
CITY OF KIRKLAND

CITY COUNCIL



Amy Walen, Mayor • Penny Sweet, Deputy Mayor • Jay Arnold • Dave Asher
Shelley Kloba • Doreen Marchione • Toby Nixon • Kurt Triplett, City Manager

Vision Statement

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.
Our lakefront community is a destination for residents, employees and visitors.
Kirkland is a community with a small-town feel, retaining its sense of history,
while adjusting gracefully to changes in the twenty-first century.*

2015 KIRKLAND CITY COUNCIL RETREAT I **Friday, February 20, 2015** **9:00 a.m. – 4:00 p.m.**

Beaver Lake Lodge
25101 SE 24th Street
Sammamish, Washington 98075

AGENDA

- | | |
|-------------------------------------|--------------------|
| 1. Call to Order | 8:55 a.m. |
| 2. Roll Call | |
| 3. Agenda Overview | |
| 4. 2015-2016 City Work Plan | 9:00 – 10:45 a.m. |
| 5. Break | 10:45 – 11:00 a.m. |
| 6. Council Policies and Procedures | 11:00 – 12:00 p.m. |
| 7. Lunch | 12:00 – 1:00 p.m. |
| 8. Potential Ballot Measures | 1:00 – 2:30 p.m. |
| 9. Break | 2:30 – 2:45 p.m. |
| 10. City Council Topics of Interest | 2:45 – 4:00 p.m. |
| 11. Adjournment | 4:00 p.m. |

Times provided are our best estimate.
The order of items is subject to change during the Retreat.

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**
www.kirklandwa.gov

MEMORANDUM

To: City Council

From: Kurt Triplett, City Manager

Date: February 10, 2015

Subject: PRELIMINARY DISCUSSION OF THE 2015-2016 PRIORITY GOALS AND CITY WORK PROGRAM

RECOMMENDATION:

That the City Council reviews the preliminary 2015-2016 Priority Goals and City Work Program of major initiatives and provides direction on modifications and additions for adoption at a future Council meeting.

BACKGROUND DISCUSSION:**Biennial Priority Goals and City Work Program**

The City Council began formally adopting a City Work Program to guide major policy and financial initiatives starting in 2011. The process and purpose of the City Work Program has evolved and improved over the past four years. In 2012 the Council called for a clearer link between the City Work Program and the ten adopted Council Goals. The Council concluded that one of the primary purposes of the Work Program is to allocate resources to the major financial and programmatic elements that create progress towards achieving these Goals. The Resolution adopting the 2012 City Work Program therefore identified the Goals being implemented by each Work Plan initiative. This link between Goals and initiatives has been included in all subsequent Work Programs.

At the December 11, 2012 Study Session regarding the 2013 City Work Program, the Council decided that rather than approving annual Work Programs, the Council would adopt a biennial Work Program as a more effective way to create synergy between the Work Program and the biennial budget process. The Council also concluded that since financial constraints prevented the City from making equal progress on all ten Goals at the same time, the Council would focus on priority Goals for each biennium. On February 5, 2013, the Council passed R-4963, approving the 2013-2014 Priority Goals and City Work Program.

The 2015-2016 Priority Goals and City Work Program will be patterned after R-4963, which is included as Attachment A. The Council subsequently adopted R-5003, which amended R-4963 to add exploration of replacing the Juanita Aquatics Center to the City Work Program. R-5003 is included as Attachment B as an example of how the Work Program can change over time.

Preliminary 2015-2016 Priority Goals and City Work Program Initiatives

As with the 2013-2014 budget, suggestions for the draft 2015-2016 City Work Plan emerged from the 2015-2016 budget process. The preliminary elements suggest that the Priority Goals for 2015-2016 would include **Public Safety, Dependable Infrastructure, Balanced Transportation, Parks and Recreation, Financial Stability** and **Economic Development**.

The following items were preliminary Work Program recommendations (in no particular order) for the biennium that were included in the 2015-2016 budget message:

- Continue implementation of the Cross Kirkland Corridor Master Plan (Council Goals: Balanced Transportation, Parks and Recreation, Economic Development, Neighborhoods).
- Complete a comprehensive update of the Capital Improvement Program to incorporate the projects identified in the Kirkland 2035 master plans and Comprehensive Plan (Council Goals: Public Safety, Neighborhoods, Balanced Transportation, Parks and Recreation, Diverse Housing, Economic Development, Dependable Infrastructure).
- Site and begin construction of a new fire station in North Kirkland (Council Goals: Public Safety).
- Continue annexation-related facility investments by initiating the renovation of City Hall with a focus on enhancing customer service and identifying options to expand Maintenance Center capacity for both Parks and Public Works to serve the larger City (Council Goals: Neighborhoods, Economic Development, Parks and Recreation, Dependable Infrastructure).
- Cultivate private sector partnerships to attract tenants to business districts and respond to redevelopment opportunities, especially Park Place and Totem Lake (Council Goals: Economic Development, Financial Stability).
- Identify locations, costs and explore ballot measure options for funding an Aquatics, Recreation, and Community Center to replace the Juanita Aquatic Center (Council Goals: Parks and Recreation, Economic Development).
- Implement the Healthy Kirkland Plan, the consumer-driven healthcare initiative, including establishing an employee clinic as part of the effort to achieve sustainability of benefits (Council Goals: Financial Stability).

Potential Modifications and Additions to Work Program Elements

Modifications for Parkplace, Totem Lake Mall and North End Fire Station

Events have evolved since the budget was adopted in December of 2014. Both the Parkplace and the Totem Lake Mall sites are proceeding with redevelopment plans. This suggests modifying the private sector partnership element to focus more on implementation efforts. In addition, the Kirkland Firefighters have expressed concerns about the north end fire station plan

as currently proposed. The Council has authorized staff to “reboot” the public outreach and stakeholder process regarding the north end fire station. This element should potentially be modified in light of these developments and perhaps other options for achieving coverage in Finn Hill should be evaluated and included in the Work Program. Staff is seeking direction on these and other potential modifications at the retreat.

Additions

There are several other potential topics that were not included in the budget message.

Comprehensive Plan and Transportation Master Plan completion – Both of these initiatives were included in the 2013-2014 Work Program. Great progress has been made but they will not be completed and adopted by the Council until the last quarter of 2015. The Council might want to continue these in the 2015-2016 Work Program to keep them prominent when considering resource allocation.

Exploration of Fire/Emergency Medical Service Capital and/or Operating Ballot Measures – Through the discussions about the new north end fire station, the Council has expressed interest in a potential ballot measure for the purposes of siting and building a new Station 27 on the east side of I-405 to better serve the Kingsgate area, as well as to renovate and enhance existing fire stations. Council has also expressed an interest in a potential companion operating levy. The earliest such measures could be ready for the ballot is 2016. Staff is seeking direction from the Council as to whether to pursue such ballot measures at this time given the unsettled nature of this topic. Alternatively, staff could develop options that presume an eventual resolution to the current north end fire station issue and set the stage for future ballot measures beyond the 2015-2016 time frame.

Police Strategic Plan – Council allocated funds for a Police Strategic Plan in the 2013-2014 budget. The Plan was deferred until at least 2015 due to the focus necessary for opening and occupying the Kirkland Justice Center, as well as the ongoing contract negotiations that contemplate a significant change in work schedules and shift staffing levels. Funds for the Police Strategic Plan have been carried forward into the current biennium. Staff recommends waiting until the conclusion of contract negotiations before proceeding with the Strategic Plan.

Sound Transit 3 – Assuming Sound Transit is successful in securing additional funding authority from the State Legislature, the Sound Transit Board will be developing a potential Sound Transit 3 ballot measure for 2016. Kirkland needs to actively engage the Sound Transit Board to ensure that any ballot measure connects the Totem Lake Urban Center to the region with High Capacity Transit. The Council may wish to include this element on the Work Plan to highlight its importance.

Email Archiving Implementation – Converting all employees of the City to the email archiving system will improve responsiveness and transparency to the public, while also reducing the cost and complexity of storing email data. However the conversion will require significant cultural and logistical changes in 2015 to implement successfully. The Council may want to include this element in the Work Program given the City-wide scope of the project.

Staff is looking for direction on whether or not to include some or all of these in the Work Program, and whether there are additional topics the Council wishes to consider adding to the Work Program.

CIP Policy Framework and Process Memo

Because the CIP process must occur in 2015, staff is presuming it will be part of the City Work Program. Based on that assumption, staff has developed a draft policy framework to guide Council prioritization of capital projects. A memo outlining the policy framework and the CIP process timeline is included after the City Work Program memo. Staff intends to make a specific presentation about the CIP process at the retreat as part of the City Work Program discussion.

The City Work Program and the Mid-biennial Budget Process

The Council will have other opportunities to amend the Work Program. Given the evolution of the Work Program to a biennial plan, it is likely that throughout the year other issues will arise that also require significant financial and staff resources and City Council review. Based on the 2013-2014 experience, staff proposes that these new items are evaluated during the Mid-biennial budget process. This will allow the Council and the City Manager to proactively identify the impact of new initiatives on established priorities and budgets. Decisions can then be made about whether to attempt to accommodate new items and/or reprioritize the adopted Work Program.

Next Steps

At the retreat, staff is seeking discussion, modification, additions and suggestions on the priority goals and preliminary elements of the 2015-2016 City Work Program. After receiving direction, Staff will bring back a Resolution establishing the priority goals and final Work Program for adoption at one of the March Council meetings. Once the 2015-2016 City Work Program is adopted, the City staff will develop implementation steps, prioritize resources to achieve the Work Program, and update the Council on these efforts.

RESOLUTION R-4963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2013-2014 AND ADOPTING THE 2013-2014 CITY WORK PROGRAM.

WHEREAS, in 2011 and 2012 the City Council approved annual City Work Programs, but desires that subsequent City Work Programs be adopted as biennial initiatives to better align with the biennial budget process; and

WHEREAS, the City Council has adopted ten Goals for the City that articulate key policy and service priorities and guide the allocation of resources for Kirkland through the budget and capital improvement programs; and

WHEREAS, due to economic conditions and fiscal constraints, equal progress cannot be made on all City Goals at all times and the City Council must prioritize certain Goals at certain times; and

WHEREAS, in 2013-2014 the City Council desires to spur job growth and economic development, retain a high quality of life in Kirkland, and provide efficient, cost-effective City services to an informed and engaged public; and

WHEREAS, to help achieve these purposes in 2013-2014, the Council prioritizes the Goals of Economic Development, Neighborhoods, Parks, Dependable Infrastructure, Balanced Transportation, Financial Stability and Public Safety; and

WHEREAS, the City Council believes it is appropriate to adopt a 2013-2014 City Work Program to help implement these priority Goals, identify the priority focus of the City of Kirkland's staff and resources, and enable the public to measure the City's success in accomplishing its major policy and administrative goals; and

WHEREAS, the 2013-2014 City Work Program is a list of high priority, major cross-departmental efforts, involving significant financial resources designed to maintain public safety and quality of life in Kirkland, as well as an effective and efficient City government; and

WHEREAS, since over the course of two years new issues may arise that require substantial City resources and City Council review, the adopted 2013-2014 City Work Program will be evaluated during the mid-biennial budget process to proactively determine whether emerging items can be accommodated, deferred, or if the City Work Program must be revised or reprioritized;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The 2013-2014 City Work Program consisting of the following initiatives is adopted:

1. Revitalize the Totem Lake Business District through continued implementation of the Totem Lake Action Plan to further the goals of **Financial Stability** and **Economic Development**.
2. Partner with the private sector to attract tenants to Kirkland's major business districts to further the goal of **Economic Development**.
3. Reenergize neighborhoods through partnerships on capital project implementation and plan updates while clarifying neighborhood roles in future planning and transportation efforts to further the goal of **Neighborhoods**.
4. Complete the Comprehensive Plan update and incorporate new neighborhoods into all planning documents to further the goals of **Balanced Transportation, Parks and Recreation, Diverse Housing, Economic Development, Dependable Infrastructure** and **Neighborhoods**.
5. Implement the Development Services Organizational Review recommendations and simplify the Zoning Code to further the goals of **Economic Development** and **Neighborhoods**.
6. Develop a City-wide Multimodal Transportation Master Plan to further the goals of **Economic Development Neighborhoods, Balanced Transportation, and Dependable Infrastructure**.
7. Achieve Kirkland's adopted legislative agendas, with emphasis on securing transportation revenues and funding for the NE 132nd Street ramps to I-405 to further the goals of **Balanced Transportation** and **Dependable Infrastructure**.
8. Complete the Cross Kirkland Corridor Master Plan and construction of the Interim Trail to further the goals of **Economic Development, Parks, Neighborhoods** and **Balanced Transportation**.
9. Develop a cost effective 2015-2016 Budget that maintains Kirkland's AAA credit rating and implements an improved performance management system that delivers desired outcomes to further the goal of **Financial Stability**.
10. Continue partnership initiatives with employees to achieve sustainability of wages and benefits to further the goal of **Financial Stability**.

11. Complete construction and occupy the Public Safety Building to further the goal of **Public Safety**.
12. Continue implementation of the Fire Strategic Plan recommendations, including evaluation of a Regional Fire Authority and resolution of a consolidated Finn Hill Fire Station to further the goal of **Public Safety**.

Section 2. The City organization shall demonstrate the operational values of regional partnerships, efficiency and accountability as the 2013-2014 City Work Plan is implemented.

Section 3. The City Manager is hereby authorized and directed to develop implementation steps and benchmarks for each initiative in the 2013-2014 City Work Program, prioritize resources and efforts to achieve those benchmarks, and periodically update the Council regarding progress on these efforts.

Passed by majority vote of the Kirkland City Council in open meeting this 5th day of February, 2013.

Signed in authentication thereof this 5th day of February, 2013.


MAYOR

Attest:


City Clerk

RESOLUTION R-5003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING THE 2013-2014 CITY WORK PROGRAM TO EXPLORE OPTIONS TO REPLACE THE JUANITA AQUATIC CENTER.

WHEREAS, the City Council has adopted ten Goals for the City that articulate key policy and service priorities and guide the allocation of resources for Kirkland through the budget and capital improvement programs; and

WHEREAS, in 2013-2014 the City Council desires to spur job growth and economic development, retain a high quality of life in Kirkland, and provide efficient, cost-effective City services to an informed and engaged public; and

WHEREAS, to help achieve these purposes in 2013-2014, the Council prioritizes the Goals of Economic Development, Neighborhoods, Parks, Dependable Infrastructure, Balanced Transportation, Financial Stability and Public Safety; and

WHEREAS, the City Council believes it is appropriate to adopt a 2013-2014 City Work Program to help implement these priority Goals, identify the priority focus of the City of Kirkland's staff and resources, and enable the public to measure the City's success in accomplishing its major policy and administrative goals; and

WHEREAS, the 2013-2014 City Work Program is a list of high priority, major cross-departmental efforts, involving significant financial resources designed to maintain public safety and quality of life in Kirkland, as well as an effective and efficient City government; and

WHEREAS, on February 5, 2013, the City Council passed Resolution 4963 which established priority City goals and adopted the City's Work Program for 2013-2014; and

WHEREAS, Resolution 4963 acknowledged that because over the course of two years new issues might arise that required substantial City resources and City Council review, the adopted 2013-2014 City Work Program would be evaluated during the mid-biennial budget process to proactively determine whether emerging items could be accommodated, deferred, or if the City Work Program must be revised or reprioritized; and

WHEREAS, in August of 2013 the Lake Washington School District Board of Directors adopted a resolution to place a school bond measure on the February 2014 ballot; and

WHEREAS, the proposed 2014 school bond measure does not include funding for the replacement of the Juanita Aquatic Center, located at Juanita High School in Kirkland, and therefore the Aquatic Center will close as early as 2017; and

WHEREAS, the Juanita Aquatic Center is the sole public indoor, year-round aquatic facility in the Kirkland community which provides a variety of critical recreational, educational, competitive, and health and wellness activities for citizens of all ages; and

WHEREAS, in September of 2013 the Lake Washington School District Board of Directors adopted a resolution affirming its intent to enter into future pool partnerships with cities and/or other entities and resolving to authorize a portion of unspent existing school capital funds for potential pool partnerships should the 2014 school bond measure pass; and

WHEREAS, the City recognizes the critical importance of recreation programs and facilities which positively impact the social, health, and economic well-being of the community and make Kirkland, Washington an attractive and desirable place to live, work, play, and visit while contributing to its ongoing economic vitality; and

WHEREAS, the City is committed to partnering with the Lake Washington School District and other interested public and private organizations to explore options for replacing the Juanita Aquatic Center by 2017;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The 2013-2014 City Work Program is amended and adopted to include the following initiatives:

1. Revitalize the Totem Lake Business District through continued implementation of the Totem Lake Action Plan to further the goals of **Financial Stability** and **Economic Development**.
2. Partner with the private sector to attract tenants to Kirkland's major business districts to further the goal of **Economic Development**.

