CITY OF KIRKLAND
City Manager's Office
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: March 9, 2012

Subject: 2012 LEGISLATIVE UPDATE No. 4

RECOMMENDATION:

Council should receive its fourth update on the 2012 legislative session.

BACKGROUND DISCUSSION:

At the writing of this memo the regular 2012 Session of the State Legislature concluded its last day (March 8) allowed under state constitution for this short session and adjourned. However, legislators did not finish the 2012 Supplemental Operating Budget and as a result, will reconvene the first Special Session of 2012 next week.

This is an update on the City's legislative interests as of March 9.

COUNCIL LEGISLATIVE SUBCOMMITTEE:

The Council's Legislative Subcommittee meets weekly on Friday's at 3pm (Mayor McBride, Deputy Mayor Marchione and Council Member Asher).

The Council's Legislative Subcommittee met on March 9 to discuss the status of the city's 2012 legislative priorities (Attachment A), and other bills of interest to the City (Attachment B).

Week 9 (3/5 – 3/8)

In the 9th and final week of the regular session, the City was focused on the bill draft related to our 6th legislative priority, EHB 1398 which exempts low-income housing projects from impact fees. The bill was amended in the Senate a way that was not acceptable to other cities with impact fee exemptions already on the books. As the bill went to the floor of the Senate for a vote on the last day of the session, an acceptable amendment was proposed and passed. The bill then passed the Senate with 32 yeas and 17 nays. The bill then went back to the House for concurrence and a final vote, where it passed with 56 yeas and 42 nays. EHB 1398 has been sent to the Governor for her signature (Attachment C). ESSB 6470, the bill representing the City's 7th legislative priority was passed in week 8 and sent to the Governor for her signature as well (Attachment D). In the final hours of the regular session, Legislators did pass a Transportation budget. However, they did not complete a 2012 Supplemental Operating Budget and therefore did not complete a 2012 Capital Budget. The Governor asked the Legislature to reconvene Monday to finish their budget work for 2012.

Week 1 – Special (3/12 – 3/18)

While the special session technically started at noon Monday, it's only "pro forma" on both Monday and Tuesday, meaning no floor votes or committee action will take place and lawmakers aren't required to be at the Capitol. At the same time, Governor Gregoire was scheduled to meet Monday with Democratic and Republican leaders from the House and Senate to address how to close a budget gap of about $500

million through the end of the two-year budget cycle ending June 2013, as well as leaving money in reserves. The annexation sales tax credit was not touched in the House proposed 2012 Supplemental Budget, nor was it touched in either of the Senate budget proposals. Waypoint Consulting, staff and the Legislative Committee will continue to watch budget developments as closely as possible. The City's continued primary focus is to work toward ensuring that the annexation sales tax credit remains preserved and intact throughout the special session. Staff will also prepare a letter of support to the Governor for EHB 1398 this week.

2012 LEGISLATIVE PRIORITIES:
A detailed matrix tracking the status (as of March 8) of Kirkland's legislative priorities is attached to this memorandum. Below is an at-a-glance summary:

2012 Legislative Priority	Bill Number	Hearing Status
State Annexation Sales Tax Credit House Supplemental Operating Budget Senate Democrat's Supplemental Operating Budget Senate Democrat's Supplemental Operating Budget	HB 2146 HB 2127 SB 5967 SB 5967	1/9 - retained in House Ways and Means 2/29 – Passed House> yeas, 53; nays, 45. 2/28 – Heard in Senate Committee on Ways & Means 3/3 – Floor AMD Passed Senate> yeas, 25; nays, 24 3/8 Floor AMD Passed House> yeas, 53; nays, 45 3/8 – Returned to Senate Rules 3
Oppose new mandates and cost shifting		See bill tracker – monitoring status of all bills.
Financial assistance for the construction of the Public Safety Building	*Several vehicles*	
Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	*Several vehicles*	
Transfer fire hydrant-related costs from the City's General Fund to other more appropriate sources	HB 2591	Suspended
Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	SB 6140	2/13 - Passed Senate - yeas, 34; nays, 14; absent, 0; excused, 1 3/1 – Passed House - yeas, 88; nays, 9; absent, 0; excused, 1
Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398	1/27 – Passed House - yeas, 53; nays, 42; absent, 0; excused, 3 3/1 – AMD Passed Senate - yeas, 32; nays, 16; absent, 0, xcsd, 1 3/5 – House refused to concur. Asks Senate to recede from amendments. 3/8 – Senate receded from amendments. Floor amendments adopted. – Passed Senate > yeas, 32; nays, 17 – House concurred in Senate amendments. – House final passage > yeas, 56; nays, 42
Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615 SB 6470	3/8 – By resolution, returned to Rules 2/14 – Passed Senate - yeas, 34; nays, 15 3/1 – Passed House - yeas, 57; nays, 41
State funding mitigation to communities impacted by diversion caused by tolling of state facilities.	*Several vehicles*	

