



# CITY OF KIRKLAND

## CITY COUNCIL

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

### *Vision Statement*

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, July 19, 2016

#### 6:00 p.m. – Executive/Closed Session

#### 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov). Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**PLEASE CALL 48 HOURS IN ADVANCE** (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
4. *EXECUTIVE SESSION* (6:00 p.m., Rose Hill Room)
  - a. To Discuss Potential Litigation
  - b. Closed Session to Discuss Labor Negotiations
5. *HONORS AND PROCLAMATIONS*
  - a. Proclamation Reaffirming Partnership between Community and Police
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Innovation Triangle Report

**\*QUASI-JUDICIAL MATTERS**

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

**NEW BUSINESS** consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

**8. CONSENT CALENDAR**

- a. *Approval of Minutes:* (1) July 5, 2016  
(2) July 5, 2016

- b. *Audit of Accounts:*
  - Payroll \$
  - Bills \$

c. *General Correspondence*

d. *Claims*

e. *Award of Bids*

f. *Acceptance of Public Improvements and Establishing Lien Period*

g. *Approval of Agreements*

h. *Other Items of Business*

- (1) Ordinance O-4525 and its Summary, Relating to Code Enforcement and Amending Certain Sections of Chapter 1.12 of the Kirkland Municipal Code Relating to Tree and Surface Water Code Violations.
- (2) Resolution R-5199, Adopting a Revised Policy for Investment of City Funds.
- (3) Surplus Vehicles

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

a. Kirkland Municipal Cemetery Update

**11. NEW BUSINESS**

- \* a. Ordinance O-4526 and its Summary, Relating to Land Use, Approving a Preliminary and Final Planned Unit Development Applied for by Craft Architecture on Behalf of Astronics Corporation in Department of Planning and Building File No. ZON15-00875, and Setting Forth Conditions of Approval.
- b. Ordinance O-4527, Affirming and Clarifying the Power of the Appointing Authority or Designee to Determine Most Qualifications for Civil Service Positions.
- c. Public Records Disclosure Semi-Annual Report
- d. Cross Kirkland Corridor Art Integration Plan

- e. Approving Cross Kirkland Corridor Temporary Art Proposal
- f. Resolution R-5200, Authorizing and Supporting the City's Request for Port of Seattle Economic Development Partnership Program Funds.
- g. Resolution R-5201, Approving Amendments to Sections 3.05, 3.09, 3.10, 5.01 and 7.02 of the Kirkland City Council Policies and Procedures, and Readopting All of the Council Policies and Procedures.

**CITY COUNCIL COMMITTEE**  
agendas and minutes are posted on the City of Kirkland website, [www.kirklandwa.gov](http://www.kirklandwa.gov).

**12. REPORTS**

*a. City Council Reports*

- (1) Finance and Administration Committee
- (2) Legislative Committee
- (3) Planning, and Economic Development Committee
- (4) Public Safety Committee
- (5) Public Works, Parks and Human Services Committee
- (6) Tourism Development Committee
- (7) Regional Issues

*b. City Manager Reports*

- (1) Calendar Update

**13. ITEMS FROM THE AUDIENCE**

**14. ADJOURNMENT**

**ITEMS FROM THE AUDIENCE**

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
**www.kirklandwa.gov****MEMORANDUM**

**To:** City Council

**From:** Kurt Triplett, City Manager

**Date:** July 13, 2016

**Subject:** Proclamation Reaffirming Partnership between Community and Police

**RECOMMENDATION:**

It is recommended that the City Council present a proclamation reaffirming the important partnership between the Kirkland community and the Kirkland Police Department and proclaiming the City's commitment to sustain and enhance that relationship.

**BACKGROUND DISCUSSION:**

This proclamation was requested by the Mayor and Deputy Mayor in response to the tragic shooting deaths of African American men in Baton Rouge, Louisiana and Falcon Heights Minnesota and police officers in Dallas, Texas last week. These sorrowful events are a heartbreaking reminder that there is no more important relationship in a community than the one between a Police Department and the residents those officers protect and serve.

The Kirkland Police Department has a long and proud tradition of a strong partnership with the Kirkland community. That relationship was reaffirmed this week by the outpouring of support received by the Police Department after the shootings in Dallas. This spontaneous support was highlighted in an article in the Kirkland Reporter. Part of the reason for this support is the Police Department's commitment to earn the trust and respect of all residents, regardless of age, race or religion. This commitment starts in the hiring process and is reinforced through training that educates officers on the importance of community policing and understanding and overcoming bias.

Maintaining and enhancing the commitment to a strong partnership with the community was the top priority of the Council, the Police Department, and especially community leaders during the recent hiring process for the Chief of Police. The City Manager assembled a community panel consisting of leaders from neighborhoods, business, non-profits and religious institutions. That community panel interviewed the finalists for the Police Chief and asked challenging and insightful questions. The panel made it clear that there is still work to be done, and no matter how comprehensive the current police training on bias, there is always a need to continually review and improve so that all members of the Kirkland community feel safe and protected by the Department. Chief Cherie Harris's passionate commitment to this relationship throughout her career is one of the many reasons she was chosen as the new Police Chief.

Members of the community interview panel and other community leaders have been invited to attend in support and receive this proclamation. The following have accepted the invitation to date:

Cheryl Haskins, City Church  
Salma Jiwani, Muslim Community  
Bea Nahon, Neighborhoods  
Lauren Thomas, CEO, Hopelink  
James Whitfield, President & CEO, Leadership Eastside  
Amy Morrison Goings, President, Lake Washington Institute of Technology  
Rich Thomas, Senior Council

A final list of attendees will be available at the July 19 Council meeting.

The proclamation is still undergoing review and edits and has not been completed in time to be included in the posted packet. As soon as the proclamation is finalized it will be shared with the Council and the public prior to the meeting on July 19.

#### *National Night Out Against Crime*

In addition to the proclamation, another important connection between the Police Department and the community are the "National Night Out Against Crime" events on August 2, 2016.

On that night, the Kirkland Police Department joins Kirkland neighborhoods participating in the 33rd annual National Night Out Against Crime. "National Night Out" is a nationwide campaign that promotes police-community partnerships and neighborhood camaraderie to promote safety and awareness in the community. Activities that neighborhoods can host include cookouts, flashlight walks, or contests. Neighborhoods can still register their events with the City of Kirkland so that the Kirkland Police and Fire Departments can visit community events between 6:00 p.m. and 9:00 p.m. Block party fees will be waived for National Night Out events held on August 2nd, 2016.

National Night Out gives the Police and Fire Departments a chance to get out into the neighborhoods to connect with our most valuable resource, the people of Kirkland. Neighbors are the first line of defense in ensuring that our community is safe. The eyes and ears of residents keep the City aware of any problems including crime and drug activity. Kirkland welcomes participation from every neighborhood for this important community event.

To show support of National Night Out, Kirkland residents are encouraged to get with neighbors and friends, turn porch lights on, and come outside to take a stand against crime and build relationships with your neighbors and police. For National Night Out information, visit [www.nationalnightout.org](http://www.nationalnightout.org).



**CITY OF KIRKLAND**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Ellen Miller-Wolfe, Economic Development Manager  
**Date:** July 7, 2016  
**Subject:** Special Presentation: Innovation Triangle

### **RECOMMENDATION:**

It is recommended that City Council hear the update on the Innovation Triangle. No action is required.

### **BACKGROUND DISCUSSION:**

The Innovation Triangle, a partnership of Bellevue-Redmond-Kirkland, was developed by economic development staff from the cities of Kirkland and Bellevue and the CEO of OneRedmond. The partnership is focused on inviting technology and innovation-intensive businesses to experiment, develop and prosper in our Eastside communities.

The basis of the partnership is the mutual appreciation that all cities will benefit when a technology company locates in any one of them. While one city might benefit from additional employment, the others will likely realize benefits when these new employees purchase housing and other goods and services in the nearby cities. Also, there is an acknowledgement that a more far-reaching and attractive brand can be obtained when the three cities work together as a subregional economic development initiative.

The Information & Communications Technology (ICT) sector is the fastest growing business sector in the region. In King County alone there are 130,000 jobs attributed to this sector with incomes averaging \$124,300 with revenues estimated at \$36.9 billion. Source: Economic Development Council Seattle & King County (2013).

The Innovation Triangle has many attributes to recommend it including a talent pool that is unmatched anywhere in the U.S.

- 62 % of adults with bachelor's degrees and above
- 30% of residents born outside of U.S.
- 54,600 software publishing workers
- 99,100 ICT workers

The Innovation Triangle output was \$48 billion in 2013, making it one of the most dynamic regional economies in the country. Regional partners that are themselves global household words, and convenient flight options to new partners and customers in Europe and Asia, add to the attraction of the Innovation Triangle. Other attributes such as quality of life, a renowned work/life balance, and surrounding natural beauty make the Innovation Triangle a region that is one of the world's best places to start and grown a business.

Recently, the Innovation Triangle partnership participated in the SelectUSA Investment Summit, a high profile event that promotes direct investment by countries outside of the U.S by bringing together global companies, economic development organizations, and others working to facilitate investment in the U.S. Staff from each of the three partners attended. Kirkland's representative was the Economic Development Manager. The partnership met with over 20 businesses that were selected because of their ICT attributes and interest in a presence in our region.

The Innovation Triangle also embarked on other projects including:

- Start-up 425, a coworking space in Bellevue
- An event in October where prospects from the SelectUSA conference and others will be invited to tour our region and meet with potential partners
- Marketing collateral and tracking methodology
- ICT trade shows

The Innovation Triangle partnership is also discussing expanding the initiative by pooling some of the funds that are currently being offered by the Port of Seattle through an annual economic development grant opportunity, and reaching out to other Eastside communities to participate. Staff will continue to keep the Council Planning & Economic Development Committee briefed on the progress of the Innovation Triangle initiative.

**KIRKLAND CITY COUNCIL SPECIAL MEETING**

**Minutes**

**July 5, 2016**

**1. CALL TO ORDER**

Mayor Walen called the Special Meeting of the Kirkland City Council to order at 7:00 p.m.

**2. ROLL CALL**

All Members Present: Mayor Amy Walen, Deputy Mayor Jay Arnold, Councilmembers Dave Asher, Shelley Kloba, Doreen Marchione and Toby Nixon.

**3. TRANSPORTATION COMMISSION INTERVIEW**

a. Grace Guerrero

**4. SELECTION AND APPOINTMENT OF TRANSPORTATION COMMISSION MEMBER**

Deputy Mayor Arnold moved to appoint Grace Guerrero to the youth seat on the Transportation Commission for a two year term ending 3/31/18. Councilmember Marchione seconded the motion, which passed unanimously.

**5. ADJOURNMENT**

The July 5, 2016 Special Meeting of the Kirkland City Council was adjourned at 7:10 p.m.

---

City Clerk

---

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
June 21, 2016

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher,  
Councilmember Shelley Kloba, Councilmember Doreen Marchione,  
Councilmember Toby Nixon, Councilmember Penny Sweet, and  
Mayor Amy Walen.

Members Absent: None.

3. STUDY SESSION

None.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. July 2016 as Park and Recreation Month Proclamation

Park Board Member Rosalie Wessels and Parks and Community Services Director  
Lyn Zwaagstra accepted the proclamation from Mayor Walen and Councilmember  
Kloba.

6. COMMUNICATIONS

a. Announcements

Police Chief Harris and Fire Chief Sanford provided Council with a review of  
Fourth of July activities.

b. Items from the Audience

Linda Bock  
Shannon Harris

c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

a. Approval of Minutes: June 21, 2016

b. Audit of Accounts:  
Payroll \$3,189,581.14  
Bills \$3,036,878.73  
run #1532 checks #603128 - 603248  
run #1533 checks #603252 - 603273  
run #1534 check #603274

c. General Correspondence

d. Claims

A claim received from Cynthia Shaw was acknowledged via approval of the consent calendar.

e. Award of Bids

(1) Annual Street Preservation Program

The construction contract for the Annual Street Preservation Program, 2016 Phase III Slurry Seal Project, was awarded to VSS International, Inc., of West Sacramento, CA, in the amount of \$390,000.00, via approval of the consent calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Ordinance O-4522, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING AND CORRECTING AN ERROR IN KIRKLAND ZONING CODE SECTION 55.07 WITH RESPECT TO ZONING REGULATIONS IN THE TL 1A ZONE."

(2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione  
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2016 King County Surface Water Design Manual Update

Public Works Director Kathy Brown provided an overview of the updates, process and timeline for adoption/implementation.

b. Ordinance O-4520 and its Summary, Relating to Zoning, and Land Use and Amending the Following Chapters of the Kirkland Zoning Ordinance 3719, as Amended: 5, 115, and 117; and Approving a Summary Ordinance for Publication, File No. CAM15-00485.

Motion to Approve Ordinance O-4520 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719, AS AMENDED: 5, 115, AND 117; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM15-00485."

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet  
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

11. NEW BUSINESS

a. Ordinance O-4523, Relating to Cost Recovery and Application Procedures for Small Special Events and Amending Portions of Kirkland Municipal Code Chapter 19.24.

Questions about developing a process to inform Police of small impromptu public events were referred to the Council Planning and Economic Development Committee.

Motion to Approve Ordinance O-4523, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COST RECOVERY AND APPLICATION PROCEDURES FOR SMALL SPECIAL EVENTS AND AMENDING PORTIONS OF KIRKLAND MUNICIPAL CODE CHAPTER 19.24."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

- b. Ordinance O-4524 and its Summary, Relating to Modifications to Title 21 of the Kirkland Municipal Code Regarding Building and Construction.

Building Manager Tom Phillips and Plan Review Supervisor Tom Jensen responded to Council comments and questions.

Motion to Approve Ordinance O-4524 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION, as amended."

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon  
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend Ordinance O-4524 to add, "Exception: this requirement does not apply to systems installed in one and two family dwellings and townhouses." at the end of 21.20.090 IFC Section 903.5.1.

Moved by Councilmember Toby Nixon, seconded by Councilmember Dave Asher  
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

## 12. REPORTS

- a. City Council Reports

- (1) Finance and Administration Committee
- (2) Legislative Committee
- (3) Planning, and Economic Development Committee
- (4) Public Safety Committee
- (5) Public Works, Parks and Human Services Committee
- (6) Tourism Development Committee

Councilmember Nixon reminded the Council that the applications for Tourism grants were still being accepted.

Councilmember Asher requested that the issue of the Citizen's Climate Lobby's ability to access the Juanita Friday Market be referred to the Public Works, Parks and Human Services Committee.

(7) Regional Issues

Councilmembers shared information regarding the recent Association of Washington Cities Annual Conference; congratulations to Celebrate Kirkland for their successful Fourth of July events; the upcoming dedication for the recent Waverly Park Improvements; the upcoming Sound Cities Association Public Issues Committee meeting; a King County Mental Illness and Drug Dependency Committee meeting; the Sound Transit vote to place the ST3 package on the November ballot; a parliamentary procedure suggestion; the Living with Wildlife in Urban Cities workshop; and the Sound Cities Association Networking dinner.

b. City Manager Reports

Deputy City Manager Marilynne Beard informed the Council that the City Attorney had provided them with a summary of the issues around the 520 demolition.

(1) Calendar Update

Deputy City Manager Marilynne Beard requested and received Council permission to cancel the December 6th and December 20th council meetings and to instead schedule a single council meeting on December 13, 2016. Councilmember Asher requested that the Council bring a resolution in support of Initiative 735 to a future council meeting. Councilmember Asher also requested a communications strategy on the fiscal processes and decisions of the City.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of July 5, 2016 was adjourned at 8:53 p.m.

---

City Clerk

---

Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** July 11, 2016  
**Subject:** CLAIM(S) FOR DAMAGES

## **RECOMMENDATION**

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers each claim to the proper department (risk management section) for disposition.

## **POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

## **BACKGROUND DISCUSSION**

The City has received the following Claim(s) for Damages from:

- (1) Steven Boehm  
503 3<sup>rd</sup> Avenue South  
Kirkland, WA 98033

**Amount:** \$569.62

**Nature of Claim:** Claimant states damage to jetski trailer resulted when the bollard raised unexpectedly at Kirkland Marina.

- (2) Andrew Bouchard  
1225 183<sup>rd</sup> Street S.E. #B208  
Bothell, WA 98012

**Amount:** \$354.21

**Nature of Claim:** Claimant states damage to vehicle resulted from a rock striking the rear window while City road crew was clearing debris.

- (3) Margareta Cross  
11315 Trilogy Parkway NE #203  
Redmond, WA 98033

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states injury resulted from City garage north entrance door slamming shut and knocking her down.

- (4) Johnny Du  
523 7<sup>th</sup> Street S.  
Kirkland, WA 98033

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states damage to property at 11238 NE 68<sup>th</sup> St. resulted from City-owned tree falling on fence.

**Note:** Names of claimants are no longer listed on the Agenda since names are listed in the memo.

**CITY OF KIRKLAND**

**City Attorney's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Oskar Rey, Assistant City Attorney

**Date:** July 8, 2016

**Subject:** Ordinance Amending Code Enforcement Provisions Relating to Trees and Surface Water

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Ordinance amending Kirkland Municipal Code (KMC) Sections 1.12.100, "Special provisions relating to enforcement of tree regulations" and 1.12.200 "Special provisions relating to enforcement of KMC Chapter 15.52 (Surface Water Management)." Through approval by the Council of the consent calendar, the Ordinance will be adopted.

**BACKGROUND DISCUSSION:**

KMC Chapter 1.12 contains the City's code enforcement regulations. In a typical code enforcement case, City staff issues a Notice of Civil Violation to the person responsible for the violation<sup>1</sup> and a hearing is set before the Hearing Examiner to determine whether there is a violation and to impose fines if appropriate. See KMC Sections 1.12.040 and 1.12.050.

The City currently uses a different process for violations involving trees and surface water. Under KMC 1.12.100 (trees) and KMC 1.12.200 (surface water), City staff issues a notice of fines that are due for the alleged violation. In the case of trees, the notice will also require a restoration plan in appropriate cases. In the case of surface water, the notice may require that the person responsible for the violation clean and remove any pollutants from any portion of a private system that connects to the City's stormwater system.

If a person does not pay fines or perform required restoration, the City issues a Notice of Civil Violation to the person and a hearing is scheduled before the Hearing Examiner. With respect to trees,<sup>2</sup> KMC Section 1.12.100(e) provides:

Failure to Restore or Pay Fines. The city may issue a notice of civil violation to the person(s) who fails to restore or pay fines according to the procedures set forth in this chapter.

---

<sup>1</sup> KMC Section 1.12.100 refers to "person" or "person(s)" and KMC Section 1.12.200 refers to "responsible party." For the sake of consistency, this memo uses "person" throughout.

<sup>2</sup> The language of KMC Section 1.12.200(d) relating to surface water is substantially similar.

In recent tree enforcement cases, the Hearing Examiner has interpreted this language to limit the jurisdiction of the Hearing Examiner to the issue of whether the person responsible for the violation has failed to restore or pay the applicable fine. Under this interpretation, the Hearing Examiner does not have jurisdiction to determine whether the responsible person violated applicable tree or surface water regulations.

When the City adopted these provisions, its intent was for the Hearing Examiner to determine whether the person committed a violation of the City's tree regulations in addition to whether the person failed to pay the fine due and perform restoration. From a due process standpoint, a person who disputes the City's finding of a violation should be able to obtain independent review of that issue from the Hearing Examiner.

The proposed amendments to KMC Sections 1.12.100 and 1.12.200 clarify that when the City issues a Notice of Civil Violation in tree and surface water cases, the Hearing Examiner shall decide whether the person committed a violation of City tree or surface water regulations as well as issues relating to restoration and the amount of any fines.

ORDINANCE O-4525

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CODE ENFORCEMENT AND AMENDING CERTAIN SECTIONS OF CHAPTER 1.12 OF THE KIRKLAND MUNICIPAL CODE RELATING TO TREE AND SURFACE WATER CODE VIOLATIONS

1           The City Council of the City of Kirkland ordains as follows:

2           Section 1. Kirkland Municipal Code ("KMC") Section 1.12.100 is  
3 hereby amended to read as follows:

4           **1.12.100 Special provisions relating to enforcement of tree**  
5 **regulations in Kirkland Zoning Code Chapter 95.**  
6

7           (a) General Requirements. This section applies to all trees in the city,  
8 including private property trees, public property trees and street trees.  
9 Enforcement shall be conducted in accordance with procedures set forth  
10 in this chapter. Special enforcement provisions related to tree  
11 conservation are set forth in this section.

12           (b) Authority. It shall be the duty of the applicable department  
13 director to administer the provisions of this section.

14           (c) Fines for Tree Removal.

15           (1) Each unlawfully removed or damaged tree shall constitute a  
16 separate violation.

17           (2) Any person who aids or abets in the violation shall be considered  
18 to have committed a violation for purposes of fines.

19           (3) Fines shall be assessed in accordance with Table 1.12.100. Fines  
20 are due according to the corrective action described in the notice of tree  
21 fines and restoration due. The applicable department director may elect  
22 not to seek fines if he or she determines that the circumstances do not  
23 warrant imposition of fines in addition to restoration.

Table 1.12.100	
<b>Types of Violations</b>	<b>Allowable Fines per Violation</b>
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a city tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required city permit	\$1,000 per tree

24 (d) Tree Restoration.

25 (1) Violators of Kirkland Zoning Code Chapter 95 or of a permit issued  
 26 thereunder shall be responsible for restoring unlawfully damaged areas  
 27 in conformance with a restoration plan approved by the applicable  
 28 department director. The restoration plan shall provide for repair of any  
 29 environmental and property damage and restoration of the site. The  
 30 goal of the restoration plan shall be a site condition that, to the greatest  
 31 extent practical, equals the site condition that would have existed in the  
 32 absence of the violation. In cases where the violator intentionally or  
 33 knowingly violated this chapter or has committed previous violations of  
 34 this chapter, restoration costs may be based on the city-appraised tree  
 35 value of the subject trees in which the violation occurred, utilizing the  
 36 industry standard trunk formula method in the current edition of the  
 37 "Guide for Plant Appraisal." If diameter of removed tree is unknown,  
 38 determination of the diameter size shall be made by the applicable  
 39 department director by comparing size of stump and species to similar  
 40 trees in similar growing conditions. The amount of costs above the  
 41 approved restoration plan will be paid into the city forestry account.

42 (2) Restoration Plan Standards. The restoration plan shall be in  
 43 accordance to the following standards:

44 (A) The number of trees required to be planted is equal to the number  
45 of tree credits of illegally removed trees according to Kirkland Zoning  
46 Code Table 95.33.1.

47 (B) The minimum size for a tree planted for restoration is twelve-foot-  
48 tall conifer and three-inch caliper deciduous or broadleaf evergreen tree.  
49 The city may approve smaller restoration tree sizes at a higher  
50 restoration ratio, provided the site has capacity for the additional trees  
51 and the results of restoration at a higher restoration ratio are as good  
52 or better than at the normal ratio. The smallest allowable alternatives  
53 to the normal restoration requirements shall be two eight-foot conifers  
54 for one twelve-foot conifer or two two-inch caliper deciduous for one  
55 three-inch caliper deciduous tree.

56 (C) In the event the violators cannot restore the unlawfully removed  
57 or damaged trees, the violators shall make payment to the ~~e~~City  
58 ~~f~~Forestry ~~a~~Account. Unless otherwise determined to base the restoration  
59 costs on appraised value, the amount paid will be the city's unit cost for  
60 a restoration tree multiplied by the number of outstanding tree credits.  
61 The city's unit cost is based on the current market cost of purchase,  
62 installation and three-year maintenance for a minimum-sized tree for  
63 restoration.

64 (D) The restoration plan shall include a maintenance plan and an  
65 agreement or security to ensure survival and maintenance of restoration  
66 trees for a three-year period unless the violation was on a site with an  
67 approved tree plan, in which case the maintenance period is five years.

68 (e) Hearing on Violation, Failure to Restore or Failure to Pay Fines.  
69 The city may issue a notice of civil violation to the person(s) who violates  
70 Kirkland Zoning Code Chapter 95 or a permit issued thereunder and fails  
71 to restore or pay fines according to the procedures set forth in this  
72 chapter. The hearing on the notice of civil violation shall be held in  
73 accordance with KMC 1.12.050 and shall determine whether the  
74 person(s) violated applicable tree regulations or permit conditions and  
75 impose any appropriate fine(s) for such violation(s), as well as whether  
76 the person(s) failed to restore or pay fines according to the procedures  
77 set forth in this chapter.

78 Section 2. KMC Section 1.12.200 is hereby amended to read as  
79 follows:

80 **1.12.200 Special provisions relating to enforcement of Chapter**  
81 **15.52 (Surface Water Management).**

82 (a) General Requirements. This section applies to violations of  
83 Chapter 15.52, including illicit discharges and connections that  
84 discharge into the municipal storm drain system and/or surface and  
85 ground waters. Enforcement shall be conducted in accordance with

86 procedures set forth in this chapter. Special enforcement provisions  
 87 related to illicit discharges and connections are set forth in this section.

88 (b) Authority. It shall be the duty of the public works director or  
 89 designee to administer the provisions of this section.

90 (c) Fines for illicit discharges and connections and other violations  
 91 of Chapter 15.52.

92 (1) Each action or omission taken in violation of Chapter 15.52  
 93 shall constitute a separate violation.

94 (2) Any person who aids or abets the violation shall be considered  
 95 to have committed a violation for purpose of assessment of fines.

96 (3) Fines for a violation shall be determined using the enforcement  
 97 penalty matrix (Table 1) and administered per violation.

Table 1. Enforcement Penalty Matrix			
<b>Enforcement Evaluation Criterion</b>	<b>No (0 points)</b>	<b>Possibly (1 point)</b>	<b>Definitely (2 points)</b>
1) Perceived Public Health Risk?			
2) Environmental Damage or Adversely Impacting Infrastructure?			
3) Willful or Knowing Violation?			
4) Unresponsive in Correcting Action?			
5) Improper Operation or Inadequate Maintenance?			
6) Failure to Obtain Necessary Permits and Approval?			
7) Economic Benefit to Noncompliance?			
8) Repeat Violation?			

98 The enforcement penalty matrix (Table 1) is comprised of a set of  
 99 criteria formulated as questions for the director to evaluate and answer.  
 100 The director uses the guidelines below to determine the total points to  
 101 be assessed according to the violation. The civil penalty is determined  
 102 by the total score of the matrix.

- 103 1. Did the violation result in a public health risk?  
104 a. Answer "no" if there is no evidence to support a claim of public  
105 health risk or adverse health effects.  
106 b. Answer "possibly" if evidence supports a claim of public health  
107 risk and there is a plausible connection between this violation and health  
108 effect.  
109 c. Answer "definitely" if there is direct evidence linking public  
110 health risk or adverse effects with the violation.
- 111 2. Did the violation result in environmental damage or adversely  
112 impact infrastructure?  
113 a. Answer "no" if there is no evidence to support a claim of  
114 environmental or infrastructure damage.  
115 b. Answer "possibly" if environmental or infrastructure damage  
116 can be inferred from evidence or knowledge of the effects of the  
117 violation.  
118 c. Answer "definitely" if there is direct evidence linking  
119 environmental or infrastructure damage with the violation.
- 120 3. Was the action a willful and knowing violation?  
121 a. Answer "no" if the violator obviously did not know that the  
122 action or inaction constituted a violation.  
123 b. Answer "possibly" if the violator should have known.  
124 c. Answer "definitely" if the violator clearly knew or was previously  
125 informed of the violation by the city's inspectors.
- 126 4. Was the responsible party unresponsive in correcting the  
127 violation?  
128 a. Answer "no" if the violation was corrected as soon as the  
129 responsible party learned of it.  
130 b. Answer "possibly" if the violation was corrected in a less timely  
131 and cooperative fashion.  
132 c. Answer "definitely" if the responsible party made no attempt to  
133 correct the violation.
- 134 5. Was the violation a result of improper operation or inadequate  
135 maintenance?  
136 a. Answer "no" if the violation was not the result of improper  
137 operation or inadequate maintenance.  
138 b. Answer "possibly" if operation and/or maintenance was  
139 completed but a violation still occurred.  
140 c. Answer "definitely" if the violation was a result of improper  
141 operation or inadequate maintenance.
- 142 6. Did the responsible party fail to obtain and comply with the  
143 necessary permits, certifications and approvals from the agency with  
144 jurisdiction to operate at the time of the violation?  
145 a. Answer "no" if the paperwork was complete and appropriate for  
146 the job or task that caused the violation.  
147 b. Answer "possibly" if the responsible party obtained and received  
148 approval for some but not all of the required permit(s).