3. Reenergize neighborhoods through partnerships on capital project implementation and plan updates while clarifying neighborhood roles in future planning and transportation efforts to further the goal of **Neighborhoods**.
4. Complete the Comprehensive Plan update and incorporate new neighborhoods into all planning documents to further the goals of **Balanced Transportation, Parks and Recreation, Diverse Housing, Economic Development, Dependable Infrastructure** and **Neighborhoods**.
5. Implement the Development Services Organizational Review recommendations and simplify the Zoning Code to further the goals of **Economic Development** and **Neighborhoods**.
6. Develop a City-wide Multimodal Transportation Master Plan to further the goals of **Economic Development Neighborhoods, Balanced Transportation,** and **Dependable Infrastructure**.
7. Achieve Kirkland's adopted legislative agendas, with emphasis on securing transportation revenues and funding for the NE 132nd Street ramps to I-405 to further the goals of **Balanced Transportation** and **Dependable Infrastructure**.
8. Complete the Cross Kirkland Corridor Master Plan and construction of the Interim Trail to further the goals of **Economic Development, Parks, Neighborhoods** and **Balanced Transportation**.
9. Develop a cost effective 2015-2016 Budget that maintains Kirkland's AAA credit rating and implements an improved performance management system that delivers desired outcomes to further the goal of **Financial Stability**.
10. Continue partnership initiatives with employees to achieve sustainability of wages and benefits to further the goal of **Financial Stability**.
11. Complete construction and occupy the Public Safety Building to further the goal of **Public Safety**.
12. Continue implementation of the Fire Strategic Plan recommendations, including evaluation of a Regional Fire Authority and resolution of a consolidated Finn Hill Fire Station to further the goal of **Public Safety**.
13. Partner with the Lake Washington School District and other interested public and private organizations to explore options for replacing the

Juanita Aquatic Center by 2017 to further the goals of **Parks and Recreation**.

Section 2. The City organization shall demonstrate the operational values of regional partnerships, efficiency and accountability as the 2013-2014 City Work Plan is implemented.

Section 3. The City Manager is hereby authorized and directed to develop implementation steps and benchmarks for each initiative in the 2013-2014 City Work Program, prioritize resources and efforts to achieve those benchmarks, and periodically update the Council regarding progress on these efforts.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of September, 2013.

Signed in authentication thereof this 17th day of September, 2013.


MAYOR

Attest:


City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Tom Mikesell, Financial Planning Manager

Date: February 10, 2015

Subject: 2015-2020 CAPITAL IMPROVEMENTS PRINCIPLES AND PLANNING

Recommendation

City Council receives an overview of 2015-2020 Capital Improvements Program Planning process and provides direction on a draft resolution stating guiding principles for 2015 -2020 CIP project prioritization.

Background

The City's budget schedule traditionally provides for the full review of the 6 year Capital Improvements Program (CIP) concurrent with the biennial operating budget process. Last year the City Council agreed to update the existing 2013-2018 CIP, and postpone the full 2015-2020 CIP process to this year. The intent of this delay was to allow the results of the Kirkland 2035 planning processes to factor into capital project planning.

The major plans with capital components that feed into Kirkland 2035 include the Transportation Master Plan, the Parks, Recreations and Open Space (PROS) Plan, the Surface Water Master Plan, the Water and Sewer System Plans and the Fire Strategic Plan and Standard of Cover Study. Each is expected to generate a prioritized list of projects covering the needs for their respective subject areas. These lists are available or will be available in the coming months, and will likely include a mix of current and new projects.

The 2013 -2018 CIP update that Council adopted in December included a total CIP of \$617.1 million. Of this amount, \$181.1 million is funded and \$549.2 million is unfunded. It is likely that the project needs identified through the Kirkland 2035 process will increase the demands on scarce capital resources.

In anticipation of the needs identified in the Kirkland 2035 process, the 2015-2016 biennial operating budget sets aside significant amounts of unallocated revenues, including Real Estate Excise Tax (REET I and II) and sales tax revenues above projections, park and transportation impact fees generated from increased development activity, and unexpended fund balances. This prudent planning increased the amount available in 2015-2020, but it will not close the overall funding gap. It is clear that the wants and needs will exceed the resources.

Prioritization Themes

In light of the funding constraints, the discussion turns to prioritization, sequencing and new funding opportunities over the next six years. While each master plan has its unique prioritization criteria, it is useful to have a broader framework to apply across all capital needs. As an example, a prioritization framework reviewed at the 2002 Council Retreat is included as Attachment A. While it demonstrates how such a process can be applied, this framework does not necessarily reflect current Council and community priorities. To make the connection between past concepts and current policy directions, staff recommends using the budget strategic anchors and the following themes as the framework for prioritization:

- **Council Goals and Work Plan** - Project prioritization and sequencing should take place in the context of the City Council's ten goals and the 2015-2016 Work Plan, with clear linkages established similar to the method employed in the 2015-2016 Biennial Operating Budget.
- **Kirkland 2035 Vision** -The Vision Statement and Guiding Principles from the Kirkland 2035 planning process are the foundation for the Comprehensive Plan. Projects that make Kirkland a more livable, walkable, sustainable, and connected community, for example the Cross Kirkland Corridor, should receive priority.
- **Kirkland Quad** - The Kirkland Quad is the framework for analyzing citizen preferences and their satisfaction with services. The Imperatives section of the Quad, which lists high importance/low performance services, should be a focus for new or expanded projects. It will also be important to consider projects that fall into the Stars section of the Quad; these are services that are both high importance and high performance. Investing capital dollars in these areas, such as public safety improvements to maintain service quality in North Kirkland, will help keep our stars shining bright.
- **Five Year General Fund Forecast** - The diverging expenditure and revenue lines in the City's five-year forecast for the General Fund, including the expiration of the annexation sales tax credit in 2021, pose a financial challenge for the city to overcome. Economic development is a key part of the solution, and projects that facilitate or increase development can increase the City's revenue base. For example, projects that facilitate development in Totem Lake and Parkplace should be prioritized. In addition, projects that increase efficiency can help by reducing spending on operating costs. Finally, maintaining current infrastructure to avoid costly replacement with new facilities in the future can contribute to financial sustainability.
- **Price of Government** - The latest analysis of Kirkland's Price of Government shows total revenue as a percentage of personal income has steadily declined over the years, from nearly 5% to a little over 3% in the adopted budget. Research in this field suggests that a normal range for this metric is 4-5% for cities. Kirkland's low price of government indicates that capacity exists to explore new funding alternatives through a ballot initiative for projects that are highly-valued by citizens, such as the Aquatic Recreation and Community Center.

Staff seeks feedback on the CIP themes and recommends final themes be reflected in a resolution such as the draft included as Attachment C. The City Manager's final CIP would conform to the resolution and include projects that fit Kirkland's long term vision, align with City Council goals, and make progress in areas of importance to the community.

Process Overview

Attachment B, the draft 2015 CIP Calendar, outlines this year's CIP process, including milestones for City department staff, Boards and Commissions, and the City Council.

- **Department Staff** - The process informally began in January by way of an overview with Department directors, to give sufficient lead time for staff to begin developing project cost sheets. A second, formal kick-off with department staff is scheduled on February 24th, to answer questions and facilitate staff completion of project cost sheets by March 31st.
- **Boards and Commissions** - Due to the intersection of this year's process with Kirkland 2035 planning, the calendar also includes informational dates where feedback from the Transportation Commission and Park Board is expected. In a similar vein, the calendar includes dates for review of the Capital Facilities Plan element of the Comprehensive Plan by the Planning Commission.
- **City Council Review and Adoption** – At the May City Council retreat staff will bring forward further information on specific CIP development and management policy issues, as discussed in more detail below. A preliminary CIP will be presented to Council at its July 23rd Study Session. A public hearing and additional Study Session are scheduled for September 1st and November 17th, respectively, with final adoption of the CIP tentatively scheduled for December 15th.

Policy Issues

There are a number of policy issues that staff anticipates bringing forward for discussion at the Council's May retreat, including:

- **New Funding Options** – As mentioned earlier, the latest CIP update includes an unfunded project list totaling \$549.2 million. Though we are in an economic recovery, the constraints on available funding will mean projects that are important to the community cannot be completed without exploring additional funding options.
- **University of Washington (UW) Process Study** – Over the next four months, culminating in May, Financial Planning staff will be working with two students from the UW Evans School on research into CIP budget processes, including an in-depth look at our process, a review of best practices, and some benchmarking work/interviews with neighboring cities. The project report will serve a dual purpose, as both a capstone for the students' MPA work and a discussion item for the City Council's May retreat.
- **Capital/Operating Shifts** – There are projects in the Capital Improvements Program that could feasibly be funded from the operating budget. The intent is to analyze the advantages and disadvantages of shifting these projects between budgets.
- **Project Design Overhead** – Capital projects currently pay for the cost of Public Works Project management. The intent of this discussion is to explore the feasibility of also charging projects the cost of design support by City staff, where appropriate.
- **Project Management Resources** – As the City's capital budget expands, so does the need for project management resources. The correct mix of external and internal

operating resources, staffed at the appropriate skill level, will be an important consideration for discussion as the size and composition of the next six year CIP is discussed.

Summary

The attached draft resolution is intended to capture the broad themes for the upcoming CIP process for communication with staff, impacted Board and Commissions, and the public. Based on Council feedback, the resolution will be brought back for adoption at one of the March regular meetings. The next Council briefing on the CIP process is scheduled for the May 29, 2015 Council Retreat.

Excerpt from March 14, 2003 Council Retreat Packet

**LONG TERM CIP
BROAD-BASED CRITERIA FOR RANKING PROJECTS**

The following criteria would be assigned a point value and each project (or group of projects) would be matched with criteria that it met. Here are some ideas and projects that might fit under each category (first criteria get more points than those later on the list).

- Maintains or replaces existing asset needed to provide basic public services
 - Street overlay
 - Facilities life cycle repairs
 - Fire station renovation
- Required to meet concurrency (legal level of service)
 - Transportation capacity projects
- Funded from restricted source with pre-committed use/no City funds obligated
 - Some of the Sound Transit projects
- Needed for efficient/effective service delivery of basic public services
 - Public safety information system
- Provides additional capacity to meet adopted levels of service that do not have concurrency requirements
 - Parks capacity projects
- Provides new level of non-mandated service
 - Fire training facility
- Furthers Council adopted policy initiative
 - Non-motorized transportation projects

Attachment B

Draft 2015 Capital Improvements Program (CIP) Calendar

Key:

City Council Meetings
K2035 /Comprehensive Plan Processes
CIP Elements

January

January 7th –CIP Process Discussion/Informal Soft-Launch with Directors

February

February 11th – Park Board - Finalize Evaluation Criteria and List of Projects

February 20th - City Council Retreat

February 23rd – Formal CIP Kick-off with Departments

February 25th – Transportation Commission - Review Project List and Initial Recommendations

March

March 11th – Park Board - Review Rankings and Develop Preliminary CIP

March 25th - Transportation Commission – Finalize CIP Recommendations

March 31st – Departments - Complete Project Sheets

April

April 8th – Park Board - Finalize Proposed Parks' CIP

April 21st – City Council Study Session - Transportation Master Plan

April 23rd – Planning Commission - Review Capital Facilities Element (Text Only -Excluding Capital Facilities Project Tables)

May

May 29th (Tentative) - City Council Retreat

End of May – Draft Environmental Impact Statement

June

June 2nd – City Council Briefing on Capital Facilities Plan

July

July 21st – City Council Study Session – Preliminary CIP

July 23rd –Draft Capital Facilities Plan to Planning Commission

August

August 13th –Planning Commission hearing on Capital Facilities Plan draft

September

September 1st – City Council CIP Public Hearing

November

November 17th – City Council CIP Study Session

November 17th – City Council Regular Meeting –Adopt Final Comprehensive Plan (Excluding Capital Facilities Plan) & Planned Action EIS Ordinance

December

December 15th – City Council Adopt Final CIP

December – City Council Adopt Capital Facilities Plan

RESOLUTION R-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING POLICY PRINCIPLES FOR PRIORITIZATION IN THE 2015-2020 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Kirkland 2035 Comprehensive Plan represents a collaboration between residents, staff and the City Council to develop a long-term vision for the City of Kirkland's growth over the next 20 years; and

WHEREAS, the City Council has adopted ten goals for the City that articulate key policies and service priorities, and guide the allocation of resources for Kirkland through the budget and capital improvement programs; and

WHEREAS, the City Council desires to spur job growth and economic development, retain a high quality of life in Kirkland, and provide efficient and cost-effective city services to an informed and engaged public; and

WHEREAS, the three Strategic Anchors, including the Kirkland Quad, the Price of Government and the five-year General Fund Forecast are fundamental tools for the sustainable allocation of resources to meet the wants and needs of Kirkland residents; and

WHEREAS, the 2015-2020 Capital Improvements Plan provides an opportunity for public investments over the next six years that continue the City's progress towards meeting these goals.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council endorses development of a 2015-2020 Capital Improvement Program prioritized according to the following principles:

- a. Sustains and enhances public safety, including bicycle and pedestrian safety.
- b. Invests in projects that facilitate near term economic development to help address the gap between revenues and expenditures as identified in the most recent five-year General Fund forecast.
- c. Links projects to the City Council's ten goals.
- d. Includes projects that improve services identified in the "Imperatives" and "Stars" sections of the most recent Kirkland Quad.
- e. Improves efficiency of existing facilities and maintains integrity of existing infrastructure.

- f. Explores the feasibility of new voter-approved funding for projects that are highly-valued by residents, while maintaining the City's low Price of Government.
- g. Sequences projects in a manner that advances the Vision Statement and Guiding Principles of the Kirkland 2035 Comprehensive Plan.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2015.

Signed in authentication thereof this ____ day of _____, 2015.

MAYOR

Attest:

City Clerk

DRAFT



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Marilynne Beard, Deputy City Manager
Robin Jenkinson, City Attorney

Date: February 6, 2015

Subject: CITY COUNCIL POLICIES AND PROCEDURES – COUNCIL COMMUNICATIONS AND COUNCIL COMMITTEES

The City Council recently adopted updated Policies and Procedures but deferred discussion on two topics to the City Council Retreat. The first topic is Council communications, in particular through social media. The second topic is Council committees with regard to how agenda items are generated for committees and whether committee meetings should be open to the public.

COUNCIL COMMUNICATION

The genesis of Council's discussion about social media took place at a previous retreat. The discussion revolved around the use of social media sites and/or traditional media (e.g. the *Kirkland Reporter*) by individual Councilmembers to communicate with the public. Public communication by City Council members may take various forms:

- Guest editorials
- Letter to the editor
- Participation on social media sites, for example:
 - Blogs
 - Facebook
 - Twitter
- Use of personal web pages
- Text messages or emails

Regardless of the medium, Council communications may be subject to the Public Records Act (PRA). The broad definition of "public record" in Washington State law pertains to most communications that speak to the policies or conduct of the local government. RCW 42.56.010(3) provides, in part:

'Public record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. . .

RCW 42.56.010(4) provides, in part:

'Writing' means handwriting, typewriting, printing, photostating, photographing, and

every other means of recording any form of communication or representation . . . from which information may be obtained or translated. . . .

The Open Public Meetings Act (OPMA) may also apply to use of social media when a quorum of the Council comments on a policy issue on a blog or other site intended for open discussion. At the point that more than three councilmembers engage in a policy discussion on a topic, it may be considered a meeting subject to the OPMA.

The open and permissive nature of social media is intended to promote communication across a wide range of people and topics. The OPMA and PRA are both intended to promote government transparency and the ability for citizens to participate in their governments' policy making actions. While the relative goals are not mutually exclusive, the PRA and the OPMA were enacted prior to the advent of social media; in 1972 and 1971, respectively. The authors of these acts could hardly have anticipated the range of tools that would become available to local officials. Social media technology does not necessarily lend itself to meeting the requirements of the PRA and OPMA.

The Association of Washington Cities, Municipal Research and Services Center and the Washington Cities Insurance authority have each published guidance for elected officials on the use of social media. City council policies can guide the use of social media and communications that are customized to the preferences and customs of the municipality. Most city council policies reviewed in the preparation of this memorandum address the use of city-sponsored social media sites and provide guidance about who can post, what content is appropriate, retention requirements and site maintenance. Most of the policies reviewed do not attempt to regulate personal sites, such as personal Facebook pages. However, as noted above, the fact that a councilmember produces a "writing" relative to city government's policies or operations in a Facebook post may make the posting subject to the PRA even though it is published on a personal site.

Some city council policies address the "rules of engagement" such as the use of disclaimers and the need to follow an established protocol when publishing communications on a public site. One of the concerns expressed by some members of the Kirkland City Council was when and whether Councilmembers should comment on social media sites about policies or actions that are pending before the Council. Another concern expressed was that once a Councilmember takes a position or expresses a viewpoint on a social media site, the risk of a quorum responding and qualifying as a meeting under the OPMA discourages or prevents other Councilmembers from offering their own perspectives. This could be interpreted by the public as a lack of interest or tacit agreement on the part of silent Councilmembers. Others were concerned about their right to express their individual views and that social media is just one more venue that allows many people to exchange ideas and be involved with their government.

The Finance and Administration Committee discussed the potential scope of a policy and believed that the Committee could benefit from obtaining more input from Councilmembers that are frequent social media users. Staff met with Councilmembers Arnold and Nixon to discuss their perspectives. A summary of their comments is provided as Attachment A to this memo.