CORRESPONDENCE:
A letter of support for SB 6470, establishing Fire Benefit Charge authority for cities that annex was sent to the Governor urging her signature (Attachment E).

Attachments: Status of city's 2012 legislative priorities
List of bills the City is tracking and positions
Bill Text of EHB 1398, as passed by the legislature
Bill Text of ESSB 6470, as passed by the legislature
Letter to the Governor in support of ESSB 6470

City of Kirkland Legislative Priorities and Status: 2012 Legislative Session

Updated 3.9.12

Attachment A

	Legislative Priority	Bill #	Prime Sponsor	Status
	State Annexation Sales Tax Credit *(Held harmless in both proposed House and Senate supplemental operating budgets.)* *(Held harmless in both House and Senate passed budget bills.)*	HB 2146 PSHB 2127 SB 5967	Hunter/Gov Hunter/Gov Murray/Gov	1/9 - By resolution, retained in present position (House Ways and Means) 2/29 **Passed House>** yeas, 53; nays, 45; absent, 0; excused, 0 3/2 – First reading in Senate Ways & Means 3/3 – Floor AMD **Passed Senate** - yeas, 25; nays, 24; absent, 0; xcsd, 0 3/8 Floor AMD **Passed House>** yeas, 53; nays, 45; absent, 0; xcsd, 0 3/8 – Returned to Senate Rules 3
1	Oppose new mandates and cost shifting			See bill tracker – monitoring status of all bills.
2	Financial assistance for the construction of the Public Safety Building	*Several vehicles*		
3	Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	*Several vehicles*		
4	Transfer fire hydrant-related costs	HB 2591	Rep. Eddy	1/25 – 1:30PM Heard in Local Government - SUSPENDED
5	Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	HB 2746 SB 5705 SB 6140	Rep. Springer Sen. Kilmer Sen. Kilmer	1/30 – Heard in Community & Economic Dev & Housing – "DEAD" 1/9 - By resolution, reintroduced &retained in present status – "DEAD" 2/13 - **Passed Senate** - yeas, 34; nays, 14; absent, 0; excused, 1 3/1 – **Passed House** - yeas, 88; nays, 9; absent, 0; excused, 1
6	Eliminate cities' obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398	Rep. Fitzgibbon	1/27 – **Passed House** - yeas, 53; nays, 42; absent, 0; excused, 3 3/1 – AMENDED **Passed Senate** - yeas, 32; nays, 16; absent, 0, xcsd, 1 3/5 – House refused to concur. Asks Senate to recede from amendments. 3/8 – Senate receded from amendments. Floor amendments adopted. – **Passed Senate >** yeas, 32; nays, 17; absent, 0; excused, 0 – House concurred in Senate amendments. – **House final passage >** yeas, 56; nays, 42; absent, 0; excused, 0
7	Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615 SB 6470	Rep. Goodman Sen. McAuliffe	2/13 – **Passed House** - yeas, 51; nays, 46; absent, 0; excused, 1 3/8 – Referred to Rules 2/14 – **Passed Senate** - yeas, 34; nays, 15; absent, 0; excused, 0 3/1 – **Passed House** - yeas, 57; nays, 41; absent, 0; excused, 0
8	State funding mitigation to communities impacted by diversion caused by tolling of state facilities.	*Several vehicles*		