149 c. Answer "definitely" if the responsible party either did not obtain  
 150 the necessary permits or did obtain permits but did not comply with  
 151 their conditions.

152 7. Did anyone benefit economically from noncompliance?

153 a. Answer "no" if it is clear that no one gained an economic  
 154 benefit.

155 b. Answer "possibly" if someone might have benefited.

156 c. Answer "definitely" if the economic benefit is quantifiable.

157 8. Is this violation a repeat violation?

158 a. Answer "no" to indicate that there have been no prior violations.

159 b. Answer "possibly" to indicate that there has been one prior  
 160 violation.

161 c. Answer "definitely" to indicate that there have been three or  
 162 more prior violations.

163 Once the total amount of penalty points is determined, a rating and  
 164 a corresponding penalty amount is established (Table 2).

Table 2. Penalty Points Rating and Corresponding Penalty Amount						
Rating	1-2	3-4	5-6	7-8	9	10
Penalty	\$250	\$500	\$1,000	\$1,500	\$2,000	\$2,500
Rating	11	12	13	14	15+	
Penalty	\$3,000	\$3,500	\$4,000	\$4,500	\$5,000	

165 The director or designee shall assess the penalty amount against the  
 166 responsible party in a written notice that sets forth the nature of the  
 167 violation and the determination of the penalty amount due. The director  
 168 or designee may elect not to seek fines if he or she finds that special  
 169 circumstances do not warrant imposition of fines.

170 In addition to penalties, the city may require the responsible party  
 171 to fully remove pollutants from private storm system which enters into  
 172 the municipal storm system. In the event the responsible party fails to  
 173 do so in timely fashion, the city may take summary abatement action in  
 174 accordance with Section 1.12.060(b).

175 (d) Hearing on Violation, Failure to Remove Pollutant or Failure to  
 176 Pay Fines. The city may issue a notice of civil violation to the responsible  
 177 party who violates KMC Chapter 15.52 and who fails to pay fines or to  
 178 remove pollutants from a private storm system which that enters into  
 179 the municipal storm system according to the procedures set forth in this  
 180 chapter. The hearing on the notice of civil violation shall be held in  
 181 accordance with KMC 1.12.050 and shall determine whether the  
 182 responsible party violated KMC Chapter 15.52 and impose any  
 183 appropriate fine(s) for such violation(s), as well as whether the  
 184 responsible party failed to pay fines or remove pollutants from a private

185 system that enters into the municipal storm system according to the  
186 procedures set forth in this chapter.

187 Section 3. If any section, subsection, sentence, clause, phrase,  
188 part or portion of this ordinance, including those parts adopted by  
189 reference, is for any reason held to be invalid or unconstitutional by any  
190 court of competent jurisdiction, such decision shall not affect the validity  
191 of the remaining portions of this ordinance.

192 Section 4. This ordinance shall be in force and effect five days  
193 from and after its passage by the Kirkland City Council and publication  
194 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
195 form attached to the original of this ordinance and by this reference  
196 approved by the City Council.

197 Passed by majority vote of the Kirkland City Council in open  
198 meeting this \_\_\_\_ day of \_\_\_\_\_, 2016.

199  
200 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
201 2016.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4525

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CODE ENFORCEMENT AND AMENDING CERTAIN SECTIONS OF CHAPTER 1.12 OF THE KIRKLAND MUNICIPAL CODE RELATING TO TREE AND SURFACE WATER CODE VIOLATIONS

SECTION 1. Amends Kirkland Municipal Code (KMC) Section 1.12.100 related to special provisions relating to enforcement of tree regulations.

SECTION 2. Amends KMC Section 1.12.200 related to special provisions relating to enforcement of KMC Chapter 15.52 (Surface Water Management).

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
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:** Michael Olson, Director of Finance and Administration  
**Date:** July 6, 2016  
**Subject:** INVESTMENT POLICY UPDATE

### **RECOMMENDATION:**

Council adopt the attached resolution revising the City of Kirkland Investment Policy. Through approval by the Council of the consent calendar, the resolution and the revised investment policies will be adopted.

### **BACKGROUND DISCUSSION:**

In 2014, the City contracted with an investment advisor, Government Portfolio Advisors (GPA) to provide non-discretionary investment advisory services to the City. Non-discretionary means that the City staff make the decisions for investment purchases based on Advisor recommendations. The advisory services contract also includes presenting recommendations to update the investment policies. GPA has provided recommendations for reformatting and updating the policies as explained below and noted in the attachments following this memo:

- Attachment A – A matrix comparing the Revised Policy Comparison to Current Adopted Policy and highlighting the proposed changes,
- Attachment B - the proposed revised policy,
- Attachment C – the current approved policy, and
- Attachment D – track changes version.

The GPA recommended revisions to the investment policy provide greater description of some policy elements, group topics which are related, provide additional structure and include current best practices for investment policies.

Substantive changes in the policy can be found in the policy objectives and performance standards. Policy objectives have always included legality, liquidity, safety and yield. In the revised policy (4.0) Legality is now stated as the overriding principle and safety is now stated as the first objective (4.1) followed by liquidity and return. The Performance Standards (10.2) now include the Local Government Investment Pool (LGIP) rate as an earnings rate comparison in place of the band between the average yield of the ninety day Treasury Bill and the 2 Year Treasury Note.

Other changes in the revised investment policy include: adding a table of contents, several new sections, splitting some sections into subsections for clarity and emphasis, and adding position title (Director of Finance and Administration) to certain duties in the policy (5.2, 6.2, 6.3).

The new sections provide a summary of the policy (1.0), list the RCW as the governing authority (2.0), detail requirements of investment advisors (7.2), note the requirement of Public Deposit Protection Commission (PDPC) participation on bank deposits (8.3), note the different requirements between liquidity funds and longer term funds (9.3.1), and note the accounting requirements (10.4).

The City's Fiscal Policies require that an external review of the investment portfolio be conducted every three years to assess compliance with adopted policies. The most recent review was completed in 2013. To maintain independent, objective review, the City will contract with a separate vendor for the external review on the portfolio compliance to the policy place later this year.

**RECOMMENDATION:**

The City's Investment Committee, which includes the City Manager, the Finance Director and the Deputy City Manager have reviewed the revisions and recommend approval. In addition, the Council Finance and Administration Committee reviewed the revised investment policy at their June 28 meeting and recommended presenting the policy to City Council for approval.

## City of Kirkland Investment Policy, 2016 Update

### Revised Policy Comparison to Current Adopted Policy

June 28, 2016

Revised Policy is more descriptive, concise, direct and representative of best practices.

Revised Policy	Current Policy	Noted Changes
POLICY STATEMENT	1.0 Policy Statement	Expanded, more descriptive, inclusive
1.0 INTRODUCTION		New section, summary of policy
2.0 GOVERNING AUTHORITY		New section, stating RCW as authority
3.0 SCOPE	2.0 Scope	Covers all funds and dollar amount of portfolio covered by policy
4.0 OBJECTIVES	3.0 Objective 3.1 Legality	Legal compliance is the overriding objective
4.1 SAFETY	3.3 Safety	Places safety as first objective
4.2 LIQUIDITY	3.2 Liquidity	
4.3 RETURN	3.4 Yield	
5.0 STANDARDS OF CARE		Groups similar policy items
5.1 DELEGATION OF AUTHORITY	4.0 Delegation of Authority	
5.2 PRUDENCE	5.0 Prudence	Applies standard of Prudence to Director of Finance and Administration or designee
5.3 ETHICS	6.0 Ethics and Conflicts of Interest	More descriptive and inclusive

Revised Policy	Current Policy	Noted Changes
6.0 SAFEKEEPING, CUSTODY AND CONTROLS		
6.1 DELIVERY VS. PAYMENT	12.0 Safekeeping and Custody	Separate subsection added for emphasis and clarity
6.2 THIRD PARTY SAFEKEEPING	12.0 Safekeeping and Custody	Assigns responsibility for safekeeping to Director of Finance and Administration Includes collateralization requirements for bank deposits
6.3 INTERNAL CONTROLS	15.0 Internal Controls	Assigns responsibility of internal controls to Director of Finance and Administration Details minimum internal controls
6.4 EXTERNAL CONTROLS	16.0 External Controls	
7.0 AUTHORIZED FINANCIAL DEALERS	7.0 Authorized Financial Dealers and Institutions	
7.1 BROKER/DEALERS	8.0 Broker Allocation	
7.2 INVESTMENT ADVISERS		New section on Investment Advisors
7.3 BANK INSTITUTIONS	7.0 Authorized Financial Dealers and Institutions	New separate section to highlight and clarify acceptable banks
7.4 COMPETITIVE TRANSACTIONS	8.0 Broker Allocation	New separate section to highlight competitive selection requirements, previously stated in Broker Dealers section
8.0 AUTHORIZED AND SUITABLE INVESTMENTS	9.0 Authorized and Suitable Investments	Provides clarity and definition
8.1 AUTHORIZED INVESTMENTS	9.0 Authorized and Suitable Investments	
8.2 SUITABLE INVESTMENTS	9.0 Authorized and Suitable Investments 11.0 Investment Pools	
8.3 BANK COLLATERALIZATION		New section on PDPC requirements on bank deposits

Revised Policy	Current Policy	Noted Changes
9.0 INVESTMENT PARAMETERS		
9.1 DIVERSIFICATION	13.0 Diversification	Included rating requirements in table of constraints on the portfolio
9.2 INVESTMENT MATURITY	14.0 Maximum Maturities	Added table of Total Portfolio and Maturity Constraints
9.3 STRATEGIC ALLOCATIONS		New section with specifics on liquidity funds and core funds
9.4 PROHIBITED INVESTMENTS	10.0 Prohibited Securities	
10.0 REPORTING REQUIREMENTS		
10.1 REPORTING	18.0 Reporting Requirements section 18.1 and 18.2	Quarterly reports required In practice, monthly reports are provided to City Council through the Finance and Administration Committee
10.2 PERFORMANCE STANDARDS	17.0 Performance Standards	Rate comparison to LGIP rather than band between 90 day T-bill and 2 Year Treasury note
10.3 COMPLIANCE REPORT	18.0 Reporting Requirements section 18.3	
	18.0 Reporting Requirements section 18.4	Reference to additional reporting requirements in Investment Procedures removed
10.4 ACCOUNTING METHOD		New section stating accounting requirements
11.0 INVESTMENT POLICY ADOPTION	19.0 Investment Policy Adoption	No changes
12.0 GLOSSARY OF TERMS		Added as a numbered section in the Policy, previously was an attachment

**CITY OF KIRKLAND  
INVESTMENT POLICY  
(ADOPTED JULY 19, 2016)**

---

**Policy Statement**

This Policy establishes standards and guidelines for the direction, management and oversight for all of the City of Kirkland's ("City") investable funds. These funds include cash for liquidity purposes, intermediate investments for ongoing operations and long term investments for dedicated accounts. Funds must be invested prudently to assure preservation of principal, provide needed liquidity for daily cash requirements, and provide a market rate of return. For purposes of the City's Investment Policy, safety and liquidity are higher priorities than return on investment. All investments must conform to federal, state, and local statutes governing the City of Kirkland public funds investments.

## TABLE OF CONTENTS

---

1.0	INTRODUCTION.....	3
2.0	GOVERNING AUTHORITY.....	3
3.0	SCOPE.....	3
4.0	OBJECTIVES .....	3
	4.1 SAFETY	
	4.2 LIQUIDITY	
	4.3 RETURN	
5.0	STANDARDS OF CARE .....	5
	5.1 DELEGATION OF AUTHORITY	
	5.2 PRUDENCE	
	5.3 ETHICS	
6.0	SAFEKEEPING, CUSTODY AND CONTROLS .....	6
	6.1 DELIVERY VS. PAYMENT	
	6.2 THIRD PARTY SAFEKEEPING	
	6.3 INTERNAL CONTROLS	
	6.4 EXTERNAL CONTROLS	
7.0	AUTHORIZED FINANCIAL DEALERS.....	7
	7.1 BROKER/DEALERS	
	7.2 INVESTMENT ADVISERS	
	7.3 BANK INSTITUTIONS	
	7.4 COMPETITIVE TRANSACTIONS	
8.0	AUTHORIZED AND SUITABLE INVESTMENTS .....	8
	8.1 AUTHORIZED INVESTMENTS	
	8.2 SUITABLE INVESTMENTS	
	8.3 BANK COLLATERALIZATION	
9.0	INVESTMENT PARAMETERS .....	10
	9.1 DIVERSIFICATION	
	9.2 INVESTMENT MATURITY	
	9.3 STRATEGIC ALLOCATIONS	
	9.4 PROHIBITED INVESTMENTS	
10.0	REPORTING REQUIREMENTS.....	12
	10.1 REPORTING	
	10.2 PERFORMANCE STANDARDS	
	10.3 COMPLIANCE REPORT	
	10.4 ACCOUNTING METHOD	
11.0	INVESTMENT POLICY ADOPTION.....	13
12.0	GLOSSARY OF TERMS .....	14

## 1.0 INTRODUCTION

This Investment Policy defines the parameters within which funds are to be invested by the City of Kirkland (City). This Policy also formalizes the framework to provide the investment authority and constraints for the City to maintain an effective and judicious management of funds within the scope of this Policy.

This Policy is intended to be broad enough to allow the Director of Finance and Administration, or authorized designee, to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

- Sets out guidelines for the prudent management of the City's funds;
- Describes realistic parameters and goals for safely investing those funds;
- Establishes expectations for generally acceptable returns at a suitable level of risk that matches the purpose of the City's funds;
- Provides the framework within which the Director of Finance and Administration will operate by setting out objectives, guidelines, and structure that include details on the universe of permitted investments and any restrictions of their use.

The City Council reserves the right to amend this policy as deemed necessary.

## 2.0 GOVERNING AUTHORITY

The City of Kirkland investment authority is derived from RCW Chapters 35, 39 and 43. The investment program shall be operated in conformance with the Revised Code of Washington and applicable Federal Law. All funds within the scope of this policy are subject to regulations established by the State of Washington.

The City Council has the direct authority to provide for the Director of Finance and Administration or his/her designee, the responsibility for the daily operations of the City's investment program and activities. (Kirkland Municipal Code (KMC) Chapter 5.24)

## 3.0 SCOPE OR IDENTIFICATION OF FUNDS

This policy applies to activities of the City of Kirkland with regard to investing the financial assets of all funds. The amount of funds expected to fall within the scope of this policy is \$90 million to \$120 million, which include, but not limited to, operating, capital improvement, and restricted funds.

This investment policy applies to all investment transactions involving the financial assets and related activity of all City funds.

## 4.0 OBJECTIVES

All funds will be invested in a manner that is in conformance with federal, state and other legal requirements. The objectives, in order of priority, of the investment activities will be as follows:

- **4.1 Safety:** Safety of principal is the primary objective of the City. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this

objective, funds will be diversified, utilizing highly rated securities, by investing in a variety of securities and financial institutions. The investment portfolio will be invested in a manner that meets RCW statutes and all legal requirements of the City.

**4.2 Liquidity:** The investment portfolio will provide liquidity sufficient to enable the City to meet all cash requirements that might reasonably be anticipated. Therefore, the investments shall be managed to maintain a minimum balance to meet daily obligations.

**4.3 Return on Investment:** The investment portfolio will be structured with the objective of attaining a market rate of return throughout economic cycles, commensurate with the investment risk parameters and the cash flow characteristics of the portfolio. Nevertheless, return on investment is a lesser objective than safety or liquidity.

## 5.0 STANDARDS OF CARE

### 5.1 Delegation of Authority:

*Governing Body:* The ultimate responsibility and authority for the investment of City funds resides with the City Council who has the authority to direct the management of the City investment program.

*Authority:* Pursuant to the KMC 5.24 and Resolution 5087, the overall management responsibility for the investment program is hereby delegated to the Director of Finance and Administration, or designee, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. The Director of Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

*Investment Advisor:* The City may contract with an external non-discretionary investment advisor (Advisor) to assist with the management of the City's investment portfolio in a manner that is consistent with the City's objectives and this policy. Such Advisors shall provide recommendations and advice regarding the City investment program including but not limited to advice related to the purchase and sale of investments by this Investment Policy.

### 5.2 Prudence:

The standard of prudence to be used by the Director of Finance and Administration or any designees in the context of managing the overall portfolio is the prudent person rule which states: *Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.*

### 5.3 Ethics:

#### 5.3.1 *Employees Involved in the City Investment Program Must Avoid Conflicts of Interest.*

Association with the investment program in any capacity is considered employee involvement.

Employees must avoid personal business activity that may:

- Conflict with the proper execution of the investment program.
- Impair their ability to make impartial investment decisions.

*5.3.2 Employees Associated with the City Investment Program Must Disclose Certain Personal Information to the Director of Finance and Administration or His/Her Designee.*

The disclosure should list:

- Any material interests in financial institutions that conduct business with the City.
- Any personal financial or investment positions that could influence the performance of the City's investment portfolio, particularly with regard to the timing of purchases and sales.

## **6.0 SAFEKEEPING, CUSTODY, AND CONTROLS**

### **6.1 Delivery vs. Payment:**

All trades of marketable securities will be executed (cleared and settled) on a delivery vs. payment (DVP) basis to ensure that securities are deposited in the City's safekeeping institution prior to the release of funds.

### **6.2 Third Party Safekeeping:**

Prudent treasury management requires that all purchased securities be bought on a delivery versus payment (DVP) basis and be held in safekeeping by an independent third-party financial institution or the City's designated depository.

The Director of Finance and Administration shall designate all safekeeping arrangements and an agreement of the terms shall be executed in writing. The third-party custodian shall be required to provide a statement to the City listing at a minimum each specific security, book yield, description, maturity date, market value, par value, purchase date, and CUSIP number.

All collateral securities pledged to the City for certificates of deposit or demand deposits shall be held in accordance with the State of Washington's Public Deposit Protection Commission (PDPC).

### **6.3 Internal Controls:**

The Director of Finance and Administration is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. Specifics for the internal controls shall be documented in an investment procedures manual.

The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of control should not exceed the benefits likely to be derived, and the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:

- Control of collusion;
- Separation of transaction authority from accounting and recordkeeping;
- Custodial safekeeping;
- Avoidance of physical delivery of marketable securities;
- Clear delegation of authority to subordinate staff members;
- Written confirmation of transactions for investments and wire transfers;
- Dual authorizations of wire transfers;
- Staff training; and

- Review, maintenance and monitoring of security procedures both manual and automated.

#### **6.4 External Controls**

The City will have an external review of the Investment Policy and procedures every three (3) years. The City may enter contracts with third-party investment advisory firms when their services are required.

## **7.0 AUTHORIZED FINANCIAL DEALERS**

### **7.1 Broker/Dealers:**

The Director of Finance and Administration shall maintain and review annually a list of all authorized financial institutions and broker/dealers that are approved to transact with the City for investment purposes. The City shall follow GFOA best practices for evaluating and selecting financial institutions and broker/dealers.

The Director of Finance and Administration or designee may utilize the investment advisor's approved broker/dealer list in lieu of the City's own approved list. The Advisor must submit the approved list to the City annually and provide updates throughout the year as they occur. The Advisor must maintain documentation of appropriate license and professional credentials of broker/dealers on the list. The annual investment advisor broker/dealer review procedures include:

- a. FINRA Certification check:
  - i. Firm profile
  - ii. Firm history
  - iii. Firm operations
  - iv. Disclosures of arbitration awards, disciplinary and regulatory events
  - v. State Registration Verification
- b. Financial review of acceptable FINRA capital or letter of credit for clearing settlements.

The Advisor may be authorized through the contracted agreement to open accounts on behalf of the City with the broker/dealers on the approved broker dealer list.

### **7.2 Investment Advisers:**

Advisers must be registered under the Investment Advisers Act of 1940 and must act in a non-discretionary capacity, requiring approval from the City prior to all transactions.

### **7.3 Bank Institutions:**

The City will only place funds, exceeding the current FDIC insurance limits, with banks who are currently participating in the Washington State PDPC program. Compliance/listing with the PDPC will be verified by the Adviser or designated investment officer utilizing the Washington State Treasurer's website.

### **7.4 Competitive Transactions:**

Transactions must be executed on a competitive basis and documented. Competitive prices should be provided from at least three separate brokers, financial institutions or through a national electronic trading platform. If the purchased security is only offered by one broker then other securities with similar structure may be used for documentation purposes. When an Adviser handles trade executions, they must provide the competitive documentation as requested.

## 8.0 AUTHORIZED AND SUITABLE INVESTMENTS

### 8.1 Authorized Investments:

Eligible investments are only those securities and deposits authorized by statute (RCW 39.58, 39.59, 43.250, and 43.84.080):

Among the authorized investments are U.S. Treasury and Agency securities (i.e., obligations of any government sponsored enterprise eligible for collateral purposes at the Federal Reserve), municipal debt, certificates of deposit with qualified public depositories within statutory limits as promulgated by the Washington State PDPC at the time of investment, foreign and domestic Bankers Acceptances, Commercial Paper and the Washington State Local Government Investment Pool.

The State of Washington Local Government Investment Pool is the only government-sponsored Pool approved for investment of funds.

### 8.2 Suitable Investments:

The City is empowered to invest in the following types of securities:

**US Treasury Obligations:** Direct obligations of the United States Treasury.

**US Agency Obligations Primary Issuers:** Government Sponsored Enterprises (*GSEs*) – Federal Instrumentality Securities include, but are not limited to Federal National Mortgage Association (*FNMA*), the Federal Home Loan Mortgage Corporation (*FHLMC*), Federal Home Loan Banks (*FHLB*), and the Federal Farm Credit Banks (*FFCB*).

**US Agency Obligations Secondary Issuers:** Other US government sponsored enterprises that are less marketable are considered secondary *GSEs*. They include, but are not limited to: Private Export Funding Corporation (*PEFCO*), Tennessee Valley Authority (*TVA*), Financing Corporation (*FICO*) and Federal Agricultural Mortgage Corporation, (*Farmer Mac*).

**Commercial Paper:** Unsecured debt obligations of corporate issuers that are rated at least A1+ by Moody's and P1 by Standard and Poor's. Commercial paper holdings may not have maturities exceeding 180 days. Any commercial paper purchased with a maturity longer than 100 days must also have an underlying long-term credit rating at the time of purchase of a minimum rating of AA- by S&P or Aa3 by Moody's RCW 39.59.020.

**Banker's Acceptance:** Banker's Acceptances generally are created based on a letter of credit issued to finance transactions. They are used to finance the shipment of some specific goods within the United States. They are issued by qualified financial institutions eligible for discount by the Federal Reserve System and by a qualified institution whose long-term letter of credit rating is rated in the highest category: AAA.

**Local Government Investment Pool:** Investment Pool managed by the Washington State Treasurer's Office.

**Time Deposits and Savings Accounts Issued by Banks:** Deposits in PDPC approved banks.

**Certificates of Deposit:** Non-negotiable Certificates of Deposit of financial institutions that are qualified public depositories as defined in RCW 39.58.010(2) and by the restrictions within.

**Municipal Debt Obligations:** Bonds of the State of Washington, any local government in the State of Washington, General Obligation bonds outside the State of Washington; at the time of investment the bonds must have a AA- from S&P or a Aa3 from Moody's. In the case of a split rating, the lower rating of these two rating agencies will be used.

### 8.3 Bank Collateralization:

The PDPC makes and enforces regulations and administers a program to ensure public funds deposited in banks and thrifts are protected if a financial institution becomes insolvent. The PDPC approves which banks and thrifts can hold state and local government deposits and monitors collateral pledged to secure uninsured public deposits. Under RCW 39.58.240, all public treasurers and other custodians of public funds are relieved of the responsibility of executing tri-party agreements, reviewing pledged securities, and authorizing additions, withdrawals, and exchanges of collateral.

## 9.0 INVESTMENT PARAMETERS

### 9.1 Diversification:

The City will diversify the investment of all funds by adhering to the constraints by issuer type in accordance with the following table:

**Table of Constraints on the Portfolio**

Issue Type	Maximum % Holdings	Issuer % per Issue Type	Ratings S&P	Ratings Moody's
US Treasury Obligations	100%	None	N/A	N/A
US Agency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	30%	Security must be rated	Security must be rated
US Agency Secondary Issuance FICO, FARMER MAC etc	20%	10%	Security must be rated	Security must be rated
Washington LGIP	100%	None	N/A	N/A
Bank Time Deposits/Savings Accounts	50%	None	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Certificates of Deposit	10%	5%	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Commercial Paper	5%	5%	A1+ Long Term: AA-	P1 Long Term: Aa3
Municipal Bonds	20%	5%	AA-	Aa3
Banker's Acceptance	5%	5%	AAA	Aaa

### 9.2 Investment Maturity:

The City will not directly invest in securities maturing more than five (5) years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed 3 years. This maximum is established to limit the portfolio to excessive price change exposure.

- Liquidity funds will be held in the State Pool, PDPC bank deposits, or cash matched securities.
- Investment funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in high quality and liquid securities.
- Total Portfolio Maturity Constraints:

<b>Maturity Constraints</b>	<b>Minimum % of Total Portfolio</b>
Under 30 days	10%
Under 1 year	25%
Under 5 years	100%
Weighted Average Maturity	3.0 Years
<b>Maturity Constraints</b>	<b>Maximum % of Total Portfolio</b>
Callable Securities	50%

- Exception to 5 year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

### 9.3 Strategic Allocations:

#### 9.3.1 Funds and their Allocation

- Liquidity funds for the operating account will be allocated to LGIP, CD's, PDPC Bank Deposits, Bankers Acceptances, and Commercial Paper.
- The structure of the Investment Core Fund will be targeted to a selected market benchmark based on the risk and return objectives of the portfolio.
- Longer term restricted funds will have an identified market benchmark to manage risk and return.

#### 9.3.2 Monitoring and Portfolio Adjustment: As a general practice, securities will be purchased with the intent to hold to maturity. However, it is acceptable for securities to be sold under the following circumstances:

- A security with a declining credit may be sold early to protect the principal value of the portfolio.
- The portfolio duration or maturity buckets should be adjusted to reflect better the structure of the underlying benchmark portfolio.
- A security exchange that would improve the quality, yield and target maturity of the portfolio based on market conditions.
- A sale of a security to provide for unforeseen liquidity needs.

### 9.4 Prohibited Investments:

9.4.1 The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.

9.4.2 The City shall not invest in:

- a. Mortgage-backed securities
- b. Derivative Products
- c. Securities that leverage the portfolio or are used for speculation of interest rates
- d. Any securities on negative credit watch
- e. Mutual Funds
- f. Repurchase Agreements
- g. Reverse Agreements

## **10.0 REPORTING REQUIREMENTS**

### **10.1 Reporting:**

The Director of Finance and Administration shall be responsible for investment reporting. At a minimum, quarterly reporting shall be made to the City Council including but not limited to securities holdings, cash balances, and market values in the investment portfolio.