The range of issues discussed in the meeting with Councilmembers Arnold and Nixon and at previous Council Committee meetings and Council retreats can be addressed in a policy. Sample policies from other agencies were compiled. Most deal with social media sites created by the City for elected officials and/or for general communications. Some policies also speak to

the use of personal or external social media sites for City business. There are some common elements that appear in most policies, including:

- Acknowledgement that social media communications and comments on other media sites about official City matters are subject to disclosure under the PRA and that participation by multiple councilmembers on a blog or forum could trigger the OPMA.
- Caution about maintaining a professional tone and appropriate content that reflects well on the individual, the City Council as a whole and the community and a prohibition on the discussion of quasi-judicial matters, the use of profanity, discriminatory language or sexually explicit references.
- Suggested or required use of disclaimers to include:
 - The individual is not authorized to speak on behalf of the City Council; they are presenting information on their own behalf that does not necessarily represent the position of the City.
 - Posts to the site may be subject public disclosure under the PRA.
 - Post or comments from other City Council members may be prevented or constrained by the provisions of the OPMA.
 - "Follow this link" to the City Council's policy regarding social media communications relating to City business.
- Prohibition on the use of social media to conduct official city business such as policy deliberations, public noticing and discussion of items of legal or fiscal significance that have not previously been released to the public.
- Clarification of retention requirements and responsibilities of individual councilmembers.
- Requirement to correct mistakes in a timely manner.
- Reminder that communications by councilmembers on social media sites or other electronic media are not immune from personal liability as a "legislative act" provided in the U.S. Constitution (42 U.S.C 1983). Individual councilmembers may be liable for defamation, violations of privacy rights and discrimination.
- Laws, regulations and policies apply to electronic communications regardless of whether they are generated on a publicly-owned device or a private device.

Policies may address all of these issues, however, there is a more subtle and subjective issue. Agreements about when and how an individual councilmember communicates with the public about City business must necessarily find the balance between constitutionally protected free speech and the interests of collegiality and mutual respect that foster civil discourse, transparency and effective decision-making. A policy may speak to both strict policy matters as well as expected behaviors.

A draft policy is included as Attachment B that provides a starting point for a policy related to Council communications, including use of social media. The policy reflects "best practices" as described in the bullet points above and reflects current practices that are not covered by an existing policy, law, the Code of Conduct or Code of Ethics.

Retention of Council communications should follow the same rules as other records held by the City regardless of the venue in which it is conveyed. Washington's Secretary of State has published guidelines regarding electronic records management (see Attachment E). The Municipal Research and Services Center has also provided guidance on retention (See Attachment F). The City Clerk has provided guidelines for the retention of emails and text messages in the past and an updated policy is included as part of the draft policy.

In addition to the draft policy, examples of policies from other agencies are provided for reference as well as an article published by AWC on the benefits and risks of social media for public communications (Attachments C through E).

Council direction is needed with regard to the draft policy as well as the process for further refinement (e.g. Council Committee, City Council as a whole) and timing.

COUNCIL COMMITTEES

The Council committee structure was one of the policy topics referred to the Finance and Administration Committee for review. The initial policy issue related to how agenda items are generated for committees. Just prior to the January 6 Council review, Councilmembers Nixon and Marchione reintroduced the policy question regarding opening committee meetings to the public. The general topic of Council Committees was referred by the City Council as a topic for discussion at the Council Retreat. The role of Council Committees is central to both of these policy issues as will be noted in the following discussion.

Committee Agenda Items

There are currently three ways that a topic may be added to a committee's work plan:

- An item may be referred directly from the City Council at an open meeting with the concurrence of a majority of the Council.
- Staff may recommend an item directly to a committee when preliminary feedback is needed prior to taking an item to the full Council.
- Committee members may request that staff prepare a briefing on a topic within the scope of the committee's purpose.

There are six Council Committees referenced in the City Council Rules of Procedures for the purpose of reporting at Council meetings and five standing Council Committees referenced in the City Council Policies and Procedures (CPP). The practices around adding agenda items vary from one committee to the next. Council asked for a list of outstanding agenda items, by committee, as background for retreat discussion.

The fundamental role of Council Committees is pertinent to this discussion. The CPP provides guidance on the role of committees and how agenda items are generated:

CITY COUNCIL COMMITTEE APPOINTMENTS

5.01 *Purpose and Relationship to City Council.*

Committees are advisory and do not take action on behalf of the Council. The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees and are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- *Finance and Administration*
- *Public Safety*
- *Planning and Economic Development*
- *Public Works, Parks and Human Services*
- *Legislative*

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, the topics discussed and results of the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City Council's internal web page along with a list of current and future topics being discussed by each committee.

The policy statement about the role of the committees infers that all items presented to a committee will follow with a report back to the full Council at an open meeting. The policy does not define the "collaborative process" for developing committee topics nor does it speak to whether committees only deal with matters that will come before the full Council. The Council may want to add clarifying language that reflects the collective expectation about how committees will function and whether and/or how periodic review of pending agenda items should take place. Council did express an interest in reviewing the current outstanding agenda items at the retreat. Council asked for a list of outstanding agenda items, by committee, as background for r retreat discussion. Attachment G provides a current list of future or pending topics for each committee and a summary of how agenda items are typically generated for the committee.

If the City Council wants to more closely monitor or control committee agendas, the Council could approach the topic in a couple of ways. First, through periodic (e.g. quarterly) reviews at a regular meeting. Or second, by requesting that new agenda items proposed by individual committee members be presented to the full Council under Committee Reports with a requirement for a majority of Council to agree to add the item to the committee agenda, request that it be presented to the full Council or to ask the committee not to pursue the item at that time.

Opening Committee Meetings to the Public

Some City Council members expressed interest in making Council Committees open to the public. An email from Councilmember Nixon is included at Attachment H where he describes his rationale.

By way of background, Council Committees are composed of three members of the Council. Meetings are attended by the committee members and appropriate staff. There is a lead staff person assigned to each committee and the lead staff person is responsible for preparing the agenda and minutes. Council Committees are advisory in nature and do not have authority to take action on behalf of the Council. Council committees do not take testimony but may occasionally have an outside guest attend to provide background on a particular topic. Consequently, it is staff's view that as currently structured and conducted, Kirkland City Council Committee meetings are not subject to the Open Public Meetings Act (OPMA). This is consistent with the opinion of the Washington Court of Appeals, Division I in *Citizens Alliance for Property Rights Legal Fund v. San Juan County*, 2014 WL 1711768 (Wash. App. Div. 1 2014).¹ However, Kirkland is one of the few cities that does not open committee meetings (See Attachment I – survey of other cities).

Even if the OPMA does not apply to Council Committee meetings, as a matter of policy, the City Council may make committee meetings open to the public. If the Council wishes to invite the public to committee meetings, this can be accomplished in several ways.

- A description of the committee's purpose and their regular committee meeting schedules can be posted to the City's website.
- An announcement can be made (via media release and/or listserv notice) that the public is invited to attend committee meetings. Guests would be "in the audience" and there would not be an opportunity to speak unless a guest was asked a question by the committee members.
- Agendas could be posted 24 hours in advance of the meeting on the City's website and interested parties could sign up for a listserv notice to receive updates.
- Minutes could be posted to the City's website, with a goal of having minutes posted prior to the next regular City Council meeting. This would allow time for the chair to use the minutes during the Council Reports portion of the meeting and allow time for the public to comment under Items from the Audience regarding a committee topic.
- If a meeting is rescheduled from its regular time due to conflicts, a note could be made on the City's website.

¹ In *Citizens Alliance for Property Rights Legal Fund v. San Juan County*, the County Council created a committee composed of three (of six) councilmembers plus some staff members to consider changes to the County's critical area ordinance. A citizen's group (CAPR) challenged the council's adoption of amendments arguing that the committee violated the OPMA. The Court of Appeals affirmed the holding of the trial Court in the County's favor. The Court of Appeals concluded that there was not a quorum of the councilmembers in attendance at the committee meeting and the committee was not a governing body covered by the OPMA since it did not "act on behalf of" the full council. CAPR has petitioned the Supreme Court for review.

There were some inquiries as to whether a committee could convene an executive session. The executive session rules for the full Council would also apply to the committees and the matters for which an executive session can be called are defined narrowly in state law. Unless the scope of the authority of the committees were to change, i.e. the committees acted on behalf of the Council, it is difficult to see why the need for an executive session would arise.

The City Council could implement one or all of the actions listed above. For instance, if Council does not want to invite the public to committee meetings, they can still ask that agendas and minutes be posted to the City's web page. Alternatively, the Council could make the committee meetings subject to the OPMA and follow the requirements of the Act. A policy to open committee should also address a protocol for attendance of additional councilmembers not on the committee. For instance, Council could consider a protocol that call for an invitation from the chair to allow a fourth councilmember from attending a committee meeting. If four or more councilmember express an interest in attending, the matter may be better suited for presentation to the full Council.

SUMMARY AND COUNCIL DIRECTION NEEDED

The suggestions and draft policy provided in this memo are not staff recommendations as much as they background and a starting point for the Council's discussion. If the Council is able to reach a consensus on how to proceed with these policies, staff would need direction about how and when Council wants to continue the discussion. Options include:

- Provide direction to staff on policy statements and ask for an updated draft.
- Refer one or all of the policies back to the Finance and Administration Committee for further study and refinement of draft policies.
- Schedule the discussion for a future Council meeting.
- Defer policy development on one or all of the policies.

Policy questions that require Council direction include:

1. Is the proposed Council Communications policy generally moving in the right direction?
2. Which sections should be deleted or amended and what additional sections should be added?
3. Is there additional information the City Council needs about social media to provide direction about the Council Communications policy?
4. Is the role of Council Committees accurate as stated in the current policy? If not, how could it better reflect their role relative to the City Council?
5. What procedure should be used to add topics to the Council Committee work plans?
6. Should Council Committees be open to the public and, if so, should the provisions of the OPMA apply?

7. What is the protocol for attendance of additional councilmembers beyond the three committee members?

ATTACHMENT A

City Council Use of Social Media
Meeting Notes
November 18, 2014

Jay Arnold, Toby Nixon, Robin Jenkinson, Marilynne Beard, Kathi Anderson

The purpose of the meeting was to understand the perspectives of social media users in developing a policy.

- Councilmember Arnold noted that the use of social media by the Council involves issues of public records, records retention, and the Open Public Meetings Act (OPMA) and that there had been discussion about the City maintaining separate social media accounts for the Council.
- Public vs Personal Pages – Facebook pages can be either public (open to anyone that wants to view content) or personal (open only to those the allowed by the page’s owner). Councilmember Arnold maintains separate personal and public Facebook pages and uses his public Facebook page for City-related posts and campaign posts. His personal page is not intended to be used for discussion of public policy, however he recently had an experience where a public policy discussion did emerge.

Councilmember Nixon maintains one personal Facebook page with privacy settings allowing public access to all of his activities. He is in the process of identifying and saving posts related to public policy discussion. He noted that it is possible for persons making individual posts on a page to adjust their own privacy settings to selectively make them public.

- One issue raised was related to the situation when a comment posted on a personal site deals with public policy and must be disclosed as a public record when requested. The individual that posted the comment may not intend for it to be public. It was suggested that a disclaimer be posted by the Facebook page owner to the effect that “Comments posted on this page pertaining to public policy may become public records.”
- Another suggestion was made to post the Council’s social media policy to the City website and to provide a link to it from the Councilmembers’ personal or public Facebook page or blog.
- Posts and related comments on news media sites (Kirkland Reporter, Kirkland Views) may not be easily captured for public records purposes.
- Councilmember Nixon suggested other approaches to simplifying the situation including: 1) asking the legislature to clarify that social media discussions are not covered by the OPMA; and/or 2) asking the Attorney General to prepare an opinion on the applicability of the OPMA to social media. He observed that there is a case to be made for social media being more transparent rather than less transparent when dialogue is occurring

on a site open to the general public. He suggested the City may want to provide notice of any posts/discussions taking place on the City's website (although people may find out about the dialogue after the fact).

- Restricting blog or Facebook dialogue to three or fewer Councilmembers creates a situation where a Councilmember can be "shut out" of the conversation. As an alternative, the dialogue can remain open to as many contributors as want to participate, understanding the risk of violating the OPMA. Another disclaimer was proposed to the effect that "Additional Councilmembers might not participate in this post based on the requirements of the Open Meetings Act." This could explain that the lack of participation does not mean lack of interest.
- Also discussed was the appearance of posting an opinion on a public site as having made up one's mind before an item comes before the Council. The Council has a commitment to transparency and would not want to appear to compromise that value. As a counterpoint, one could argue that social media provides greater transparency and opportunity for participation in public policy decisions.
- Both Councilmembers prefer that a social media policy does not discourage use, but is permissive and offers guidelines.
- The issue using of private devices to discuss City business was raised. The City Clerk explained that there is a policy on the use of personal devices, however, it becomes complicated as some public officials (board and commission members) do not have a City-owned device or have a City email account and so their communications are necessarily generated from a private device.

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CHAPTER 4: COUNCIL COMMUNICATIONS

(New section to follow 4.01)

4.02 Council Communications with the Public. The Kirkland City Councilmembers are committed to open and progressive communications in their capacity as elected officials. Individual Councilmembers use a variety of methods to communicate with the public, stakeholders, partners and the media. Social media platforms offer a way to deliver public information and customer service to constituents and give residents another means to interact with their government. The purpose of this policy is provide guidelines for Council communications with the public through traditional media outlets and social media platforms.

The Council believes that the following guidelines will provide consistency in procedures and allow for use of more tools to communicate with the public.

1. Content of communications. The content and tenor of all public communications should model the same professional behavior displayed during Council meetings and community meetings and reflect well on the individual Councilmember, the City Council as a whole and the community.
2. Use of Media Outlets. Traditional media outlets such as newspapers, radio and television news coverage may be used as communications medium by individual Councilmembers, provided that the communication clearly states that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual.
3. Disclaimers. Comments submitted by an individual Councilmember should include the same disclaimer as noted in subsection 2 as well as a notation that additional members of the City Council may be limited in their ability to respond to comments in order to comply with the Open Public Meetings Act. (Communications between a quorum (four) of the Council may qualify as a meeting subject to the Open Public Meetings Act.) A link to this policy or stated disclaimers may substitute for the actual disclaimer.
4. Communications provided to the City Council. Guest editorials and letters to the editor should be provided to the City Council at the same time they are delivered to the media outlet. Drafts of guest editorials or letters to the editor may not be circulated for comment by the Council prior to publication, unless circulated and discussed at an open meeting, as the discussion of the draft may be subject to the Open Public Meetings Act.
5. Use of Social Media. Social media sites (Web 2.0) such as blogs, Facebook and Twitter can be used by individual Council members to communicate with the

public, provided, the following guidelines are used:

- a. Blog posts or other posts to social media sites should provide the following disclaimers:
 - i. State that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual Councilmember.
 - ii. State that additional members of the City Council may be limited in their ability to respond to comments so as to comply with the Open Public Meetings Act.
 - iii. State that comments posted by private parties on a Councilmember's social media site may be subject to disclosure under the Public Records Act.
 - b. Social media sites are not to be used for the conduct of City Council business other than to informally communicate with the public. Public notices, items of legal or fiscal significance that have not been released to the public and discussion of quasi-judicial matters may not be included in Councilmembers social media posts. If Councilmembers do discuss quasi-judicial matters or receive comments on quasi-judicial matters, they would need to place these comments on the record at the time of hearing. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment so as to avoid inadvertent discussions of these items.
6. Factual Errors. If a Councilmember makes a factual error in a public communication, it should be corrected as soon the error comes to light. Blog posts may be corrected by amending a previous post with a note that a correction was made.
7. Retention of City Council Electronic Communications. All email and text messages, files downloaded from outside sources and other electronic files, are considered official City business records and are subject to the Washington State Public Disclosure Act and the laws governing the retention and destruction of public records.
- a. Email messages sent or received via City email addresses are captured by the City archiving system servers. Council communications are potentially archival and will be retained in accordance with the State retention schedule. Email sent and received from City email addresses should be filed in accordance with the assigned retention corresponding to message content. Only messages that are transitory in nature may be deleted. Transitory records are public records that only document information of temporary, short-term value. examples of transitory content are miscellaneous invitations to, or notices of, events or social gatherings,

reminders, informational copies or cc's distributed for reference, newsletters, transmittal letters that do not contain additional information (attachments may need to be retained), and so on.

- b. Email messages sent or received using personal addresses should be forwarded to the member's City account, but should also be maintained in their original form to preserve associated metadata. Attachments should be saved to City server drives as appropriate.
- c. Text message records are maintained by the communications carrier/providers with varying policies and practices, and can be challenging to retrieve and to maintain in accordance with State law. As a result of the current state of the technology, Councilmembers should only use text messaging for transitory communications and not to discuss City business.
- d. Training and assistance will be provided to Councilmembers to ensure their understanding of these requirements. Members should consult with the City Clerk's Office for assistance with any retention questions.

