV

