



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Lorrie McKay, Intergovernmental Relations Manager
Date: March 5, 2016
Subject: 2016 STATE LEGISLATIVE UPDATE #5

RECOMMENDATION:

Council should receive its fifth update on the 2016 state legislative session

BACKGROUND DISCUSSION:

This memo reflects an update on the City's legislative interests as of March 5. At the writing of this memo, the legislature had concluded its eighth week of the nine week 2016 short Session. March 4 was the last day to consider (pass) opposite house bills. The last day allowed for the regular session is Thursday, March 10.

Council's Legislative Workgroup

The Council's Legislative Workgroup (Mayor Walen, Councilmember Asher and Councilmember Marchione) is scheduled to meet weekly throughout the session on Friday's to discuss the status of the City's 2016 legislative priorities (Attachment A). Mayor Walen and Councilmember Asher met on March 4. The status of remaining bills, on which the City has taken a position, is also attached (Attachment B).

Status Summary of the City's 2016 legislative priorities

- New policies and funding tools to address homelessness and create more affordable housing:

([Senate Bill 6239](#)) Property tax exemption program for the preservation of housing

The City of Seattle is the lead on this bill, which authorizes city governing authorities to adopt a property tax exemption program, and county governing authorities to adopt a property tax exemption program for unincorporated jurisdictions, to preserve affordable housing that meets health and quality standards for very low-income households at risk of displacement or that cannot afford market-rate housing. The bill appears to have stalled in House Rules.

([House Bill 2086](#)) Prohibiting certain limitations on the hosting of the homeless by religious organizations

While the House passed this bill, it did so mostly along party lines. Once referred to the Senate Human Services, Mental Health & Housing Committee, it never received a hearing and it died.

([Senate Bill 6337](#)) Disposing tax foreclosed property to cities for affordable housing purposes

This bill was championed by the City of Tacoma and it has been passed by both chambers and is on its way to the governor's desk. The final version of the bill calls for, prior to disposing of tax-foreclosed property, the county legislative authority gives notice to any city in which any tax foreclosed property is located within 60 days of acquiring the property. The notice must offer the city the opportunity to purchase the property for the original minimum bid under RCW 84.64.080 plus any direct costs incurred by the county in the sale, under the following conditions:

- the city must accept the offer within 30 days of receiving the notice, unless the county agrees to extend the offer;
- the city must provide that the property is suitable and will be used for affordable housing development; and
- the city must agree to transfer the property to a local housing authority or nonprofit entity eligible under chapter 43.185A RCW. The city must be reimbursed by the entity for the original minimum bid under RCW 84.64.080 plus any direct costs incurred by the city in the sale of the property to a local housing authority or eligible nonprofit.

Women & Family Shelter – Capital Budget Request

The City, in partnership with Catholic Community Services, The Sophia Way and ARCH (A Regional Coalition for Housing) submitted a request for capital budget funding for this project. The House proposed supplemental capital budget (HB 2380) included \$350,000 toward the design and construction of the Women's Shelter in Kirkland. Council's Legislative Workgroup and the City's lobbyist are working to have this funding included in the final capital budget

- Capital budget funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector:
Funding for this priority was not included in either proposed supplemental capital budget.
- Allow both the state and local governments the option of replacing the property tax cap:
There was no movement on this priority this session.
- Facilitate greater access to rooftop residential and community solar installations by extending the timeframe for state solar incentives in the Renewable Energy System Cost Recovery program:

([House Bill 2346](#)) Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.

The House passed HB 2346 on February 16. The bill was then referred to the Senate Energy committee where it was amended to only allow the incentive program, if no clean air rule is adopted by the Governor. This amendment, along with concerns that the state can't afford the incentives, appears to have stalled the bill in Ways & Means.

- Clarify records retention, disclosure, and use limitations of video and/or sound recordings made by law enforcement or corrections officers:

([House Bill 2362](#)) Concerning video and/or sound recordings made by law enforcement or corrections officers.