Kirkland Bill Tracker: House Bills
(updated 3.9.12)

Attachment B

Bill	Title	Position	Status
Support			
HB 1234	Security alarms, crime watch	2011 - Support	**1/16 - Passed House** (yeas, 90; nays, 0; xcsd, 8) **3/1 - Passed Senate>** (yeas, 49; nays; 0)
HB 1398	**Low income housing/fee ex.**	**2011 - Support**	**1/27 - Passed House>** (yeas, 53; nays, 42; xcsd 3) **3/1**–AMD **Passed Senate>**yeas, 32; nays, 16; xcsd,1 3/5 - House refused to concur. Asks Senate to recede from amendments. **3/8** – Senate receded. Flr amndmnts adopted. **– Senate final passage> (yeas, 32; nays, 17)** - House concurred with Senate amendments **– House final passage> (yeas, 56; nays, 42)**
HB 2190	Transp. Supplemental Budget	Support	3/8 - Senate final passage > (yeas, 43; nays, 6) 3/8 - House Passed final passage (yeas, 85; nays, 13>
HB 2191	Police Dogs	Support	**2/8 - Passed House>** (yeas, 98; nays, 0; xcsd, 0) **2/28 - Passed Senate>** (yeas, 49; nays, 0)
HB 2201	Use and governance of hearing examiners	Support	1/30 - Referred to Rules 2 Review
HB 2216	Vehicular homicide & assaault	Support	**2/13 - Passed House** (98 yeas, 0 nays, 0 excused) **3/1 - Passed Senate>** (yeas, 46; nays, 0; xcsd 3)
HB 2253	Modernizing the functionality of the state environmental policy act	Support	2/13 - Passed (92 yeas, 6 nays, 0 excused) 2/27 - Heard in & Exec'ed from Ways & Means 2/29 - Placed on 2nd reading 3/8 - Referred to Rules
HB 2302	Being under the influence w/ child in the vehicle	Support	**2/13 - Passed House**> (yeas, 98; nays; 0) 2/28 - Placed on 2nd reading **2/29 - Passed Senate>** (yeas, 49; nays; 0)
HB 2417	Increasing $ amount for construction of a dock that doesn't qualify as a substantial development under SMA	Support	1/30 - Passed (96 yeas, 0 nays, 2 excused) 2/28 - Placed on 2nd reading 3/8 - Referred to Rules
HB 2482	Designating innovation partnership zones.	Support	**2/9 - Passed House**> (yeas 81; nays 16; excsd 1) **2/29 - Passed Senate**> (yeas, 48; nays; 1)
HB 2594	Concerning criminal street gangs	Support	2/14 - Returned to Rules
HB 2615	**Authorizing benefit charges for the enhancement of fire protection services**	**Support Priority #7**	2/13 - Passed (51 yeas, 46 nays, 1 excused) 3/8 - Returned to Rules
HB 2641	Reducing nontax administration costs associated with the conduct of city and county operations.	Support	1/31 - referred to Judiciary
HB 2660	Addressing transportation revenue	Support	**3/8 - Passed House>** (yeas, 56; nays, 42) **3/8 - Passed Senate>** (yeas, 30; nays, 19)
HB 2662	Authorizing community economic revitalization board funding to benefit innovation partnership zones	Support	2/3 - Referred to Rules 2 Review
HB 2746	**Concerning community redevelopment financing in apportionment districts**	**Support Priority #5**	1/30 - Heard in Comm Econ Dev & Housing
SHB 2751	Concerning local transportation revenue	AWC - Support	2/7 - Referred to Rules 2 Review
Neutral			
HB 1702	Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.	Neutral	2/14 - Return to Rules for 3rd Reading
HB 2610	Repealing provisions governing community municipal corporations	Neutral	2/9 - Passed (56 yeas, 40 nays, 2 excused) 2/23 - Exec. But motion to report out failed.
Oppose			
HB 2146	**Reducing certain local sales & use tax provsns**	**2012 - Oppos**	1/9 - Retained in W&M
HB 2140	Concerning liquor revenue	Oppose	1/9 - Retained in W&M
HB 2143	Modifying community supervision provisions	Oppose	1/11 Heard W&M.
HB 2144	Modifying offender release provisions	Oppose	1/11 Heard W&M.
HB 2490	Simplifying state & local tax & licensing systems	Oppose	1/16 - Referred to HWM
HB 2520	Concerning the assessment of property with substantial land use limitations	Oppose	1/17 - Referred to W&M
Undecided			