Specific Requirements:

- Book Yield
- Holdings Report including mark-to-market and security description
- Transactions Report
- Weighted Average Maturity

### **10.2 Performance Standards:**

The portfolio shall be managed to obtain a fair rate of return and earnings rate that incorporates the primary objectives of protecting the City's capital and assuring adequate liquidity to meet cash flow needs.

For purposes of this policy, "earnings rate" will be compared to the LGIP rate. The goal is for the portfolio to generally perform better than the LGIP due to the longer weighted average maturity and the earnings rate is expected to trend in a similar manner as interest rates change.

The investment portfolio performance may be tracked against a market index such as the US treasury 0-3 year index or US treasury 0-5 year index on a total return basis. This will provide for accountability of price changes in the portfolio and help inform the strategy related to the duration of the portfolio.

### **10.3 Compliance Report**

A compliance report will be generated quarterly comparing the portfolio positions to this investment policy.

### **10.4 Accounting Method**

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to the Governmental Accounting Standards Board (GASB).

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation in the investment program and in accordance with generally accepted accounting principles.

## **11.0 INVESTMENT POLICY ADOPTION**

The City's Investment Policy shall be adopted by the City Council.

The Policy shall be reviewed annually by the Investment Committee. Any modifications shall be submitted and approved by City Council.

## 12.0 GLOSSARY OF TERMS

**Agency Securities:** Government sponsored enterprises of the US Government.

**Bankers Acceptances:** A time draft accepted (endorsed) by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer. BAs are short-term non-interest-bearing notes sold at a discount and redeemed by the accepting bank at maturity for full face value.

**Bond:** An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and specific assets sometimes secure it. Most bonds have a maturity of greater than one year and generally pay interest semiannually.

**Broker:** An intermediary who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

**Certificates of Deposit:** Instruments issued by a bank specifying that a sum of money has been deposited, payable with interest to the bearer of the certificate on a certain date.

**Collateral:** Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**Commercial Paper:** Short-term, unsecured, negotiable promissory notes issued by corporations.

**Current Maturity:** The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

**CUSIP:** A CUSIP number identifies securities. CUSIP stands for Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

**Dealer:** An individual or firm that ordinarily acts as a principal in security transactions. Typically, dealers buy for their account and sell to a customer from their inventory. The dealer's profit is determined by the difference between the price paid and the price received.

**Delivery:** Either of two methods of delivering securities: delivery vs. payment and delivery vs. receipt (also called "free"). Delivery vs. payment is the delivery of securities with an exchange of money for the securities.

**Diversification:** Dividing available funds among a variety of securities and institutions so as to minimize market risk.

**Duration:** A measure used to calculate the price sensitivity of a bond or portfolio of bonds to changes in interest rates. This equals the sum of the present value of future cash flows.

**Full Faith and Credit:** Indicator that the unconditional guarantee of the United States government backs the repayment of debt.

**General Obligation Bonds (GOs):** Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

**Government Bonds:** Securities issued by the federal government; they are obligations of the U.S. Treasury; also known as "governments."

**Interest:** Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

**Investment Core Funds:** Core funds are defined as operating fund balance and other fund balances that exceeds the City's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

**Investment Securities:** Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

**Liquidity:** The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

**Liquidity Component:** A percentage of the total portfolio that is dedicated to providing liquidity needs for the City.

**LGIP:** Local Government Investment Pool run by the State of Washington Treasurer's office established to help cities with short-term investments.

**Mark to Market:** Adjustment of an account or portfolio to reflect actual market value rather than book price, purchase price or some other valuation.

**Market Value:** The market value of a security is the price at which can be sold on that date.

**Maturity:** The date upon which the principal or stated value of an investment becomes due.

**Municipals:** Securities, usually bonds, issued by a state, its agencies, by cities or other municipal entities. The interest on "munis" is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency's taxation powers.

**Non-Discretionary Investment Advisor:** Non-discretionary investment advisor services may include investment management oversight, investment research, portfolio analysis, portfolio reporting and portfolio recommendations based upon the specific investment policy and investment objectives of each client. Clients must approve any such recommendations before the securities are purchased or sold in their accounts.

**Par Value:** The value of a security expressed as a specific dollar amount marked on the face of the security or the amount of money due at maturity. Par value should not be confused with market value.

**Portfolio:** A collection of securities held by an individual or institution.

**Principal:** The cost of an instrument on which interest is earned.

**Prudent Person Rule:** A long-standing common-law rule that requires a trustee who is investing for another to behave in the same way as a prudent individual of reasonable discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Quotation or Quote:** A bid to buy or the lowest offer to sell a security in any market at a particular time.

**Repurchase Agreement:** Range in maturity from overnight to fixed time to open end. Repos involve a simultaneous sale of securities by a bank or government securities dealer to an investor with an agreement for the bank or government securities dealer to repurchase the securities at a fixed date at a specified rate of interest.

**Safekeeping:** An arrangement under which an organization's securities are kept in a bank vault or in the case of book entry securities, are held and recorded in the customer's name. Evidence of this arrangement is a safekeeping receipt.

**Secondary Market:** A market where certain securities may be bought and sold at prevailing market prices after their initial distribution but before their stated maturity date.

**Treasury Bill (T-Bill):** An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

**Treasury Bonds and Notes:** Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

**Yield:** The annual rate of return on an investment expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**Yield to Maturity:** The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.

## **CITY OF KIRKLAND INVESTMENT POLICY**

December 9, 2014

### **1.0 Policy Statement**

It is the policy of the City of Kirkland, ("the City") to invest public funds in a manner which provides a market rate of return while meeting safety objectives, the daily cash flow requirements and conforming to all state and local statutes governing the investment of public funds.

### **2.0 Scope**

This investment policy applies to all financial assets for the City of Kirkland. These funds are accounted for in the City's annual financial report and include:

- General Fund
  - Special Revenue Funds
  - Capital Project Funds
  - Enterprise Funds
  - Trust and Agency Funds
  - Debt Service Funds
- Any new funds created by the Finance Director unless specifically exempted.

### **3.0 Objective**

The primary objectives, in order of priority, for the City of Kirkland's investment activities are as follows:

- 3.1 **Legality:** The City's investments will be in compliance with all statutes governing the investment of public funds in the State of Washington.
- 3.2 **Liquidity:** The City's investments will remain sufficiently liquid to enable the city to meet all operating requirements which might be reasonably anticipated.
- 3.3 **Safety:** Investments of the City will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from other investments.
- 3.4 **Yield:** The City's investments will be designed with the objective of attaining a market rate return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow characteristics.

Investment Core Fund is limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity with the following exceptions:

- a. A security with declining credit may be sold early to minimize loss of principal.
- b. A security swap that would improve the quality, yield or target duration in the portfolio.
- c. Liquidity needs of the portfolio require that the security be sold.

#### **4.0 Delegation of Authority**

In accordance with City of Kirkland Municipal code, Ordinance No.1020, an Investment Committee was created consisting of the City Manager and Finance Director. Authority is granted to these individuals to invest any portion of the monies in the City's inactive funds or other funds in excess of current needs. The Finance Director may designate a person or a non-discretionary investment advisor to coordinate the day to day operations of the investment portfolio.

#### **5.0 Prudence**

Investments will be made with judgment and care, under circumstances then prevailing, which person of prudence, discretion and intelligence would use in the management of their own affairs, not for speculation, but for investment purposes (Prudent Person Standard).

The standard of prudence to be used by investment officials will be the "prudent person" and will be applied in the context of managing an overall portfolio. Investment officers meeting the "prudent person" standard will be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### **6.0 Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that may conflict with the proper execution of the investment program, or may impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to Investment Committee any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of the City's portfolio.

#### **7.0 Authorized Financial Dealers and Institutions**

Financial Institutions

The Investment Committee will maintain a list of financial institutions as required by the Public Deposit Protection Commission (PDPC), authorized to provide investment services as outlined in R.C.W. 39.58.080. No public deposits will be made except in a qualified public depository in the State of Washington.

### Broker/Dealers

A list will also be maintained of approved security broker/dealers selected by credit worthiness. The Finance Director will review the FINRA (Financial Industry Regulatory Authority) report on both the firm and the broker and maintain documentation of the review. A certification of having read the City's investment policy and receipt of the City's Trading Authorization must be completed by all brokers prior to transacting business. The Brokers Dealers may include "primary" dealers or "secondary" regional dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule). The Finance Director can assign the responsibility of broker/dealer due diligence process to the Investment Adviser and the Broker/Dealer List will be provided by the Investment Adviser to the investment committee annually.

## 8.0 Broker Allocation

Investment transactions will be based upon the financial institution or brokerage firm that offers the best price to the City on each particular transaction. The City will make its best effort to obtain three bids for purchase or sale of government agency securities other than new issues. If circumstances dictate fewer than three bids due to the volatility of the market place, lack of bids, etc. the Finance Director or the Deputy Director has the authority to waive this. Generally all brokers will not have the same inventory of agency securities available to sell, but should be able to offer comparable alternatives. Banker's acceptances and Certificates of Deposit (other than a compensating balance CD) also require the acquisition of at least three bids, and acceptance of the most attractive rate from among comparable alternatives. Where two or more institutions or brokers have offered the same low bid, allocation will go to the lowest bidder that has provided the best service to the City. The City's investment adviser that is providing transactional services must provide documentation of competitive pricing execution on each transaction. The investment adviser will retain documentation and provide upon request.

## 9.0 Authorized and Suitable Investments

The City is empowered to invest in the following types of securities:

Eligible investments are only those securities and deposits authorized by statute (RCW 39.58, 39.59, 43.250, and 43.84.080) Eligible investments include:

- Obligations of the U.S. government;  
U.S. Treasury Notes, Bonds and Bills
- Obligations of U.S. government agencies, corporations wholly owned by the U.S. government or any Government Sponsored Enterprises (GSE's)

Specific listing:

Federal Home Loan Bank - FHLB Federal

Farm Credit Bank - FFCB

Federal Home Loan Mortgage Corporation - FHLMC

Federal National Mortgage Association - FNMA Federal

Agricultural Mortgage Corporation - FAMC

Tennessee Valley Authority - TVA

\* Other issuers may qualify if they meet the above criteria.

- Banker's acceptances purchased on the secondary market rated with the highest short-term credit rating of any two Nationally Recognized Statistical Rating Organizations (NRSROs), at the time of purchase. A-1+, A1+, or P-1. If the banker's acceptance is rated by more than two NRSROs, it must have the highest rating from all the organizations. Banker's Acceptances are considered illiquid as there is no active secondary market for these securities.
- Commercial Paper, provided that the Finance Director adheres with the policies and procedures of the State Investment Board regarding commercial paper (RCW 43.84.080(7)), including the following:
  - Must have the highest short-term credit rating of any two Nationally Recognized Statistical Rating Organizations (NRSROs), at the time of purchase. A-1+, A1+, or P-1.
  - Must be approved by the Investment Committee.
  - Procedures for steps to be taken should an issuer be placed on credit watch or downgraded are included in the Investment Procedures.
- Certificates of deposit with financial institutions qualified by the Washington Public Deposit Protection Commission;
- Local Government Investment Pool, for proceeds of bonds, liquidity funds or other debt obligations;
- Obligations of the State of Washington or its political sub-divisions with the following guidelines:
  - Limited to securities which have one of the two highest rating categories by two of the NRSROs. Requiring AA- or better from Fitch and Standard & Poors and a Aa3 by Moodys
  - Procedures for steps to be taken should an issuer be placed on credit watch or downgraded are included in the Investment Procedures.
- Obligations of a state other than the State of Washington or its political sub-divisions, with the following guidelines:
  - Limited to securities which have one of the two highest rating categories by two of the NRSROs. Requiring AA- or better from Fitch and Standard & Poors and a Aa3 by Moodys Procedures for steps to be taken should an issuer be placed on credit watch or downgraded are included in the Investment Procedures.
- Repurchase Agreements. The City does not actively invest in repurchase agreements for short term investments. However, if a repurchase agreement is utilized collateralization is required. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be (102%) of market value of principal and accrued interest. Re-pricing of the collateral should occur daily.

The City chooses to limit the collateral to Treasury and GSE Agency securities only, with a maximum maturity of three years.

Collateral will always be held by an independent third party with whom the entity has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the entity and retained.

If the City chooses to invest in repurchase agreements, only primary dealers are to be used as counterparties to repurchase agreements, short term credit rating must be the highest credit rating, A-1 or the equivalent and a long term rating of A or the equivalent, the approved Bond Market Association's master repurchase agreement must be executed and on file prior to entering into these transactions and the maximum term for a repurchase agreement shall be limited to 30 days.

### **10.0 Prohibited Securities**

- Mortgage Backed Securities including CMO's are prohibited.
- Derivative Products are prohibited
- The City is prohibited from purchasing securities that leverage the portfolio or are used for speculation of interest rates
- Purchases of any security on negative credit watch are prohibited.
- Purchases in Mutual Funds are prohibited

### **11.0 Investment Pools**

The City is allowed to invest in the Washington State Local Government Investment Pool as authorized by City of Kirkland Resolution 3370.

### **12.0 Safekeeping and Custody**

All security transactions, including collateral for repurchase agreements, entered into by the City of Kirkland will be conducted on a delivery-versus-payment (DVP) basis. Securities will be held in safekeeping by a third party custodian.

### **13.0 Diversification**

The City will diversify its investments by security type and institution so that reliance on any one issuer or financial institution will not place an undue financial burden on the City. The City's policy is to assure that no single institution or security is invested to such an extent that a delay of liquidation at maturity is likely to cause a current cash flow emergency.

The following table provides maximum portfolio and issuer limit guidelines for the eligible securities which shall be complied with at the time of a security purchase, unless an exception waiver is approved by the Investment Committee. However, no sale of securities shall be required to meet revised limits due to a decrease in the total size of the portfolio.

Investment	Percent of Fund	Percent Per Issuer	Maturity
US Treasury Obligations	100	100	5 Years
US Agency Obligations	100	30	5 Years
Callable Agency Securities	50	30	5 Years
State or Political Subdivision	20	5	5 Years
Certificates of Deposits	10	5	5 years
Bankers Acceptances	5	5	180 days
A-1/P-1 Commercial Paper	5	5	180 days

#### **14.0 Maximum Maturities**

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, or estimated to cash flow needs, the City will not directly invest in securities maturing more than five (5) years from the date of settlement.

The maximum weighted average maturity (WAM) of the total portfolio shall not exceed 3 years. This maximum is established to limit the portfolio to excessive market exposure. The WAM refers to the final WAM not the effective WAM.

Reserve or Capital Improvement Project monies may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

#### **15.0 Internal Control**

On an annual basis, the Investment Committee, in conjunction with the State Auditor's Office, will evaluate conformance with the Investment Policy and audit internal controls. The purpose of these examinations shall be to audit the accountability of the City's Investment Portfolio and to verify that Investment Officials have acted in accordance with the investment policies and procedures. Should the Investment Procedures be in conflict with the Investment Policy, the Investment Policy is the final authority.

#### **16.0 External Control**

The City will have an external review of the investment policy and procedures every three (3) years. The City may enter contracts with third-party investment advisory firms when their services are required.

#### **17.0 Performance Standards**

The portfolio shall be managed to obtain a fair rate of return, keeping in mind the primary objectives of protecting the City's capital and assuring adequate liquidity to meet cash flow needs.

For purposes of this policy, "fair rate of return" will be a band between the average yield of the ninety-day Treasury bill and the 2-year Treasury note for the period of time being evaluated. The goal is for the portfolio to generally perform within or above the band.

In addition, the Investment Core component duration may be tracked against a market index such as the US treasury 0-5 year index on a total return basis. This will provide for accountability of price changes in the portfolio and help inform the strategy related to the duration of the portfolio.

## **18.0 Reporting Requirements**

18.1 The Finance Director shall prepare a quarterly and annual investment report summarizing the activity of the investment portfolio as to types of investments, yields, maturities and other related data.

18.2 Monthly reports will be submitted to the Investment Committee that report market value changes and investment income.

18.3 A Compliance report will be provided to the Investment Committee on at least a quarterly basis.

18.4 Additional reporting requirements are outlined in the Investment Procedures.

## **19.0 Investment Policy Adoption**

The City's investment policy shall be adopted by City Council. The policy shall be reviewed annually by the Investment Committee. Any modifications shall be submitted and approved by City Council.

## GLOSSARY

**BANKERS' ACCEPTANCES (Bas)** – Bankers Acceptances are a form of a loan used in import-export financing transactions which becomes negotiable when accepted by a bank. The issuing bank is liable for the payment at its maturity. Terms vary but normally they are under six months and are purchased on a discount basis.

**BROKER** – A middleman who brings buyers and sellers together and handles their orders generally charging a commission for their services.

**CERTIFICATES OF DEPOSIT** – Instruments issued by a bank specifying that a sum of money has been deposited, payable with interest to the bearer of the certificate on a certain date.

**COMMERCIAL PAPER** - A short – term promissory note issued by a bank holding company, for the purpose of financing current transactions. Issues are sold on a discount basis with maturities up to 270 days.

**DELIVERY VS PAYMENT** – Physical delivery of collateral securities or book entry control in exchange for the cash payment. Under this system funds are not transferred until the securities are delivered. If a third party acts as custodian, funds are released by the custodian only when delivery is accomplished.

**DEPOSITORY** – A bank or financial institution accepting cash deposits and investments.

**DIVERSIFICATION** – Dividing available funds among a variety of securities and institutions so as to minimize market risk.

**DURATION** - The number of years required to receive the present value of future payments, both of interest and principle, of a bond, often used as an indicator of a bond's price volatility resulting from changes in interest rates.

**FEDERAL CREDIT AGENCIES** - Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives and exporters.

**FEDERAL HOME LOAN BANKS (FHLB)** - The 12 Federal Home Loan Banks are a system of regional banks from which local lending institutions everywhere in America borrow funds to finance housing, economic development, infrastructure and jobs. About 80 percent of U.S. lending institutions rely on the Federal Home Loan Banks. Because the Federal Home Loan Banks are cooperatives, their low costs are passed on to consumers and communities.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA, or Fannie Mae)** - FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of

Housing & Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**GOVERNMENT SPONSORED ENTERPRISES (GSE's)** - A group of financial services corporations created by the United States Congress. Their function is to reduce interest rates for specific borrowing sectors of the economy, farmers, and homeowners. The mortgage borrowing segment is by far the largest of the borrowing segments that the GSE's operate in.

**LIQUIDITY** - The length of time required to convert any investment to cash.

**LOCAL GOVERNMENT INVESTMENT POOL (LGIP)** – The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**MARKET VALUE** – The market value of a security is the price at which the last sale of the same issue was sold.

**MATURITY** – The date upon which the principal or stated value of an investment becomes due.

**NON-DISCRETIONARY INVESTMENT ADVISOR** - Non-discretionary investment advisor services may include investment management oversight, investment research, portfolio analysis, portfolio reporting and portfolio recommendations based upon the specific investment policy and investment objectives of each client. Clients must approve any such recommendations before the securities are purchased or sold in their accounts.

**PRINCIPAL** – The cost of an instrument on which interest is earned.

**REPURCHASE AGREEMENT** – Range in maturity from overnight to fixed time to open end. Repo's involve a simultaneous sale of securities by a bank or government securities dealer to a city with an agreement for the bank to repurchase the securities at a fixed date at a specified rate of interest.

**SAFEKEEPING** – An arrangement under which an organization's securities are kept in a bank vault or in the case of book entry securities, are held and recorded in the customer's name. Evidence of this arrangement is a safekeeping receipt.

**SECONDARY MARKET** – A market where certain securities may be bought and sold at prevailing market prices after their initial distribution but before their state maturity date.

**TREASURY BILLS** – Short-term marketable securities issued by the U.S. Treasury and secured by the Federal Government and have maximum liquidity.

**TREASURY NOTES AND BONDS** – These are direct obligations of the U.S. Government

with maturities from one to ten years on the notes and 10 to 30 years on the bonds.

**UNIFORM NET CAPITAL RULE** - Securities & Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities. Liquid capital includes cash and assets easily converted into cash.

**WEIGHTED AVERAGE MATURITY** - The average time it takes for securities in a portfolio to mature, weighted in proportion to the dollar amount that is invested in the portfolio. Weighted average maturity measures the sensitivity of fixed-income portfolios to interest rate changes. Portfolios with longer WAMs are more sensitive to changes in interest rates because the longer a bond is held, the greater the opportunity for interest rates to move up or down and affect the performance of the bonds in the portfolio.

**EFFECTIVE WEIGHTED AVERAGE MATURITY** - For a single bond, it is a measure of maturity that takes into account the possibility that a bond might be called back to the issuer.

For a portfolio of bonds, average effective maturity is the weighted average of the maturities of the underlying bonds. The measure is computed by weighing each bond's maturity by its market value with respect to the portfolio and the likelihood of any of the bonds being called.

**YIELD** – The rate of annual return on an investment expressed as a percentage.

**CITY OF KIRKLAND**  
**INVESTMENT POLICY**  
**(ADOPTED ~~XXX,XX~~JULY 19, 2016)**

---

**Policy Statement**

This ~~P~~policy establishes standards and guidelines for the direction, management and oversight for all of the City of Kirkland's ("City") investable funds. These funds include cash for liquidity purposes, intermediate investments for ongoing operations and long term investments for dedicated accounts. Funds must be invested prudently to assure preservation of principal, provide needed liquidity for daily cash requirements, and provide a market rate of return. For purposes of the City's Investment Policy, safety and liquidity are higher priorities than return on investment. All investments must conform to federal, state, and local statutes governing the [City of Kirkland investment of the State of Washington public funds investments](#).

## TABLE OF CONTENTS

---

1.0	INTRODUCTION.....	3
2.0	GOVERNING AUTHORITY.....	3
3.0	SCOPE .....	3
4.0	OBJECTIVES .....	3
	4.1 SAFETY	
	4.2 LIQUIDITY	
	4.3 RETURN	
5.0	STANDARDS OF CARE .....	5
	5.1 DELEGATION OF AUTHORITY	
	5.2 PRUDENCE	
	5.3 ETHICS	
6.0	SAFEKEEPING, CUSTODY AND CONTROLS .....	6
	6.1 DELIVERY VS. PAYMENT	
	6.2 THIRD PARTY SAFEKEEPING	
	6.3 INTERNAL CONTROLS	
	<a href="#">6.4 EXTERNAL CONTROLS</a>	
7.0	AUTHORIZED FINANCIAL DEALERS.....	7
	7.1 BROKER/DEALERS	
	7.2 INVESTMENT ADVISERS	
	7.3 BANK INSTITUTIONS	
	7.4 COMPETITIVE TRANSACTIONS	
8.0	AUTHORIZED AND SUITABLE INVESTMENTS .....	8
	8.1 AUTHORIZED INVESTMENTS	
	8.2 SUITABLE INVESTMENTS	
	8.3 BANK COLLATERALIZATION	
9.0	INVESTMENT PARAMETERS .....	10
	9.1 DIVERSIFICATION	
	9.2 INVESTMENT MATURITY	
	9.3 STRATEGIC ALLOCATIONS	
	9.4 PROHIBITED INVESTMENTS	
10.0	REPORTING REQUIREMENTS .....	12
	10.1 REPORTING	
	10.2 PERFORMANCE STANDARDS	
	10.3 COMPLIANCE REPORT	
	10.4 ACCOUNTING METHOD	
11.0	INVESTMENT POLICY ADOPTION .....	13
12.0	GLOSSARY OF TERMS .....	14

## 1.0 INTRODUCTION

This Investment Policy defines the parameters within which funds are to be invested by the City of Kirkland (City). This ~~Policy~~ also formalizes the framework, ~~of the City's Policy and Procedures~~ to provide the investment authority and constraints for the City to maintain an effective and judicious management of funds within the scope of this ~~policy~~ Policy.

~~These Policies is~~ are intended to be broad enough to allow the Director of Finance and Administration, or authorized designee, to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

- Sets out guidelines for the prudent management of the City's funds;
- Describes realistic parameters and goals for safely investing those funds;
- Establishes expectations for generally acceptable returns at a suitable level of risk that matches the purpose of the City's funds;
- Provides the framework within which the Director of Finance and Administration will operate by setting out objectives, guidelines, and structure that include details on the universe of permitted investments and any restrictions of their use.

The City Council reserves the right to amend this policy as deemed necessary.

## 2.0 GOVERNING AUTHORITY

The City of Kirkland investment authority is derived from RCW Chapters 35, 39 and 43. The investment program shall be operated in conformance with the Revised Code of Washington and applicable Federal Law. All funds within the scope of this policy are subject to regulations established by the State of Washington.

The City Council has the direct authority to provide for the Director of Finance and Administration or his/her designee, the responsibility for the daily operations of the City's investment pProgram and activities. (Kirkland Municipal Code (KMC) Chapter 5.24)

## 3.0 SCOPE OR IDENTIFICATION OF FUNDS

This policy applies to activities of the City of Kirkland with regard to investing the financial assets of ~~operating all funds and capital funds~~. The amount of funds expected to fall within the scope of this policy is \$90 ~~million~~ MM to \$120 ~~million~~ MM, which include, but not limited to, operating, capital improvement, and restricted funds.

This investment policy applies to all investment transactions involving the financial assets and related activity of all ~~City of the previous funds~~.

## 4.0 OBJECTIVES

All funds will be invested in a manner that is in conformance with federal, state and other legal requirements. ~~Also,~~ the objectives, in order of priority, of the investment activities will be as follows:

**4.1 Safety:** Safety of principal is the primary objective of the City. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, funds will be diversified, utilizing highly rated securities, by investing in a variety of securities and financial institutions. The investment portfolio will be invested in a manner that meets RCW statutes and all legal requirements of the City.

**4.2 Liquidity:** The investment portfolio will provide liquidity sufficient to enable the City to meet all cash requirements that might reasonably be anticipated. Therefore, the investments shall be managed to maintain a minimum balance to meet daily obligations.

**4.3 Return on Investment:** The investment portfolio will be structured with the objective of attaining a market rate of return throughout economic cycles, commensurate with the investment risk parameters and the cash flow characteristics of the portfolio. Nevertheless, return on investment is a lesser objective than safety or liquidity.

## 5.0 STANDARDS OF CARE

### 5.1 Delegation of Authority:

*Governing Body:* The ultimate responsibility and authority for the investment of City funds resides with the City Council who has the authority to direct the management of the City investment program.

*Authority:* Pursuant to [the KMC 5.24 and Resolution 5087–Resolution–2656-2015](#), the overall management responsibility for the investment program is hereby delegated to the Director of Finance and Administration, or designee, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. The Director of Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

*Investment Advisor:* The City may contract with an external [non-discretionary](#) investment advisor ([Advisor](#)) to assist with the management of the City's investment portfolio in a manner that is consistent with the City's objectives and this policy. Such [Advisors](#) shall provide recommendations and advice regarding the City investment program including but not limited to advice related to the purchase and sale of investments by this Investment Policy.

### 5.2 Prudence:

The standard of prudence to be used by the Director of Finance and Administration or any designees in the context of managing the overall portfolio is the prudent person rule which states: *Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.*

### 5.3 Ethics:

#### 5.3.1 Employees Involved in the City Investment Program Must Avoid Conflicts of Interest.

Association with the investment program in any capacity is considered employee involvement. Employees must avoid personal business activity that may:

- Conflict with the proper execution of the investment program.
- Impair their ability to make impartial investment decisions.

*5.3.2 Employees Associated with the City Investment Program Must Disclose Certain Personal Information to the Director of Finance and Administration or His/Her ~~Designee~~Delegate.*

The disclosure should list:

- Any material interests in financial institutions that conduct business with the City.
- Any personal financial or investment positions that could influence the performance of the City's investment portfolio, particularly with regard to the timing of purchases and sales.

## **6.0 SAFEKEEPING, CUSTODY, AND CONTROLS**

### **6.1 Delivery vs. Payment:**

All trades of marketable securities will be executed (cleared and settled) on a delivery vs. payment (DVP) basis to ensure that securities are deposited in the City's safekeeping institution prior to the release of funds.