The Senate amended the body cam bill floor before passing it. The bill takes effect 90 days after adjournment of the session (June 9, 2016). Generally speaking, the final version of the bill:

- Establishes Public Records Act provisions governing requests for and disclosure of certain body worn camera recordings made by law enforcement and corrections officers while in the course of their official duties.
- Requires law enforcement and corrections agencies that deploy body worn cameras by the effective date of the act to adopt policies covering the use of body worn cameras within 120 days of the effective date of the act (October 7, 2016). An agency that deploys body worn cameras on or after the effective date of the act must establish the policies before deploying body worn cameras. The requirement that an agency adopt body worn camera policies expires July 1, 2019.
- Cities or towns that are not deploying body worn cameras on the effective date of the act are strongly encouraged to adopt an ordinance or resolution authorizing the use of body worn cameras before their use within the jurisdiction, and to identify a community involvement process for providing input into development of body worn camera policies.
- Establishes a task force to review and report on the use of body worn cameras by law enforcement and corrections agencies. The Task force report and recommendations are due by December 1, 2017.

The Association of Washington Cities (AWC) is OK with the final version of the bill that passed.

Importantly, the Washington Association of Sheriffs and Police Chiefs (WASPC) observes that the bill states that "public records relief to agencies that deploy body cams only applies to agencies that have deployed body cams before the effective date of the bill (June 9, 2016). Agencies that deploy body cameras on or after June 9, 2016 will not benefit from the provisions of HB 2362." According to the AWC, pilot programs count in this case. The City staff has evaluated whether it is worth it to try and get a pilot program going before June 9. The staff feel that the issue requires an extensive conversation with the community and is too important and too technically and financially complicated to rush into a pilot in the next three months. However staff wanted to highlight this pilot issue in case the Council wishes to make a different policy decision.

Supplemental Budget

In the shadow of the state revenue forecast released February 17, lawmakers will endeavor to negotiate a final supplemental budget in the final week of the regular session. As reported in Council's previous update, the revenue forecast showed that the current two-year \$38 billion budget that ends in the middle of 2017, falls about \$78 million short of what was originally estimated. The forecast for the next two-year budget falls short by \$436 million. The projected overall state budget for 2017-19 is expected to be about \$41 billion. It is not certain that the legislature will complete its budget work by March 10.

Supplemental Transportation (ESHB 2524)

- Maintains the 2015 funding appropriation of \$75 million and the originally proposed phasing of funding for the ramps at NE 132nd and I-405: \$8M (2017-19), \$54M (2019-21) and \$13M (2021-23).
- Of the \$5.5 million in funding for Bike-Share expansion in Kirkland, Bellevue, Redmond and Issaquah \$5 million will likely be moved out to "future biennia."

Supplemental Capital (SB 6201)

- The House proposed supplemental capital budget included \$350,000 toward the design and construction of the Women's Shelter in Kirkland. Council's Legislative Workgroup and the City's lobbyist are working to have this funding included in the final capital budget

Supplemental Operating (SB 6246)

- On behalf of the City Council, Mayor Walen sent a letter (Attachment C) to the Chair of Ways & Means expressing the City's support for training funding for Basic Law Enforcement Academy (BLEA), maintaining the Fire Insurance Premium Tax and shared distributions with cities, and maintaining funding for the Municipal Research & Service Center (MRSC).
- Also, on behalf of the City Council, Mayor Walen sent a letter (Attachment D) to the Chair of Ways & Means expressing the City's support for the budget proviso, adopted by the House of Representatives, to appropriate funding to the William D. Ruckelshaus Center to conduct a study concerning public records requests of local agencies.

Attachments: A. Status update of the City's 2016 legislative priorities (3/4/16)
B. Bill Tracker – Recommended Positions (3/4/16)
C. Operating Budget Letter Re: Funding BLEA, Fire Insurance Premium Tax and MRSC
D. Operating Budget Letter Re: Funding to Ruckelshaus Center to conduct a study concerning public records requests of local agencies.