LEGISLATIVE DEPARTMENT POLICY

Effective Date:
Replaces:
Approved by: Richard Conlin

Refers also to: Public Records Act RCW 42.56; Public Documents, Records and Publications RCW 40.14; Open Public Meetings Act RCW 42.30; SMC 3.42.020, 3.122.050, 3.123.020, 3.123.030; Legislative Department Internet Policy POL D005; City of Seattle Blogging Policy; RCW 41.06.250, Political Activities; RCW 42.17.130, Use of Public Office; SMC 4.16.070 Code of Ethics, Prohibited Conduct; SMC 2.04.300, Use of public office facilities in campaigns; RCW 42.17.190, Legislative Activities; Legislative Dept. POL 309

**City Council
President
Denise Williams
Administrative
Services
Director**

POL D## USE OF SOCIAL MEDIA BY CITY COUNCILMEMBERS

This policy outlines the roles, responsibilities, and best practice recommendations for the use of social media/new media by individual Councilmembers in their capacity as elected officials. The Legislative department is committed to open and progressive communications between elected officials and constituents within the limits of the law. To the extent possible all forms of communication will be embraced and all online technologies are eligible for consideration.

DEFINITIONS

Social Media, aka Web 2.0 is defined here as the use of third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-city hosted services and are used by the Legislative Department and/or individual Council members to communicate, with the public. Such third party hosted services/tools may include, but are not limited to: social networking sites (MySpace, FaceBook, Linked-In), micro-blogging tools (Twitter, RSS feeds), audio-visual networking sites (YouTube, Flickr), blogs, etc.

These guidelines apply to any social media site or tool used by individual Councilmembers in their official capacity to communicate with constituents or the general public. It is the individual Council Member's responsibility to ensure compliance with this policy.

"Councilmember" here includes Councilmembers and any staff working on a Councilmember's behalf to represent him or her using a social media tool.

GENERAL POLICY

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online

conversations, discussions, and information posts should model the same professional behavior displayed during Council sessions, and community meetings.

Social media are not to be used as mechanisms for conducting official city business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not previously been released to the public. Councilmembers' social media site(s) should contain links directing users back to the Council's official website for in-depth information, forms, documents or online services necessary to conduct official city business.

At the discretion of the Council President or Administrative Services Director, social media applications, tools or sites may be limited or banned if they are not or cannot be used in compliance with this policy.

ETHICS AND ELECTIONS RULES COMPLIANCE

All content posted on individual Councilmember social media sites shall comply with Seattle Ethics and Elections ordinances and administrative rules and Washington State law regulating elected officials.

No content that promotes or advertises commercial services, entities, or products may be posted.

Councilmembers shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to a Councilmember's campaign site (RCW 41.06.250; RCW 42.17.130; SMC 4.16.070; SMC 2.04.300; RCW 42.17.190).

RECORDS RETENTION ACT COMPLIANCE

State and local records retention laws and schedules apply to social media content. All social media content with retention value must be maintained for the required retention period on a City server in an easily accessible format that preserves the integrity of the original record to the extent possible. Prior approval of the retention format and procedures *for each social media tool being used* must be received from the Legislative Department Retention Team, comprised of the City Records Manager, City Archivist, and Legislative Department IT staff. It is the responsibility of each Councilmember to maintain current, approved retention procedures and to ensure that those procedures are followed.

As with any correspondence sent in his or her capacity as a Councilmember, Councilmember postings to social media sites maintained by others must be retained by the posting Councilmember. Printouts of postings to others' sites may suffice for retention purposes. Councilmembers should consult with the Legislative Department Retention Team for the applicable retention schedule and method.

PUBLIC RECORDS ACT COMPLIANCE

Any content maintained in a social media format, i.e., FaceBook, YouTube, Twitter, etc., that is related to City business, including communication between an individual Councilmember and constituents or the general public, and a site's listing of "friends" or "followers", may be considered a public record subject to disclosure under the state Public Records Act.

Any social media tools used should clearly state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act RCW 42.56. If it is not possible to display this notice prominently on the site, Councilmembers must notify users by including a link from the site to the Public Records notice set out in Exhibit B, notify new users via response to posts, and/or periodically notify existing users via broadcast message.

Under the state Public Records Act, the Legislative Department is responsible for responding accurately and completely to any public records request including a request for public records on social media maintained by individual Councilmembers. Therefore it is critical that records have been retained according to approved procedures.

Users and visitors to social media sites shall be notified that public disclosure requests must be directed to the Legislative department's public disclosure officer pursuant to Legislative Department Policy POL 309.

OPEN PUBLIC MEETINGS ACT COMPLIANCE

Communication between Councilmembers via social media, as with telephone and email, may constitute a "meeting" under the Open Public Meetings Act. For this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

In addition, receiving or making comments regarding quasi-judicial matters via social media may violate the Council Rules for Quasi Judicial Proceeds (Resolution 31001). To avoid receiving any constituent comments on quasi-judicial matters that may violate the Appearance of Fairness Doctrine, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to post content.

CONTENT GUIDELINES

Users of social media sites who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Councilmembers and the public regarding the topics discussed. If the public is allowed to post comments to a Councilmember's site, the Use Policy set out in Exhibit A must be displayed or made available by hyperlink. Any content removed in compliance with the Use Policy must be retained, including the time, date, and identity of the poster when available. See *above* Records Retention Act Compliance.

To avoid any concern regarding the content submitted to social media sites, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to comment.

EQUAL ACCESS

Sites requiring membership or subscription should be avoided. When posting information or soliciting feedback on such a site, always provide an alternate source for the same information or mechanism for feedback on the City's public web site, so that those who are not members of the social media site may have equal access. Sites should use the most open settings possible to allow the public to view content without requiring membership or login.

APPENDIX

General Approach

Maintain data online as long as possible.

Use retention processes and tools approved by the Legislative Department Retention Team.

Maintain current documentation of the approved method and schedule for preserving social media content.

Ideally this process will store data in searchable electronic formats and will store information about transmissions, subscribers, and other metadata associated with the site.

Maintain original appearance and layout when needed to capture contextual relevance.

Maintain separate usernames and passwords for all sites to minimize the potential for cross site hacks and malicious mischief.

Keep site content relevant with the site identity.

Consistently monitor activity and posts. Avoid stale or outdated information, respond to questions or responses, quickly remove inappropriate or spam content.

Notify visitors that correspondence conducted by way of a Councilmember social media site will be considered public records and may be released per RCW Chapter 42.56.

Notify visitors that individual Councilmember social media sites are not intended to be used to conduct official city business and any public records request must be made with the Legislative Department's Public Disclosure Officer.

Special Notes about text messaging and cellular phones:

Regardless of whether the device used is paid or reimbursed by public funds, business conducted in the official capacity as a Councilmember is a public record. Care should be taken to ensure that records created are maintained and can be provided if requested. Know your device's capabilities and devise a strategy for archiving texts, call logs, and other communications.

Use of electronic devices during Council meetings is discouraged. At the discretion of the Council President or Administrative Services Director certain types of devices or use may be banned or limited.

Blog use policy:

Council Members are strongly encouraged to adopt The City of Seattle Blog Use policy for their “personal” blogs used to communicate with constituents and/or the general public.

Video Posts

Videos posted by Councilmembers are likely to be of historical interest and archival value, as well as being public records. Consult with the Legislative Department Retention Team regarding storage method and format of these videos so that they can be provided in response to public records requests and later transferred to the Municipal Archives video collection. Because screen capture will not include dynamic content, keep a record of which videos were posted, including dates and host site.

Exhibit A

The following content will be removed from this site: (1) comments not related to the topics for discussion; (2) comments in support of or opposition to political campaigns or ballot measures; (3) profane language; (4) discriminatory comments; (5) solicitations of commerce; (6) sexual content or links to sexual content; (7) encouragement of illegal activity; (8) information that may tend to compromise the safety or security of the public; and (9) content that violates a legal ownership interest of any party.

Exhibit B

All comments or other content posted to this site may be considered public records subject to public disclosure under the Washington State Public Records Act (RCW 42.56).



TULSA CITY COUNCIL

social media policy

Tulsa City Council Accounts

INTRODUCTION

What is social media?

Social media is an umbrella term referring to internet-based communications tools which focus on interactivity, user participation, and person-to-person information sharing within online social networks. Just as email and static websites were the new modes of communications throughout the past decade, social media is quickly rising as an important means of outreach and two-way communications.

Some typical examples of social media include:

- social networking sites (*Facebook, Twitter, YouTube, MySpace*)
- wikis (*Wikipedia*)
- blogs
- podcasts
- message boards

Social media also has some unique characteristics that differ from standard communications tools:

- its content is managed and regulated by the user community itself, and not the provider
- it supports global collaboration and sharing of thoughts, opinions, experiences, and perspectives — often among strangers
- host sites are mostly free to use

Why is social media important?

Social media is quickly becoming a critical mode of communication. One in five Oklahomans use some form of social media on a daily basis, making it one of the most effective, direct communications tools for nonprofit and governmental organizations.

As the Tulsa City Council seeks to actively inform, serve, and engage citizens, social media provides an opportunity to reach a large audience directly, and allows for greater personal interaction between officials and residents. It is therefore important that we all understand how social media tools can help the City Council office (Councilors and Council Staff) achieve its community objectives, and that both are equipped to use this tool effectively and comfortably.

When properly used, it can be an effective tool for the City Council office to:

- openly, directly, and publicly communicate with citizens
- develop new and/or improved relationships with constituents and community partners
- seek input from citizens on key issues or services provided
- promote educational information directly to constituents
- potentially recruit employees and volunteers (especially among younger demographics)



TULSA CITY COUNCIL

social media policy

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Who can use the Tulsa City Council's primary social networking accounts?

The use of the City Council's social media tools and sites will be available to all City Councilors and Council Staff in support of their professional role, provided it meets the policies outlined below.

POLICIES

As social media creates personal contacts between individuals, this presents a new set of challenges in a professional environment. Therefore, the Tulsa City Council has established some basic, important guidelines to assist in using this evolving form of communication. These policies apply to all social networking sites directly managed by the Tulsa City Council Office.

Author and commentator identification

All Tulsa City Council authors and commentators shall be clearly identified by name and position within the Tulsa City Council. This is done to ensure accountability with postings, and also allows for a more personal interaction with social networkers.

General policies

1. All Tulsa City Council social network site posts shall be first reviewed by the Council Communications Director and/or Council Social Media Director. Ultimate approval lies with the Council Administrator.
2. Tulsa City Council social networking content is subject to the State of Oklahoma public records and freedom of information laws, and therefore content must be managed, stored, and retrieved to apply with these laws. All social networking sites shall be subject to public disclosure.
3. All social networking sites managed by Tulsa City Council Office Staff shall clearly indicate that they are maintained by the Tulsa City Council, and shall have contact information prominently displayed.
4. Each Tulsa City Council social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the particular site. Where possible, social networking sites will link back to the official Tulsa City Council or City of Tulsa websites for forms, documents, and other information.



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5. Tulsa City Council social networking content and comments containing any of the following forms of content shall not be allowed for posting:
 - a. Content and use which conflicts with the Tulsa City Council's adopted *Rules and Order of Business* (as amended), or the City of Tulsa's computer and internet use policies.
 - b. Content that supports or opposes political parties, campaigns, ballot measures, individual officials, or candidates for public office;
 - c. Comments not topically related to the particular issue, site, or blog article being commented upon;
 - d. Comments containing profane language or unsubstantiated allegations;
 - e. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
 - f. Sexual content or links to sexual content;
 - g. Solicitations of commerce;
 - h. Conduct or encouragement of illegal activity;
 - i. Information that may tend to compromise the safety or security of the public or public systems; or
 - j. Content that violates a legal ownership interest of any other party.
6. Employees representing the Tulsa City Council via social media outlets shall conduct themselves at all times as a representative of the City Council, and in accordance with all City of Tulsa policies.
7. Employees found in violation of this policy may be subject to disciplinary action.
8. The Tulsa City Council reserves the right to restrict or remove any content determined to be in violation of this policy, or any applicable law.

Staff policies



TULSA CITY COUNCIL

s o c i a l m e d i a p o l i c y

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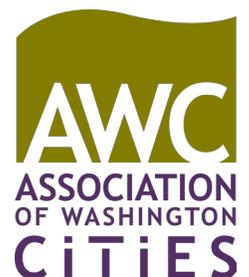
DEFINITIONS

For the purpose of this Tulsa City Council social media policy, the following terms are defined as provided below:

1. **social media:** collaborative content created by individuals through the internet. Examples of social media include blogs, Facebook, Twitter, LinkedIn, MySpace, YouTube, Delicious, Flickr, etc.
2. **post:** original content placed on a Tulsa City Council social media site by an *author* (see below) within the Tulsa City Council.
3. **author:** an authorized Tulsa City Council staff member that creates and is responsible for posted articles and information on social media sites.
4. **blog:** (*web log*) is a Tulsa City Council website with regular entries of commentary, descriptions of events, or other material such as graphics or video. Blogs are typically topic-specific, where content is provided by one or several authors, and then made available for comment.
5. **commenter:** a Tulsa City Council official or member of the public who submits a comment for posting in response to the content of a particular Tulsa City Council article or social media content.
6. **comment:** a response to a Tulsa City Council article or social media content submitted by a commenter.

Friends, Faux Pas, Tweets & Traps

Social Media & Cities
Questions & Considerations



Social Media And Cities Questions And Considerations

Social media is changing the way we work, connect and communicate. In a world of social media, the lines between employees' personal and work lives are blurring, and in some ways, being erased. How cities might choose to use these tools to support city work still is emerging as cities consider possibilities and pitfalls. This memo talks about social media considerations for cities, including who in the city should use social media, whether to use a centralized or decentralized approach, things to think about if the city wants a formal social media presence, issues related to elected officials and staff who use social media personally, "etiquette" considerations, and legal issues that can cause concern.

Defining Social Media

Social media primarily are Internet- and mobile-based tools for sharing and discussing information. Social media users can post photos, video, comment and post links to other information to create content on any imaginable topic. Sometimes this is referred to as "user-generated content" or "consumer-generated media."

Social media tools include:

- Social networking sites such as Facebook, LinkedIn and MySpace.
- Blogs.
- Microblogs such as Twitter.
- Video sharing sites such as YouTube and iReport.
- Photo sharing sites such as TwitPic and Flickr.
- Wikis, or shared encyclopedias such as Wikipedia.
- RSS feeds.
- Mobile phone content uploaded to the Internet, and ever-emerging technological tools.

How cities choose to use social media still is being pondered at the same time that developers are adding new tools, applications are merging, and favorites are emerging. It's exciting to watch and to consider the potential of all these tools to support the work of cities – especially during tight budgets. But to plunge in headlong without talking through the potential reasons and risks of using social media is setting a city up for difficulty down the road.

Social media, while accessible through the Internet, is generally thought of differently than a city website. A city website is the official voice of the city and is recognized as such. Cities typically assign website content development and posting duties to staff as part of their official job duties. Sometimes those duties include a supervisor's review of content before it is posted to the website.

Where content sign-off isn't required, communications or other guidelines usually direct staff in the city's standards and expectations for acceptable and unacceptable website communications.

Social media largely is perceived as a less formal method of communication. Cities that are using social media to communicate official city-sponsored messages should be managing that official social media content in much the same way it manages the city newsletter or web site.

This guidance document was modified by Ramsey Ramerman from a guidance document prepared by the League of Minnesota Cities and is used with permission from that organization.

Because of the prevalence of social media outlets such as Facebook and Twitter – all accessible through an internet connection – city employees may be participating in social media on a personal level, which could mean they occasionally make a post about their work.

Social Media Considerations

Because social media are relatively new, understanding of liability issues only now is beginning to emerge. Cities should be mindful that any forays into social media – whether as an official voice of the city, voice for elected officials or as personally used by staff – could create an embarrassing situation for the city. In some instances, the city could face legal challenges if incorrect, false or non-public information is posted on a site used officially by the city or personally by employees or elected officials. In other settings, the city may face public records requests that could include content posted to social media sites on city and/or personal computers, depending upon who and where content was posted.

Before considering social media use as a tool for city business, a city should weigh benefits against risks. Answering the following questions will help set a course for identifying who should speak for the city, when the city wishes to use social media, where it wants to engage, and more.

Is social media different than the city website? Yes. The city website functions as an official voice of the city. Often, city websites include formal communication about city events, projects, policies and ordinances. City websites primarily are one-way forms of communication where cities “push” information out to the public, and websites rarely offer opportunities to directly comment on information on the site. Most sites offer email addresses for visitors to send comments to.

Social media can be used as an official voice of the city, but it’s different. Social media can be accessed simply, through the Internet. One of the primary goals of social media is to encourage two-way communication. Information shared in a social media setting typically happens in real-time. Social media information is “pulled” by followers. Simply put, in social media people choose who they want to connect with by deliberately “following” or “friending” them. The act of following someone on a microblog or friending someone on FaceBook means that when they visit their accounts, they will see information posted by the people, groups and organizations they follow, and can comment right away on what they see, hear and read – they can have a conversation in real time.

Should the city use social media? Determining whether social media is a good way for the city to communicate with residents is an individual city decision. Factors that may impact a city’s decision could include staffing levels, communications needs, overall city goals, technology support, staff interest (or lack of interest) in social media, and other unique considerations. In some instances, social media may complement current communications vehicles such as newsletters and the city web site, reach audiences the city otherwise wouldn’t connect with, or partially or fully replace some existing communications tools. It might even help the city gather valuable input from residents about programs and services, or communicate emergency messages.