### **6.2 Third Party Safekeeping:**

Prudent treasury management requires that all purchased securities be bought on a delivery versus payment (DVP) basis and be held in safekeeping by ~~the City~~, an independent third-party financial institution, or the City's designated depository.

The Director of Finance and Administration shall designate all safekeeping arrangements and an agreement of the terms shall be executed in writing. The third-party custodian shall be required to provide a statement to the City listing at a minimum each specific security, book yield, description, maturity date, market value, par value, purchase date, and CUSIP number.

All collateral securities pledged to the City for certificates of deposit or demand deposits shall be held in accordance with the State of Washington's Public Deposit Protection Commission (PDPC).

### **6.3 Internal Controls:**

The Director of Finance and Administration is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. Specifics for the internal controls shall be documented in an investment procedures manual.

The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of control should not exceed the benefits likely to be derived, and the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:

- Control of collusion;
- Separation of transaction authority from accounting and recordkeeping;
- Custodial safekeeping;
- Avoidance of physical delivery of marketable securities;
- Clear delegation of authority to subordinate staff members;
- Written confirmation of transactions for investments and wire transfers;
- Dual authorizations of wire transfers;
- Staff training; and

- Review, maintenance and monitoring of security procedures both manual and automated.

#### 6.4 External Controls

6.3 The City will have an external review of the Investment Policy and procedures every three (3) years. The City may enter contracts with third-party investment advisory firms when their services are required.

## **7.0 AUTHORIZED FINANCIAL DEALERS**

### **7.1 Broker/Dealers:**

The Director of Finance and Administration shall maintain and review annually a list of all authorized financial institutions and broker/dealers that are approved to transact with the City for investment purposes. The City shall follow GFOA best practices for evaluating and selecting financial institutions and broker/dealers.

The Director of Finance and Administration or designee may utilize the investment advisor's approved broker/dealer list in lieu of the City's own approved list. The Advisor must submit the approved list to the City annually and provide updates throughout the year as they occur. The Advisor must maintain documentation of appropriate license and professional credentials of broker/dealers on the list. The annual investment advisor broker/dealer review procedures include:

- a. FINRA Certification check:
  - i. Firm profile
  - ii. Firm history
  - iii. Firm operations
  - iv. Disclosures of arbitration awards, disciplinary and regulatory events
  - v. State Registration Verification
- b. Financial review of acceptable FINRA capital or letter of credit for clearing settlements.

The Advisor may be authorized through the contracted agreement to open accounts on behalf of the City with the broker/dealers on the approved broker dealer list. ~~The City will receive documentation directly from the brokers for account verification and regulatory requirements.~~

### **7.2 Investment Advisers:**

Advisers must be registered under the Investment Advisers Act of 1940 and must act in a non-discretionary capacity, requiring approval from the City prior to all transactions.

### **7.3 Bank Institutions:**

The City will only place funds, exceeding the current FDIC insurance limits, with banks who are currently participating in the Washington State PDPC program. Compliance/listing with the PDPC will be verified by the Adviser or designated investment officer utilizing the Washington State Treasurer's website.

### **7.4 Competitive Transactions:**

Transactions must be executed on a competitive basis and documented. Competitive prices should be provided from at least three separate brokers, financial institutions or through a national electronic trading platform. If the purchased security is only offered by one broker then other securities with similar structure may be used for documentation purposes. When an Adviser handles trade executions, they must provide the competitive documentation as requested.

## 8.0 AUTHORIZED AND SUITABLE INVESTMENTS

### 8.1 Authorized Investments:

Eligible investments are only those securities and deposits authorized by statute (RCW 39.58, 39.59, 43.250, and 43.84.080):

Among the authorized investments are U.S. Treasury and Agency securities (i.e., obligations of any government sponsored enterprise eligible for collateral purposes at the Federal Reserve), municipal debt ~~of this state~~, certificates of deposit with qualified public depositories within statutory limits as promulgated by the Washington State PDPC at the time of investment, foreign and domestic Bankers Acceptances, Commercial Paper and the Washington State Local Government Investment Pool.

The State of Washington Local Government Investment Pool is the only government-sponsored Pool approved for investment of funds.

### 8.2 Suitable Investments:

The City is empowered to invest in the following types of securities:

**US Treasury Obligations:** Direct obligations of the United States Treasury.

**US Agency Obligations Primary Issuers:** Government Sponsored Enterprises (*GSEs*) – Federal Instrumentality Securities include, but are not limited to Federal National Mortgage Association (*FNMA*), the Federal Home Loan Mortgage Corporation (*FHLMC*), Federal Home Loan Banks (*FHLB*), and the Federal Farm Credit Banks (*FFCB*).

**US Agency Obligations Secondary Issuers:** Other US government sponsored enterprises that are less marketable are considered secondary *GSEs*. They include, but are not limited to: Private Export Funding Corporation (*PEFCO*), Tennessee Valley Authority (*TVA*), Financing Corporation (*FICO*) and Federal Agricultural Mortgage Corporation, (*Farmer Mac*).

**Commercial Paper:** Unsecured debt obligations of corporate issuers that are rated at least A1+ by Moody's and P1 by Standard and Poor's. Commercial paper holdings may not have maturities exceeding 180 days. Any commercial paper purchased with a maturity longer than 100 days must also have an underlying long-term credit rating at the time of purchase of a minimum rating of AA- by S&P or Aa3 by Moody's RCW 39.59.020.

**Banker's Acceptance:** Banker's Acceptances generally are created based on a letter of credit issued to finance transactions. They are used to finance the shipment of some specific goods within the United States. They are issued by qualified financial institutions eligible for discount by the Federal Reserve System and by a qualified institution whose long-term letter of credit rating is rated in the highest category: AAA.

**Local Government Investment Pool:** Investment Pool managed by the Washington State Treasurer’s Office.

**Time Deposits and Savings Accounts Issued by Banks:** Deposits in PDPC approved banks.

**Certificates of Deposit:** Non-negotiable Certificates of Deposit of financial institutions that are qualified public depositories as defined in RCW 39.58.010(2) and by the restrictions within.

**Municipal Debt Obligations:** Bonds of the State of Washington, any local government in the State of Washington, General Obligation bonds outside the State of Washington; at the time of investment the bonds must have a AA- from S&P or a Aa3 from Moody’s. In the case of a split rating, the lower rating of these two rating agencies will be used.

**8.3 Bank Collateralization:**

The PDPC makes and enforces regulations and administers a program to ensure public funds deposited in banks and thrifts are protected if a financial institution becomes insolvent. The PDPC approves which banks and thrifts can hold state and local government deposits and monitors collateral pledged to secure uninsured public deposits. Under RCW 39.58.240, all public treasurers and other custodians of public funds are relieved of the responsibility of executing tri-party agreements, reviewing pledged securities, and authorizing additions, withdrawals, and exchanges of collateral.

**9.0 INVESTMENT PARAMETERS**

**9.1 Diversification:**

The City will diversify the investment of all funds by adhering to the constraints by issuer type in accordance with the following table:

**Table of Constraints on the Portfolio**

Issue Type	Maximum % Holdings	Issuer % per Issue Type	Ratings S&P	Ratings Moody's
USTreasury Obligations	100%	None	N/A	N/A
USAgency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	30%	Security must be rated	Security must be rated
US Agency Secondary Issuance FICO, FARMER MAC etc	20%	10%	Security must be rated	Security must be rated
Washington LGIP	100%	None	N/A	N/A
Bank Time Deposits/Savings Accounts	50%	None	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Certificates of Deposit	10%	5%	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Commercial Paper	5%	5%	A1+ Long Term: AA-	P1 Long Term: Aa3
Municipal Bonds	20%	5%	AA-	Aa3
Banker's Acceptance	5%	5%	AAA	Aaa

**9.2 Investment Maturity:**

The City will not directly invest in securities maturing more than five (5) years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed 3 years. This maximum is established to limit the portfolio to excessive price change exposure.
- Liquidity funds will be held in the State Pool, PDPC bank deposits, or cash matched securities, or in money market instruments maturing six months and shorter.
- Investment funds will be ~~the~~ defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in high quality and liquid securities.
- Total Portfolio Maturity Constraints:

<u>Maturity Constraints</u>	<u>Minimum % of Total Portfolio</u>
<u>Under 30 days</u>	<u>10%</u>
<u>Under 1 year</u>	<u>25%</u>
<u>Under 5 years</u>	<u>100%</u>
<u>Weighted Average Maturity</u>	<u>3.0 Years</u>
<u>Maturity Constraints</u>	<u>Maximum % of Total Portfolio</u>
<u>Callable Securities</u>	<u>50%</u>

Maturity Constraints	Minimum % of Total Portfolio
Under 30 days	10%
Under 1 year	25%
<del>Under 5 years</del>	<del>100%</del>
Weighted Average Maturity	3.0 Years
Maturity Constraints	Maximum % of Total Portfolio
Callable Securities	50%

- Exception to 5 year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

### 9.3 Strategic Allocations:

#### 9.3.1 Funds and their Allocation

- Liquidity funds for the operating account will be allocated to LGIP, CD's, [PDPC](#) Bank Deposits, Bankers Acceptances, and Commercial Paper.
- The structure of the Investment Core Fund will be targeted to a selected market benchmark based on the risk and return objectives of the portfolio.
- ~~Longer term funds~~-restricted funds will have an identified market benchmark to manage risk and return.

€

9.3.2 Monitoring and Portfolio Adjustment: As a general practice, securities will be purchased with the intent to hold to maturity. However, it is acceptable for securities to be sold under the following circumstances:

- A security with a declining credit may be sold early to protect the principal value of the portfolio.
- The portfolio duration or maturity buckets should be adjusted to reflect better the structure of the underlying benchmark portfolio.
- A security exchange that would improve the quality, yield and target maturity of the portfolio based on market conditions.
- A ~~sale~~ ~~off~~ of a security to provide for unforeseen liquidity needs.

### 9.4 Prohibited Investments:

9.4.1 The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.

9.4.2 The City shall not invest in:

- Mortgage-backed securities
- Derivative Products
- Securities that leverage the portfolio or are used for speculation of interest rates

- d. Any securities on negative credit watch
- e. Mutual Funds
- f. Repurchase Agreements
- ~~g. Reverse Agreements~~
- ~~g.~~

## 10.0 REPORTING REQUIREMENTS

### 10.1 Reporting:

The Director of Finance and Administration shall be responsible for investment reporting. At a minimum, quarterly reporting shall be made to the City Council including but not limited to securities holdings, cash balances, and market values in the investment portfolio. ~~will be provided on the month-end reports.~~

Specific Requirements:

- Book Yield
- Holdings Report including mark-to-market and security description
- Transactions Report
- Weighted Average Maturity

### 10.2 Performance Standards:

The portfolio shall be managed to obtain a fair rate of return and earnings rate that incorporates the primary objectives of protecting the City's capital and assuring adequate liquidity to meet cash flow needs.

For purposes of this policy, "earnings rate" will be compared to the LGIP rate. The goal is for the portfolio to generally perform better than the LGIP due to the longer weighted average maturity and the earnings rate is expected to trend in a similar manner as interest rates change.

The investment portfolio performance may be tracked against a market index such as the US treasury 0-3 year index or US treasury 0-5 year index on a total return basis. This will provide for accountability of price changes in the portfolio and help inform the strategy related to the duration of the portfolio.

### 10.3 Compliance Report

A compliance report will be generated quarterly comparing the portfolio positions to this investment policy.

### 10.4 Accounting Method

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to the Governmental Accounting Standards Board (GASB).

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation [in the investment program](#) and in accordance with generally accepted accounting principles.

## **11.0 INVESTMENT POLICY ADOPTION**

The City's Investment Policy shall be adopted by the City Council.

The Policy shall be reviewed annually by the Investment Committee. Any modifications shall be submitted and approved by City Council.

## 12.0 GLOSSARY OF TERMS

**Agency Securities:** Government sponsored enterprises of the US Government.

**Bankers Acceptances:** A time draft accepted (endorsed) by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer. BAs are short-term non-interest-bearing notes sold at a discount and redeemed by the accepting bank at maturity for full face value.

**Bond:** An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and specific assets sometimes secure it. Most bonds have a maturity of greater than one year and generally pay interest semiannually.

[See Debenture.](#)

**Broker:** An intermediary who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

[Certificates of Deposit: Instruments issued by a bank specifying that a sum of money has been deposited, payable with interest to the bearer of the certificate on a certain date.](#)

**Collateral:** Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**Commercial Paper:** Short-term, unsecured, negotiable promissory notes issued by corporations.

**Current Maturity:** The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

**CUSIP:** A CUSIP number identifies securities. CUSIP stands for Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

**Dealer:** An individual or firm that ordinarily acts as a principal in security transactions. Typically, dealers buy for their account and sell to a customer from their inventory. The dealer's profit is determined by the difference between the price paid and the price received.

[Debenture: Unsecured debt backed only by the integrity of the borrower, not by collateral, and documented by an agreement called an indenture.](#)

**Delivery:** Either of two methods of delivering securities: delivery vs. payment and delivery vs. receipt (also called "free"). Delivery vs. payment is the delivery of securities with an exchange of money for the securities.

[Diversification: Dividing available funds among a variety of securities and institutions so as to minimize market risk.](#)

**Duration:** A measure used to calculate the price sensitivity of a bond or portfolio of bonds to changes in interest rates. This equals the sum of the present value of future cash flows.

**Full Faith and Credit:** Indicator that the unconditional guarantee of the United States government backs the repayment of debt.

**General Obligation Bonds (GOs):** Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

**Government Bonds:** Securities issued by the federal government; they are obligations of the U.S. Treasury; also known as "governments."

**Interest:** Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

**Investment Core Funds:** Core funds are defined as operating fund balance and other fund balances that exceeds the City's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

**Investment Securities:** Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

**Liquidity:** The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

**Liquidity Component:** A percentage of the total portfolio that is dedicated to providing liquidity needs for the City.

**LGIP:** Local Government Investment Pool run by the State of Washington Treasurer's office established to help cities with short-term investments.

**Mark to Market:** Adjustment of an account or portfolio to reflect actual market value rather than book price, purchase price or some other valuation.

**Market Value:**—The market value of a security is the price at which can be sold on that date.

**Maturity:**—The date upon which the principal or stated value of an investment becomes due.

**Municipals:** Securities, usually bonds, issued by a state, its agencies, by cities or other municipal entities. The interest on "munis" is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency's taxation powers.

**Non-Discretionary Investment Advisor:**— Non-discretionary investment advisor services may include investment management oversight, investment research, portfolio analysis, portfolio reporting and portfolio recommendations based upon the specific investment policy and investment objectives of each client. Clients must approve any such recommendations before the securities are purchased or sold in their accounts.

**Par Value:** The value of a security expressed as a specific dollar amount marked on the face of the security or the amount of money due at maturity. Par value should not be confused with market value.

**Portfolio:** A collection of securities held by an individual or institution.

**Principal:** [The cost of an instrument on which interest is earned.](#)

**Prudent Person Rule:** A long-standing common-law rule that requires a trustee who is investing for another to behave in the same way as a prudent individual of reasonable discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Quotation or Quote:** A bid to buy or the lowest offer to sell a security in any market at a particular time.

**Repurchase Agreement:** Range in maturity from overnight to fixed time to open end. Repos involve a simultaneous sale of securities by a bank or government securities dealer to an investor with an agreement for the bank or government securities dealer to repurchase the securities at a fixed date at a specified rate of interest.

**Safekeeping:** [An arrangement under which an organization's securities are kept in a bank vault or in the case of book entry securities, are held and recorded in the customer's name. Evidence of this arrangement is a safekeeping receipt.](#)

**Secondary Market:** [A market where certain securities may be bought and sold at prevailing market prices after their initial distribution but before their stated maturity date.](#)

**Treasury Bill (T-Bill):** An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

**Treasury Bonds and Notes:** Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

**Yield:** The annual rate of return on an investment expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**Yield to Maturity:** The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.

RESOLUTION R-5199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
ADOPTING A REVISED POLICY FOR INVESTMENT OF CITY FUNDS.

1           WHEREAS, the City Council of the City of Kirkland desires to have  
2 City funds invested in secure depositories and maximize returns on  
3 these investments; and

4  
5           WHEREAS, the City Council of the City of Kirkland desires to  
6 develop an investment policy to guide the investment of City funds to  
7 meet these objectives; and

8  
9           WHEREAS, the City's Investment Committee and the Kirkland  
10 City Treasurer (Director of Finance and Administration) have  
11 recommended revisions to the policy for investment of City funds; and

12  
13           WHEREAS, the City of Kirkland investment policy has been  
14 written in accordance with the Washington Municipal Treasurers' Model  
15 Investment Policy;

16  
17           NOW, THEREFORE, be it resolved by the City Council of the City  
18 of Kirkland as follows:

19  
20           Section 1. The policy for investment of City funds set forth in  
21 the document entitled "City of Kirkland Investment Policy July 19, 2016"  
22 which is attached as Exhibit A and incorporated by this reference is  
23 adopted as the official policy for investment of City funds.

24  
25           Section 2. That the document entitled City of Kirkland  
26 Investment Policy July 19, 2016, replaces all previous City of Kirkland  
27 Investment Policies.

28  
29           Passed by majority vote of the Kirkland City Council in open  
30 meeting this \_\_\_\_ day of \_\_\_\_\_, 2016.

31  
32           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
33 2016.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND  
INVESTMENT POLICY  
(ADOPTED JULY 19, 2016)**

---

**Policy Statement**

This Policy establishes standards and guidelines for the direction, management and oversight for all of the City of Kirkland's ("City") investable funds. These funds include cash for liquidity purposes, intermediate investments for ongoing operations and long term investments for dedicated accounts. Funds must be invested prudently to assure preservation of principal, provide needed liquidity for daily cash requirements, and provide a market rate of return. For purposes of the City's Investment Policy, safety and liquidity are higher priorities than return on investment. All investments must conform to federal, state, and local statutes governing the City of Kirkland public funds investments.

**TABLE OF CONTENTS**


---

1.0	INTRODUCTION.....	3
2.0	GOVERNING AUTHORITY.....	3
3.0	SCOPE.....	3
4.0	OBJECTIVES .....	3
	4.1 SAFETY	
	4.2 LIQUIDITY	
	4.3 RETURN	
5.0	STANDARDS OF CARE .....	5
	5.1 DELEGATION OF AUTHORITY	
	5.2 PRUDENCE	
	5.3 ETHICS	
6.0	SAFEKEEPING, CUSTODY AND CONTROLS .....	6
	6.1 DELIVERY VS. PAYMENT	
	6.2 THIRD PARTY SAFEKEEPING	
	6.3 INTERNAL CONTROLS	
	6.4 EXTERNAL CONTROLS	
7.0	AUTHORIZED FINANCIAL DEALERS.....	7
	7.1 BROKER/DEALERS	
	7.2 INVESTMENT ADVISERS	
	7.3 BANK INSTITUTIONS	
	7.4 COMPETITIVE TRANSACTIONS	
8.0	AUTHORIZED AND SUITABLE INVESTMENTS .....	8
	8.1 AUTHORIZED INVESTMENTS	
	8.2 SUITABLE INVESTMENTS	
	8.3 BANK COLLATERALIZATION	
9.0	INVESTMENT PARAMETERS .....	10
	9.1 DIVERSIFICATION	
	9.2 INVESTMENT MATURITY	
	9.3 STRATEGIC ALLOCATIONS	
	9.4 PROHIBITED INVESTMENTS	
10.0	REPORTING REQUIREMENTS.....	12
	10.1 REPORTING	
	10.2 PERFORMANCE STANDARDS	
	10.3 COMPLIANCE REPORT	
	10.4 ACCOUNTING METHOD	
11.0	INVESTMENT POLICY ADOPTION .....	13
12.0	GLOSSARY OF TERMS .....	14

## 1.0 INTRODUCTION

This Investment Policy defines the parameters within which funds are to be invested by the City of Kirkland (City). This Policy also formalizes the framework to provide the investment authority and constraints for the City to maintain an effective and judicious management of funds within the scope of this Policy.

This Policy is intended to be broad enough to allow the Director of Finance and Administration, or authorized designee, to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

- Sets out guidelines for the prudent management of the City's funds;
- Describes realistic parameters and goals for safely investing those funds;
- Establishes expectations for generally acceptable returns at a suitable level of risk that matches the purpose of the City's funds;
- Provides the framework within which the Director of Finance and Administration will operate by setting out objectives, guidelines, and structure that include details on the universe of permitted investments and any restrictions of their use.

The City Council reserves the right to amend this policy as deemed necessary.

## 2.0 GOVERNING AUTHORITY

The City of Kirkland investment authority is derived from RCW Chapters 35, 39 and 43. The investment program shall be operated in conformance with the Revised Code of Washington and applicable Federal Law. All funds within the scope of this policy are subject to regulations established by the State of Washington.

The City Council has the direct authority to provide for the Director of Finance and Administration or his/her designee, the responsibility for the daily operations of the City's investment program and activities. (Kirkland Municipal Code (KMC) Chapter 5.24)

## 3.0 SCOPE OR IDENTIFICATION OF FUNDS

This policy applies to activities of the City of Kirkland with regard to investing the financial assets of all funds. The amount of funds expected to fall within the scope of this policy is \$90 million to \$120 million, which include, but not limited to, operating, capital improvement, and restricted funds.

This investment policy applies to all investment transactions involving the financial assets and related activity of all City funds.

## 4.0 OBJECTIVES

All funds will be invested in a manner that is in conformance with federal, state and other legal requirements. The objectives, in order of priority, of the investment activities will be as follows:

- **4.1 Safety:** Safety of principal is the primary objective of the City. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this

objective, funds will be diversified, utilizing highly rated securities, by investing in a variety of securities and financial institutions. The investment portfolio will be invested in a manner that meets RCW statutes and all legal requirements of the City.

**4.2 Liquidity:** The investment portfolio will provide liquidity sufficient to enable the City to meet all cash requirements that might reasonably be anticipated. Therefore, the investments shall be managed to maintain a minimum balance to meet daily obligations.

**4.3 Return on Investment:** The investment portfolio will be structured with the objective of attaining a market rate of return throughout economic cycles, commensurate with the investment risk parameters and the cash flow characteristics of the portfolio. Nevertheless, return on investment is a lesser objective than safety or liquidity.

## 5.0 STANDARDS OF CARE

### 5.1 Delegation of Authority:

*Governing Body:* The ultimate responsibility and authority for the investment of City funds resides with the City Council who has the authority to direct the management of the City investment program.

*Authority:* Pursuant to the KMC 5.24 and Resolution 5087, the overall management responsibility for the investment program is hereby delegated to the Director of Finance and Administration, or designee, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. The Director of Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

*Investment Advisor:* The City may contract with an external non-discretionary investment advisor (Advisor) to assist with the management of the City's investment portfolio in a manner that is consistent with the City's objectives and this policy. Such Advisors shall provide recommendations and advice regarding the City investment program including but not limited to advice related to the purchase and sale of investments by this Investment Policy.

### 5.2 Prudence:

The standard of prudence to be used by the Director of Finance and Administration or any designees in the context of managing the overall portfolio is the prudent person rule which states: *Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.*

### 5.3 Ethics:

#### 5.3.1 *Employees Involved in the City Investment Program Must Avoid Conflicts of Interest.*

Association with the investment program in any capacity is considered employee involvement.

Employees must avoid personal business activity that may:

- Conflict with the proper execution of the investment program.
- Impair their ability to make impartial investment decisions.

*5.3.2 Employees Associated with the City Investment Program Must Disclose Certain Personal Information to the Director of Finance and Administration or His/Her Designee.*

The disclosure should list:

- Any material interests in financial institutions that conduct business with the City.
- Any personal financial or investment positions that could influence the performance of the City's investment portfolio, particularly with regard to the timing of purchases and sales.

## **6.0 SAFEKEEPING, CUSTODY, AND CONTROLS**

### **6.1 Delivery vs. Payment:**

All trades of marketable securities will be executed (cleared and settled) on a delivery vs. payment (DVP) basis to ensure that securities are deposited in the City's safekeeping institution prior to the release of funds.

### **6.2 Third Party Safekeeping:**

Prudent treasury management requires that all purchased securities be bought on a delivery versus payment (DVP) basis and be held in safekeeping by an independent third-party financial institution or the City's designated depository.

The Director of Finance and Administration shall designate all safekeeping arrangements and an agreement of the terms shall be executed in writing. The third-party custodian shall be required to provide a statement to the City listing at a minimum each specific security, book yield, description, maturity date, market value, par value, purchase date, and CUSIP number.

All collateral securities pledged to the City for certificates of deposit or demand deposits shall be held in accordance with the State of Washington's Public Deposit Protection Commission (PDPC).

### **6.3 Internal Controls:**

The Director of Finance and Administration is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. Specifics for the internal controls shall be documented in an investment procedures manual.

The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of control should not exceed the benefits likely to be derived, and the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:

- Control of collusion;
- Separation of transaction authority from accounting and recordkeeping;
- Custodial safekeeping;
- Avoidance of physical delivery of marketable securities;
- Clear delegation of authority to subordinate staff members;
- Written confirmation of transactions for investments and wire transfers;
- Dual authorizations of wire transfers;
- Staff training; and

- Review, maintenance and monitoring of security procedures both manual and automated.

#### **6.4 External Controls**

The City will have an external review of the Investment Policy and procedures every three (3) years. The City may enter contracts with third-party investment advisory firms when their services are required.

## **7.0 AUTHORIZED FINANCIAL DEALERS**

### **7.1 Broker/Dealers:**

The Director of Finance and Administration shall maintain and review annually a list of all authorized financial institutions and broker/dealers that are approved to transact with the City for investment purposes. The City shall follow GFOA best practices for evaluating and selecting financial institutions and broker/dealers.

The Director of Finance and Administration or designee may utilize the investment advisor's approved broker/dealer list in lieu of the City's own approved list. The Advisor must submit the approved list to the City annually and provide updates throughout the year as they occur. The Advisor must maintain documentation of appropriate license and professional credentials of broker/dealers on the list. The annual investment advisor broker/dealer review procedures include:

- a. FINRA Certification check:
  - i. Firm profile
  - ii. Firm history
  - iii. Firm operations
  - iv. Disclosures of arbitration awards, disciplinary and regulatory events
  - v. State Registration Verification
- b. Financial review of acceptable FINRA capital or letter of credit for clearing settlements.

The Advisor may be authorized through the contracted agreement to open accounts on behalf of the City with the broker/dealers on the approved broker dealer list.

### **7.2 Investment Advisers:**

Advisers must be registered under the Investment Advisers Act of 1940 and must act in a non-discretionary capacity, requiring approval from the City prior to all transactions.

### **7.3 Bank Institutions:**

The City will only place funds, exceeding the current FDIC insurance limits, with banks who are currently participating in the Washington State PDPC program. Compliance/listing with the PDPC will be verified by the Adviser or designated investment officer utilizing the Washington State Treasurer's website.

### **7.4 Competitive Transactions:**

Transactions must be executed on a competitive basis and documented. Competitive prices should be provided from at least three separate brokers, financial institutions or through a national electronic trading platform. If the purchased security is only offered by one broker then other securities with similar structure may be used for documentation purposes. When an Adviser handles trade executions, they must provide the competitive documentation as requested.

## 8.0 AUTHORIZED AND SUITABLE INVESTMENTS

### 8.1 Authorized Investments:

Eligible investments are only those securities and deposits authorized by statute (RCW 39.58, 39.59, 43.250, and 43.84.080):

Among the authorized investments are U.S. Treasury and Agency securities (i.e., obligations of any government sponsored enterprise eligible for collateral purposes at the Federal Reserve), municipal debt, certificates of deposit with qualified public depositories within statutory limits as promulgated by the Washington State PDPC at the time of investment, foreign and domestic Bankers Acceptances, Commercial Paper and the Washington State Local Government Investment Pool.