**2016 Legislative Priorities and Status – City of Kirkland
Updated: March 4, 2016**

Legislative Priority	Bill #	Prime Sponsor	Status
<p>New policies and funding tools to address homelessness and create more affordable housing.</p> <ul style="list-style-type: none"> • Prop tax exemption for preservation of affordable housing • Encampments • Disposing tax foreclosed property to cities for affordable hsg. • Sale of manufactured/mobile home communities <ul style="list-style-type: none"> • Capital Budget Request for Women’s Shelter 	SB 6239	Sen Fain	2/16 – PASSED Senate 36 years, 13 nays 2/29 – Referred to Rules 2 Review
	HB 2086	Rep. McBride	2/11 – PASSED House 53 years, 43 nays, 1 excused 2/15 – Referred Human Services, Mental Health & Housing
	SB 6337	Sen. Darnielle	2/16 – PASSED Senate 36 years, 14 nays 3/1 – PASSED House 61 years, 36 nays, 1 excused
	HB 2799	Rep. McBride	2/26 – House Rules “X” file
	HB 2380 SB 6201	Rep. Tharinger Sen. Honeyford	2/29 - Referred to Rules 2 Review (\$350K for Wmns Shelter) 2/26 – PASSED Senate 39 years, 10 nays (No \$ for Wmns Shelter) 2/29 – House Rules suspended, placed on second reading
<p>Capital budget funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector.</p>	HB 2380 SB 6201	Rep. Tharinger Sen. Honeyford	2/24 – Not included in House Supplemental Capital Budget 2/24 – Not included in Senate Supplemental Capital Budget
<p>Allow both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.</p>			
<p>Facilitate greater access to rooftop residential and community solar installations by extending the timeframe for state solar incentives in the Renewable Energy System Cost Recovery program.</p>	HB 2346	Rep. Morris	2/16 – PASSED House 77 years, 20 nays, 1 excused 2/26 – Referred to Ways & Means
<p>Clarify records retention, disclosure, and use limitations of video and/or sound recordings made by law enforcement or corrections officers.</p>	HB 2362	Rep. Hansen	2/22– PASSED House 61 years, 36 nays, 1 excused 3/4– PASSED Senate 37 years, 9 nays, 3 excused

* No HIGHLIGHTS = No change in status from last update.

Bill	Title	Position	Sponsor	Status
Support				
HB 2346	Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.	Support	Morris	2/16 - House PASSED: 77 yeas, 20 nays, 1 excsd 2/26 - Referred to Ways & Means
HB 2362	Concerning video and/or sound recordings made by law enforcement or corrections officers.	Support	Hansen	2/22 - House PASSED: 61 yeas, 36 nays, 1 excsd 3/4 - Senate PASSED: 37 yeas, 9 nays, 3 excsd
HB 2519	Allowing nuisance abatement cost recovery for cities.	Support	McCaslin	2/16 - House PASSED: 76 yeas, 21 nays 3/3 - Senate PASSED: 48 yeas, 1 excsd
HB 2576	Concerning public records act requests to local agencies.	Support	McBride	2/26 - House Rules "X" file \$250,000 budget proviso in H Supp Operating
HB 2583	Authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the Washington arts commission	Support	McBride	2/17 - House PASSED: 90 yeas, 8 nays 2/25 - Referred to Ways & Means
HB 2708	Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval	Support	Appleton	2/17 - House PASSED: 68 yeas, 30 nays 2/26 - Passed to Rules for second reading
HB 2741	Addressing state and local government fiscal agents.	Support	Kuderer	2/17 - House PASSED: 95 yeas, 3 nays 3/3 - Senate PASSED 49 yeas
Monitor				
HB 2971	Addressing real estate as it concerns the local gov authority in the use of real estate excise tax revenues and regulating real estate transactions.	Neutral	McBride	2/17 - House PASSED: 92 yeas, 2 nays 3/2 - Senate PASSED: 48 yeas, 1 excsd
HB 2984	Relating to local government financing.		Senn	2/15 - Referred to Local Government
Oppose				
HB 2929	Concerning temporary homeless housing by religious organizations	Oppose	Parker	2/11 - House PASSED 96 yeas, 1 excsd 3/4 - Senate PASSED 48 yeas, 1 excsd