When considering how to integrate social media, the city should consider whether electronic media can actually replace print media. It’s likely that not all residents have access to electronic forms of communication, so eliminating some of the city’s existing communications tools could actually decrease its ability to connect with residents. It’s also important to think about what types of communication to distribute via social media as each is developing a niche. Currently, microblogs are emerging as a tool for making announcements such as for upcoming meetings and events, communicating with people in real time and on the go, and learning what others are doing or saying; blogs are being used as places for information more subjective in nature; and sites such as Facebook are being used for sharing information and photos.

When should the city use social media? There are many opportunities for a city to use social media in an official manner. Ultimately, the answer depends upon each city.

Some cities might choose to use social media to announce upcoming changes to services such as swimming pool hours or additional ball fields; provide updates on projects such as street improvements and skate park construction; announce city-related festivals; provide in-depth information on policy decisions on topics such as assessments and zoning; gather feedback and input from residents on projects, services and ordinances; or any number of other city-related topics.

What social media tools should the city use? The tools a city chooses to use will depend upon the type of information the city wants to communicate. Generally speaking, different tools work well for different types of things.

- **Microblogs** such as Twitter work well for taking the pulse of current events such as breaking news and legislative policy issues. Microblogs also work well for sharing announcements about projects such as a street being closed for resurfacing, reminding residents about parking rules during flooding emergencies, and registration openings for parks and recreation programs. The value of microblog comments is enhanced when links are included to more information about the projects, policies and programs that already are posted on the city website. Microblogs also can work well for getting a snapshot of what people are thinking about at the moment, in other words, to get a sense for a trend. Carefully cultivating who a city follows can help increase the visibility of the city among groups such as the media, political leaders, and residents.
- **Social networks** such as Facebook and MySpace work well as a gathering place for people interested in the city, and for building affinity for the city. Social networks can serve as a place to post information and pictures of the community celebration, a project that succeeded because of volunteer efforts, or even of various city staff performing interesting aspects of their jobs. These spaces also could be used to gather input and ideas from residents on projects, services and ordinances.
- **Video sites** such as YouTube and iReport allow users to post, rate and comment on videos. Posting video can be a way to provide a comprehensive picture of a city event such as awards and even be a virtual way to show residents the range of work done by city staff. (Videos shouldn't be posted of any individual without that person's knowledge and consent.)
- **Photo sharing** sites such as Flickr and TwitPic allow users to post, rate and comment on photos can help create a comprehensive picture of a city event, such as awards, and even be a virtual way to show residents the range of work done by city staff. (Photos shouldn't be posted of any individual without that person's knowledge and consent.)
- **Wikis**, such as Wikipedia, can be used to develop information on a range of topics such as the city's founding residents, historic sites and so on. Wikis are encyclopedia-like applications in which entries are created and edited by multiple people.

Should the city take a centralized or decentralized approach to social media? A city should consider whether it wants an official social media presence and, if so, in what social media venues. The city should think about when and how it wants to use social media, whether to have an official city voice, and whether to use a centralized or decentralized approach. The manner in which social media fits with other official forms of communication also should be considered.

It may be the case that having multiple city social media users – or a decentralized approach – makes sense for a city because it allows subject matter experts to talk about issues related to their areas of expertise.

For example, the city clerk might blog about changes to polling sites and announce openings for various committees and commissions, while the police officer talks about the city's K-9 officer. Microblogs might be used by public works staff to alert residents to flooding emergencies, while parks and recreation staff announce enrollment openings for new programs.

A consolidated – or centralized – approach assigns social media responsibilities to one or two people. Depending upon the city, this approach could create a significant workload for those individuals, who may not have the time to support such a task.

On the other hand, a centralized approach probably would provide the city with a more controlled, consistent and uniformed social media presence.

Are postings to social media government public records subject to the Public Records Act and Washington State retention requirements? Yes, the definitions of “public record” in the Public Records Act (Chapter 42.56 RCW) and the Washington State retention statutes (Chapter 40.14 RCW) are extremely broad and will encompass social media sites used by a city. The Secretary of State has prepared a guidance sheet on retention requirements for social media sites, which is attached as an exhibit to this guidance.

Social media sites pose a risk to retention because users will not necessarily have sufficient control to ensure posts are retained for their full retention period. This problem can be alleviated if cities first post any content on their city website and then re-post the information on the social media site. As indicated by the Secretary of State, this will make the social media post a “secondary” copy that will only have a minimal retention value.

Remember, however, that comments posted by a third party can also qualify as a public record. On many social media sites, the comment posters can edit or delete their own comments, creating an additional risk for retention. If a city allows comments, if possible it should make sure it can review any comments before they are posted so it can post the comments on its own website first. Or it should capture those comments as soon as they are reviewed so it can retain a copy if the poster later edits or deletes the comments.

While it's clear that the city's posts on social media sites will be subject to the Public Records Act, it is not clear exactly what must be produced in response to a public records request for a city's posts on a social media site, particularly if the requestor requests the records in electronic format. If the requestor only asks for printed records, then printed screen shots should be sufficient. Alternatively if the requestor agrees, you could also cut and paste the content into a simple word document. But if the requestor insists on the original records in electronic format, there is simply no way a city will be able to produce the computer code from Facebook. In this case, the City's best defense is to argue that it is not reasonable and technologically feasible to produce a third party's website in electronic format. See WAC 44-14-05001 (attorney general's model rule governing access to electronic records). But a City's inability to obtain a record alone is not an absolute defense, and absent clear guidance from the courts or the legislature, some risk remains.

Considerations for cities that want an official presence in social media: An official city presence in social media probably would be dedicated to communicating information only on official city business such as upcoming city council meetings and events, programs in the parks and recreation department, public works projects such as road closures, and so on.

The city would determine whether it wanted a centralized or decentralized social media strategy. Communication probably would be integrated into the city's existing communications policies, and staff would be assigned social media duties as part of their regular work. The people chosen officially to use social media might expect their efforts to be part of their annual performance review. Among other expectations, staff with social media responsibilities would be expected to avoid posting information or comments that are critical, false or disparaging, or could be damaging to the city's reputation.

Staff with official responsibility for social media might include the top appointed official in a smaller city, a communications staff person in a larger city, or even multiple department heads and line staff.

Cities should be certain to review all social media "user agreements" before any city representative joins a social media site. These user agreements are contracts and therefore should be treated with the same formality as any other contract. Moreover, user agreements often contain clauses dealing with mandatory arbitration, indemnity, limitations on liability and the application of other state's laws. These topics may require the formal approval of the full city council.

Access to social media sites through city technology and during regular work hours would be approved, and may even be considered from personal technology so that timely postings to social media can happen in accordance with the city's guidelines. For instance, an employee in charge of using social media for flood emergency detour notices might need to access the city social media sites after normal hours and so may do so from home or from a web-enabled phone. When staff are assigned to serve as the official voice and required to access social media after hours, the city should consider what posting official city business from personal technology means in the context of the city's records retention policies. It might make sense to encourage that any communications related to official city business be retained in a separate file so that it is easy to produce all city-related business information posted to social media should there be a request made under the Washington Public Records Act for all communication related to a particular topic.

It also would be helpful to provide etiquette guidelines for expected behavior by staff charged with using social media on behalf of the city. Etiquette guidelines might include:

- **Account Names.** Social media account names should be clearly tied to the city so it is apparent to visitors, friends and followers that they are choosing to receive information from the city. For example, the city of Lakewood would name its Facebook page "City of Lakewood," its Twitter account "Lakewood," and so on.

Staff charged with representing the city could be expected to clearly illustrate on their account that they work for the city. This could be done by requiring all staff who use social media to include a city-designated prefix on their account names, much like the conventions set up for email years ago. For example, if John Doe, the public works director, is maintaining a public works Facebook page for the city, the page might be named "Lakewood Public Works John Doe" and his Twitter account might be "LW-JohnDoe." Sally Deer, the clerk, might be "Lakewood Clerk Sally Deer" on Facebook and "LW-SallyDeer" on Twitter. Profile information for pages maintained by designated staff should include staff's city job title, and could include the city's web site address, street address, and other relevant information.

- **Transparency.** Personal opinions don't belong in an official city social media communication unless the city has asked a person to share personal views and comments. If that's the case, the person sharing his or her comments should clearly identify the comments as the poster's own opinions, not those of the city. A good precautionary principle for the city and its official communicators to follow – regardless of the city policy on posting opinions – is that if you'd be embarrassed to see your comment appear in the news, don't post it.

- **Honesty.** Individuals should be honest, straightforward and respectful while being mindful of the need to maintain confidentiality and privacy when appropriate. Individuals should be sure that efforts to be honest don't result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information. Where questions exist, staff should consult with their supervisor or city attorney.
- **Mistakes.** If an individual makes a factual mistake, they should correct it as soon as they are aware of the error. Corrections should be upfront and as timely as possible. If the individual is correcting a blog entry, the author may choose to modify an earlier post, and make it clear the posting has been corrected.

The web contains a permanent record of mistakes, so attempting to disguise a mistake likely will make things worse.

To help prevent errors, official communications should be fact-checked before being posted in social media. Potential errors could create city issues ranging from minor to significant, and some may create unforeseen liability issues.

For example, posting to Facebook the wrong opening date for enrollment in a parks and recreation program likely will create confusion, inconvenience and even frustration among residents who try to enroll their kids in a program too early and essentially end up wasting their time, or who find a program full because they tried to enroll their kids too late for a program. It's unlikely this type of mistake would create city liability.

But posting incorrect information about a new city ordinance related to land use zoning stands a greater chance of creating liability if someone acts based upon that incorrect information, and later is penalized for the action they took based upon the incorrect information officially posted by the city.

- **Mind the law, existing city policies and guidelines.** Do not upload, post, transmit or make available content you know to be false, misleading or fraudulent. All statements should be true and not misleading. Do not post photos that infringe on trademark, copyright or patent rights of others.

Non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city should never be shared. Posting such information could create liability issues for the city and the person posting the information.

Do not post content that violates existing city policies or that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Only post content that is suitable for readers and viewers of all ages. Do not post content that a reasonable citizen may not consider to maintain the dignity and decorum appropriate for government. Do not post information that affiliates the city with or advocates for a political party or candidate running for council.

Do not post any photo or video without permission of each person in the photo or video. Do not post the name of any individual without permission from that person.

- **Posting to third-party sites.** Only post to third-party sites when it is relevant to the city.
- **Contact by media.** Employees who are contacted by the media should follow city media relations/communications protocols.

What about city staff who use social media for personal reasons? City staff without official social media responsibilities likely use social media to keep in touch with friends, family, colleagues and groups with mutual interests. As part of their personal use of social media, it's not difficult to imagine that sometimes city staff may comment on city-related issues. Such a scenario often starts out innocently enough, but can lead to problems down the road.

An example of use of a personal social media account that crosses the line from strictly personal to city related could be of the public works director who has a personal Twitter account. The public works director created the account to talk about and follow others with shared interests on topics such as hobbies, raising kids, and professional sports.

After being on Twitter a while, the public works director finds an official account for a professional group that he belongs to – the American Public Works Association. He already regularly visits the APWA website, but following the APWA on Twitter means he gets real-time updates about things that impact his job – national wastewater rule changes, upcoming conferences, and job openings. He's now started to merge his personal and professional lives.

Now consider that he's developed a following on Twitter that includes his friends who live in the city, and some of their friends start to follow him. One day the public works director realizes he has a broad network of people interested in what he has to say, and some folks are following him just because he works for the city.

He starts to see Twitter as a way to communicate important information to residents about flooding emergencies or a soccer field opening, and he does so. His following grows because people know they can get important city-related news when it matters most. At first, the city information being communicated is straightforward, doesn't bear any real negative impact for the city, and actually helps the city do its work – residents are moving their vehicles before plowing begins!

But the city still should consider what it means that the public works director has started to use personal social media for official city business. The city could determine it would like to make use of social media part of the public works director's official job duties. Some questions to consider in this scenario include: What happens if the public works director is disgruntled because a new equipment request is denied and he posts information blasting the council? What if he comments negatively about a staff member or shares non-public information about that person in his personal social media accounts? What happens if the city faces a public records request and a personal computer or other technology has been used to communicate on the topic of interest? What happens if he takes a job in another city and the city loses those connections to the public that he developed via social media?

Staff without explicit job duties detailed in a job description should be expected to follow the city's existing computer use policy when it comes to using city technology to access social media sites. A city computer use policy should outline when and how staff can use city technology for personal use, employee privacy expectations, reference other policies that might come to bear such as harassment prevention policies, and discipline for violating the policy.

City staff generally has the right to speak publicly as private citizens on "matters of public concern." Such speech, even if made in the workplace or as part of official duties, may be constitutionally protected if the interests of the employee, in commenting upon matters of public concern, outweigh a city's interests in promoting the efficiency of the public services it performs through its employees. Be careful to balance these interests before taking any action against an employee for the content of the speech he/she publicizes on social media sites. Of course, not everything is defined as a matter of public concern – comments on private matters with no impact on the greater public generally are not considered protected speech. Cities should consult with their city attorneys as appropriate on this issue. Staff never has the right to reveal non-public or private data.

Etiquette guidelines for staff who use social media on a personal basis might include:

- **Account Names.** Personal social media account names should not be tied to the city. This will help clarify that the individual is not speaking officially on behalf of the city. For example, the personal Twitter account for John Doe, the Lakewood Public Works Director, should be just “JohnDoe,” his Facebook page “John Doe’s” and so on.

Staff interested in using social media officially on behalf of the city should talk with their supervisor.

- **Mind the law, existing city policies and guidelines.** Individuals who use personal social media accounts are not immune from the law, or from the need to follow existing city policies and guidelines related to harassment prevention, media relations, computer use and other policies the city may have adopted.

Individuals should be encouraged to refrain from uploading, posting, transmitting or making available content known to be false, misleading or fraudulent. They should be encouraged not to post photos that infringe on trademark, copyright or patent rights of others.

Individuals never have the right to post non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city.

Individuals should not use city-owned equipment to post to personal sites content that violates existing city policies or that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Individuals should be encouraged to post to personal sites only that content which is suitable for readers and viewers of all ages.

What about elected officials who use social media? Some elected officials already use blogs, microblogs, Facebook and other social media to connect with constituents and to promote political agendas. This is a reasonable use of social media, but elected officials should not use official city social media sites for campaigning purposes, just as they would not use the official city website or newsletter for campaigning.

It would be useful for elected officials to consider the effect personal comments about official city business can have on the city as a whole. Just as with face-to-face comments, electronic comments via social media can serve to “stir the pot” when an official speaks in opposition to an official city position adopted by a vote of the council. The city council might consider voluntary policy language to prevent this kind of awkward situation.

Elected officials should also be mindful of the risks of electronic communication in relation to the Washington Public Records Act and the Open Public Meeting Act, should consider adopting a policy on electronic communications between council members, and should consider adopting a computer use policy for elected officials. Remember, two way communications amongst elected officials should be strictly avoided due to the possibilities of serial meetings in violation of the Open Public Meeting Act.

- **Account Names.** Personal social media account names should not be tied to the city. This will help clarify that the individual is not speaking officially on behalf of the city. For example, the personal Twitter account for Jane Deer, the Lakewood Mayor, should be just “JaneDeer,” her Facebook page “Jane Deer’s” and so on.

- **Transparency.** Elected officials who use personal social media accounts should be encouraged to complete profiles on those sites, and to reveal that they are elected officials for the city. They should be encouraged to include a statement that any opinions they post are their own, not those of the city. They should be aware that – even though they are revealing their affiliation with the city – they will inherently create perceptions about the city among visitors to their personal account sites. Individual actions, whether positive or negative, will impact how the city is viewed. A good rule of thumb to encourage them to follow is that if they would be embarrassed to see their comment appear in the news, they shouldn't post it.
- **Honesty.** Encourage elected officials who use personal social media accounts to be honest, straightforward and respectful. Educate them that if they choose to comment on city issues, they are personally responsible for what they post. They should be mindful of the need to abide by privacy and confidentiality laws in all postings. Individuals should be sure that efforts to be honest don't result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information.
- **Mistakes, liability and claims against the city.** If an elected official makes a factual mistake, it should be corrected as soon as the official is aware of the error. Corrections should be upfront and as timely as possible. If the elected official is correcting a blog entry, she may choose to modify an earlier post, and make it clear the posting has been corrected. If correcting an error in Twitter, the posting might include something designating the corrections, such as "Fixed link" or "Fact correction," before the corrected information.

The web contains a permanent record of mistakes, so attempting to disguise a mistake likely will make things worse.

To help prevent errors, elected officials should not post official information about the city. Potential errors could create city issues ranging from minor to significant, and some may create unforeseen liability issues.

An example discussed earlier in this document applies here. Posting the wrong opening date for enrollment in a parks and recreation program likely will create confusion, inconvenience and even frustration among residents who try to enroll their kids in a program too early and essentially end up wasting their time, or who find a program full because they tried to enroll their kids too late for a program. It's unlikely this type of mistake would create city liability. But posting incorrect information about a new city ordinance related to land use zoning stands a greater chance of creating liability if someone acts based upon that incorrect information, and later is penalized for the action they took based upon the incorrect information officially posted by the city.