The State of Washington Local Government Investment Pool is the only government-sponsored Pool approved for investment of funds.

### 8.2 Suitable Investments:

The City is empowered to invest in the following types of securities:

**US Treasury Obligations:** Direct obligations of the United States Treasury.

**US Agency Obligations Primary Issuers:** Government Sponsored Enterprises (*GSEs*) – Federal Instrumentality Securities include, but are not limited to Federal National Mortgage Association (*FNMA*), the Federal Home Loan Mortgage Corporation (*FHLMC*), Federal Home Loan Banks (*FHLB*), and the Federal Farm Credit Banks (*FFCB*).

**US Agency Obligations Secondary Issuers:** Other US government sponsored enterprises that are less marketable are considered secondary *GSEs*. They include, but are not limited to: Private Export Funding Corporation (*PEFCO*), Tennessee Valley Authority (*TVA*), Financing Corporation (*FICO*) and Federal Agricultural Mortgage Corporation, (*Farmer Mac*).

**Commercial Paper:** Unsecured debt obligations of corporate issuers that are rated at least A1+ by Moody's and P1 by Standard and Poor's. Commercial paper holdings may not have maturities exceeding 180 days. Any commercial paper purchased with a maturity longer than 100 days must also have an underlying long-term credit rating at the time of purchase of a minimum rating of AA- by S&P or Aa3 by Moody's RCW 39.59.020.

**Banker's Acceptance:** Banker's Acceptances generally are created based on a letter of credit issued to finance transactions. They are used to finance the shipment of some specific goods within the United States. They are issued by qualified financial institutions eligible for discount by the Federal Reserve System and by a qualified institution whose long-term letter of credit rating is rated in the highest category: AAA.

**Local Government Investment Pool:** Investment Pool managed by the Washington State Treasurer's Office.

**Time Deposits and Savings Accounts Issued by Banks:** Deposits in PDPC approved banks.

**Certificates of Deposit:** Non-negotiable Certificates of Deposit of financial institutions that are qualified public depositories as defined in RCW 39.58.010(2) and by the restrictions within.

**Municipal Debt Obligations:** Bonds of the State of Washington, any local government in the State of Washington, General Obligation bonds outside the State of Washington; at the time of investment the bonds must have a AA- from S&P or a Aa3 from Moody's. In the case of a split rating, the lower rating of these two rating agencies will be used.

### 8.3 Bank Collateralization:

The PDPC makes and enforces regulations and administers a program to ensure public funds deposited in banks and thrifts are protected if a financial institution becomes insolvent. The PDPC approves which banks and thrifts can hold state and local government deposits and monitors collateral pledged to secure uninsured public deposits. Under RCW 39.58.240, all public treasurers and other custodians of public funds are relieved of the responsibility of executing tri-party agreements, reviewing pledged securities, and authorizing additions, withdrawals, and exchanges of collateral.

## 9.0 INVESTMENT PARAMETERS

### 9.1 Diversification:

The City will diversify the investment of all funds by adhering to the constraints by issuer type in accordance with the following table:

**Table of Constraints on the Portfolio**

Issue Type	Maximum % Holdings	Issuer % per Issue Type	Ratings S&P	Ratings Moody's
US Treasury Obligations	100%	None	N/A	N/A
US Agency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	30%	Security must be rated	Security must be rated
US Agency Secondary Issuance FICO, FARMER MAC etc	20%	10%	Security must be rated	Security must be rated
Washington LGIP	100%	None	N/A	N/A
Bank Time Deposits/Savings Accounts	50%	None	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Certificates of Deposit	10%	5%	Deposits in PDPC approved banks	Deposits in PDPC approved banks
Commercial Paper	5%	5%	A1+ Long Term: AA-	P1 Long Term: Aa3
Municipal Bonds	20%	5%	AA-	Aa3
Banker's Acceptance	5%	5%	AAA	Aaa

### 9.2 Investment Maturity:

The City will not directly invest in securities maturing more than five (5) years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed 3 years. This maximum is established to limit the portfolio to excessive price change exposure.

- Liquidity funds will be held in the State Pool, PDPC bank deposits, or cash matched securities.
- Investment funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in high quality and liquid securities.
- Total Portfolio Maturity Constraints:

<b>Maturity Constraints</b>	<b>Minimum % of Total Portfolio</b>
Under 30 days	10%
Under 1 year	25%
Under 5 years	100%
Weighted Average Maturity	3.0 Years
<b>Maturity Constraints</b>	<b>Maximum % of Total Portfolio</b>
Callable Securities	50%

- Exception to 5 year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding 5 years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

### 9.3 Strategic Allocations:

#### 9.3.1 Funds and their Allocation

- Liquidity funds for the operating account will be allocated to LGIP, CD's, PDPC Bank Deposits, Bankers Acceptances, and Commercial Paper.
- The structure of the Investment Core Fund will be targeted to a selected market benchmark based on the risk and return objectives of the portfolio.
- Longer term restricted funds will have an identified market benchmark to manage risk and return.

#### 9.3.2 Monitoring and Portfolio Adjustment: As a general practice, securities will be purchased with the intent to hold to maturity. However, it is acceptable for securities to be sold under the following circumstances:

- A security with a declining credit may be sold early to protect the principal value of the portfolio.
- The portfolio duration or maturity buckets should be adjusted to reflect better the structure of the underlying benchmark portfolio.
- A security exchange that would improve the quality, yield and target maturity of the portfolio based on market conditions.
- A sale of a security to provide for unforeseen liquidity needs.

### 9.4 Prohibited Investments:

9.4.1 The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.

9.4.2 The City shall not invest in:

- a. Mortgage-backed securities
- b. Derivative Products
- c. Securities that leverage the portfolio or are used for speculation of interest rates
- d. Any securities on negative credit watch
- e. Mutual Funds
- f. Repurchase Agreements
- g. Reverse Agreements

## **10.0 REPORTING REQUIREMENTS**

### **10.1 Reporting:**

The Director of Finance and Administration shall be responsible for investment reporting. At a minimum, quarterly reporting shall be made to the City Council including but not limited to securities holdings, cash balances, and market values in the investment portfolio.

Specific Requirements:

- Book Yield
- Holdings Report including mark-to-market and security description
- Transactions Report
- Weighted Average Maturity

### **10.2 Performance Standards:**

The portfolio shall be managed to obtain a fair rate of return and earnings rate that incorporates the primary objectives of protecting the City's capital and assuring adequate liquidity to meet cash flow needs.

For purposes of this policy, "earnings rate" will be compared to the LGIP rate. The goal is for the portfolio to generally perform better than the LGIP due to the longer weighted average maturity and the earnings rate is expected to trend in a similar manner as interest rates change.

The investment portfolio performance may be tracked against a market index such as the US treasury 0-3 year index or US treasury 0-5 year index on a total return basis. This will provide for accountability of price changes in the portfolio and help inform the strategy related to the duration of the portfolio.

### **10.3 Compliance Report**

A compliance report will be generated quarterly comparing the portfolio positions to this investment policy.

### **10.4 Accounting Method**

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to the Governmental Accounting Standards Board (GASB).

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation in the investment program and in accordance with generally accepted accounting principles.

## **11.0 INVESTMENT POLICY ADOPTION**

The City's Investment Policy shall be adopted by the City Council.

The Policy shall be reviewed annually by the Investment Committee. Any modifications shall be submitted and approved by City Council.

## 12.0 GLOSSARY OF TERMS

**Agency Securities:** Government sponsored enterprises of the US Government.

**Bankers Acceptances:** A time draft accepted (endorsed) by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer. BAs are short-term non-interest-bearing notes sold at a discount and redeemed by the accepting bank at maturity for full face value.

**Bond:** An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and specific assets sometimes secure it. Most bonds have a maturity of greater than one year and generally pay interest semiannually.

**Broker:** An intermediary who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

**Certificates of Deposit:** Instruments issued by a bank specifying that a sum of money has been deposited, payable with interest to the bearer of the certificate on a certain date.

**Collateral:** Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**Commercial Paper:** Short-term, unsecured, negotiable promissory notes issued by corporations.

**Current Maturity:** The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

**CUSIP:** A CUSIP number identifies securities. CUSIP stands for Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

**Dealer:** An individual or firm that ordinarily acts as a principal in security transactions. Typically, dealers buy for their account and sell to a customer from their inventory. The dealer's profit is determined by the difference between the price paid and the price received.

**Delivery:** Either of two methods of delivering securities: delivery vs. payment and delivery vs. receipt (also called "free"). Delivery vs. payment is the delivery of securities with an exchange of money for the securities.

**Diversification:** Dividing available funds among a variety of securities and institutions so as to minimize market risk.

**Duration:** A measure used to calculate the price sensitivity of a bond or portfolio of bonds to changes in interest rates. This equals the sum of the present value of future cash flows.

**Full Faith and Credit:** Indicator that the unconditional guarantee of the United States government backs the repayment of debt.

**General Obligation Bonds (GOs):** Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

**Government Bonds:** Securities issued by the federal government; they are obligations of the U.S. Treasury; also known as "governments."

**Interest:** Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

**Investment Core Funds:** Core funds are defined as operating fund balance and other fund balances that exceeds the City's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

**Investment Securities:** Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

**Liquidity:** The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

**Liquidity Component:** A percentage of the total portfolio that is dedicated to providing liquidity needs for the City.

**LGIP:** Local Government Investment Pool run by the State of Washington Treasurer's office established to help cities with short-term investments.

**Mark to Market:** Adjustment of an account or portfolio to reflect actual market value rather than book price, purchase price or some other valuation.

**Market Value:** The market value of a security is the price at which can be sold on that date.

**Maturity:** The date upon which the principal or stated value of an investment becomes due.

**Municipals:** Securities, usually bonds, issued by a state, its agencies, by cities or other municipal entities. The interest on "munis" is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency's taxation powers.

**Non-Discretionary Investment Advisor:** Non-discretionary investment advisor services may include investment management oversight, investment research, portfolio analysis, portfolio reporting and portfolio recommendations based upon the specific investment policy and investment objectives of each client. Clients must approve any such recommendations before the securities are purchased or sold in their accounts.

**Par Value:** The value of a security expressed as a specific dollar amount marked on the face of the security or the amount of money due at maturity. Par value should not be confused with market value.

**Portfolio:** A collection of securities held by an individual or institution.

**Principal:** The cost of an instrument on which interest is earned.

**Prudent Person Rule:** A long-standing common-law rule that requires a trustee who is investing for another to behave in the same way as a prudent individual of reasonable discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Quotation or Quote:** A bid to buy or the lowest offer to sell a security in any market at a particular time.

**Repurchase Agreement:** Range in maturity from overnight to fixed time to open end. Repos involve a simultaneous sale of securities by a bank or government securities dealer to an investor with an agreement for the bank or government securities dealer to repurchase the securities at a fixed date at a specified rate of interest.

**Safekeeping:** An arrangement under which an organization's securities are kept in a bank vault or in the case of book entry securities, are held and recorded in the customer's name. Evidence of this arrangement is a safekeeping receipt.

**Secondary Market:** A market where certain securities may be bought and sold at prevailing market prices after their initial distribution but before their stated maturity date.

**Treasury Bill (T-Bill):** An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

**Treasury Bonds and Notes:** Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

**Yield:** The annual rate of return on an investment expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**Yield to Maturity:** The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Tim Llewellyn, Fleet Supervisor  
Kathy Brown, Public Works Director

**Date:** June 28, 2016

**Subject:** SURPLUS OF EQUIPMENT RENTAL VEHICLE/EQUIPMENT

### RECOMMENDATION:

It is recommended that the City Council approve the surplus of the Equipment Rental vehicles/equipment identified in this memo and thus remove them from the City's Equipment Rental Replacement Schedule.

Approval of the consent calendar will authorize these vehicle surplus actions.

### BACKGROUND DISCUSSION:

The surplus of vehicles and equipment which have been replaced with new vehicles or equipment, or which no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. Under this policy, if approved by City Council, vehicles or equipment are sold or disposed of in accordance with the Kirkland Municipal Code, Chapter 3.86, Sale and Disposal of Surplus Personal Property.

The criteria for replacement are reviewed annually for each vehicle by Fleet Management prior to making a recommendation. Among the replacement criteria considered are:

- wear and tear on the engine, drive train, and transmission
- condition of the structural body and major component parts
- the vehicle's frequency and nature of past repairs
- changes in the vehicle's mission as identified by the Department which it serves
- changes in technology
- vehicle right-sizing
- the impact of future alternative fuels usage
- specific vehicle replacement funding accrued

The decision to replace a vehicle requires the consensus of the Fleet Management staff (currently representing more than 120 years of experience among its six members) and the Department which it serves. Vehicles should be replaced close to the point to where major repairs and expenses occur in order to maximize their usefulness without sacrificing resale value with consideration given to the vehicle's established accounting life.

The accounting life of a vehicle is the number of years of anticipated useful life to City operations. They are determined by historical averages and replacement cycles of actual City vehicles. The accounting life provides a timeline basis for the accrual of vehicle Replacement

Reserve charges, and, at the end of which, there should be sufficient funds in the Replacement Reserve Fund to purchase a similar replacement vehicle. The accounting life is a guideline only, and the actual usage of vehicles typically vary from averages.

The City of Kirkland standard accounting life for a vehicle, which is also consistent with the industry standard, is 8 years or 80,000 miles, whichever comes first. This life is also supported by FleetAnswers.com which recently published Municipal Vehicle Replacement Trends. Among cities, the average age of replacement for cars is 6.7 years, for class 1-5 trucks it is 7.7 years, and for police vehicles it is 4 years. The City's standard for Fire Engines/Pumpers and for Fire Ladder/Aerial apparatus is 18 years.

The following equipment is recommended for surplus with this memo:

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/SerialNumber</u>	<u>License #</u>	<u>Mileage</u>
P112	2011	Dodge Charger	2B3CL1CTXBH567882	53452D	86,786
P114	2011	Dodge Charger	2B3CL1CT1BH567883	53453D	101790
P121	2012	Dodge Charger	2C3CDXAT6CH255663	54271D	87,228
PU-40	2006	Chevrolet Silverado 1500 Pick-Up	1GCEC19V77Z115248	43211D	49,020
PU-41	2006	Chevrolet Silverado 1500 Pick-Up	1GCEC19V37Z115571	43212D	50,219

P112 and P114 are both 2011 Dodge Chargers which were assigned to Police Patrol for 3 years, then Crime Prevention for an additional 2 years. Both vehicles have exceeded their normal anticipated useful life by 2 years, and have achieved the replacement standard of 80,000 miles.

P121 is a 2012 Dodge Charger which was assigned to Police Patrol for 3 years, and then Crime Prevention for an additional year. This vehicle has met both its normal anticipated useful life of 3 years, and the replacement standard of 80,000 miles.

PU-40 and PU-41 are both Chevrolet Silverado 1500 pickup trucks which have served as Inspector vehicles for both Developmental Engineering and Capital Projects Engineering. Both vehicles have exceeded their expected useful life of 8 years by 2 additional years. Both vehicles have been replaced, but will temporarily continue as Inspection vehicles due to the currently high number of major construction projects in the City.

Cc: Erin Devoto, Deputy Director  
Ray Steiger, P.E., Operations Manager



**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:** Michael Olson, Director of Finance and Administration  
**Date:** June 30, 2016  
**Subject:** KIRKLAND MUNICIPAL CEMETERY

### **RECOMMENDATION:**

City Council receive an update on the Kirkland Municipal Cemetery policy and records documentation review.

### **BACKGROUND:**

The Kirkland Cemetery, located at the corner of NE 80<sup>th</sup> Street and 120<sup>th</sup> Avenue, was founded in 1888. The City has been operating it since 1909. The City operates the Cemetery within the guidelines of both the Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5 (Attachment A) and the Kirkland Municipal Code Chapter 3.92 (Attachment B). The Cemetery's care, maintenance and burials are provided by the Parks & Community Services Department with sales and administration provided by the Finance & Administration Department.

Greater detail on the history of the Cemetery can be found in the most recent Cemetery Business Plan, which was presented to City Council at the September 16, 2008 Council Meeting (Attachment C).

### **CEMETERY RECORDS AND POLICY REVIEW:**

Maintaining complete and accurate records has been a recurring issue throughout the history of the cemetery as noted in a report titled the History of the Kirkland Cemetery by Mary Ellen Rowe, dated November 21, 1983, pages 44-48 (Attachment D). According to her research, notable historical problems with records included: records were not kept in the first year of the cemetery, a fire in 1920 likely destroyed any records prior to that year, and the 1950's and 1960's were particularly lacking in records.

Most recently, in 2015, a couple of cemetery issues revealed that incomplete scanning of hard copy records to the electronic database and reliance on emails had left gaps in the completeness and accuracy of the records and communications between operations staff onsite at the cemetery and administration staff in City Hall.

To address these concerns, staff began implementing the following actions described in greater detail below:

- 1) Update cemetery forms and procedures to be more comprehensive,
- 2) Perform a review of cemetery records,
- 3) Schedule Cemetery Committee meetings on a quarterly basis to review documentation and issues of the previous quarter, and
- 4) Review and update Cemetery Policies with input from the City's insurance (WCIA) and local cemeteries for best practices.

**Forms and Procedures:** The cemetery forms and procedures were updated in the fall of 2015 to collect the appropriate authorizations and documentation of cemetery activity. The new procedures and forms are designed to eliminate any gaps in communication and authorizations.

**Cemetery Committee:** The Cemetery Committee, consisting of the Directors of Parks & Community Services and Finance & Administration as well as cemetery staff in both departments, is now meeting quarterly to review cemetery activity, records and to address cemetery related questions and concerns.

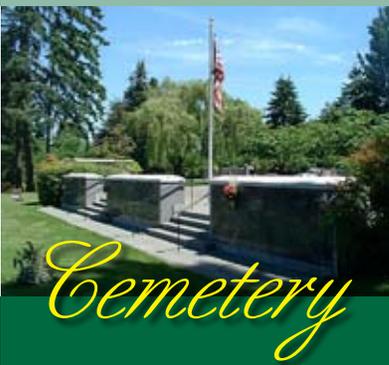
**Policy Review:** Staff is taking this opportunity to review and update the cemetery policies with the goal of implementing best practices recommended from our insurance provider as well as those from other municipal cemeteries. A half time graduate intern has been hired by the City Manager's Office for the summer to assist with the policy review and recommendations. The specific scope of work for the intern includes:

- Review the applicable RCWs, KMC, policies and procedures for internal consistency and conformance with WCIA best practices and identify inconsistencies and gaps. Interview Cemetery operations (Parks) and administration (Finance) staff to identify other possible changes to be considered.
- Research the policies and practices of other municipal cemeteries for sample language that might improve upon existing policies or fill gaps with best practices.
- Review potential findings with CAO, Deputy City Manager, Finance and Parks Directors. Work products will be prepared at the request of and subject to review by the City Attorney and, as such, will be considered subject to Attorney-Client Privilege and Attorney Work Product.
- Prepare a staff memorandum summarizing findings and identifying options for review by staff.
- Present findings and options to Cemetery Committee, CAO, and Deputy City Manager.

**NEXT STEPS:**

Staff will provide an update to City Council this fall on the results of the records review and proposed revisions to the cemetery policies.

# Cemetery Administrative Policy



## A. Purpose

1. To provide policy guidelines and operational rules for the administration of the City of Kirkland Cemetery.

This policy applies to all persons utilizing the City of Kirkland Cemetery.

## B. Definitions

1. "Border," the concrete edging around the marker to protect the marker from damage and to allow trimming around the marker.
2. "Burial," the placement of human remains in a grave.
3. "Cemetery," any place used and dedicated for cemetery purposes by the City.
4. "Cemetery Committee," the group of City of Kirkland staff which oversee the operations and activities of the City of Kirkland Cemetery.
5. "Columbarium," a structure or other space containing niches for permanent inurnment of cremated remains.
6. "Committal," that part of a funeral service which places the remains of the deceased to his/her final resting place.
7. "Cremated Remains," a human body after cremation in a crematory.
8. "Disinterment," the removal of buried human remains from a grave.
9. "Foundation," the concrete poured below ground level to support and stabilize a memorial.
10. "Funeral," a memorial service for a deceased person.
11. "Human Remains or Remains," the body of a deceased person, and includes the body in any stage of decomposition except cremated remains as defined by RCW 68.04.020.
12. "Interment," the disposition of human remains by cremation and inurnment or burial in a place used or intended to be used and dedicated for cemetery purposes.
13. "Inurnment," the disposition of cremated human remains within an urn.
14. "Liner," any concrete or composite material container that is buried in the ground to provide outer protection and into which human remains are placed in the burial process.
15. "Marker," any grave headstone, memorial or monument that is intended to permanently mark a grave.
16. "Next of Kin," relative most nearly related i.e.: (a) Spouse (b) Children (c) Parents (d) Brothers and Sisters (e) Domestic Partners
17. "Niche," a space in a columbarium or urn garden used or intended to be used for inurnment of cremated human remains.
18. "Open and Close," the term used for referring to the opening of a gravesite and closing of a gravesite after remains are placed.
19. "Plot," a space of ground in a cemetery used, or intended to be used, for burial.
20. "Resident / Non Resident," A person shall be considered a resident of the City of Kirkland if: (he or she was born in the City of Kirkland, has lived in the City of Kirkland for a period of ten or more continuous years at any point in his or her life, or is a current resident of the City of Kirkland; or (2) he or she has an immediate family member who currently resides in the City of Kirkland. For the purpose of this Chapter, an "immediate family member" shall be the spouse, domestic partner, parent, child or sibling of the person. As used in this section, "domestic partner" means a person who meets the City's domestic partner



eligibility criteria and signs an affidavit or declaration to that effect.

21. "Staff or Crew," refers to City of Kirkland personnel that are assigned administrative duties and maintenance duties for the City of Kirkland Cemetery.
22. "Urn Liner," a container whose purpose is to provide outer protection for the ground burial of cremated remains.
23. "Vault," any container which is buried in the ground and sealed to provide outer protection and into which human remains are placed in the burial process.

## **C. Cemetery Administration and General Provisions**

### **1. Rules and Regulations**

These rules and regulations may be administratively amended at any time by the City, and shall be so changed and amended when any rule is found to be detrimental to the best interest of the plot owners as a whole or when new conditions require the adoption of other or further regulations.

### **2. Cemetery Committee**

The Cemetery Committee is made up of the Finance Director or designee, Parks Director or designee and representatives from the Parks Maintenance and Cemetery Administration staff. The committee shall periodically review and make recommendations to the City Manager on fees, policy or operational plans. Any exceptions to or issues with these items will be reviewed by the committee on an as needed basis.

### **3. Cemetery Fees and Charges**

All prices for burial lots, cremated remains sites, service fees, and charges are approved by the City Manager or approved designee, upon recommendation from the Cemetery Committee. See KMC 3.92.020.

As the City Manager's designee, the Finance Director is authorized to waive or reduce fees in accordance with KMC 3.92.010.

### **4. Method of Payment**

All sales shall be paid in full at the time arrangements are made in the form of cash, approved check, or credit cards acceptable to the City.

### **5. Cemetery Hours**

The Cemetery is open to the public during the following times:

Gates open at 8:00 a.m. each morning and are locked at dusk, seven days a week. Cemetery Administration is located at City Hall which is open 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

## **D. Lot Sales and Ownership**

1. All plots in the cemetery are conveyed to the purchaser by a warranty deed when paid for but the rights of the owner, successor or assign are subject to such rules and regulations as set by the City of Kirkland.

### **2. Interest in Cemetery Plots**

Interest in Cemetery plots shall be governed by RCW 68.32 as now and hereafter amended. The City shall endeavor to determine the legal next of kin, but the City shall not be held responsible for failure to do so. Persons representing themselves as next of kin may be required to provide a notarized statement to this effect. The City shall not be responsible for activities authorized by persons falsely representing themselves as next of kin.

### **3. Selling or Transferring of a Plot**

When an owner of a plot wishes to sell or transfer the plot to another individual, or sell it back to the City, he/she must provide the City with a "Quitclaim Deed" showing transfer of ownership. If the original owner of the plot(s) is deceased, the executor or heir(s) must show proof of their authority to devise or ownership of the property, i.e. Letters Testamentary, Decree of Distribution, or a copy of the will.

The City may repurchase plots from the current owner. For plots purchased prior to 1/1/09, the City is authorized to buy back plots for \$1200.00. For plots purchased after 1/1/09, the City is authorized to purchase plots for 75% of the original purchase price.

#### 4. **Designated Blocks**

- a. Blocks 47 and 48 are designated as an urn garden for cremation interments only.
- b. Baby Haven block is for burial of children under the age of 2.
- c. Block 34 has double depth sites, appropriate for joint plots.
- d. Entryway, Flag Plaza and Historical Section walls are for cremated remains.

All remaining blocks are for single plots only.

### **E. Interment Services**

#### 1. **Funerals, Interments, and Committals**

Funerals, interments, and committals within the City of Kirkland Cemetery shall be under the control of the Parks and Community Services Department. All plots shall be opened and closed by employees of the City. Canopies, artificial grass, lowering devices, tractors, and other equipment provided by the City shall be used exclusively for all interments, inurnments, entombments and disinterments. All Cemetery and gravesite charges must be paid prior to interment.

#### 2. **Concrete Liners**

All interments shall be in concrete liners or vaults designed and manufactured for this purpose. Concrete liners are sold by the City. Vaults may be purchased from a third party, but must meet the Cemetery specifications before use on Cemetery grounds.

#### 3. **Burial Permit**

A burial permit from the King County Department of Health must be secured by the funeral home before an interment will be permitted. The City shall not be responsible in any manner for securing any permit. Cremated remains must be properly labeled and accompanied by a cremation and disposition authorization form to the Cemetery to certify identity of the cremated remains.

#### 4. **Arrangements**

All families or designated representatives shall be required to complete an Interment Authorization form in person at the Cemetery Administration desk in City Hall, accepting responsibility and authorizing and designating the exact location of the plot for burial. Funeral directors or designated representatives who sign on behalf of the family are accepting financial responsibility and liability for any decisions or actions taken under their direction. Under no condition shall the City of Kirkland Cemetery open a plot without proper authorization.

Any funeral home accepting financial responsibility on behalf of a family must deliver to the Cemetery Administration Office payment in full for all charges at the time arrangements are made.

#### 5. **Notice of Interment or Disinterment**

The City must be notified at least 24 hours before any interment so the plot or niche may be properly prepared, and at least one week's notice shall be given prior to any disinterment. The City of Kirkland Cemetery reserves the right to delay an interment when scheduling conflicts occur.

#### 6. **Authorization for Interment**

The City of Kirkland Cemetery may open a plot for any purpose on proper authorization by any lot or niche owner of record or the legal next of kin and duly filed at City Hall unless there are written notarized instructions to the contrary on file with the City's cemetery administrative office.

#### 7. **Interment Agreements**

When a lot is jointly owned, authorization for interment will be granted to either the plot owner(s) or their heirs as governed by RCW 68.32. An agreement may be made between common plot owners to the right of burial but the City shall not undertake to enforce such an agreement.

#### 8. **Funerals Burials and Committals—Days and Hours Allowed**

Normal burial hours shall be restricted to weekdays between the hours of 9:00 a.m. and 3:00 p.m. The City recognizes that mitigating circumstances may arise necessitating a burial outside of normal hours. This can be arranged, subject to the availability of City staff. Overtime fees will be incurred if the burial is requested after 3:00

p.m. or on a Saturday or holiday. No burials will be allowed on Sunday.

Requests for an emergency waiver of this policy or any provision of this policy may be made to the Parks and Community Services Director or his designee, as the designee of the City Manager, who shall have sole discretion to approve or deny the emergency waiver request. The emergency waiver request shall include payment for any and all additional expenses to the City for these services.