Bill	Title	Position	Sponsor	Status
Support				
SB 6171	Concerning civil penalties for knowing attendance by a member of a governing body at a meeting	Support	Roach	2/16 - Senate PASSED: 49 yeas 3/4 - House PASSED: 72 yeas, 25 nays, 1 excsd
SB 6211	Concerning the exemption of property taxes for nonprofit homeownership development.	Support (weak)	Bailey	2/10 - Senate PASSED: 46 yeas, 3 nays 3/3 - House PASSED: 83 yeas, 14 nays, 1 excsd
SB 6239	Authorizing local governments to adopt a property tax exemption program for the preservation of certain affordable housing	Support	Fain	2/16 - Senate PASSED: 36 yeas, 13 nays 2/29 - Placed on second reading by Rules
SB 6248	Concerning risk mitigation plans to promote the transition of eligible coal units.	Support	Ericksen	2/16 - Senate PASSED: 42 yeas, 7 nays 3/4 - House PASSED: 92 yeas, 5 nays, 1 excsd
SB 6337	Disposing tax foreclosed property to cities for affordable housing purposes.	Support	Darneille	2/16 - Senate PASSED: 34 yeas, 14 nays 3/1 - House PASSED: 61 yeas, 36 nays, 1 excsd
Oppose				



March 3, 2016

The Honorable Andy Hill, Chair
Senate Ways & Means Committee
P.O. Box 40466
Olympia, WA 98504-0466

Re: Proposed Supplemental Operating Budget

On behalf of the City of Kirkland, I am writing to express support for programs or services that have received funding in the state's operating budget and urge your support as well.

Basic Law Enforcement Academy Classes

Kirkland's police force recently experienced the departure of a handful of police officers, most of which were largely unanticipated and all of whom were very experienced officers. The department has studied the status of officers who are eligible to retire over the next four years and has determined that we will lose 24 people by 2020, which is 24% of our police force. Our need for basic law enforcement training classes is critical.

Fire Insurance Premium Tax

We are very concerned about the proposal to cut the fire insurance premium tax, which helps to fund the City's continuing financial obligations related to LEOFF 1 retirees. For Kirkland that represents approximately \$100,000 per year. Losing this revenue would require the City to backfill this obligation with scarce General Fund resources. We hope you will not need to make this reduction and can keep that whole as you ended up doing last session.

Municipal Research & Service Center

We also hope that you fund the Municipal Research & Service Center. In Kirkland, staff in every city department access the MRSC's research services. For medium and small-sized cities and counties that cannot afford to contract for professional consultation, research and training services, MRSC is a lifeline. MRSC Rosters provides valuable roster services to public agencies statewide. Usage of MRSC Rosters by a large number of public agencies, allows contractors, consultants and suppliers to register on one website to gain access to many opportunities to compete for public sector business. This services ensures that Kirkland's Small Works Roster, Architectural & Engineering Roster and Vendor Roster needs are met. This is pooled money that otherwise would go to local governments and we think it is valuable to keep these services.

Kirkland urges funding for these programs and services. Thank you for your consideration.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink that reads "Amy Walen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Amy Walen, Mayor
City of Kirkland



March 3, 2016

The Honorable Andy Hill, Chair
Senate Ways & Means Committee
P.O. Box 40466
Olympia, WA 98504-0466

Re: Support for Budget Appropriation to Study Public Records Requests of Local Agencies

On behalf of the City of Kirkland, I am writing to express our support for the budget proviso, adopted by the House of Representatives, to appropriate funding to the William D. Ruckelshaus Center to conduct a study concerning public records requests of local agencies.

The City of Kirkland fully supports the Public Records Act. Open and transparent government and the public's access to public information and processes is a right and an expectation that we share. However, overly broad and overly burdensome public records requests are an issue that must be addressed.

A funding appropriation to the William D. Ruckelshaus Center will allow it to facilitate an important stakeholder process to discuss reforms of the Public Records Act and come up with solutions to large public records request.

We encourage the Senate to keep this funding in the budget as it came over from the House.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink, which appears to read "Amy Walen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Amy Walen, Mayor
City of Kirkland

Cc: Kirkland's Senate and House Delegation Members
Kirkland City Council