Kirkland Bill Tracker: House Bills
(updated 3.9.12)

Attachment B

HB 2728	Increasing flexibility and diversity of local government revenue	Concerns as drafted / AWC Rcmmd Support	1/27 - Referred to W&M 2/1 - Heard in W&M
HB 2612	Enacting the Washington voting rights act of 2012	Concerns	2/14 - Returned to Rules for 2nd Reading
HB 2671	Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions of the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW	No recommendation	**2/13 - Passed House** (54 yeas, 44 nays, 0 excused) **3/1 - Passed Senate>** (yeas, 42; nays, 9; xcsd, 1)

Kirkland Bill Tracker: Senate Bills
(updated 3.9.12)

Attachment B

Bill	Title	Position	Status
Support			
SSB 5234	collection, transportation, and disposal of unwanted medicines	Support	2/22 - Senate Rules "X" file
SB 5244	security alarms, crime watch	2011-Support	2/22 - Senate Rules "X" file
SB 6109	Exempting video & audio recordings of closed executive session mtgs from public inspection & copying	Support	2/13 - Passed (39 yeas, 9 nays, 1 excused) 2/20 - Hearing in State Gov & Tribal Affairs
SB 6130	Modernizing the functionality of the state environmental policy act	Support	2/22 - Senate Rules "X" file
SB 6140	Concerning local economic development financing	Support	**2/13-Passed Senate** (34 yeas, 14 nays, 1 xcsd) 3/1-**Passed House>** (yeas, 88; nays, 9; xcsd, 1)
SB 6146	Clarifying restrictions on the use of the PRA for purpose of obtaining records for commercial or profit-making	Support	2/22 - Senate Rules "X" file
SB 6455	Addressing transportation revenue	Support	**2/13-Passed Senate** (31 yeas, 18 nays, 0 xcsd) **3/5-Passed House** (yeas, 55; nays, 41; xcsd, 2)
SB 6470	**Authorizing fire benefit charges**	**Support**	**2/14 - Passed Senate** (34 yeas, 15 nays) **3/1 - Passed House** (57 yeas, 41 nays)
SB 6582	Concerning local transportation revenue options	AWC Rcmmd Support	**2/13-Passed Senate** (25 yeas, 24 nays, 0 xcsd) **3/3-**AMD **Passed House** (yeas, 53; nays, 43; xcsd, 2) 3/5 - Senate refused to concur 3/7 - Conference Committee Reports from both H & S 3/8 - Returned to Senate Rules 3
SJR 8218	limit certain initiatives placed on ballot	Support	1/9 read GOTRE. 12/15 prefiled
Oppose			
SB 5995	Urban growth area boundaries	Oppose	**2/10 - Passed Senate>** yeas 46; nays 0; xcsd 3 **2/27 - Passed House>** yeas 92; nays 2; xcsd 2
SB 6176	Simplifying state & local tax & licensing systems	Oppose	2/7 - Heard in W&M
SB 6474	Changing sales tax sourcing from destination based to origin based if congress does not enact legislation requiring remote sellers to collect sales	Oppose	1/25 - Referred to W&M
Undecided			
SB 6381	Enacting the Washington voting rights act of 2012	Concerns	2/22 - Senate Rules "X" file
SB 6521	Increasing flexibility and diversity of local government revenue	Concerns as drafted / AWC Rcmmd Support	2/6 - Heard in W&M

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1398

62nd Legislature
2012 Regular Session

Passed by the House March 8, 2012
Yeas 56 Nays 42

Speaker of the House of Representatives

Passed by the Senate March 8, 2012
Yeas 32 Nays 17

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1398** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED HOUSE BILL 1398

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Fitzgibbon, Seaquist, Orwall, Springer, Upthegrove, and Kenney

Read first time 01/20/11. Referred to Committee on Community Development & Housing.