#### 9. **Interments Per Individual Plot**

The interment of two casket burials in one plot shall not be allowed except in the designated area for double depth burials. Regular graves are designated for one casket and a maximum of two cremated remains. No interment other than that of a human being shall be permitted.

#### 10. **Welfare Burials**

A welfare burial is available if the plot is pre-owned by the deceased or applicant. Burials will follow the Department of Social and Health Services (DSHS) guidelines for the disposition of remains.

#### 11. **Disinterment**

For disinterment of remains (including cremated remains), the applicant must have written authorization from the closest living relative. Provisions concerning permission to remove remains shall be governed by State law in RCW 68.50 as now or hereafter amended.

### **F. Markers**

#### 1. **Services Provided:**

- a. The Cemetery shall make available for purchase markers such as memorials.
  - b. The City crew shall construct foundations and borders on markers when required. However, the owner or owner's estate is responsible for all costs incurred in doing this.
  - c. Placement of markers may be performed by the City or can be contracted for by a City-approved vendor upon authorization of the City.
2. Upright markers are allowed only on certain plots adjacent to the older sections of the Cemetery. Upright markers will not exceed a height of four feet (48 inches) from ground level. Concrete borders at the front and back of an upright memorial must be a minimum of 2 inches, not to exceed 4 inches in width and on the sides.
  3. All flat memorials placed in the Cemetery shall have either a concrete or granite border with a minimum of a 2-inch border, not to exceed 4 inches.
  4. A full-scale drawing of all upright markers and/or oversized flush markers must be submitted to the City for approval before purchase.
  5. Markers must be set level with and conforming to the slope of the lawn and placed in line with adjacent stones so as to present a uniform appearance. The Cemetery reserves the right to inspect all markers/memorials after installation and to require or make changes if improperly set.
  6. Only flush memorials are allowed to mark cremated remains inurned on an occupied grave space when the first interments is already marked with a headstone. The marker shall be placed adjacent to the existing marker and directly over the inurned cremated remains.
  7. The City will provide a vase form free of charge. Vases may be purchased through Cemetery Administration located at City Hall. Vases not purchased through Cemetery Administration must be pre-approved.
  8. All inscriptions for niches are subject to the approval of the City of Kirkland and shall be limited to the name of the deceased and year of birth and death.
  9. Marker setting and on-site engraving shall be scheduled during normal business hours with and authorized by the Parks and Community Services Department at least one working day prior to the work being done. The City reserves the right to remove any marker which was set or engraved without permission and does not conform to the standards set forth in these rules and regulations.
  10. The City does not bind itself to maintain, repair, or replace any markers or monumental structures erected upon the plot which are lost or damaged due to weather, age, vandalism, or normal maintenance. The City will endeavor to see that the headstone remains in good condition.

**G. Maintenance and Landscape Regulations**

1. The City will provide the maintenance of plot sites. Maintenance of plot sites includes seeding, leveling of sites, mowing and also trimming around the markers. The City may place sod on an as needed basis.
2. Cut flowers and bouquets are allowed year round.
3. Artificial flowers and decorations are allowed from November 1 to March 30.
4. The City of Kirkland shall have the authority to remove all floral designs, flowers, weeds, tress, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the management, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the standards maintained. The City shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached. The Cemetery shall not be responsible for plants or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.
5. Planting of flowers and shrubs is allowed with prior approval from the City to assure the items do not interfere with maintenance and are in the correct location. Hooked poles for hanging flower baskets are not allowed.
6. The City is not responsible for damage to or theft of cut flowers, potted plants, displays, or containers. Anyone leaving such articles in the Cemetery does so at his/her own risk.
7. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles upon plots shall not be permitted.
8. Only personnel authorized by the City shall trim, prune, or remove any part of the trees or shrubs in the Cemetery. If any tree or shrub situated on any grave by means of its roots, branches, or similarly becomes detrimental, dangerous, or objectionable to the adjacent plots, walks, or avenues, or the City is unable to maintain the grounds, the City shall have the right to enter upon the plot and remove the tree(s), or shrub(s), or any part(s) thereof as it may see fit.
9. No lot or plot shall be defined by fence, railing, hedge or by any unauthorized memorial. A plot shall not be decorated with any trees or shrubs without prior approval. Any items placed improperly or without permission shall be removed at the owner's expense.

## Chapter 3.92 CEMETERY

### Sections:

- [3.92.010](#) Maintenance and operations.
- [3.92.020](#) Cemetery committee.
- [3.92.030](#) Charges for residents and nonresidents.

### **3.92.010 Maintenance and operations.**

---

The director of parks and community services, or his or her designee, shall be responsible for the maintenance and operation of the Kirkland Cemetery. The director of finance and administration, or his or her designee, shall be responsible for administering the finances of the Kirkland Cemetery. (Ord. 4176 § 2 (part), 2009)

### **3.92.020 Cemetery committee.**

---

The city manager is authorized and directed to establish the cemetery committee. The committee will consist of the director of finance and administration or designee, the director of parks and community services or designee, and representatives from the parks maintenance and cemetery administration staff.

The cemetery committee shall periodically review and make recommendations to the city manager on: (1) cemetery policies; (2) long-term and operational plans for the cemetery; and (3) rates to be charged for services, burial lots and cremated remains sites.

In determining such rates, the cemetery committee shall take into consideration the cost to the city in rendering services, increases in the Consumer Price Index or other indices, and the rates charged by other cemeteries in the area for services, burial lots and cremated remains sites. The rates recommended by the cemetery committee to the city manager shall become effective upon approval by the city manager and the filing of the rates with the finance and administration department. (Ord. 4491 § 10 (part), 2015; Ord. 4176 § 2 (part), 2009)

### **3.92.030 Charges for residents and nonresidents.**

---

The rates charged for burial lots and cremated remains sites (niche walls) and services shall be based on whether the lot or site is purchased for a resident or a nonresident of the city of Kirkland. The rates charged for burial lots and cremated remains sites (niche walls) for nonresidents of the city of Kirkland shall be fifty percent higher than the rate for residents of the city of Kirkland. For the purpose of this chapter, a person shall be considered a resident of the city of Kirkland if: (1) he or she was born in the city of Kirkland, or has lived in the city of Kirkland for a period of ten or more continuous years at any point in his or her life, or is a current resident

of the city of Kirkland; or (2) he or she has an immediate family member who currently resides in the city of Kirkland. For the purpose of this chapter, an "immediate family member" shall be the spouse, domestic partner, parent, child or sibling of the person. As used in this section, "domestic partner" means a person who meets the city's domestic partner eligibility criteria and signs an affidavit or declaration to that effect. Residency rates will be determined based on the above criteria at the time of purchase. (Ord. 4182 § 1, 2009; Ord. 4176 § 2 (part), 2009)

**Kirkland Municipal Cemetery**  
**Business Plan**  
**2008**



Table of Contents

Executive Summary.....3

Cemetery Description.....3

Historical Background.....4

Current Capacity.....6

Current Pricing and Comparisons.....7

Revenue vs. Expenditure History.....7

Cost of Service.....9

Strengths, Weaknesses, Opportunities, Threats.....10

Options .....14

Recommendation.....16

Appendix A – Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5

Appendix B – Kirkland Municipal Code Chapter 3.92

Appendix C- Cemetery Price List

Appendix D – Cost Breakdown

Appendix E – Debt Service Breakdown

Appendix F – Cemetery historical map

## **Executive Summary**

The Kirkland Cemetery was founded in 1888. The City has been operating it since 1909. The Cemetery has been through several expansions and improvements since then. The City operates the Cemetery within the guidelines of both the Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5 (see Appendix A, ) and the Kirkland Municipal Code Chapter 3.92 ( see Appendix B ). The plan outlined provides an overview of the business and operations of the Cemetery. Included in this plan is a historical summary, current capacity information, pricing and area comparisons, revenue and expenditure history from 2005 to current, a Strengths, Weaknesses, Opportunities, Threats ( SWOT ) analysis, and some options for Council to consider.

Some of the current financial issues the City faces include:

- Maintenance costs of the Cemetery will continue in perpetuity.
- Every year, the General Fund subsidy of Cemetery maintenance increases. In addition, the City recently sold out all available burial plots: consequently, the revenues available for Cemetery maintenance will decrease.
- The City still has \$180,000 of outstanding revenue bonds that were issued in 1991 for improvements of the site. The estimated payoff of this debt is 2014. Currently, 75% from the sale of plots is used to retire the debt.
- The City has some opportunities that may help increase revenues in order to reduce future budget impacts. However, some of these opportunities will need funds to implement ( e.g. expansion )

The Cemetery Board, comprised of the Finance Director, Parks and Community Services Director, and several City staff, the Park Board, and the Finance Committee all recommend increasing revenue without substantially increasing cost. With additional staff time, the City could pursue marketing the remaining niches, and cremated remains option to families, amend the KMC to competitively price the burial options, consider a nonresident pricing differential for the remaining niches, research and initiate a site buy back program, research and initiate an abandoned site recapture program, and institute a perpetual maintenance fund for any recaptured plots. These actions would increase revenues, thus decreasing the General Fund subsidy of the Cemetery until all the niches/urn plots are sold.

## **Kirkland Municipal Cemetery Description**

The Kirkland Municipal Cemetery is located at 12036 NE 80<sup>th</sup> Street in Kirkland, Washington. The Cemetery was established in 1888 as part of Peter Kirk's plan for a model town.

The Cemetery's care and maintenance, which was at first the responsibility of individual plot owners, have undergone periods of neglect. Care and maintenance is presently provided by the Kirkland Department of Parks and Community Services.

The Cemetery has a capacity of up to 6,819 lots, including both burial plots, niches, and urn plots. Currently there are 358 urn plots and 711 niche units available, totaling 1,069 remaining urn and niche sites for sale (however, no burial plots remain). Of the total 6664 owners of the Cemetery lots, Kirkland residents own 2,974 (44%) and non-residents own 3,690 (56%).

### **Historical Background**

As mentioned above, the Kirkland Municipal Cemetery was established as part of the plan for a model town which was to be developed by Peter Kirk. Peter Kirk arrived in the area in 1886 from England, with plans to develop an integrated iron and steel mill with an associated community to support the enterprise. Kirk's vision was to build the model town with a strong foundation of humanitarian principals, designed to care for the mental and physical well-being of its citizens. The historic character of the Kirkland Municipal Cemetery is an irreplaceable asset to the City and the Kirkland Community. This unique history should be protected, documented, and enhanced in future work.

Peter Kirk along with Leigh S.J. Hunt, who envisioned a world-market manufacturing center, together with George Heilbron and Walter Williams, formed the Kirkland Land and Improvement Company. Land for the Cemetery was set aside within the original town plan in 1888 and ultimately filed in 1890. The original plan for the Cemetery included an orderly grid divided into four blocks by two broad avenues. At the center intersection, a wide circle was planned with space provided for a monument or fountain. The depression of 1893 halted the plans of the Kirkland Land Company, as well as the Cemetery. The Cemetery management was turned over to a newly formed Kirkland Cemetery Association on January 7, 1891. The three trustees of the association, Harry French, E.M. Church and J.W. Demott, were selected for their positions in the community as civic minded residents. The three trustees were the first grave purchasers of plots in the Cemetery.

Peter Kirk was not successful with his plan for the steel mill. The Kirkland Land and Development Company was dissolved in 1910, selling its assets to the Seattle development firm of Burke and Farrar. The Cemetery property was offered to the town and was accepted by Mayor A.B. Newell and the town council on December 3, 1909. A new survey of the Cemetery was completed on May 16, 1910 by civil engineer, H.M. Lowe. The City, at that time, maintained responsibility for the streets and alleys of the Cemetery but the condition of the lots and the overall maintenance of the Cemetery property was the responsibility of the lot owners. In the early years of the Cemetery, it was customary to hold a spring clean-up day preceding Memorial Day that was concluded with family picnics on the grounds and a baseball game or dance. The local American Legion post held annual Memorial Day ceremonies including decoration of the graves of veterans. The community displayed a sense of commitment and pride in its Cemetery in those years.

However, the sense of community involvement and level of commitment to the Cemetery has varied through the years. As the depression affected the community, both the care of the facility

and size and elaborateness of the monuments were reduced. In addition, competing cemeteries opened in Redmond, Bothell and Bellevue, as well as Seattle.

The formation of the national Works Progress Administration (WPA) in 1938 provided the opportunity for a number of civic improvement projects. Kirkland purchased additional cemetery property to the north and east of the original site. Federal funds were provided for the clearing and grading of these areas, the planting of poplar and other trees, and the construction of an ornamental fence around the facility.

As the old portion of the Cemetery was reaching capacity, unused but owned lots were occasionally resold. The areas named Baby Haven and Lawn Haven were platted in 1938. As these areas began to fill, an additional parcel of land was purchased to the north. This section was platted and named Everett Memorial Park after the former mayor and civic leader who was the first to be buried in the new section.

A new plat of the entire Cemetery was drawn and approved in November 1952. The alleys between blocks which had been used for access to the interior graves as well as subsequent water lines became available for grave sites. The northwest corner of the Everett section was dedicated to welfare cases although that identity has become less apparent over the years.

Problems of maintenance which had been troublesome through the years became an increasing issue during period of 1950-1960. In 1958 the state Attorney General ruled that the City was obligated to continue care of the Cemetery but did not have the power to establish a perpetual care fund. In 1965 the City Council passed an ordinance creating a new Cemetery Improvement Fund, that receives revenues from plot sales, which it hoped would serve the purpose of a perpetual care fund. This fund is still in existence, and pays for the upgrades and improvements of the Cemetery. However, revenues to the fund have not been significant enough to continue a perpetual maintenance allocation. In 1970 the Department of Parks and Community Services was assigned the primary responsibility for the care and maintenance of the Cemetery. In 1975, the ornamental fence was replaced with a chain link fence in order to combat the vandalism which had become an increasingly serious problem.

In 1988, City Council requested that a master plan be prepared for the Cemetery which was completed in 1990. The plan proposed expansion and improvement of the cemetery in three phases. The first phase proposed the improvement of plantings and irrigation, and the addition of a columbarium. The second phase proposed improvements of the entry drive, walls, sign, gate, circulation pattern and maintenance yard. It also proposed additions of new single depth graves, double depth lawn crypts, an urn garden and columbaria. The third phase added to each of the property types for sale, and proposed improvements/additions of the office, parking area, fountain, entry obelisk, campanile, and plantings. Revenue bonds in the amount of \$380,000 were sold to finance Cemetery improvements. These bonds were then refinanced in 2001, and are projected to retire in 2014. The debt service on the bonds is finance from the sale of burial plots, urn plots and niches.

With this capital fund, the City was able to complete most of the improvements/expansion proposed in the master plan. The caretaker's house was removed from the site and the City developed this site for double depth burials (100 lots). A road that went east and west through the Cemetery was removed allowing for 64 additional burial plots. Two areas to the north along the existing entrance were also developed for single burials (353 lots). In addition, 7 niche walls were added to the cemetery totaling 944 niche units. Two small in-ground urn gardens were developed for a total of 457 lots. In 2001-2003, three more areas of burial sites were developed, totaling 352 burial plots. The parts of the master plan that were not completed include the campanile, shop and office buildings, and improvements in the storage area. Please see map, Appendix F.

In 1986, the City signed the right to purchase the Cornwall property. In 1993, the City signed a Memorandum of Understanding to exchange properties with Mr. Cornwall. The City moved Mr. Cornwall in to the 8204 120<sup>th</sup> Ave NE house, with the stipulation that he can live there until the end of his life. The City then converted Mr. Cornwall's property at 8055 122<sup>nd</sup> Avenue NE, and used it to expand the cemetery, as noted above.

### Current Capacity

The table below summarizes the current capacity at the cemetery. While there are still a large number of urn sites available, there are no burial sites available for purchase. However, services are expected to continue in plots that are owned but have not yet been filled.

<b>Cemetery Lot Availability</b>				
<b>June 16, 2008</b>				
<b>Total Capacity</b>	<b>Lots Sold</b>	<b>Lots Remaining</b>	<b>Capacity</b>	<b>Capacity Available</b>
<b>Burial Plots</b>				
Single: 5377	5,377	0	x1	0
Double: 100	100	0	x2	0
<b>Urn Plots</b>				
Plots: 432	74	358	x1	358
Niche Units: 910	199	711	x2	1,422
<b>Total</b>	<b>6,819</b>	<b>1,069</b>		<b>1,780</b>



### Current Pricing Comparisons

The table below summarizes the current charges at the Kirkland Cemetery and other surrounding facilities. The last fee increase was implemented in 2003. Please see Appendix C for complete Kirkland pricing information.

Cemetery Comparisons				
Current City of Kirkland Prices		Burial Lot Prices	Niche Prices	Services Fees
Kirkland Cemetery	Single	1,000 - 1,200		665
	Urn	700	950 - 1560	320
Public Cemeteries				
Bay View, Bellingham	Single	1,421		572 - 827
	Urn	1,006	1,230 - 1,640	99 - 350
Auburn	Single	1,495 - 3,495		1,060
	Urn	495 - 3,195	1,545 - 1,695	375
Woodinville	Single	1,200		923 - 1,188
	Urn	1,200	n/a	350
Private Cemeteries				
Sunset Hills (Cedar Lawn)	Single	9,813 -		1,295
	Urn		3,267	595
Acacia	Single	3,261		1,295
	Urn	1,677	3,200 - 3,800	395
*On full size single burial lot can accommodate 2 urns				

## **Revenue vs. Expenditure History**

Revenue and expenses for the Cemetery are accounted for in three different funds. The Parks Department provides for the operation and maintenance of the Cemetery and services for interment procedures, ongoing maintenance service including mowing, edging, weeding, installation of markers, and verification of gravesites. The Finance Department performs the administrative functions for the Cemetery, including sale and tracking of plots, interment arrangements, and coordination with the Parks department. Following is a description of these funds.

### **Fund 122 – Cemetery Operating Fund**

The Cemetery Operating Fund tracks the direct expenses associated with operating and maintaining the City of Kirkland Cemetery. The majority of the budget for this fund is the non-labor costs associated with cemetery operations. In addition, there is a \$60,000 interfund transfer to the General Fund that reimburses the General Fund for a portion of the labor costs associated with Finance and Parks administrative and maintenance costs associated with the Cemetery. The Parks labor associated with maintenance and services is budgeted in the Parks Maintenance budget in the General Fund (Fund 010), as discussed below.

#### Revenue

Revenues for the Cemetery Operating Fund come from 25% of the proceeds from the sale of burial lots and niches, and 100% of fees ( interment services and markers ).

#### Expenditures

As discussed above, an annual transfer of \$60,000 to the General Fund covers a portion of the administrative and maintenance labor costs in Finance and Parks. Other direct expenditures include the purchase of rough boxes (liners), supplies and rental fees.

### **Fund 154 - Cemetery Improvement Fund**

This fund is used for cemetery improvements and to repay the debt service on the outstanding bonds sold to finance the 1992 Cemetery improvements.

#### Revenue

The Cemetery Improvement Fund receives 75% of the revenue from the proceeds of sale of burial plots and niches.

#### Expenditures

Expenditures from the Cemetery Improvement Fund are for payments to retire the \$380,000 cemetery improvement debt. This debt is scheduled to be retired in 2014. See Appendix E for debt service breakdown. Also included in expenditures are burial plot buy-backs and minor improvements.

**Fund 010 – General Fund**

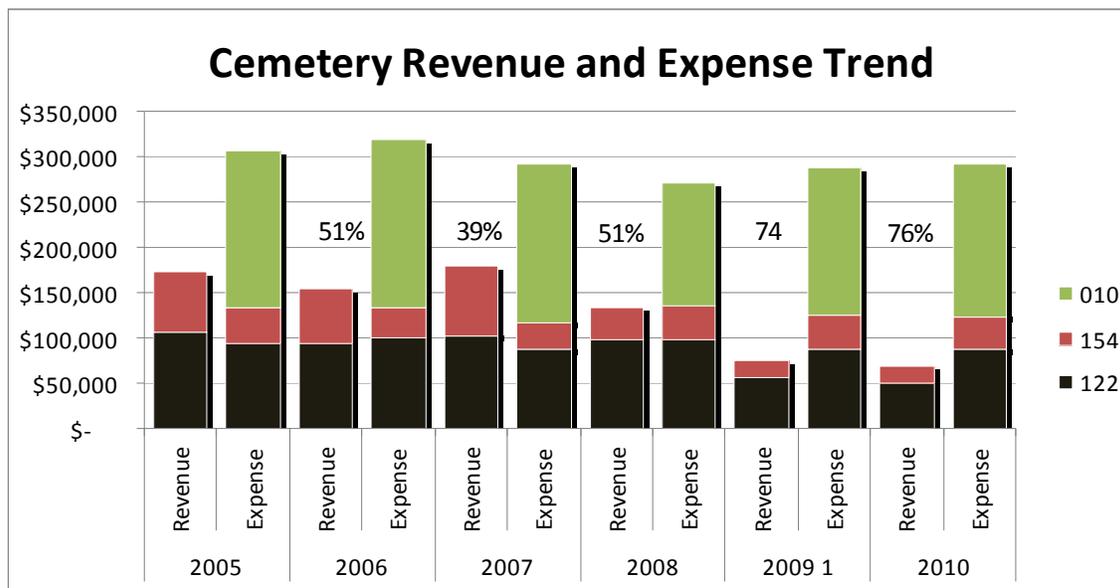
While not identified separately in the budget, the General Fund budget includes both Finance and Parks administrative time, and parks maintenance and operations time. Some of the administrative costs are reimbursed by Fund 122 through an interfund transfer, so those costs have been reflected in that fund. However, this only amounts to a partial reimbursement to cover all costs for Cemetery administration, maintenance and operations.

Revenue

There are no direct cemetery revenues in the General Fund. The interfund transfer from Fund 122 reimburses some of the administrative costs and is shown as an expenditure in Fund 122. As a result, the General Fund figures shown in the analysis below do not include this transfer as a revenue or the partial administrative costs that it funds as an expenditure.

Expenses

Personnel costs associated with Finance and Parks activities related to the Cemetery are budgeted in the General Fund. The costs shown in the analysis reflect the maintenance and operations costs budgeted in the Parks Maintenance fund. Below is a graph that demonstrates the revenue and expenditure history from the three different funds that are used to operate the cemetery. Appendix D is the specific breakdown of these funds.



**Cost of Service**

When calculating the cost of service, there are several areas to consider. In order to operate the Cemetery, the City incurs administrative time in both Finance and Parks, pays for debt service, and incurs labor cost for burials and maintenance, equipment and supply costs. The costs below are based on average labor expended (primarily in the General Fund) plus a share of non-labor costs budgeted in Fund 122.

The table below provides a brief history of the number of burials and cremation interments by year.

	Burials	Cremation Interments
2005	42	32
2006	34	29
2007	37	20
Average	38	27

The average cost for these services is calculated by applying the estimated number of hours expended by Parks Maintenance on each service, including benefits and overhead in the General Fund ( fully loaded costs ). These costs do not include the direct expenses in Cemetery Operating Fund ( e.g. liners, markers, etc. ), which are added in the following table.

	Average General Fund Cost Per Service (010) *	
	Burials	Cremation Interments
2005	\$ 1,575	\$ 498
2006	\$ 1,586	\$ 483
2007	\$ 1,608	\$ 505
2008	\$ 1,628	\$ 501

\*This includes labor costs only

To present the full cost for these services, the costs budgeted in Cemetery Operating Fund were added to the General Fund labor costs by applying a factor of .76 to the General Fund costs. In other words, for each \$1 in the General Fund, \$0.76 is added for the expenses in the Cemetery Operating Fund.

	Total Average Cost Per Service (010 & 122) *	
	Burials	Cremation Interments
2005	\$ 2,772	\$ 875
2006	\$ 2,792	\$ 850
2007	\$ 2,831	\$ 890
2008	\$ 2,865	\$ 880

\*This includes labor, administrative, and citywide overhead

The cost of operating the cemetery and providing burial services, continues to be subsidized by the general fund. Because there is no perpetual maintenance fund that was developed from the sale of plots/niches, this subsidy will continue to increase as labor costs rise, and the sale of plots diminishes.

### SWOT ANALYSIS

The following SWOT analysis describes the strengths, weaknesses, opportunities, and threats for the Kirkland Municipal Cemetery.

## STRENGTHS

- **Lack of cemeteries:**

There are 5 cemeteries on the Eastside:

- City of Redmond Cemetery – operated by Cedar Lawns Memorial Park
- Cedar lawns Memorial Park – Burials are done by Sunset Hills Memorial Park.
- Sunset Hills Memorial Park, Bellevue
- Chapel of the Resurrection, Cedar Park Church in Bothell
- Woodinville Cemetery – non-profit

With the limited number of cemeteries on the eastside, a cemetery in Kirkland is an asset to the region.

- **Possible expansion:** There are some potential growth opportunities that include the Cornwall property and the homes located east of maintenance yard. Currently, the City owns the Cornwall property, but would need to purchase any additional properties for expansion opportunities. Descriptions of potential properties are listed in the Opportunities section.
- **Niche Wall/Urn Space:** We still have 1,069 niche and urn spaces available. Based on the average cost today, this can bring in almost \$1 million from sales. Based on the previous year's sales average, these lots will be sold out in approximately 20 years.
- **Kirkland Charm:** The Kirkland Cemetery has a unique character unlike other cemeteries in the surrounding areas. The charm and nature of the Kirkland Cemetery make it an appealing place with its large trees and historical significance. Cemeteries are more than a place to inter the deceased, they are a placeholder in history and mark those who walked with us and before us.

## WEAKNESSES

- **Low-priced:** There's a substantial difference in pricing between burial lots at private cemeteries such as Sunset in Bellevue and the low prices of lots at the Kirkland Cemetery. These low prices have made Kirkland appealing to those in need of service. As a result, we've sold out a few years earlier than once predicted. In a memo dated December 7, 2005 the prediction was that we would have burial lots available through 2012 (this was based on yearly average sales).
- **Expensive to operate, limited revenues:** Cemeteries are extremely expensive to operate. They require a high level of maintenance and care to the grounds and to each individual headstone, aside from the routine upkeep of the site. Revenues are decreasing based on the number of plots/niches available for sale.

- **Community involvement:** In the 1920s the population of Kirkland was less than 2000, but the Cemetery was supported by more than 30 clubs and fraternal societies. Among the many civic clubs was the American Legion Post who hosted an annual Memorial Day observance with an elaborate parade downtown involving veterans of the Civil War and the Spanish-American War and World War I; firefighters, Boy Scouts and others. A Cemetery service was followed by the parade with prayers, singing, a special address by a featured speaker and ending in the decoration of veteran graves. A baseball game or pot-luck picnic dinner usually followed the formal ceremony. This annual ceremony always sparked new concerns for the cemetery. However, this community stewardship of the cemetery is lacking today.
- **Set fees in KMC:** Our current ordinance limits staffs ability to set a fair market price for burial lot and urn fees without first seeking Council approval. This restriction creates a long process and extensive staff time to make appropriate changes which should be reviewed annually, and thus results in prices falling well below market rates.