If an elected official makes an error related to official city business, she should contact the top appointed official to divulge the error and consult on the best manner in which to communicate the correct information. Depending upon the type of error, the city may choose to correct the information in a range of official city communication vehicles such as the city newsletter, website, during a council meeting and, potentially, even with the local media to ensure the corrected information is broadcast as widely as possible.

Elected officials also should recognize that using personal technology to communicate on official city business could become inconvenient if a request for public records is made on a particular topic, and that elected official has commented through his own equipment, including computers and phones. The official could be in a situation where his hard drive is subpoenaed during an investigation of a claim or lawsuit against the city. Such a situation would be inconvenient at best. Elected officials should consider maintaining a separate file on their personal technology for maintaining city-related communications so they can easily produce any requested public information on their personal technology.

- **Add value.** There may be times when elected officials use social media to promote a position on a city issue, such as a controversial ordinance being considered or a land use discussion, gather feedback from constituents, or to campaign.

When this occurs, elected officials should be encouraged to add value to the conversation by staying focused on the issue. They should not post comments that amount to name-calling or ridiculing of colleagues, staff or residents.

While it's common and even natural to seek to respond to attacks on their viewpoints or personality, elected officials should be encouraged to avoid conversations that clearly add no value to discussion of city issues.

For instance, the elected official who essentially is called an "idiot" or some other baited term should ignore the comment regardless of whether it happens in the social media realm or not, and regardless of who says it. Responding to such comments only serves to inflame discussions, makes all the participants look silly and petty, and casts a long shadow on the view the public has of the city and its elected leaders. Elected officials should seek to elevate conversation and to be leaders by being respectful, thoughtful and open-minded.

- **Mind the law, existing city policies and guidelines.** Elected officials who use personal social media accounts are not immune from the law, or from the need to follow existing city policies related to electronic communication among council members and guidelines related to use of city-owned technology. In addition, any information posted or responded to by elected officials should be done so in a manner that does not violate the letter or spirit of the Open Public Meeting Act. Remember, two way communications amongst elected officials should be strictly avoided due the possibilities of serial meetings in violation of the Open Public Meeting Act.

Elected officials should be encouraged not upload, post, transmit or make available content known to be false, misleading or fraudulent. They should be encouraged not to post photos that infringe on trademark, copyright or patent rights of others.

Elected officials never have the right to post non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city.

Elected officials should not use city-owned equipment to post to personal sites content that violates existing city policies or that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Elected officials should be encouraged to post to personal sites only that content which is suitable for readers and viewers of all ages.

- **Stop discussing city issues if asked to do so by the City.** There may be instances in which an elected official should not comment on city issues. This could occur, for example, if the discussion might violate laws, regulations or confidentiality, or if a claim or lawsuit has been filed against the city.

- **Contact by media.** Elected officials who are contacted by the media on a topic of official city business should follow city media relations/communications protocols.

September 2009

Electronic Records Management: Blogs, Wikis, Facebook, Twitter & Managing Public Records

The purpose of this advice is to provide guidance to state and local government agencies regarding the retention of public records of posts to social networking websites such as blogs, wikis, Facebook, Twitter, etc.

Agencies need to consider the following five (5) factors when managing the retention of their public records created or received through social networking sites:

1. Are the posts public records?

If the posts are made or received in connection with the transaction of the agency's public business (such as providing advice or receiving comments about the agency, its programs, core business, etc.), then they are public records for the purposes of records retention and need to be retained for their minimum retention periods.

2. Are the posts primary or secondary copies?

If the posts are simply copies of records that the agency is already retaining for the minimum retention period (such as links to publications), then the posts may be considered secondary copies and retained accordingly. Otherwise, the posts are the agency's primary record.

3. How long do the posts need to be retained?

Agencies should use the same records series for posts that they would use if the same advice was distributed as a letter or an email to everyone within the agency's jurisdiction. Agencies need to retain their primary record of posts which are public records for at least the minimum retention period listed for those records in the approved records retention schedules.

4. How will the posts be retained by the agency?

Agencies need to consider how they will retain a record in their custody and control of their posts to social networking websites. When retention of the posts themselves is outside the agency's control, the agency needs to consider what other records they will retain, such as email confirmations of each post or comment. Agencies need to consider these issues in any service contracts with vendors of social networking websites and in their configuration settings for their social networking website accounts.

5. For which types of records is this technology appropriate?

Agencies need to determine the business activities for which social networking technology is appropriate if the agency is unable to manage the creation, receipt and retention of public records documenting the public business they transact using social networking websites.

**Additional advice regarding the management of public records is available from
Washington State Archives:**

**www.secstate.wa.gov/archives
recordsmanagement@secstate.wa.gov**

ELECTRONIC RECORDS – PRA AND RECORDS RETENTION

DO'S AND DON'TS

For Local Government Success



These Do's and Don'ts are intended to provide summary guidance related to use of electronic records and electronic devices in compliance with the Public Records Act (PRA) (chapter 42.56 RCW) and records retention law (chapter 40.14 RCW). For a more thorough analysis of these issues, please review our related guide: *Electronic Records – PRA and Records Retention Practice Tips*.^{*} For more information and resources also visit www.mrsc.org/opmapra.

	Do	Don't
Agency Computer	Do use your agency computer to conduct agency business. This allows your agency to retain records appropriately and locate such records in response to a PRA request.	Don't delete records from your agency computer (or any computer) unless you're certain the records aren't public records, or the records are past their required record retention period . (If you have any doubt about deleting records, check with your agency's legal counsel.)
Personal Computers	Do use your personal computer to remotely access your agency's file server and email server (if your agency allows for such remote access).	Don't use your personal computer to conduct agency business unless you do so by accessing your agency's server(s) remotely. If that's not possible and you use your personal computer to conduct agency business, make sure that you: <ul style="list-style-type: none"> • Retain all public records with retention value; and • Provide those records to your agency so the agency can retain the records appropriately and make them available if a PRA request is made for such records.
Agency Email Account	Do use your agency email account to conduct agency business. This allows your agency to retain its records appropriately and to locate such records in response to a PRA request.	Don't delete emails sent or received from your agency email account unless you're certain the emails aren't public records, or the emails are past their required record retention period . (If you have any doubt about deleting emails, check with your agency's legal counsel.)

<p>E-page 57</p> <p>Personal Email Account</p>	<p>Do forward any agency-related emails received on your personal email account to your agency email account. Do instruct the sender that you don't conduct agency business via your personal email account(s), and to send all emails related to agency business to your agency email address.</p>	<p>Don't use your personal email account for agency business, unless your agency doesn't provide agency email accounts. If you must use a personal email account for agency business, set-up a unique email account solely for agency business, clearly segregate agency-related emails from personal emails, and provide all agency-related emails to your agency so those records can be retained appropriately and made available if a PRA request is made for such records.</p>
<p>Texting on Agency Devices and Personal Devices</p>	<p>Do follow your agency policy related to texting. If your agency doesn't have a policy, make sure you're retaining all agency-related text messages for their full retention period. If you send or receive agency-related text messages via a non-agency device, provide those messages to your agency so they can be retained appropriately and made available if a PRA request is made for such records.</p>	<p>Don't text in violation of your agency's policy. Don't use texting for agency-related business without a clear understanding of how those messages are being retained by the provider (e.g., phone company) and by your agency. Text messages, like emails, can be public records that must be retained by your agency, and such records may need to be provided in response to a PRA request.</p>
<p>Voice Mail Messages on Agency Phones and Personal Phones</p>	<p>Do, if possible, capture all agency-related voice mail messages through an integrated voice mail and email system. If that's not possible, save voice mails with retention value through other means.</p>	<p>Don't delete all agency-related voice mails once you have listened to them. Like email and text messages, voice mails can be public records that must be retained by your agency, and such records may need to be provided in response to a PRA request.</p>
<p>Agency Social Media</p>	<p>Do try to post only secondary copies of content on agency social media sites. That way, the agency won't have to separately retain all of the content of the social media sites. If that's not possible, your agency should consider purchasing software that captures and archives social media sites.</p>	<p>Don't set up and use an agency social media site, and don't edit and delete content on your agency's social media site(s), without complying with records retention and PRA requirements.</p>
<p>Personal Social Media</p>	<p>Do abstain from discussing agency business via your personal social media accounts. If you post or exchange agency-related communications via your personal site, make sure you comply with records retention and PRA requirements.</p>	<p>Don't conduct agency business via your personal social media site. Agency-related records can be public records, subject to retention requirements and the PRA, even if the records are located on your personal social media site. If you're an incumbent elected official who is a candidate, don't mix your election activities with agency business via use of social media.</p>

*DISCLAIMER: These Do's and Don'ts are meant to provide summary tips related to use of electronic records and electronic devices in compliance with the PRA and the records retention law. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney about this topic as well.

Finance and Administration Committee

Agenda items are typically generated by staff and relate to topics scheduled to come before the full Council. There are routine items that they have each year (e.g. budget, CIP, audit) and items are added as they come up on the Council Agenda.

- City Utility Tax Audit Appeal Process
- Recovery of ESP outreach fund from future connections (from 7/1/14 Council meeting)
- New – Email Archiving

Legislative Committee

The outstanding item for the Council's Legislative Committee is to see the City's 2015 legislative priorities through the remainder of the 2015 legislative session (end of April and perhaps longer if special session). Some items will die at the March 11 cutoff and others will continue till the end of the session.

Planning and Economic Development Committee

Agenda items are generated by staff or referred by the City Council. The Committee does not maintain an outstanding list of agenda items but prepares the agenda each month.

Public Safety Committee

Agenda items are generated by staff, referred by the City Council or requested by Committee members.

Unscheduled Items

Fire Strategic Plan Update (ongoing)
Prevention-based efforts in Public Safety
Public Safety Volunteer Programs
Long term cost of education incentives
Residential fire sprinkler process
Crisis Intervention Training and Diversion
Police Dispatch and Response Times (Pre and Post-Norcom)
Public Safety Performance Measures
Quarterly Fire/EMS Response Data
Regulation of lab operations for medical marijuana
Reverse 911 system and customer data in 911 system
Rationale for opting out of King County Community Medical Technician Program

Periodic Status Update Items

DUI, Public Drunkenness and Over-serving (annual report)
Downtown Activity/Transit Center (annual)
False Alarm Prevention Update (annual)
Crime Statistics Report (annual report prior to general publication)
Response to Group Homes and Assisted Living Facilities (annual)

Public Works, Parks and Human Services Committee

Agenda items are generated by staff, referred by the City Council or requested by Committee members.

Unscheduled Topics

85th Street Channelization
WM access to new developments and design criteria
Cemetery Privatization: consider; opportunity?
Beach Cams: panoramic; explore cost, use of wifi; privacy issues
Large Picnic Shelter
Pedestrian Safety & Sidewalk Conditions at freeway crossings
Freeway Entrance Maintenance
ST3 - Sound Transit Planning
Homeless Encampment Update
Park Impact Fees
Multi-family Recycling Strategies
Multifamily/commercial dumpster rules

Periodic Status Report Topics

Sidewalk conditions: "PCI" equivalent; dashboard; status reports; CBD & Citywide
Safe School Walk Routes: progress status reports
Aquatic Center Status: status updates
Kingsgate 5 Park: status of acquisition; operations
Hazen Hills Park: status of acquisition; operations
PSE New Transmission Lines: Status updates

Marilynne Beard

From: Toby Nixon
Sent: Thursday, January 01, 2015 3:00 AM
To: Kurt Triplett; Marilynne Beard; Robin Jenkinson
Cc: Council
Subject: Proposed amendments to Council Policies and Procedures

At our meeting on Tuesday, I would like to propose two amendments to the Council Policies and Procedures document. We shouldn't discuss these proposals in email, but I did want to send them out in advance so the text of the proposed amendments would be available for our discussion at the meeting.

1. Chapter 5 COUNCIL COMMITTEES, Section 5.01 Purpose and Relationship to City Council (E-page 110):

We discussed this somewhat at a council retreat, but I would like to raise it again. I believe the first sentence, "Committees are advisory and do not take action on behalf of the Council", is not accurate. Our committees may not take "final action", but they DO "take action" as defined in the OPMA. The OPMA defines "action" as "the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions." I believe our committees do engage in "deliberations", "discussions", "considerations", "reviews", and "evaluations" on behalf of the council, even though a majority of the full council is not present, and make policy recommendations to the full council, often filtering out alternatives. The whole purpose of the OPMA is for the public to understand the full deliberative process undertaken in policy development, and they do not have access to that under current council policy. My preference continues to be that council committee meetings be open to the public including the provision of notice as required by the OPMA. Most cities around us open their committee meetings to the public, and we should, too.

Accordingly, I plan to move that Section 5.01 of the document be amended as follows:

- Strike the first sentence.
- Insert the following after the current second sentence: "Council committees do not take "final action" on behalf of the Council, but they do take "action" in the form of deliberations, discussions, considerations, reviews, and evaluations. Council committee meetings are open to the public and subject to notice requirements under the Open Public Meetings Act."
- Make the remainder of the paragraph into a separate paragraph.
- Delete the word "are" in the current third sentence of the first paragraph (editorial correction).
- Amend the last sentence of the last paragraph of the section to read as follows: "Agendas for Council Committee meetings will be posted to the City's external web site with 24 hours of being made available to committee members, but in no event later than 24 hours prior to the meeting. Meeting minutes for Council Committee meetings are public records and shall be posted to the City's external web site, along with a list of current and future topics being discussed by each committee."

This would result in the section reading as follows:

5.01 Purpose and Relationship to City Council.

The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council committees do not take "final action" on behalf of the Council, but they do take "action" in the form of deliberations, discussions, considerations, reviews, and evaluations. Council committee meetings are open to the public and subject to notice requirements under the Open Public Meetings Act.

Council Committees may be standing committees, or ad hoc committees appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are five standing Council Committees:

- Finance and Administration
- Public Safety
- Planning and Economic Development
- Public Works, Parks and Human Services
- Legislative

Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, the topics discussed and results of the committee's most recent meeting.

Agendas for Council Committee meetings will be posted to the City's external web site with 24 hours of being made available to committee members, but in no event later than 24 hours prior to the meeting. Meeting minutes for Council Committee meetings are public records and shall be posted to the City's external web site, along with a list of current and future topics being discussed by each committee.

2. Appendix F (Orientation), Section 6.03 Study Sessions (E-page 148):

This section current reads as follows:

The City Council may meet informally in a study session. The study session is the forum used by Council to for the purpose of information study, review, and general discussion. No final action is taken while in a study session unless the requirements of Chapter 42.30 RCW, the Open Public Meetings Act, have been met, including the requirement of public notice for special meetings.

This is not accurate. The OPMA definition of meetings is "meetings at which action is taken". The definition of "action" is "the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions." Thus, it is not necessary that "final action" be taken in order for a "meeting" to occur.

Every Study Session includes "deliberations, discussions, considerations, reviews, [and] evaluations", and thus every Study Session should be an open public meeting under the OPMA. But this Section 6.03 seems to imply that it's OK for a Study Session to not be noticed to the public if no Final Action is planned. This section should be rewritten to clarify that all study sessions are official "meetings" under the OPMA, with regularly-scheduled study sessions adopted by ordinance and special study sessions subject to the same notice requirements as council business meetings.

I therefore plan to move that Section 6.03 of Appendix F be amended to read as follows:

The City Council may meet informally in a study session. A study session is the forum used by Council for the purpose of extended information study, review, and general discussion. Despite their informality, study sessions are official meetings of the council, subject to the notice requirements of Chapter 42.30 RCW, the Open Public Meetings Act. Final actions, such as deciding on a course of action or narrowing of policy alternatives, may be taken during any study session.