AN ACT Relating to exempting low-income housing from impact fees; and amending RCW 82.02.060.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) May provide an exemption from impact fees for low-income housing. Local governments that grant exemptions for low-income housing under this subsection (3) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts. An exemption for low-income housing granted under subsection (2) of this section or this subsection (3) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion. Covenants required by this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under subsection (2) of this section or this subsection (3) for low-income housing may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school district who receives school impact fees must approve any exemption under subsection (2) of this section or this subsection (3);

(4) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

((~~(4)~~)) (5) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

((~~(5)~~)) (6) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

((~~(6)~~)) (7) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development; and

((~~(7)~~)) (8) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6470

62nd Legislature
2012 Regular Session

Passed by the Senate February 14, 2012
YEAS 34 NAYS 15

President of the Senate

Passed by the House March 1, 2012
YEAS 57 NAYS 41

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6470** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6470

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Government Operations, Tribal Relations & Elections (originally sponsored by Senators McAuliffe and Chase)

READ FIRST TIME 02/03/12.

AN ACT Relating to benefit charges for the enhancement of fire protection services; and adding a new section to chapter 35.13 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW to read as follows:

(1) A city or town that has annexed since 2006 or is conducting annexations of all or a part of a fire protection district or fire protection districts may by resolution, for the enhancement of fire protection services, fix and impose a benefit charge on personal property and improvements to real property that are located in the city or town, to be paid by the owners of the properties: PROVIDED, That a benefit charge shall not apply to personal property and improvements to real property owned or used by: (a) Any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto, but not including personal

property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education; or (b) any entity exempt from taxation under RCW 35.82.210, 84.36.030(3), or 84.36.560.

(2) A benefit charge imposed shall be reasonably proportioned to the measurable benefits to property resulting from the enhancement of services afforded by the city or town fire department. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the city or town fire department. The city or town may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this section shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but such property may be protected by the city or town under a contractual agreement. For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the city or town, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(3) The resolution establishing benefit charges shall specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the benefit charge to be charged to each property owner subject to the resolution. The county assessor of each county shall determine and identify the personal properties and improvements to real property which are subject to a benefit charge in each city or town and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the benefit charge to apply to each. These benefit charges shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection assessments for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

(4) Each city and town shall contract, prior to the imposition of a benefit charge, for the administration and collection of the benefit charge by each county treasurer, who shall deduct a percent, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this section. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the benefit charges imposed on behalf of the city or town, less the deduction provided for in the contract.

(5) Any benefit charge authorized by this section shall not be effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the city or town voting at a general election or at a special election called by the city or town for that purpose, held within the city or town. An election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That a benefit charge approved at an election shall not remain in effect for a period of more than six years nor more than the number of years authorized by the voters if fewer than six years unless subsequently reapproved by the voters.

(6) The ballot shall be submitted so as to enable the voters favoring the authorization of a benefit charge to vote "Yes" and those opposed thereto to vote "No," and the ballot shall be:

"Shall . . . . . be authorized to impose benefit charges each year for . . . . (insert number of years not to exceed six) years, not to exceed an amount equal to . . . . (insert percentage amount not to exceed sixty) percent of its fire department operating budget?

YES	NO
□	□"

(7) A city or town renewing the benefit charge may elect to use the following alternative ballot:

"Shall . . . . . be authorized to continue voter-authorized benefit charges each year for . . . . (insert number of years not to exceed six) years, not to exceed an amount equal to . . . . (insert percentage amount not to exceed sixty) percent of its fire department operating budget?