## OPPORTUNITIES

- **Inventory records and grave sites:** While researching the cemetery to complete this business plan, we have discovered a document dated February 13, 1987 revealing approximately (60) lots that were identified as “abandoned” or where the owner was listed as “uncertain”. In order for the City to reclaim or purchase those lots, specific steps must be followed. At this time none of the appropriate actions have taken place to reclaim the plots. This process would require additional resources conduct the research and implement.
- **Amend Kirkland Municipal Code Chapter 3.92 to charge fair market value:** Burial sites in Kirkland could be valued appropriately. There have been concerns in the past about keeping rates reasonable for residents. However, actual experience is that customers come from all over the state to take advantage of the prime location and inexpensive fees. As mentioned above, there are 6,664 owners of the cemetery lots. Kirkland residents total 2,974 (44%) and outside Kirkland owners are 3,690 (56%).
- **Burial site buy-back:** This could be marketed to those who currently own sites at the Kirkland Cemetery, but have either moved away from Kirkland or have decided to make arrangements elsewhere. Over the last 5 years, the City has had over 20 sites sold back to the city. These sites were purchased back at the original purchase price. The City could offer to buy back additional plots at a profit to current owners. All re-sales would stay “on hold” until a market value price has been established.
- **Contract burial services:** The City could opt to contract for burial services. For example, Automatic Wilbert Vault Company has provided contracted services for burials at numerous cemeteries for 104 years. They set everything up for the graveside if needed. Below are sample costs for contracted service compared to current City costs. The

contracted costs will only cover a burial with no complications. This option would diminish the quality control and personalized service we are able to provide for customers.

<b>Example of Contracted single lot burial fees, with no complications:</b>	
Open/close graves	\$550
- Tent, lowering device, greens & chairs	\$200
- Rough box delivered in loads of 10	\$173 each
- Rough box delivered; single	\$335 each
- Saturday; Overtime	\$70 per hour
- Sunday; Overtime	\$530 for 6 hours
- Additional overtime	\$140 per hour
Contracted cremated remains fees	
- Open/close cremation	\$350
- Open/close niche placement	\$350
Total weekday burial price =	\$923
Total weekend burial price =	\$1,188
<b>Average cost of burial by Kirkland staff:</b>	<b>\$1,627</b>

- **Marketing Opportunities:** Current available urn garden and niches could be marketed.
  - Advertise on the Kirkland TV station
  - Advertise in Kirkland Courier
  - Article in the City Update
  - Prepare and send to funeral homes in the area a marketing brochure they can hand out to a customer.
- **Cremated Remains:** A new revenue opportunity would be to offer burial of ashes to families with family members already buried at the Kirkland Cemetery. ( i.e allowing family members to place cremations on past family members plots ). This is currently allowed under State law and Kirkland Cemetery rules.
- **Markers:** The area around the fountain could be converted from the current concrete courtyard to one that would host engraved pavers. These pavers would be sold and inscribed in memory of individuals that have spread their ashes off site.
- **Rental facility:** A facility for memorial services for the deceased with or without the body present could be built. Typically these services take place at the funeral home and may include prayers, poems, or songs to remember the deceased. Pictures of the deceased are usually placed at the altar where the body would normally be to pay respects. A rental facility would be of great service to those families in need of a place to gather after the

funeral and could generate additional revenue. However, in order to operate this, the City would incur both capital and operating expenses. Staff would need to complete a projected capital and ongoing maintenance budget to determine if this would be financially feasible.

- **Cornwall house:** The City owns the Cornwall house located in the northwest corner of the property on the downhill slope. The topography of the land doesn't work well with utilizing the property for gravesites. The property is still developable, but would require some work to incorporate it into a Cemetery plan. One possibility is to incorporate the house and maintenance yard into one facility, using it for storage of supplies. Another option would be to sell this property and use the proceeds for major maintenance projects or other uses. The current market value is approximately \$524,000.
- **Other expansion opportunities:** A cluster of 3 homes is located next to the entry way to the cemetery and the land is fairly level. Staff presented City Council a report with estimated longevity of burial plots back in June of 1998. At that time Council instructed staff to meet with neighbors regarding the possible purchase of these properties. Negotiations began in early 1999 when staff approached the neighbors and started to talk about buying the properties. They all were somewhat interested, however their asking price was above the actual value of the homes. At that point all negotiations were dropped. Expansion would include costs for land acquisition, demolition and development costs, possible change in zoning, street improvements, site development plan, and increase maintenance and operational costs. Depending on the number of plots that could be developed, this would be hard to complete without a major capital cost. Expanding the cemetery without a self supporting perpetual maintenance fee would also increase the future General Fund subsidy of the Cemetery.

### Threats

- **Increased subsidy:** Because we do not have a perpetual maintenance fund, and given the current operations, there will always be a subsidy with the cemetery. The costs will continue to exceed revenues, which will increase the City subsidy to continue the current level of maintenance for the Cemetery.
- **Loss of Historic site:** If the City opts to lease, sell, or does not have funds to maintain the cemetery, this could result in the loss of an historic asset for the city.
- **Neighborhood Concerns:** If the City opts to expand the Cemetery, there could be some neighborhood concerns that would need to be addressed.

### Options

1. Maintain the capacity of the cemetery as is with no change to rates and no capital expansion to add plots. This option does not reduce the financial impact on the city, as the subsidy would continue to increase every year.

2. Maintain the capacity of the cemetery as is but increase revenue. The city could pursue:

- Marketing the remaining niches
- Market the cremated remains option to families
- Amend the KMC to competitively price the burial options.
- Consider a nonresident pricing differential for the remaining niches.
- Research and initiate a site buy back program.
- Research and initiate an abandon site recapture program
- Institute a perpetual maintenance fund for any recaptured plots.

This option would increase revenues, thus decreasing the General Fund subsidy of the cemetery, until all the niches/urn plots are sold. Potentially, with the addition of a perpetual maintenance fund, this option would allow the city to continue operations, and minimize the subsidy. To fully implement all the tasks within this option, would require additional staff resources.

3. Implement planning and expansion of the cemetery with currently owned properties and/or acquiring additional adjacent property. Expansion could include a rental facility, property acquisition and development, developing more plots. This option would cost the City a substantial amount in capital costs and it would also increase operational and administrative costs.

4. Lease out Cemetery to a private provider. The City would continue to own the Cemetery, but would not operate it. Contract out maintenance and operations and/or transfer responsibilities to a private business. As shown previously, the cost for a private burial service is approximately 30% less than the cost for the City to provide this service. However, this option may impact other parks maintenance functions, as the parks maintenance crew fits in cemetery operations as needed. The crew that performs the burials is allocated to other parks maintenance year around throughout the City.

### **Recommendation:**

Staff, the Cemetery Board, the Park Board, and the Finance Committee all recommend option two: Maintain the capacity of the Cemetery as is, but increase revenue. Based on the analysis completed, the Cemetery will always be subsidized, as long as the City continues to own the facility. Option two provides an alternative to maximize the revenue potential of the Cemetery's remaining resources to reduce or manage the amount of subsidy required for potentially another 20 years. In addition, the Finance Committee is interested in pursuing a cost analysis for expansion of the Cemetery.

## **APPENDIX A**

### **Administration and Operation of the Kirkland Cemetery**

#### **Chapter 6**

#### **Policy 6-5**

**Effective Date: October, 2003**

#### **A. PURPOSE**

1. To provide policy guidelines and operational rules for the administration of the City of Kirkland Cemetery. This policy applies to all persons utilizing the City of Kirkland Cemetery.

#### **B. DEFINITIONS**

1. "Border," the concrete edging around the marker to protect the marker from damage and to allow trimming around the marker.
2. "Burial," the placement of human remains in a grave.
3. "Cemetery," any place used and dedicated for cemetery purposes by the City.
4. "Cemetery Committee," the group of City of Kirkland staff which oversee the operations and activities of the City of Kirkland Cemetery.
5. "Columbarium," a structure or other space containing niches for permanent inurnment of cremated remains.
6. "Committal," that part of a funeral service which places the remains of the deceased to his/her final resting place.
7. "Cremated Remains," a human body after cremation in a crematory.
8. "Disinterment," the removal of buried human remains from a grave.
9. "Foundation," the concrete poured below ground level to support and stabilize a memorial.
10. "Funeral," a memorial service for a deceased person.
11. "Human Remains or Remains," the body of a deceased person, and includes the body in any stage of decomposition except cremated remains as defined by RCW 68.04.020.
12. "Interment," the disposition of human remains by cremation and inurnment or burial in a place used or intended to be used and dedicated for cemetery purposes.
13. "Inurnment," the disposition of cremated human remains within an urn.

14. "Liner," any concrete or composite material container that is buried in the ground to provide outer protection and into which human remains are placed in the burial process.
15. "Marker," any grave headstone, memorial or monument that is intended to permanently mark a grave.
16. "Next of Kin," relative most nearly related i.e.:
  - a. Spouse
  - b. Children
  - c. Parents
  - d. Brothers and Sisters
17. "Niche," a space in a columbarium or urn garden used or intended to be used for inurnment of cremated human remains.
18. "Open and Close," the term used for referring to the opening of a gravesite and closing of a gravesite after remains are placed.
19. "Plot," a space of ground in a cemetery used, or intended to be used, for burial.
20. "Staff or Crew," refers to City of Kirkland personnel that are assigned administrative duties and maintenance duties for the City of Kirkland Cemetery.
21. "Urn Liner," a container whose purpose is to provide outer protection for the ground burial of cremated remains.
22. "Vault," any container which is buried in the ground and sealed to provide outer protection and into which human remains are placed in the burial process.

### **C. CEMETERY ADMINISTRATION AND GENERAL PROVISIONS**

1. Rules and Regulations  
These rules and regulations may be administratively amended at any time by the City, and shall be so changed and amended when any rule is found to be detrimental to the best interest of the plot owners as a whole or when new conditions require the adoption of other or further regulations.
2. Cemetery Committee  
The Cemetery Committee is made up of the Director of Finance and Administration or designee, Parks Director or designee and representatives from the Parks Maintenance and Cemetery Administration staff. The committee shall periodically review and make recommendations to the City Manager on fees, policy or operational plans. Any exceptions to or issues with these items will be reviewed by the committee on an as needed basis.

3. Cemetery Fees and Charges.  
All prices for burial lots and cremated remains sites are approved by the City Council. See KMC 3.92.020. All other service fees and charges are approved by the City Manager or approved designee, upon recommendation from the Cemetery Committee. As the City Manager's designee, the Director of Finance and Administration is authorized to waive or reduce fees in accordance with KMC 3.92.010
4. Method of Payment  
All sales shall be paid in full at the time arrangements are made in the form of cash, approved check, or credit cards acceptable to the City.
5. Cemetery Hours  
The Cemetery is open to the public during the following times:  
Gates open at 8:00 a.m. each morning and are locked at dusk, seven days a week.  
Cemetery Administration is located at City Hall which is open 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

#### **D. LOT SALES AND OWNERSHIP**

1. All plots in the cemetery are conveyed to the purchaser by a warranty deed when paid for but the rights of the owner, successor or assign are subject to such rules and regulations as set by the City of Kirkland.
2. Interest in Cemetery Plots  
Interest in Cemetery plots shall be governed by RCW 68.32 as now and hereafter amended. The City shall endeavor to determine the legal next of kin, but the City shall not be held responsible for failure to do so. Persons representing themselves as next of kin may be required to provide a notarized statement to this effect. The City shall not be responsible for activities authorized by persons falsely representing themselves as next of kin.
3. Selling or Transferring of a Plot  
When an owner of a plot wishes to sell or transfer the plot to another individual, or sell it back to the City, he/she must provide the City with a "Quitclaim Deed" showing transfer of ownership. If the original owner of the plot(s) is deceased, the executor or heir(s) must show proof of their authority to devise or ownership of the property, i.e. Letters Testamentary, Decree of Distribution, or a copy of the will. The City may repurchase plots from the current owner and is authorized to offer no more than 75% of the current plot price or offer the same amount as credit toward other plots in the Cemetery.
4. Designated Blocks
  - a. Blocks 47 and 48 are designated as an urn garden for cremation interments only.
  - b. Baby Haven block is for burial of children under the age of 2.

- c. Block 34 has double depth sites, appropriate for joint plots.
- d. Entryway, Flag Plaza and Historical Section walls are for cremated remains.

All remaining blocks are for single plots only.

## **E. INTERMENT SERVICES**

### 1. Funerals, Interments, and Committals

Funerals, interments, and committals within the City of Kirkland Cemetery shall be under the control of the Parks and Community Services Department. All plots shall be opened and closed by employees of the City. Canopies, artificial grass, lowering devices, tractors, and other equipment provided by the City shall be used exclusively for all interments, inurnments, entombments and disinterment. All Cemetery and gravesite charges must be paid prior to interment.

### 2. Concrete Liners

All interments shall be in concrete liners or vaults designed and manufactured for this purpose. Concrete liners are sold by the City. Vaults may be purchased from a third party, but must meet the Cemetery specifications before use on Cemetery grounds.

### 3. Burial Permit

A burial permit from the King County Department of Health must be secured by the funeral home before an interment will be permitted. The City shall not be responsible in any manner for securing any permit. Cremated remains must be properly labeled and accompanied by a cremation and disposition authorization form to the Cemetery to certify identity of the cremated remains.

### 4. Arrangements

All families or designated representatives shall be required to complete an Interment Authorization form in person at the Cemetery Administration desk in City Hall, accepting responsibility and authorizing and designating the exact location of the plot for burial. Funeral directors or designated representatives who sign on behalf of the family are accepting financial responsibility and liability for any decisions or actions taken under their direction. Under no condition shall the City of Kirkland Cemetery open a plot without proper authorization.

Any funeral home accepting financial responsibility on behalf of a family must deliver to the Cemetery Administration Office payment in full for all charges at the time arrangements are made.

### 5. Notice of Interment or Disinterment

The City must be notified at least 24 hours before any interment so the plot or niche may be properly prepared, and at least one week's notice shall be given prior to any disinterment. The City of Kirkland Cemetery reserves the right to delay an interment when scheduling conflicts occur.

### 6. Authorization for Interment

The City of Kirkland Cemetery may open a plot for any purpose on proper authorization by any lot or niche owner of record or the legal next of kin and duly filed at City Hall unless there are written notarized instructions to the contrary on file with the City's cemetery administrative office.

#### 7. Interment Agreements

When a lot is jointly owned, authorization for interment will be granted to either the plot owner(s) or their heirs as governed by RCW 68.32. An agreement may be made between common plot owners to the right of burial but the City shall not undertake to enforce such an agreement.

#### 8. Funerals Burials and Committals—Days and Hours Allowed

Normal burial hours shall be restricted to weekdays between the hours of 9:00 a.m. and 3:00 p.m. The City recognizes that mitigating circumstances may arise necessitating a burial outside of normal hours. This can be arranged, subject to the availability of City staff. Overtime fees will be incurred if the burial is requested after 3:00 p.m. or on a Saturday or holiday. No burials will be allowed on Sunday.

Requests for an emergency waiver of this policy or any provision of this policy may be made to the Parks and Community Services Director or his designee, as the designee of the City Manager, who shall have sole discretion to approve or deny the emergency waiver request. The emergency waiver request shall include payment for any and all additional expenses to the City for these services.

#### 9. Interments per Individual Plot

The interment of two casket burials in one plot shall not be allowed except in the designated area for double depth burials. Regular graves are designated for one casket and a maximum of two cremated remains. No interment other than that of a human being shall be permitted.

#### 10. Welfare Burials

A welfare burial is available if the plot is pre-owned by the deceased or applicant. Burials will follow the Department of Social and Health Services (DSHS) guidelines for the disposition of remains.

#### 11. Disinterment

For disinterment of remains (including cremated remains), the applicant must have written authorization from the closest living relative. Provisions concerning permission to remove remains shall be governed by State law in RCW 68.50 as now or hereafter amended.

### **F. MARKERS**

#### 1. Services Provided:

- a. The Cemetery shall make available for purchase markers such as monuments and memorials.

- b. The City crew shall construct foundations and borders on markers when required. However, the owner or owner's estate is responsible for all costs incurred in doing this.
  - c. Placement of markers may be performed by the City or can be contracted for by a City-approved vendor upon authorization of the City.
2. Upright markers are allowed only on certain plots adjacent to the older sections of the Cemetery. Upright markers will not exceed a height of four feet (48 inches) from ground level. Concrete borders at the front and back of an upright memorial must be a minimum of 2 inches, not to exceed 4 inches in width and on the sides.
  3. All flat memorials placed in the Cemetery shall have either a concrete or granite border with a minimum of a 2-inch border, not to exceed 4 inches.
  4. A full-scale drawing of all upright markers and/or oversized flush markers must be submitted to the City for approval before purchase.
  5. Markers must be set level with and conforming to the slope of the lawn and placed in line with adjacent stones so as to present a uniform appearance. The Cemetery reserves the right to inspect all markers/memorials after installation and to require or make changes if improperly set.
  6. Only flush memorials are allowed to mark cremated remains inurned on an occupied grave space when the first interments is already marked with a headstone. The marker shall be placed adjacent to the existing marker and directly over the inurned cremated remains.
  7. The City will provide a vase form free of charge. Vases may be purchased through Cemetery Administration located at City Hall. Vases not purchased through Cemetery Administration must be pre-approved.
  8. All inscriptions for niches are subject to the approval of the City of Kirkland and shall be limited to the name of the deceased and year of birth and death.
  9. Marker setting and on-site engraving shall be scheduled during normal business hours with and authorized by the Parks and Community Services Department at least one working day prior to the work being done. The City reserves the right to remove any marker which was set or engraved without permission and does not conform to the standards set forth in these rules and regulations.
  10. The City does not bind itself to maintain, repair, or replace any markers or monumental structures erected upon the plot which are lost or damaged due to weather, age, vandalism, or normal maintenance. The City will endeavor to see that the headstone remains in good condition.

## **G. MAINTENANCE AND LANDSCAPE REGULATIONS**

1The City will provide the maintenance of plot sites. Maintenance of plot sites includes seeding, leveling of sites, mowing and also trimming around the markers. The City may place sod on an as needed basis.

2. Cut flowers and bouquets are allowed year round.
3. Artificial flowers and decorations are allowed from November 1 to March 30.
4. The City of Kirkland shall have the authority to remove all floral designs, flowers, weeds, tress, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the management, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the standards maintained. The City shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached. The Cemetery shall not be responsible for plants or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.
5. Planting of flowers and shrubs is allowed with prior approval from the City to assure the items do not interfere with maintenance and are in the correct location. Hooked poles for hanging flower baskets are not allowed.
6. The City is not responsible for damage to or theft of cut flowers, potted plants, displays, or containers. Anyone leaving such articles in the Cemetery does so at his/her own risk.
7. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles upon plots shall not be permitted.
8. Only personnel authorized by the City shall trim, prune, or remove any part of the trees or shrubs in the Cemetery. If any tree or shrub situated on any grave by means of its roots, branches, or similarly becomes detrimental, dangerous, or objectionable to the adjacent plots, walks, or avenues, or the City is unable to maintain the grounds, the City shall have the right to enter upon the plot and remove the tree(s), or shrub(s), or any part(s) thereof as it may see fit.
9. No lot or plot shall be defined by fence, railing, hedge or by any unauthorized memorial. A plot shall not be decorated with any trees or shrubs without prior approval. Any items placed improperly or without permission shall be removed at the owner's expense.

**APPENDIX B****Kirkland Municipal Code  
Cemetery****Chapter 3.92  
CEMETERY****Sections:****3.92.010 Service rates.****3.92.020 Prices for burial lots and cremated remains sites.****3.92.010 Service rates.**

The city manager is authorized and directed to determine and establish the rates to be charged for opening and closing and for such other services as the city may render incidental to the operation and maintenance of the Kirkland Cemetery. In establishing such rates, the manager shall take into consideration the cost to the city in rendering such a service and the charges made by other cemeteries in the area for such services. The rates scheduled to be established by the city manager, or any modifications or amendments thereto, shall become effective on the filing of same with the director of finance for the city. (Ord. 3573 § 22, 1997; Ord. 2590 § 1, 1981)

**3.92.020 Prices for burial lots and cremated remains sites.**

(1) Prices for burial lots in the Kirkland Cemetery are established as follows:

(a) Historic Section:

Single Depth — Non Pre-Set \$1,200.00

Infant Plots \$ 300.00

Partial Plots \$ 500.00

(b) Nonhistoric Section:

Single Depth — Pre-Set \$1,000.00

Double Depth — Pre-Set \$2,000.00

Urn Garden Plots \$ 700.00

(2) Prices for cremated remains sites (niche walls) in the Kirkland Cemetery are established as follows:

(a) Historic Section — Niche Walk Wall/Flag Plaza Niches:

Level 1 \$1,140.00

Level 2 \$1,300.00

Level 3 \$1,300.00

Level 4 \$1,560.00

(b) Nonhistoric Section — Entry Wall Niches:

Level 1 \$ 950.00

Level 2 \$1,090.00

Level 3 \$1,090.00

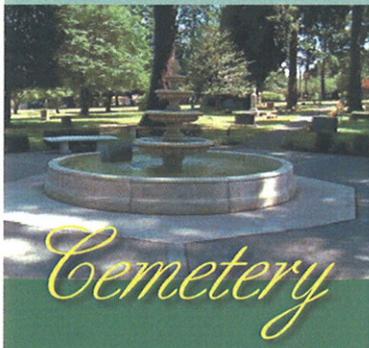
Level 4 \$1,265.00

Level 5 \$1,265.00

Level 6 \$1,090.00

(Ord. 3722 § 1, 1999; Ord. 3652 § 1, 1998)

*City of Kirkland*



# Cemetery Rate Schedule

Effective October 1, 2003

## Cemetery Lots

### Historic Section

- Single Depth – Non Pre-Set..... \$1,200.00
- Infant Plot..... 300.00
- Partial Plot (Currently all sold) ..... 500.00

### Non-Historic Section

- Single Depth – Pre-Set (Currently all sold) ... .. \$1,000.00
- Double Depth – Pre-Set ... .. 2,000.00
- Urn Garden Plot ... .. 700.00

## Niche Walls

### Historic Section

#### Niche Walk Wall/Flag Plaza Niches

- Level 1 ... .. \$1,140.00
- Level 2 ... .. 1,300.00
- Level 3 ... .. 1,300.00
- Level 4 ... .. 1,560.00

### Non-Historic Section

#### Entry Wall Niches

- Level 1 ... .. \$950.00
- Level 2 ... .. 1,090.00
- Level 3 ... .. 1,090.00
- Level 4 ... .. 1,265.00
- Level 5 ... .. 1,265.00
- Level 6 ... .. 1,090.00

## Service Charges

<b>Interment and Disinterment</b>	<b>Regular Hours</b>	<b>Sat/Holiday</b>
Single Plot Non Pre-Set .....	\$665.00	\$870.00
Single Plot Pre-Set .....	\$665.00	\$870.00
Single Plot Infant.....	\$320.00	\$470.00
Double Plot Pre-Set		
1st Opening .....	\$665.00	\$870.00
2nd Opening .....	\$665.00	\$870.00
Disinterment.....	\$665.00	\$870.00
Disinterment/Re-interment .....	\$1,330.00	\$1,740.00

<b>Inurnment</b>	<b>Regular Hours</b>	<b>Sat/Holiday</b>
Urn Garden .....	\$270.00	\$405.00
Graveside Services.....	\$320.00	\$470.00
Niche Opening .....	270.00	\$405.00

### Miscellaneous Charges

Flush Markers (Sold by City)** .....	Value based on size & type of marker	
Marker Setting		
Veterans .....		\$200.00
Flush.....		\$320.00
Upright .....		\$440.00
Niche Lettering .....		\$165.00
Liner Sales** .....		\$250.00
Urn** .....	Value based on type of urn	

\*\* These items subject to sales tax

All costs are for normal services and sizes. There may be additional costs for any requests that are beyond the scope of these services or have larger sizing needs.



**Appendix D**  
**Cemetery Cost Breakdown**

Cemetery Revenue and Expense Subsidy Trend

2005		2006		2007		2008 Projection		2009 Projection		2010 Projection	
Revenue	Expense										
\$ 106,682	\$ 94,132	\$ 93,241	\$ 100,892	\$ 101,757	\$ 87,626	\$ 98,196	\$ 97,320	\$ 56,000	\$ 87,425	\$ 51,000	\$ 87,425
\$ 65,985	\$ 38,224	\$ 61,196	\$ 32,652	\$ 76,976	\$ 28,949	\$ 34,447	\$ 39,124	\$ 18,000	\$ 37,093	\$ 18,000	\$ 36,030
\$ -	\$ 174,166	\$ -	\$ 184,831	\$ -	\$ 174,923	\$ -	\$ 133,645		\$ 163,625	\$ -	\$ 168,323
<b>\$ 172,667</b>	<b>\$ 306,522</b>	<b>\$ 154,437</b>	<b>\$ 318,375</b>	<b>\$ 178,733</b>	<b>\$ 291,498</b>	<b>\$ 132,643</b>	<b>\$ 270,089</b>	<b>\$ 74,000</b>	<b>\$ 288,143</b>	<b>\$ 69,000</b>	<b>\$ 291,778</b>
<b>\$ 133,855</b>		<b>\$ 163,937</b>		<b>\$ 112,765</b>		<b>\$ 137,446</b>		<b>\$ 214,143</b>		<b>\$ 222,778</b>	
44%		51%		39%		51%		74%		76%	

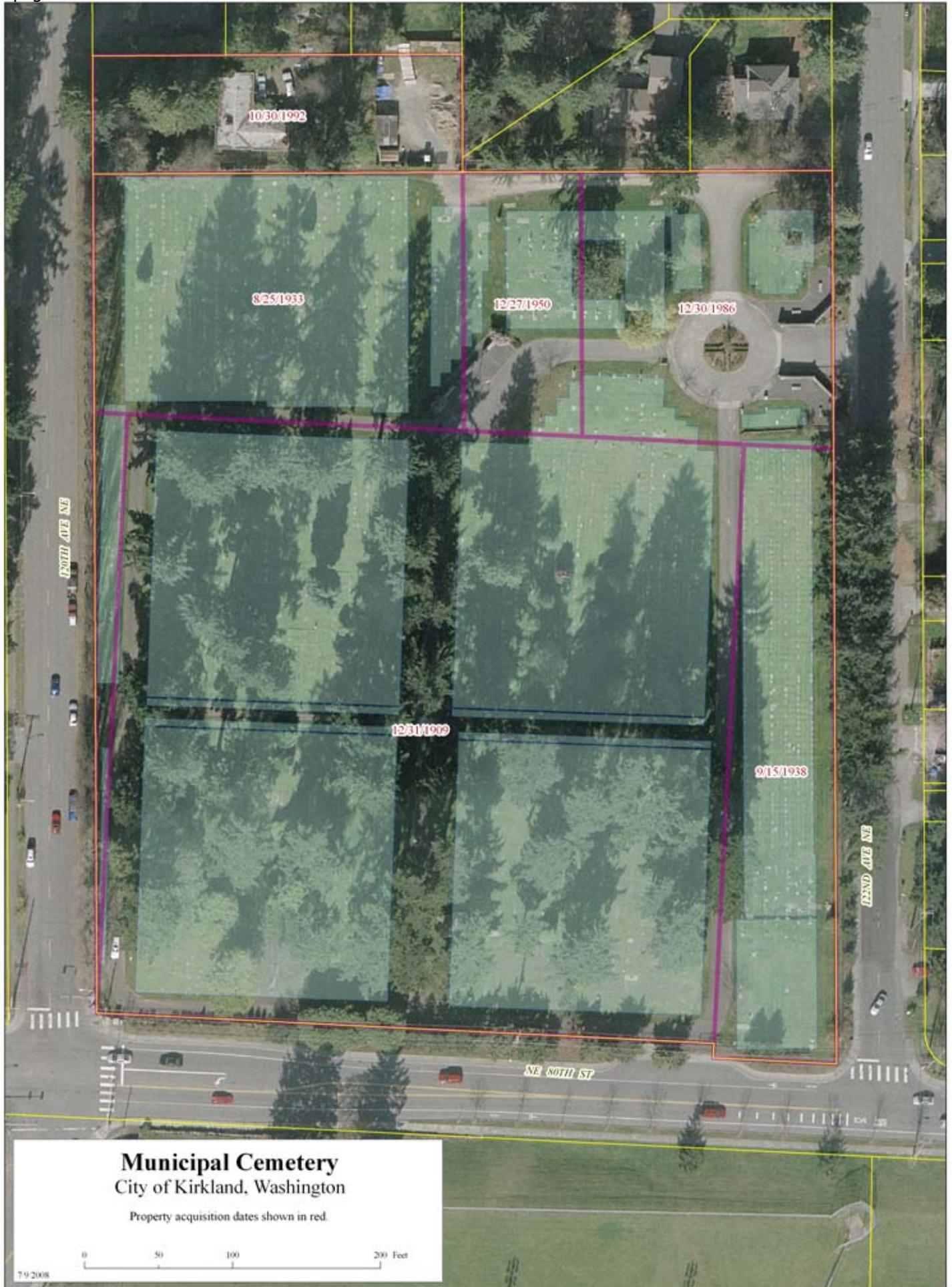
**City of Kirkland**  
**2001 Limited General Obligation Bonds**

**Purpose: Refunds 1994 LTGO Cemetery Improvement Bonds**

Denomination	\$5,000	Date of Bond Sale	7/6/2001
Amount of Issue	\$330,000	Net Interest Rate	4.690%
Ordinance	3790	Org:	2100009011

**DEBT SERVICE SCHEDULE**

Year	Interest Dates:		Interest Rate	Maturity Date	Principal Amount	Total Payment	Principal Balance
	June 1	December 1					
2001	0	5,895	4.00%	12/1/2001	15,000	20,895	315,000
2002	6,774	6,774	4.00%	12/1/2002	20,000	33,549	295,000
2003	6,374	6,374	4.00%	12/1/2003	25,000	37,749	270,000
2004	5,874	5,874	4.00%	12/1/2004	25,000	36,749	245,000
2005	5,374	5,374	4.00%	12/1/2005	25,000	35,749	220,000
2006	4,874	4,874	4.00%	12/1/2006	20,000	29,749	200,000
2007	4,474	4,474	4.13%	12/1/2007	20,000	28,949	180,000
2008	4,062	4,062	4.13%	12/1/2008	25,000	33,124	155,000
2009	3,546	3,546	4.25%	12/1/2009	25,000	32,093	130,000
2010	3,015	3,015	4.40%	12/1/2010	25,000	31,030	105,000
2011	2,465	2,465	4.50%	12/1/2011	25,000	29,930	80,000
2012	1,903	1,903	4.65%	12/1/2012	25,000	28,805	55,000
2013	1,321	1,321	4.75%	12/1/2013	25,000	27,643	30,000
2014	728	728	4.85%	12/1/2014	30,000	31,455	0
Totals	50,786	56,681			330,000	437,467	



### A Note on the Kirkland Cemetery Records.

Despite the progress made in the past twenty years, more remains to be done in correcting the errors and omissions of the past, and in preparing for the future. Some past mistakes probably can not be repaired and must simply be accepted and accomodated. In particular, the old method of pacing off grave sites for excavation was an unreliable guide, made moreso by the cemetery's overgrown condition and the great number of unmarked graves. Today the graves can be seen to be of varying sizes and irregular spacing, often intruding on spaces owned by others. Burials have been made in the wrong graves as well. This problem seems to have been unusually common in the late 1950's and early '60's, in the alleyways of the old section particularly, but in the two new sections as well. Headstones, which in the past were often set by relatives who did not know the exact location of the burial, are as likely to be misplaced as not. A 65-foot section of Block 18 (Baby Haven, north end,) was left vacant because of an error made in recording and placing the graves. And as might be expected, the cemetery records have suffered from the years of neglect as much as has the cemetery itself.