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland, Washington

tnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

Emails to and from city council members are subject to disclosure under the Public Records Act, RCW 42.56

CITY	TYPE	POP	STANDING COUNCIL	MEET	PURPOSE	OPEN TO	APPOINT	OTHER NOTES
			COMMITTEES		ROLE	PUBLIC	PROCESS	
Bellevue	Council Mgr	132,100	Currently None Previously in the past	1/month	Advisory	Yes	Council	
Bothell	Council Mgr	34,460	Public Safety Economic Development Human Services	as needed as needed as needed	Advisory Advisory Advisory	No* No* No*	Council Council Council	*only if fourth councilmember attends *only if fourth councilmember attends *only if fourth councilmember attends
Des Moines	Council Mgr	29,730	Environment Municipal Facilities Public Safety & Transportation Finance & Economic Development	1/month 1/month 1/month 1/month	Advisory Advisory Advisory Advisory	Yes Yes Yes Yes	Mayor Mayor Mayor Mayor	
Kirkland	Council Mgr	81,730	Finance Public Safety Economic Development	1/month 1/month 1/month	Advisory Advisory Advisory		Council Council Council	
Leavenworth	Mayor Council	1,970	Public Works Parks Economic Development Finance			Yes Yes Yes Yes	Mayor Mayor Mayor Mayor	3 Council members per committee plus Mayor and City Administrator and any relevant staff
Lynden	Mayor Council	12,730	Finance Public Safety Public Works Community Development Parks	regular regular regular regular regular	Advisory Advisory Advisory Advisory Advisory	Yes Yes Yes Yes Yes	Mayor Mayor Mayor Mayor Mayor	Meeting schedule is published annually

CITY	TYPE	POP	STANDING COUNCIL	MEET	PURPOSE	OPEN TO	APPOINT	OTHER NOTES
			COMMITTEES		ROLE	PUBLIC	PROCESS	
Mountlake Terr	Council Mgr	20,160	Board and Commission		Review		Recommend	Committee of the whole concept with two council member sub-committees
			Finance	2/month	Review		Recommend	
Olympia	Council Mgr	48,480	Finance		Advisory	Yes	Council	
			Land Use		Advisory	Yes	Council	
			General Government		Advisory	Yes	Council	
Redmond	Mayor Council	55,840	Public Administration and Finance	pre-Council	Advisory	Yes		
			Public Safety	pre-Council	Advisory	Yes		
			Planning and Public Works	pre-Council	Advisory	Yes		
			Parks and Human Services	pre-Council	Advisory	Yes		
			Regional Affairs	pre-Council	Advisory	Yes		
Renton	Mayor Council	95,540	Finance	2/month	Recommend	Yes	Council	
			Public Safety	2/month	Recommend	Yes	Council	
			Community Services	2/month	Recommend	Yes	Council	
			Utilities	2/month	Recommend	Yes	Council	
			Planning and Development	2/month	Recommend	Yes	Council	
			Transportation and Aviation	2/month	Recommend	Yes	Council	
			Committee of the Whole	2/month	Recommend	Yes	Council	
Sammamish	Council Mgr	48,060	Finance		Advisory	Yes		
			Public Safety		Advisory	Yes		
			Community & Economic Development		Advisory	Yes		
Sedro-Woolley	Mayor Council	10,610	Public Safety	as needed	Advisory		Mayor	
			Utilities	as needed	Advisory		Mayor	
			Finance and Personnel	as needed	Advisory		Mayor	
			Parks and Recreation	as needed	Advisory		Mayor	
			Planning	as needed	Advisory		Mayor	
Sumner	Mayor Council	9,520	Finance		"do pass"	Yes	Council	
			Land Use		"do pass"	Yes	Council	
			General Government		"do pass"	Yes	Council	

CITY COUNCIL COMMITTEES SURVEY OF WASHINGTON CITIES

CITY	TYPE	POP	STANDING COUNCIL	MEET	PURPOSE	OPEN TO	APPOINT	OTHER NOTES
			COMMITTEES		ROLE	PUBLIC	PROCESS	
Sunnyside	Council Mgr	16,200	Finance & Administration		Advisory	Yes		
			Public Works		Advisory	Yes		
			Public Safety		Advisory	Yes		
Tacoma	Council Mgr	200,400	Economic Developmnet	2/month	"do pass"	Yes	Mayor	4 Council members per committee; mayor sits on several committees
			Enviroment & Public Works	2/month	"do pass"	Yes	Mayor	
			Government Performance & Finance	2/month	"do pass"	Yes	Mayor	
			Neighborhoods & Housing	2/month	"do pass"	Yes	Mayor	
			Pub Safety/Human Serviesc/Education	2/month	"do pass"	Yes	Mayor	
Tumwater	Mayor Council	18,300	Public Works	2/month	Advisory	Yes	Mayor	
			General Government	1/month	Advisory	Yes	Mayor	
			Public Safety	1/month	Advisory	Yes	Mayor	
			Budget and Finance	1/year	Advisory	Yes	Mayor	
West Richland	Mayor Council	13,080	Utility	as needed	Advisory			
			Finance & Personnel	as needed	Advisory			
			Planning	as needed	Advisory			
			Economic Development	as needed	Advisory			



CITY OF KIRKLAND
 Department of Parks & Community Services
 505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplet, City Manager
From: Jennifer Schroder, Director
Date: February 12, 2015
Subject: POTENTIAL AQUATICS, RECREATION AND COMMUNITY CENTER (ARC) FUNDING SOURCES AND DRAFT SURVEY

RECOMMENDATION

That the City Council:

1. Receives an overview of the Metropolitan Park District model as a potential financing strategy for the proposed Aquatics, Recreation, and Community Center (ARC); and
2. Reviews and provides input on draft questions for an upcoming statistically-valid random telephone survey seeking information on the opinions and attitudes of Kirkland residents related to the proposed project, potential costs, and siting preferences.

BACKGROUND DISCUSSION

On October 21, 2014 the City Council approved Resolution R-5076, authorizing additional search for and analysis of sites to be considered for a potential facility to provide for the recreation and aquatic needs of Kirkland residents. The resolution (included as Attachment A) also directed staff to explore potential funding mechanisms, and authorized the Parks and Community Services Department to solicit additional community input, including a statistically-valid random telephone survey of Kirkland residents.

Potential funding mechanism:

The overall cost of the proposed ARC cannot be determined until the site and building components are finalized. However, planning completed to-date provides cost estimates to build the proposed center at two City-owned sites: Juanita Beach Park and the North Kirkland Community Center (NKCC). The cost estimate to build the proposed 86,000 square feet ARC on city-owned property ranges from \$48 million at Juanita Beach to \$60 million at the NKCC.

To illustrate the potential cost to the taxpayer, a project that costs \$48 million, financed over 30 years, could result in a monthly tax levy amount of \$5.50 for a median-priced home in Kirkland (\$435,000 value in 2015 per King County Assessor).

Funding options available to municipalities under state law include:

- **Levy lid lift** (RCW 84.55.050(1)) can be for any purpose and can be for any period of time or permanent. If proceeds are used for debt service on bonds, the maximum period is nine years. The initial "lift" occurs in the first year, with annual increases in subsequent years limited to the lesser of one percent or the implicit price deflator (IPD). If this levy option were selected the

maximum period would be 9 years to pay the debt of a Councilmanic bond. This option requires a simple majority (50% +1 approval) vote on any election date.

- **Excess levy** (Article VII, section 2(b) of the Washington State Constitution) is available for capital purposes and the term is determined by the life of the proposed bonds, not to exceed the useful life of the facility. An excess levy requires a supermajority (60% approval) plus minimum 40% turnout based on last general election (validation). The election can occur on any election date.
- **Metropolitan Parks District (MPD)** (RCW 35.61), a metropolitan park district may be created for the management, control, improvement, maintenance, and acquisition of parks, parkways, boulevards, and recreational facilities. MPDs have the authority to levy up to \$0.50 per \$1,000 of assessed valuation for operations and maintenance and another \$0.25 per \$1,000 of assessed valuation for capital projects, for a total of \$0.75 per \$1,000.

Metropolitan Park District

Although there are multiple funding options to explore, for the purposes of the Council retreat the discussion will focus on gaining a better understanding of the Metropolitan Park District model and the potential for an MPD to fund the ARC.

The purpose of an MPD is "to manage, control, improve, maintain and acquire parks, parkways, boulevards and recreational facilities within a defined area." MPDs are also permitted access to property taxes available to Junior Taxing Districts, thus granting an MPD an increment of taxing authority that is not otherwise available to cities. In effect, an MPD provides new resources that are outside the competition with other City departments for General Fund resources.

Tacoma voters approved an MPD one month after the original law was enacted in 1907. In 2001 the State amended the legislation in order to make the creation of MPDs more accessible for all cities, counties and unincorporated areas. The new legislation made it possible for an MPD to be created within a single jurisdiction and allowed existing city councils or county commissioners to act as the governing board of the MPD. As of 2015 there are 17 metropolitan park districts in Washington. The City of Seattle is the most recent city jurisdiction to form an MPD, with Seattle voters approving the Seattle Park District in November 2014.

At the retreat, Council will receive a presentation on MPDs and an overview of the Seattle Park District. We will be joined by Alice Ostdiek, a member of the law firm of Foster Pepper PLLC. Ms. Ostdiek has practiced public finance and municipal law for a number of years and serves as bond counsel and disclosure counsel on general governmental and utility financings. She is also well known for her advice to governmental entities regarding statutory and constitutional limitations on taxes, fees and other revenue sources. Ms. Ostdiek worked closely with the City of Seattle in the recent successful formation of the Seattle Park District.

Statistically valid random telephone survey

The City has commissioned the firm of EMC Research to conduct a random telephone survey of Kirkland citizens. A draft of the questions proposed for the survey are attached for Council's review and discussion. (Attachment B)

The following schedule is necessary to conduct the survey and provide results for upcoming Park Board and City Council meetings in March to meet the March 17 timeline set by R-5076. The Council could also choose to extend the timeline for receiving the information.

Finalize Questionnaire	February 20 th
Data Collection	February 22 th – March 2 nd
Draft Report	March 11 th
Final Report	March 17 th

ARC Next Steps

No decision related to the siting or the funding of the ARC is being sought at the Council retreat. The primary purpose of the discussion is to understand how an MPD works, and to review the survey questions. However, staff will be returning to the Council on March 17 or soon thereafter with the survey results and the compilation of the other public outreach and analysis to date authorized by R-5076. At that point, staff will be seeking direction on whether to consider a potential ballot measure to fund the ARC in either 2015 or 2016.

Attachments:

Resolution R-5076
Draft Survey Questions

City of Kirkland Survey

EMC Research 15-5542

DRAFT

n=400

Hello, my name is _____. May I speak to **(NAME ON LIST)**.

Hello, my name is _____, and I'm conducting a survey for EMC Research to find out how people in your area feel about some of the different issues facing them. We are not trying to sell anything, we will not ask for a donation, and we are collecting this information on a scientific and completely confidential basis.

1. GENDER **[RECORD FROM OBSERVATION]**

1. Male
2. Female

2. Would you say things in the City of Kirkland are going in the right direction or are they pretty seriously off on the wrong track?

1. Right Direction
2. Wrong Track
3. (DNR: Don't know)

I'd like you to tell me how you think the City of Kirkland is doing in each of the following areas. Use a scale of excellent, good, only fair, or poor. If you aren't sure one way or the other, please just say so.

SCALE: 1. Excellent 2. Good 3. Only fair 4. Poor 5. Not Sure 6. (DNR: Refused)

(AFTER EACH AS NECESSARY: How would you rate [QX]? Would you say excellent, good, only fair, or poor?)
[RANDOMIZE]

3. The job Kirkland City government does overall
4. The job Kirkland City government does spending your tax dollars responsibly
5. The overall quality of the parks and recreation system in Kirkland

[END RANDOMIZE]

6. As you may know, the Lake Washington School District may need to close the indoor pool at Juanita High School as soon as twenty seventeen. This is the only publically available indoor pool in Kirkland and supports the activities of a number of aquatic sports clubs, public exercise time, and lifeguard training and water safety classes and swim lessons. Knowing this would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose the City developing plans for a new Aquatic, Recreation and Community Center in Kirkland?

1. Strongly Support
2. Somewhat Support
3. Somewhat Oppose
4. Strongly Oppose
5. (DNR: Don't Know/NA)

7. The City of Kirkland would need to present a voter-approved property tax ballot measure to voters in order to fund a new Aquatic, Recreation and Community Center. This measure would provide funds to build a facility that includes a competition and exercise pool, a warm water recreation pool, a gymnasium, fitness rooms and exercise studios, classrooms for arts and education, and community gathering and banquet spaces. In general, do you strongly support, somewhat support, somewhat oppose or strongly oppose a Kirkland Aquatic, Recreation and Community Center measure?
 1. Strongly Support
 2. Somewhat Support
 3. Somewhat Oppose
 4. Strongly Oppose
 5. (DNR: Don't Know/NA)

8. The City of Kirkland currently owns property at Juanita Beach Park and estimates the cost to build an Aquatic, Recreation and Community Center on the ball field portion of the park at forty-eight million dollars. If voter approved, the City would issue general obligation bonds maturing within thirty years and levy annual excess property taxes to repay the bonds. Knowing this would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose building an Aquatic, Recreation and Community Center at Juanita Beach Park?
 1. Strongly Support
 2. Somewhat Support
 3. Somewhat Oppose
 4. Strongly Oppose
 5. (DNR: Don't Know/NA)

9. This thirty year measure would cost the average Kirkland homeowner with a four hundred and thirty-five thousand dollar home about sixty-six dollars a year or about five dollars and fifty cents a month. Knowing this would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose building an Aquatic, Recreation and Community Center at Juanita Beach Park?
 1. Strongly Support
 2. Somewhat Support
 3. Somewhat Oppose
 4. Strongly Oppose
 5. (DNR: Don't Know/NA)

10. Some have opposed building a facility at the Juanita Beach Park site because of concerns about current traffic congestion in and around Juanita Beach Park. They say that an Aquatic, Recreation and Community Center would make the traffic problem much worse. Knowing this would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose the building an Aquatic, Recreation and Community Center at Juanita Beach Park?
 1. Strongly Support
 2. Somewhat Support
 3. Somewhat Oppose
 4. Strongly Oppose
 5. (DNR: Don't Know/NA)

11. And some have opposed building a facility at the Juanita Beach Park site because they say the open space and trees should not be sacrificed. Knowing this would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose the building an Aquatic, Recreation and Community Center at Juanita Beach Park?
 1. Strongly Support
 2. Somewhat Support
 3. Somewhat Oppose
 4. Strongly Oppose

5. (DNR: Don't Know/NA)

12. Another option would be to purchase and build on private land which may cost an additional ten to twenty million dollars, or a total between fifty-eight and sixty-eight million dollars. Knowing this, which would you prefer the City do?

[ROTATE FIRST TWO STATEMENTS]

1. Build an Aquatic, Recreation and Community Center on City owned property at Juanita Beach Park
OR
2. Build an Aquatic, Recreation and Community Center at a different location even if it requires purchasing private property.
3. (DNR: Makes no Difference)
4. (DNR: Neither)
5. (DNR: Don't Know/Not Sure)

13. One alternate location suggested would be in or near Totem Lake Mall. Again it would cost between ten and twenty million dollars more to purchase land to build there. Would that decision make you much more likely, somewhat more likely, less likely or make no difference in your support for an Aquatic, Recreation and Community Center?

1. Much more likely
2. Somewhat more likely
3. Less likely
4. No difference
5. (DNR: Don't know/Refused)

[IF Q13=3 LESS LIKELY THEN ASK Q14]

14. Why do you say that? _____ **[OPEN END RESPONSE, DO NOT PROBE]**

15. And some have suggested purchasing land to build an Aquatic, Recreation and Community Center near the Cross Kirkland Corridor, again it would cost as much as twenty million dollars more to build. Would that decision make you much more likely, somewhat more likely, less likely or make no difference in your support for an Aquatic, Recreation and Community Center?

1. Much more likely
2. Somewhat more likely
3. Less likely
4. No difference
5. (DNR: Don't know/Refused)

[IF Q15=3 LESS LIKELY THEN ASK Q16]

16. Why do you say that? _____ **[OPEN END RESPONSE, DO NOT PROBE]**

And for statistical purposes only:

17. What year were you born? **[RECORD YEAR - VALID RANGE: 1910-1997; IF REFUSED, CODE AS 9999]**

18. **[AGE RANGE - CODE FROM PREVIOUS QUESTION]**

[IF Q17=9999 THEN ASK FOLLOWUP: "Would you say you are age (READ LIST)..."]

1. 18-29
2. 30-39
3. 40-49
4. 50-64
5. 65 or over

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6. (DNR: Refused)

THANK YOU!

RESOLUTION R-5076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING ADDITIONAL SEARCH FOR AND ANALYSIS OF SITES TO BE CONSIDERED FOR A POTENTIAL FACILITY TO PROVIDE FOR THE RECREATION AND AQUATIC NEEDS OF RESIDENTS AND AUTHORIZING THE PARKS AND COMMUNITY SERVICES DEPARTMENT TO SOLICIT ADDITIONAL COMMUNITY INPUT.