YES	NO
□	□"

(8) Not less than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this section, the city or town shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities which will maintain or improve the services afforded in the city or town. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(9)(a) Prior to November 15th of each year the city or town shall hold a public hearing to review and establish the benefit charges for the subsequent year.

(b) All resolutions imposing or changing the benefit charges shall be filed with the county treasurer for each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the city or town fire department.

(c) After the benefit charges have been established, the owners of the property subject to the charge shall be notified of the amount of the charge.

(10) After notice has been given to the property owners of the amount of the charge, the city or town imposing a benefit charge under this section shall form a review board for at least a two-week period and shall, upon complaint in writing of a party aggrieved owning property in the city or town, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

(11) A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 shall be exempt from any legal obligation to pay a portion of the charge imposed by this section according to the following:

(a) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b) (i) or (ii) shall be exempt from twenty-five percent of the charge.

(b) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) shall be exempt from fifty percent of the charge.

(c) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

(12) For the purposes of this section:

(a) "Personal property" includes every form of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops, except that the term "personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock; and

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding

the growth of permanent crops, or other field improvements normally not subject to damage by fire.

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March 6, 2012

The Honorable Christine Gregoire
Governor of the State of Washington
PO Box 40002
Olympia, Washington 98504-0002

RE: Support of ESSB 6470 - Authorizing fire benefit charges for cities.

Dear Governor Gregoire,

On behalf of the City of Kirkland, I am writing to express our full support for Engrossed Substitute Senate Bill 6470 and urge you to sign it into law.

On June 1, 2011, Kirkland annexed 31,000 residents, the second largest annexation if state history. After annexation, Woodinville Fire and Rescue closed a border fire station that provided the equivalent service of 6 fire fighters. Kirkland added 9 firefighters at the cost of over a million dollars annually to replace them. But, because they are responding from a fire station farther away, there are some gaps in response coverage. This bill will help us address that.

We need this bill because our community leaders are asking for it. The attached map shows in white, the areas in the "new" Kirkland that need more service. Our newly annexed residents of Finn Hill and Kingsgate are asking for more fire resources and this bill will allow us to respond to our community. More border service will also help Bothell, Kenmore, Woodinville, Redmond and Bellevue through automatic mutual aid.

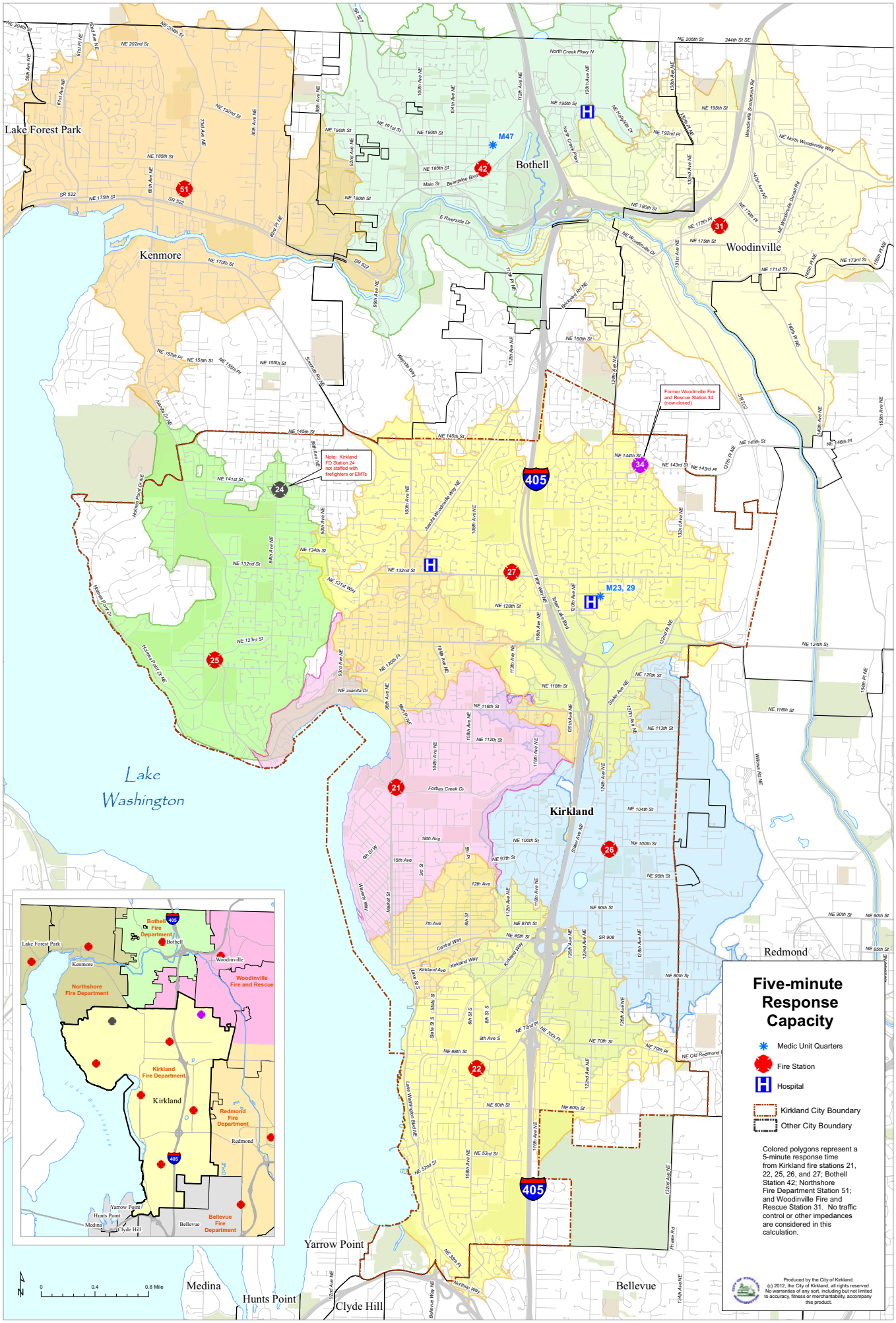
Fire Districts and Regional Fire authorities already have this tool. Cities with fire departments should have it as well. Like a city parks or road levy, the city fire benefit charge in this bill simply allows us to ask our voters if they want more service. The city fire benefit charge can only be used to enhance fire services, which is actually more restrictive than the fire district's authority. The bill requires 60% voter approval to authorize a benefit charge and it must be re-authorized by voters at least every 6 years or it expires.

We believe that this is a helpful tool for cities that will allow our citizens to decide if they want more fire service. We urge you to sign ESSB 6470.

Thank you for your consideration. Should you have any questions, please don't hesitate to contact Kurt Triplett, Kirkland City Manager at 206-587-3020.

Sincerely,
KIRKLAND CITY COUNCIL

By Joan McBride, Mayor


Lake Forest Park
Kenmore
Bothell
Woodinville
Kirkland
Redmond
Yarrow Point
Medina
Hunts Point
Clyde Hill
Bellevue
Lake Washington
M47
M23, 29
Former Woodinville Fire and Rescue Station 34 (now closed)
Note: Kirkland FD Station 24 not staffed with firefighters or EMTs
Five-minute Response Capacity
Medic Unit Quarters
Fire Station
Hospital
Kirkland City Boundary
Other City Boundary
Colored polygons represent a 5-minute response time from Kirkland fire stations 21, 22, 25, 26, and 27; Bothell Station 42; Northshore Fire Department Station 51; and Woodinville Fire and Rescue Station 31. No traffic control or other impedances are considered in this calculation.
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Bothell Fire Department
Northshore Fire Department
Woodinville Fire and Rescue
Kirkland Fire Department
Redmond Fire Department
Bellevue Fire Department
0
0.4
0.8 Mile