WHEREAS, since 2001 the City of Kirkland's Comprehensive Park, Recreation, and Open Space (PROS) Plan has identified the need for more multi-use recreation space in the community; and

WHEREAS, the 2007 Kirkland Indoor Recreation Feasibility Study described a prototype multi-use recreation center which would respond to community needs and interests and which included an aquatics facility component; and

WHEREAS, aquatic facilities have been an essential part of the Kirkland community and culture for over 45 years, beginning with construction of Peter Kirk Pool in 1968, followed in 1971 with the construction of the Juanita Aquatic Center at Juanita High School; and

WHEREAS, according to the standards of the National Recreation and Parks Association, the current Kirkland public aquatic facilities do not meet local needs; and

WHEREAS, Kirkland lacks recreation and aquatic facilities to more broadly serve its general population, especially in comparison with national statistics and trends; and

WHEREAS, the Lake Washington School District has determined that the Juanita Aquatic Center has reached the end of its useful life and has furthermore decided that the Aquatic Center will not be retained at the time of Juanita High School's modernization or replacement; and

WHEREAS, the Juanita Aquatic Center is the sole public indoor, year-round aquatic facility in the Kirkland community which provides a variety of critical recreational, educational, competitive, and health and wellness activities for residents of all ages; and

WHEREAS, the City is committed to partnering with interested public and private organizations to explore options for meeting both the current and future general recreation needs of Kirkland residents and for replacing the Juanita Aquatic Center; and

WHEREAS, the City Council believes a new public recreation and aquatic facility must serve all members of the public from children to seniors and must provide programming, including instruction, recreation

and competition opportunities as well as wellness, fitness and rehabilitation options; and

WHEREAS, on September 16, 2014, the Parks and Community Services Department and Park Board presented findings and recommendations to the City Council for a proposed Aquatic, Recreation, and Community (ARC) Center, including recommendations on facility components and siting preferences; and

WHEREAS, as a result of extensive community, stakeholder, and program user input, an evaluation of the City's existing recreation programs and facilities, and an assessment of market conditions, the Park Board's recommended ARC Center would include a 300-person community hall/banquet facility with outdoor/rooftop deck, caterer's kitchen/classroom, party room, arts rooms, a two-court gymnasium with elevated walking/jogging track, fitness room, studios, activity room, recreation pool, 50-meter lap pool, therapeutic hot tub, coffee bar, locker rooms, administrative office and other support spaces; and

WHEREAS, such a broad mix of facility components not only responds to the current and future health and wellness needs and interests of residents but also provides the greatest opportunity for the facility to annually generate the revenue sufficient to offset program and operating expenses, thus reducing a need for the facility to receive an ongoing general fund tax support; and

WHEREAS, a report commissioned by the Parks and Community Services Department analyzed the north (ballfield) portion of Juanita Beach Park and the North Kirkland Community Center sites as potential locations for the ARC Center and concluded that Juanita Beach Park is a suitable and preferred location; and

WHEREAS, the Park Board has recommended that the City pursue additional sites which may be preferable to Juanita Beach Park and the North Kirkland Community Center site; and

WHEREAS, the City Council concurs with the Park Board and wishes to consider additional siting options for the proposed ARC Center, including potential to-be-identified private properties, and wishes to better understand how the facility could be successfully integrated into Juanita Beach Park.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Parks and Community Services Department is authorized to:

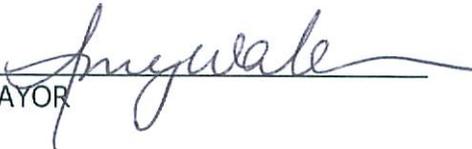
1. Conduct further investigation and analysis of potential sites for the proposed ARC Center.

2. Complete additional conceptual design analysis to demonstrate how the proposed ARC Center could be successfully integrated into Juanita Beach Park.
3. Conduct additional broad outreach with the community, including business interests and all neighborhoods, to inform about the proposed facility, to solicit siting preferences, and to better understand level of interest and support. Outreach efforts shall include public meetings, informational brochures, telephone surveys, and additional outreach to key stakeholders and interested parties.
4. Further explore partnership opportunities and parameters with interested community organizations.
5. Further explore potential financing mechanisms and timelines, including those that require voter approval, in compliance with all state laws and regulations.
6. Provide a report to the City Council with recommendations from the Park Board by March 17, 2015, or as soon as possible thereafter.

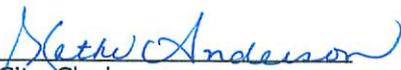
Section 2. The City Manager is authorized and directed to implement steps necessary to achieve these tasks.

Passed by majority vote of the Kirkland City Council in open meeting this 21st day of October, 2014.

Signed in authentication thereof this 21st day of October, 2014.


MAYOR

Attest:


City Clerk



CITY OF KIRKLAND
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: J. Kevin Nalder, Director of Fire and Building
Marilynne Beard, Deputy City Manager
George Dugdale, Senior Financial Analyst

Date: February 13, 2015

Subject: POTENTIAL FIRE AND EMERGENCY SERVICES BALLOT MEASURE

During the 2015-2016 Budget process, the City Council was presented a preliminary Work Program that included the siting and construction of a new fire station located in north Kirkland. The "Wants, Needs and Resources" discussion during the budget process also included exploration of possible ballot measures over the next six years such as a capital ballot measure for fire and emergency services, the Aquatic, Recreation and Community Center, and a transportation package. The Public Safety Committee asked that potential costs of options for a fire and emergency services operating ballot measure also be provided at the retreat. The purpose of this memo is to provide a list of potential investments in fire and emergency services, the estimated cost of each and the potential taxpayer impact of each.

The Fire Strategic Plan was completed in 2012 and presented 90 recommendations for operational, capital and policy improvements that should be considered for Kirkland's Fire and Emergency Services system. A number of the Fire Strategic Plan recommendations have been implemented or are in the process of being implemented. Others require additional time or resources and will be addressed over time. One of the recommendations of the Fire Strategic Plan was to complete detailed standard of coverage study to better understand coverage issues and potential investments. The Standard of Cover and Deployment Study was presented to the City Council in August 2014. The investments described below reflect the options and costs required to implement the Standard of Cover and Deployment Study.

Capital Investments

The Standard of Cover and Deployment Study presented a series of investments to improve response time coverage throughout the system. One of the recommendations was a modification of an earlier plan to address coverage gaps on Finn Hill. For at least ten years, first Fire District #41, and then the City after annexation, have been studying the consolidation of Stations 25 and 24 on Finn Hill into one consolidated station on Finn Hill in a more strategic location that could better serve the area. The City approved an Interlocal Agreement with Fire District #41 to close Station 25 and build a consolidated fire station on Finn Hill shortly before the Fire District expired when annexation occurred. The Standard of Cover and Deployment Study suggested a "dual station" approach where Station 25 would remain in operation and a

new station would be built in the vicinity of NE 132nd Street and 100th Avenue NE would provide a better long term solution. In the short term, staff recommended that the new station be staffed by moving one of the engine companies currently at Station 27, so that both Station 27 and the new station would be staffed. Significant funding for a new station is already in place based on \$5.2 million provided by Fire District #41 before their dissolution in 2011 with an additional \$3 million contribution from the City's capital reserves as part of the 2015-2016 budget. In the longer term, the study recommended also moving Station 27 to a location east of the Interstate 405. In addition to the new stations, modernization of four older existing stations is needed. The study also recommended staffing additions which are discussed in the next section of this memo.

Debt financing for capital projects can either be **voted** or **councilmanic**. Councilmanic debt is allowed by City Council action. Total councilmanic debt (also called Limited General Obligation Bonds) is restricted by state law to a percentage of the City's total assessed valuation. The debt service period can be over any period, but is generally not any longer than the useful life of the improvement. General obligation bonds for capital facilities are generally issued for 20 or 30 year. For the purposes of this analysis, a 20 year bond issue was assumed. Debt service on councilmanic debt must be paid from current revenue sources of the government. In other words, it constitutes a new demand on general fund revenues – it does not add any more revenue to service the debt.

Voted debt can take the form of a **levy lid lift** or an **excess levy**.

An excess levy requires 60 percent voter approval and allows for taxes to be levied in excess of the City's regular levy sufficient to retire the debt. Excess levies (also referred to Unlimited General Obligation Bonds) can be issued for any length of time, consistent with the life of the asset (similar to councilmanic debt).

Debt can also be financed through a levy lid lift whereby voters approve an increase in the regular levy to service debt. A levy lid lift only requires 50 percent voter approval but limits the debt issue to nine years. Since the debt is retired over a shorter period of time, the annual debt service is higher and the tax impact is greater, albeit shorter.

A variation on both levies is the creation of a **Regional Fire Authority (RFA)**. The RFA is a taxing district that can fund capital and operating for fire and emergency medical services. The RFA must be created by voters and has the ability to accomplish a levy lid lift or an excess levy with essentially the 50% + one and 60% approval requirements. Currently any RFA must include more than one jurisdiction to be formed. However there is legislation in Olympia that would allow a single-city RFA. Kirkland supports this legislation. The Kirkland City Manager has also entered into very preliminary exploratory discussions with the Bellevue City Manager about the possibility of forming an RFA with Bellevue for purposes of funding key capital needs for both cities. A purely capital RFA has not yet been done in Washington and while it does appear feasible, additional legal research and analysis is necessary.

There are pros and cons associated with each of these methods that can be discussed in further detail at a later time. The purpose of this memo is to provide a general sense of the tax impacts of the potential capital improvements.

Since the new North Kirkland station already has \$8.2 million identified, a potential ballot measure could be one funding mechanism for the remaining capital needs and any additional amount needed for the North Kirkland station. Staff is in the process of securing more accurate cost information for Station 27 and the other station modernization projects so the tables represent a low and high range of cost for discussion purposes. More accurate projections are expected to be available by late March.

The table below provides a general estimate of each project and the resulting debt service under two different financing scenarios – 20 year bonds issued either as voted debt or councilmanic debt and 9 year bonds issued through a levy lid lift. The estimates were derived from the analysis done for the new North End station and assume an interest rate of 4.5%.

The table below summarizes the low and high ranges of capital costs and property tax impacts to a median home value of \$435,000. More detailed tables are provided on the following page.

Summary of Low to High Range Costs and Tax Impact

Station	Low Estimate	High Estimate
St #25 Remodel	\$2,000,000	\$3,000,000
St #26 Remodel and Expansion	1,700,000	2,500,000
St #22 Remodel and Expansion	1,600,000	2,400,000
St#21 Remodel and Expansion	1,500,000	2,250,000
St #27 Land and Construction	9,142,959	14,713,156
Total Costs	\$15,942,959	\$24,913,156
Annual Tax Impact Levy Lid Lift 9-year Bonds	\$51.70	\$80.79
Annual Tax Impact Voted 20-year Bonds	\$28.89	\$45.15

If debt were issued as councilmanic debt, it would be repaid from existing General Fund revenues and not a new tax levy. The table below demonstrates the annual debt service payment that would be required for each \$1 million of debt issued in this manner, ranging from a 9 year to a 30 year financing term. A 20 year bond at the high end estimate of \$25 million would require an annual contribution of \$1,921,900 from the general fund.

Annual General Fund Impact Per \$1 million of Issued Debt at 4.5% Interest

Debt Term (years)	Annual Impact
9	\$137,574
20	\$76,876
30	\$61,391

Low estimate of capital costs

Remodel	4,820,000	307	25	1973	6,488	2,000,000
Remodel + 200sq ft expansion	1,600,000	175	26	1994	9,795	1,700,000
Remodel + 200sq ft expansion	1,600,000	175	22	1980	9,071	1,600,000
Remodel + 200sq ft expansion	1,600,000	175	21	1997	8,541	1,500,000
Subtotal						6,800,000

Low End Estimated Costs for Kirkland Station 27 Rebuild

Sq Footage	Land Cost	Site Development	Building Cost	Soft Costs	Programmatic Requirements	Total
8,159	1,780,515	1,502,409	2,320,427	2,689,608	850,000	9,142,959
Subtotal						9,142,959

Total Debt Amount	15,942,959
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	Levy Lid Lift (9 yrs)	Councilmanic or Voted Bonds (20 yrs)
Bond Duration	9	20
Interest Rate	4.50%	4.50%
Annual Debt Service	\$2,193,344	\$1,225,633

Total AV in City	18,453,587,963	18,453,587,963
Median Value of a Home	435,000	435,000
Levy Rate to Repay Debt	0.11886	0.06642
Annual Impact Homeowner	51.70	28.89
Monthly Impact Homeowner	4.31	2.41

Operating Investments

The Standard of Cover and Deployment Study recommended long term staffing additions to improve response times. The combination of capital and operating investments would take the fire and emergency services system to a point where response time goals could be met (meeting response time standards 90% of the time). Implementation of any strategic plan is generally accomplished in increments over time, as resources are available. The following investments are service enhancements that could be approached incrementally to achieve the long range staffing levels recommended in the study.

The enhancement options shown on the table below are not all additive. Not all of them need to be done and some of the options eliminate the need for other options. For instance, if a new engine company were added, the City probably would not invest in a 12-hour Aid Unit at the same station.

Another dynamic is the staffing needed for 24 hour/7days per week coverage. For every one firefighter on duty, an average of 4.8 FTE's need to be hired in order to account for shift coverage, holidays, vacations, training etc. Firefighters work in one of three shifts (A, B or C shift). One shift composed of a minimum of 19 firefighters is currently assigned to staff all five fire stations. Three shifts rotate through to cover the 24/7 time period. As shown in the table below, if three firefighters are needed each shift to staff an engine company (an Aid Unit and a fire engine), a total of 15 new firefighters must be hired to cover all shifts.

Following is a brief description of each investment package and the operating impacts:

Add a Cross-Staffed Engine Company to Station 24, rather than transfer one

While the current proposal is to initially transfer a cross staffed engine company to the new Station 24, (the "North Kirkland" Fire Station), adding a new company to staff a fire engine and aid unit to supplement current staffing levels, apparatus and equipment at the existing fire stations is the ultimate recommendation in the Standard of Cover and Deployment Study. Adding 15 new firefighters would be necessary to accomplish the new engine company but such an action would allow Station 27 to remain staffed with six firefighters 24/7. Adding a new engine company would also increase the effective response force for the north end.

Adding a Second Ladder Truck and Staffing

Both the Standard of Coverage and Deployment Study and recent Washington State Rating Bureau Survey recommend eventually adding a staffed second ladder truck, which requires three staff to operate for a total of 15 new firefighters. Both sited Effective Response Force as the basis for this recommendation. The lack of automatic aid on the City's western border is a major reason for this resource need. A ladder truck is a specialized apparatus with specialized equipment and staffed with personnel having specialized training. There is only one ladder truck in Kirkland while there are five fire engines that can potentially respond to all areas within the City. Providing a second ladder truck with staffing will improve high risk ERF performance goals.

Add a Fourth Firefighter to Each Engine Company

Current daily minimum staffing on each cross-staffed apparatus is three firefighters. Eventually providing a fourth firefighter on each cross-staffed apparatus is recommended in the Strategic Plan, Standard of Coverage and Deployment Study and recent Washington State Rating Bureau Survey of the Kirkland Fire Department. NFPA 1710 and Center for Public Safety Excellence guidelines are the basis of these recommendations. Adding one additional firefighter to each engine company would allow two firefighters to respond on the aid unit and leave two available to staff the engine. The second crew can use the engine to respond as an aid unit or take the engine to a fire incident, although it would still need to be joined by other crews to attack the fire. Implementation of this recommendation would add five additional firefighters per shift based on current staffing, which would require 24 new firefighters. The response system will benefit by nearly doubling the number of available response units from six to eleven.

Dedicated Aid Cars

One option to address the ability to respond to concurrent medical calls for service is to staff an aid unit with two firefighters as opposed to the current cross-staffed model. This option is recommended in the Strategic Plan, Standard of Coverage and Deployment Study and recent Washington State Rating Bureau Survey of the Kirkland Fire Department. There is no need to purchase or maintain additional Aid Units regardless of the number of staffed Aid Units as the current cross-staffed Aid Units would be utilized. Each new dedicated Aid Unit creates redundancy in the system that improves in-service time for engine companies. Dedicated Aid Units are recommended primarily for the busiest stations – Stations 27 and 22.

12 Hour Staffed Aid Unit

Another option to address the ability to respond to concurrent medical calls for service is to staff an aid unit with two firefighters, as opposed to the current cross-staffed model, for a twelve hour period during the peak call volume time of day. This option is recommended in the Strategic Plan and Standard of Coverage and Deployment Study. While it is possible to hire firefighters and develop a schedule to accommodate this model, it would be necessary to negotiate working conditions with Local 2545 prior to implementation. Therefore, implementation of this model under current negotiated working conditions would require staffing with current department firefighters at an overtime rate of pay. There is no need to purchase or maintain additional Aid Units regardless of the number of staffed Aid Units as the current cross-staffed Aid Units would be utilized. There are no one-time costs associated with this model as current firefighters would be utilized. Twelve hour staffed Aid Unit provides the same benefit as the full-time staffed Aid Unit previously discussed.

The table on the following page shows the relative cost and tax impact of each package. By way of context, the City's current operating levy rate is \$1.459 per \$1,000 of assessed valuation. The median value of a single family home in Kirkland is \$435,000. The annual regular property taxes paid by the average single family home is \$635 per year or \$53 per month.

Ballot Measure Timing

State law provides for local ballot measures at two special election dates, a primary election and a general election. For discussion purposes, the election schedules for 2015, 2016 and 2017 are shown below. The resolution date represents the deadline for the City to submit an authorizing resolution to King County. If Council wishes to pursue a ballot measure for fire and emergency medical services, the earliest likely date would be August or November of 2016 due to the engineering, financial and operational analysis and public outreach efforts necessary to create an appropriate measure.

Year	Resolution Due	Special Election	Resolution Due	Special Election	Resolution Due	Primary Election	Resolution Due	General Election
2015	N/A	2/10/15	3/13/15	4/28/15	5/8/15	8/4/15	8/4/15	11/3/15
2016	12/25/15	2/9/16	3/11/16	4/26/16	5/13/16	8/2/16	8/2/16	11/8/16
2017	12/30/16	2/14/17	3/10/17	4/25/17	5/12/17	8/1/17	8/1/17	11/7/17

Summary

The information provided in this memo was developed for the purpose of the City Council's discussion about potential future ballot measures. The estimates are preliminary and are only intended to provide an order or magnitude cost for potential investments. Further refinement of options and costs estimates can be prepared at Council's direction.

Staff is seeking input from the City Council regarding the following policy questions:

1. What conditions should be in place before the City Council is ready to prepare a ballot measure for voter consideration (e.g. Station 24 location and staffing resolved)?
2. What factors would contribute to a successful fire and emergency services ballot measure?
3. Would Council like staff to develop other interim options for Council consideration prior to a ballot measure?
4. Does the Council need additional information on any of these issues?