Probably the greatest problem in the city's cemetery records is their incomplete nature. This condition is common to the town and city records of earlier years when the administration was small and business was carried on informally through verbal communication alone. In 1951 when Al Leland took over the position of Mayor, he publicly complained of "an almost complete lack of records pertinent to the conduct of the office." (ESJ. June 7, 1951, p.1.) To a great extent, the deficiency of official records in general may be

attributed to simple neglect and the attitude that there is no point in writing down what "everybody knows". In the case of the cemetery records, however, another explanation is cited to account for the inadequacies.

Different versions of this explanation were encountered in the course of research for the project here presented. In the main, the story has it that no records were kept in the cemetery's first year. Thereafter, records were kept and stored in a church. The church burned, the records were destroyed, and the town took over the responsibility of record-keeping after the fire. The lost records are said to account for the number of unknown burials in the cemetery. By most accounts, this fire was to have occurred sometime in the 1920's.

The basis for this story was not discovered in the course of research. In one account, it was the Catholic church which burned with the cemetery records. There is no record of fire destroying the Catholic Church, however. In addition, the small number of Catholic burials in the cemetery and the distance of the old church from the cemetery make its involvement or use as a depository unlikely. In another version, the Presbyterian church was the building in question, and burned in the early 1920's. According to records in the church office today, the congregation incorporated in 1912 as the Union Church, and met in the school which stood across the street from the present church building. The school burned in 1921, and thereafter services were held in the Community Club. The congregation was reorganized as the Rose Hill Presbyterian Church at its present location in 1946. The local newspaper reported minor fires in the Congregational/Community Church in 1922 and 1925, but no major church fires were reported in the 1920's.

If the story has a basis in fact, it may be that the school, which housed the Union Church, likewise housed the cemetery records, and these were destroyed in the 1921 fire. This leaves the unanswered question of why local tradition has remembered the burning structure as a church rather than a school, however.

Whatever the basis for the story, it cannot account for all of the gaps in the cemetery records. For burials prior to late 1941, only the name of the deceased and the name of the purchaser of the grave have been preserved, and in many cases even this barest piece of information has been lost. The large number of unknown burials and unoccupied graves for which records of purchase have been lost is cited as evidence for the story of the church fire. It is clear, however, that these lost records are not confined to a single period. Three of the unknown burials, for example, are in Section 22, the new section opened in 1951. Given their location, these burials probably date from the early 1950's. The other unknown burials are confined to the old section, but scattered through the various parts of it that were developed in different decades. In the course of this study, eight graves marked as unknown were identified through newspaper obituaries, because the surname of the purchaser was recorded and matched the next-of-kin listed in the paper. These graves date from 1922 through 1930. In addition, twelve newspaper obituaries clearly indicated burials in the Kirkland cemetery, and the names of the deceased do not appear in cemetery records. It may be that the newspaper was in error, or that the bodies were subsequently disinterred. But it is also quite probable that some of the twelve are among the 56 unknown burials remaining. Their deaths range from 1923 through 1936. Given the locations of the unknown burials, their range is probably from the 1890's through the 1950's.

If the omissions in the cemetery records are scattered throughout their time span, the errors seem largely confined to the 1950's. As the cemetery caretaker and others who have attempted to locate specific grave sites from existing records well know, city maps and records do not match the actual configuration of graves. In part this is due to the uneven spacing of the graves themselves, but a number of clear errors in either the placing or recording of graves is also apparent. This was particularly a problem of the mid- and late 1950's and early 1960's. The errors are primarily to be found in the alleyways of the old section, the central and northern parts of Lawn Haven, and the west half of Section 22. The southwestern quarter of Section 22 is particularly confusing, because existing records show six rows of graves as one space further south than they are actually located.

Gaps and inaccuracies in the records are probably due in large measure to simple neglect. However, the number of record-keeping systems in use have further complicated the problem. Currently six different sets of cemetery records are in use:

1. Maps — an overview map showing burials and purchases of graves in the cemetery; also a series of enlargements by section giving the names of the deceased and the owners of the graves. One set of maps is kept in the city clerk's files. A copy is kept in the sexton's office, along with an older set of maps from which those now in use were copied.
2. Ledgers — Two ledgers are kept in the city clerk's office, one for the old section and one for the new sections of the cemetery. These are organized by Block and Lot, and ideally record the location of each grave, name of deceased, name of purchaser, dates of purchase and burial, and price paid for grave and services. Rarely is all of this information recorded on a single burial, however. A third ledger, or more accurately a loose-leaf binder, is kept in the sexton's office. It lists the burials in Baby Haven by date.

3. Card File — by Section and Lot. This file, kept in the city clerk's office, covers old and new sections of the cemetery, Baby Haven excluded. It duplicates the format and information contained in the ledgers, but because of its format is easier to use for reference. It has been kept more up-to-date than have the ledgers, but not all of the information contained in the ledgers for the older burials has been copied onto the file cards.
4. Card File — by Name. This file is likewise kept with the city clerk's records. It is an alphabetical list of individuals buried or owning lots in the cemetery. Ideally, it gives name, location of grave, and date of purchase and burial. Dates rarely appear on the entries, however.
5. Card File — by Name. This file is kept in the sexton's office, and is meant to be a copy of the file described in #4. Over the years, however, entries have been made in one file and not the other, and as a result the two files are not precisely duplications of one another.
6. Burial Permits — The burial permits are by far the most complete record of burials in the cemetery, giving name of deceased, age, cause of death, location of burial, dates of death and burial, and funeral home conducting the services. The average entry is much more complete than in the other files or ledgers. Unfortunately, the burial permits are preserved only as far back as late 1941. A binder containing permits from 1941 to the early 1960's is kept in the city hall records vault. A second binder containing permits since the early 1960's is kept at the sexton's office.

It is clear that the number of different records in use give ample opportunity for incomplete, confused, or contradictory entries. Ledgers and card files should duplicate one another, but because information has been recorded in one and not the other, neither can be safely discarded. A complete reorganization of the cemetery records, though certainly a tedious and time-consuming task, could greatly improve the record-keeping system and facilitate the sale of grave sites in the future.



**CITY OF KIRKLAND**  
Planning and Building Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3600 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

---

## MEMORANDUM

**To:** Kurt Triplett, City Manager **QUASI-JUDICIAL**

**From:** David Barnes, Associate Planner  
Eric Shields, Director of Planning and Building

**Date:** July 6, 2016

**Subject:** ASTRONICS PRELIMINARY AND FINAL PUD, PBD FILE NO. ZON15-00875

### **RECOMMENDATION**

Council consider the Hearing Examiner recommendation for the proposed Astronics preliminary and final planned unit development (PUD) application by Craft Architects (on behalf of Astronics Corporation) and direct staff to return to the August 16, 2016 City Council meeting with a final ordinance to either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application; or
- Deny the application.

The City Council may, by a vote of at least five members, suspend its rule that requires consideration of a Process IIB application at one meeting and a vote on the Ordinance at the next. This would enable the Council to vote on the Ordinance at the July 19, 2016 meeting instead of the August 16th meeting.

In the alternative, pursuant to Kirkland Zoning Code ("KZC") 152.90.2.b, if the Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision on the application, the Council may, by motion, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

An Ordinance reflecting the recommendation of the Hearing Examiner is included with this agenda item. The Hearing Examiner Recommendation for approval along with her Findings, Conclusions, Exhibits and Public Comments received into the public record is attached to the proposed Ordinance.

### **RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the Process IIB Zoning Permit for the PUD application based on the record before the Hearing Examiner and recommendation of the Hearing Examiner.

## **BACKGROUND DISCUSSION**

### **Proposal**

Craft Architecture, on behalf of Astronics Corporation, submitted an application for a preliminary and final Planned Unit Development (PUD) to provide offsite mitigation outside of the subject property's drainage basin for filling three onsite Type III wetlands (totaling 0.70 acres). The approval of the wetland fill would allow the construction of a three-story manufacturing/office building, surface parking, access road and an associated six-story parking garage. The property is located at 13415 and 13425 141<sup>st</sup> Avenue NE in the TL7B Zone (see Enclosure 1). Under current zoning without a PUD, the applicant would not be able to propose offsite mitigation outside the subject property's drainage basin.

The components of the PUD modification request and proposed public benefits to the City are described below:

1. A preliminary and final Planned Unit Development (PUD) with modification of the following Zoning Code requirement:
  - a. Kirkland Zoning Code Section 90.55.4 describes mitigation requirements and requires that offsite mitigation occur in the same drainage basin as the subject property.
  - b. The applicant proposes utilizing the King County Mitigation Reserves Program (MRP) in-lieu fee (ILF) program to compensate for filling (0.70 acres) three onsite Type III wetlands. While the mitigation site is not in the same drainage basin as the subject property, they both lie within the Sammamish River Watershed and are in the same Water Resource Inventory Area (WRIA8).
2. The PUD proposal includes the following benefits to the City beyond the improvements that would typically be required (see Enclosure 1):
  - a. Provide Public Facilities that could not be required by the City.  
The applicant proposes to contribute \$350,000.00 toward a public sidewalk and street light project adjacent to subject property on a portion of NE 128<sup>th</sup> Street and 139<sup>th</sup> Avenue NE. The sidewalk creates a safe pedestrian connection from both Astronics and the recent housing developments in southeast Kingsgate to King County's Eastside Rail Corridor. King County intends to remove the rails and ties on this portion of the ERC and establish an Interim Trail in this location in the next few years.
  - b. Restoration of onsite stream and wetland buffers.  
The applicant proposes to restore an onsite Class B Stream buffer and Type II wetland buffer located just south of proposed development.

## **Public Hearing**

The Hearing Examiner held a public hearing on June 24, 2016. City Staff made a presentation and answered questions from the Hearing Examiner during the hearing. A letter from King County Parks and Recreation Division was submitted to the Hearing Examiner. This letter explained that King County is planning a paved trail system to the east and west of the Astronics property (Eastside Rail Corridor) and that the applicant may want to consider privacy and security when clearing and developing the site. In addition, the letter discussed the King County permitting requirements for connecting to the Eastside Rail Corridor.

The [staff advisory report](#) including attachments and parties of record comments are available for viewing at the Hearing Examiner's page (June 24, 2016) on the Planning and Building Department webpage.

On June 27, 2016, the Hearing Examiner recommended approval of the application per Staff's recommendation. No challenges were filed.

### ENCLOSURE

1. Astronics site plan and Public Benefit Plan

**UTILITY CONFLICT NOTE**  
**CAUTION**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DIMENSION, AND DEPTH OF ALL EXISTING UTILITIES WHETHER SHOWN ON THESE PLANS OR NOT BY POLOTHING THE UTILITIES AND SURVEYING THE HORIZONTAL AND VERTICAL LOCATION PRIOR TO CONSTRUCTION. THIS SHALL INCLUDE CALLING UTILITY LOCATOR @ 1-800-424-5555 AND THEN POLOTHING ALL OF THE EXISTING UTILITIES AT LOCATIONS OF NEW UTILITY CROSSINGS TO PREVENT ANY OF THE EXISTING UTILITIES FROM BEING DAMAGED. LOCATIONS OF SAID UTILITIES AS SHOWN ON THESE PLANS ARE BASED UPON THE UNDERGROUND PUBLIC UTILITIES AND ARE SUBJECT TO VARIATION. CONTRACTORS SHOULD OBTAIN UNDERGROUND PUBLIC UTILITIES INFORMATION AND SUBJECT TO VARIATION, CONSULTING ENGINEERS, INC. TO RESOLVE ALL PROBLEMS PRIOR TO PROCEEDING WITH CONSTRUCTION.

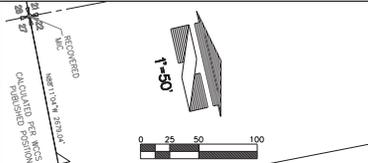
**LEGAL DESCRIPTION**  
**PARCEL D:**  
 THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SEATTLE BELT LINE RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 363170 AND THE WESTERN OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SPOKANE BRANCH RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 13677; EXCEPT THE SOUTH 422.3 FEET; AND EXCEPT THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTH 857.21 FEET THEREOF.

# COVER SHEET

A PORTION OF THE SW 1/4 OF THE SE 1/4 OF SECTION 22,  
 ALONG WITH A PORTION OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27,  
 AND A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27,  
 TOWNSHIP 26 N, RANGE 5 E, W.M. IN KING COUNTY, WASHINGTON



**CALL BEFORE YOU DIG:**  
 1-800-424-5555



**PARCEL E:**  
 THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) BELT LINE RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 363170 AND WESTERLY OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S FORMERLY THE NORTHERN PACIFIC RAILWAY COMPANY) SPOKANE BRANCH RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 13677; EXCEPT THE SOUTH 422.3 FEET; AND EXCEPT THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTH 857.21 FEET THEREOF.

**SURVEY INFORMATION**  
**SUBVISOR:**  
 BAMA HOLMBERG  
 100 FRONT ST. S.  
 ISSAQUAH, WA 98027  
 CONTACT: DANNY P. HALLIN

**ARCHITECT:**  
 CRAFT ARCHITECTS  
 2508 3RD AVE., SUITE #324  
 SEATTLE, WA 98121  
 CONTACT: PAUL ENGERT  
 PH: 425-720-7001

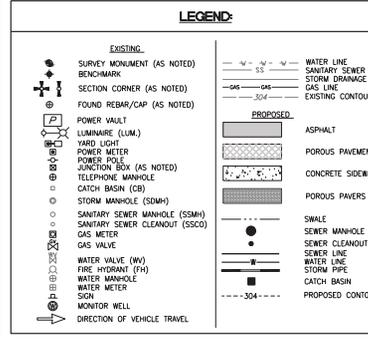
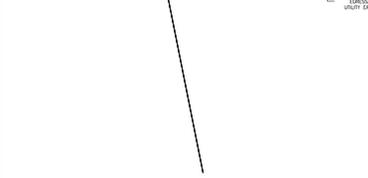
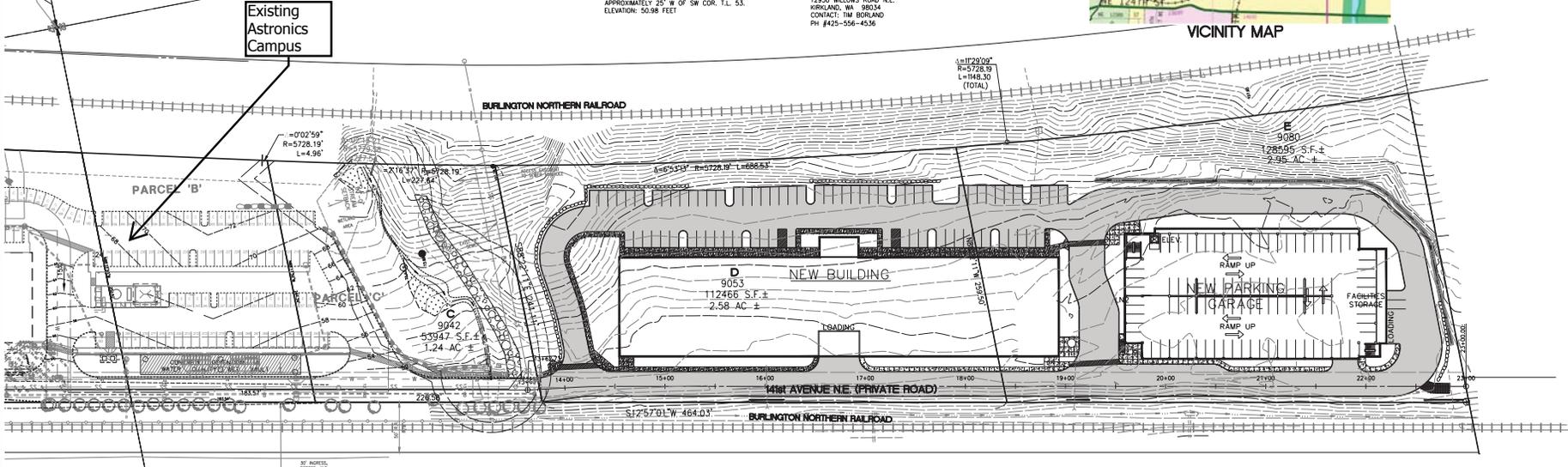
**ENGINEER:**  
 BARSHAUSEN CONSULTING ENGINEERS, INC.  
 18215 72ND AVE. SE.  
 KIRKLAND, WA 98033  
 CONTACT: ALI SADR, PE  
 PH: 425-251-6222

**OWNER:**  
 ASTRONICS CORPORATION  
 12950 WILLOWS ROAD N.E.  
 KIRKLAND, WA 98034  
 CONTACT: TIM BORLAND  
 PH: 425-556-4536

**HORIZONTAL DATUM** - BASIS OF BEARINGS  
 HORIZONTAL DATUM IS KING COUNTY SURVEY CONTROL.

**VERTICAL DATUM** - BASIS OF ELEVATIONS  
 DATUM: NAVD 88

SET REBAR & CAP. CONTROL POINT #34  
 APPROXIMATELY 4.3' S OF PROPERTY LINE T.L. 53.  
 APPROXIMATELY 25' W OF SW COR. T.L. 53.  
 ELEVATION: 50.98 FEET



- CONSTRUCTION SEQUENCE**
- SCHEDULE AND ATTEND PRE-CONSTRUCTION MEETING WITH CITY OF KIRKLAND OFFICIAL.
  - FLAG ALL CLEARING AND GRADING LIMITS FOR PHASE OF PROJECT AS SHOWN ON THE PLANS.
  - FLAG AND DELINEATE ALL WETLANDS AND SENSITIVE AREAS TO REMAIN UNDISTURBED.
  - POST NOTICE OF CONSTRUCTION ACTIVITY SIGN WITH NAME AND PHONE NUMBER OF CERTIFIED EROSION AND SEDIMENTATION CONTROL SUPERVISOR.
  - INSTALL CATCH BASIN PROTECTION ON ALL EXISTING STRUCTURES WITHIN VICINITY OF PROJECT SITE.
  - CONTRACT TEMPORARY ROCK CONSTRUCTION ENTRANCE INCLUDING TRUCK WASH PADS WHERE REQUIRED.
  - INSTALL TEMPORARY FILTER FABRIC FENCE ALONG PERIMETER OF PROJECT AS SHOWN ON THE PLANS.
  - INSTALL TEMPORARY PERIMETER INTERCEPTOR DITCHES WITH ROCK CHECK DAMS ALONG THE PERIMETER OF PROPOSED WORK.
  - CONSTRUCT TEMPORARY SEDIMENT PONDS, TRAPS, AND NECESSARY STORM DRAINAGE CONCOURSE PIPES.
  - GRADE AND STABILIZE CONSTRUCTION ROADS.
  - PROTECT ALL THE PROPERTIES ADJACENT TO THE PROJECT FROM SEDIMENT DEPOSITION.
  - NO RUNOFF IS TO LEAVE SITE WITHOUT TREATMENT.
  - COORDINATE WITH UTILITY COMPANIES FOR REMOVAL AND REPLACEMENT OF UTILITIES TO BE ABANDONED OR REPLACE.
  - WHERE EVER CONSTRUCTION VEHICLE ACCESS ROUTE CROSSES PAVED ROAD, CARE MUST BE MADE TO MINIMIZE THE TRANSPORTATION OF SEDIMENT (MUD) INTO THE PAVED ROADS. IF SEDIMENT IS TRANSPORTED INTO THE PAVED ROAD SURFACE, THE ROAD SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY.
  - WITH EACH LAYER OF FILL MATERIAL, INTERCEPTOR DITCH AND T.E.S.C. FACILITIES MUST BE GRADED AND MAINTAINED TO PROVIDE SLOPE FOR DRAINAGE TO SEDIMENT PONDS.
  - MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH CITY STANDARDS.
  - RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURE SO THAT AS SITE CONDITIONS CHANGE, THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH CITY STANDARDS AND FUNCTIONAL.
  - ALL THE EROSION DEVICES DURING CONSTRUCTION SHALL DISCHARGE INTO THE SEDIMENT POND.
  - REMOVE ANY ACCUMULATED SEDIMENT THAT EXCEEDS 6" OF THE DESIGN POND DEPTH. POND AND T.E.S. CONTROL MEASURES SHALL BE INSPECTED AFTER ANY MAJOR STORM FOR INTENDED FUNCTION AND VOLUME.
  - COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS DURING THE DRY SEASON OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER, MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.
  - CONTINUOUS MAINTENANCE AND UPKEEP OF T.E.S.C. MEASURES INCLUDING DUST CONTROL SHALL BE PROVIDED UNTIL ALL RISK OF EROSION/SEDIMENTATION HAS PASSED AND PERMANENT STORM DRAINAGE SYSTEM IS INSTALLED AND FUNCTIONAL. DO NOT CONVEY SEDIMENT LADEN WATER INTO DOWNSTREAM STORM DRAINAGE SYSTEM.
  - STABILIZE ALL AREAS THAT REACH FINAL GRADES WITHIN SEVEN DAYS, SEED OR SOO ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.
  - UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BEST MANAGEMENT PRACTICES REMOVED IF APPROVED BY CITY.

CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR OBTAINING PERMITS FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR REMOVING AND REPLACING ALL SURVEY MONUMENTATION THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITY. PURSUANT TO WAC 332-120, APPLICATIONS MUST BE COMPLETED BY A REGISTERED LAND SURVEYOR. APPLICATIONS FOR PERMITS TO REMOVE MONUMENTS MAY BE OBTAINED FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES, OR BY CONTACTING THEIR OFFICE BY TELEPHONE AT (206) 902-1190.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES  
 PUBLIC LAND SURVEY OFFICE  
 1111 WASHINGTON STREET S.E.  
 P.O. BOX 47060  
 OLYMPIA, WASHINGTON 98504-7060

UPON COMPLETION OF CONSTRUCTION, ALL MONUMENTS DISPLACED, REMOVED, OR DESTROYED SHALL BE REPLACED BY A REGISTERED LAND SURVEYOR, AT THE COST AND AT THE DIRECTION OF THE CONTRACTOR, PURSUANT TO THESE REGULATIONS. THE APPROPRIATE FORMS FOR REPLACEMENT OF SAID MONUMENTATION SHALL ALSO BE THE

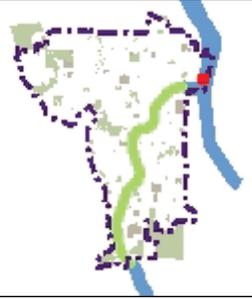
**EK TOPOGRAPHY/SURVEY INFORMATION NOTE**

NOTE: BARSHAUSEN CONSULTING ENGINEERS, INC. DID NOT CONDUCT ANY PORTION OF THE TOPOGRAPHIC SURVEY AND THEREFORE DOES NOT WARRANT THAT THE TOPOGRAPHY SHOWN ON THESE DRAWINGS IS REPRESENTATIVE OF WHAT IS CONSTRUCTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE OWNER TO HAVE ALL IMPROVEMENTS FIELD VERIFIED PRIOR TO CONSTRUCTION. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF BARSHAUSEN CONSULTING ENGINEERS, INC. PRIOR TO WORK. UTILITIES AND UTILITY EASEMENTS FOR THIS SITE HAVE NOT BEEN RESEARCHED OR CONFIRMED.

No. 3 Date 08/09/16 By AS Checked JAS Approved JAS Scale Horizontal 1"=50' Vertical N/A Date 08/09/16	<b>COVER SHEET</b>	RECESSED PER STREAM SET BACK	CALL BEFORE YOU DIG: 1-800-424-5555	<b>ASTRONICS NORTH BUILDING ADDITION</b>  <b>ASTRONICS</b> 12950 WILLOWS ROAD NE. KIRKLAND, WA 98034 TIM BORLAND (425) 556-4536
				08/09/16
Job Number <b>16980</b>	Sheet <b>1</b>	Scale Horizontal 1"=50' Vertical N/A	Designer JAS Drawn JEB Checked JAS Approved JAS Date 08/09/16	18215 72ND AVENUE SOUTH KIRKLAND, WA 98032 (425) 251-6222 FAX (425) 251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES Date/Time: 08/09/2016 11:13 AM Scale: 1"=1'



# NE 128th to Willows Rd Sidewalk



### Legend

- Streams
  - Open
  - Pipe
- Wetlands
- Address
  - Other Address
  - Current Address
  - Current ADU
  - Pending Address
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor
- Proposed location of sidewalk for PUD public benefit

1: 1,200



### Notes

Future Sidewalk

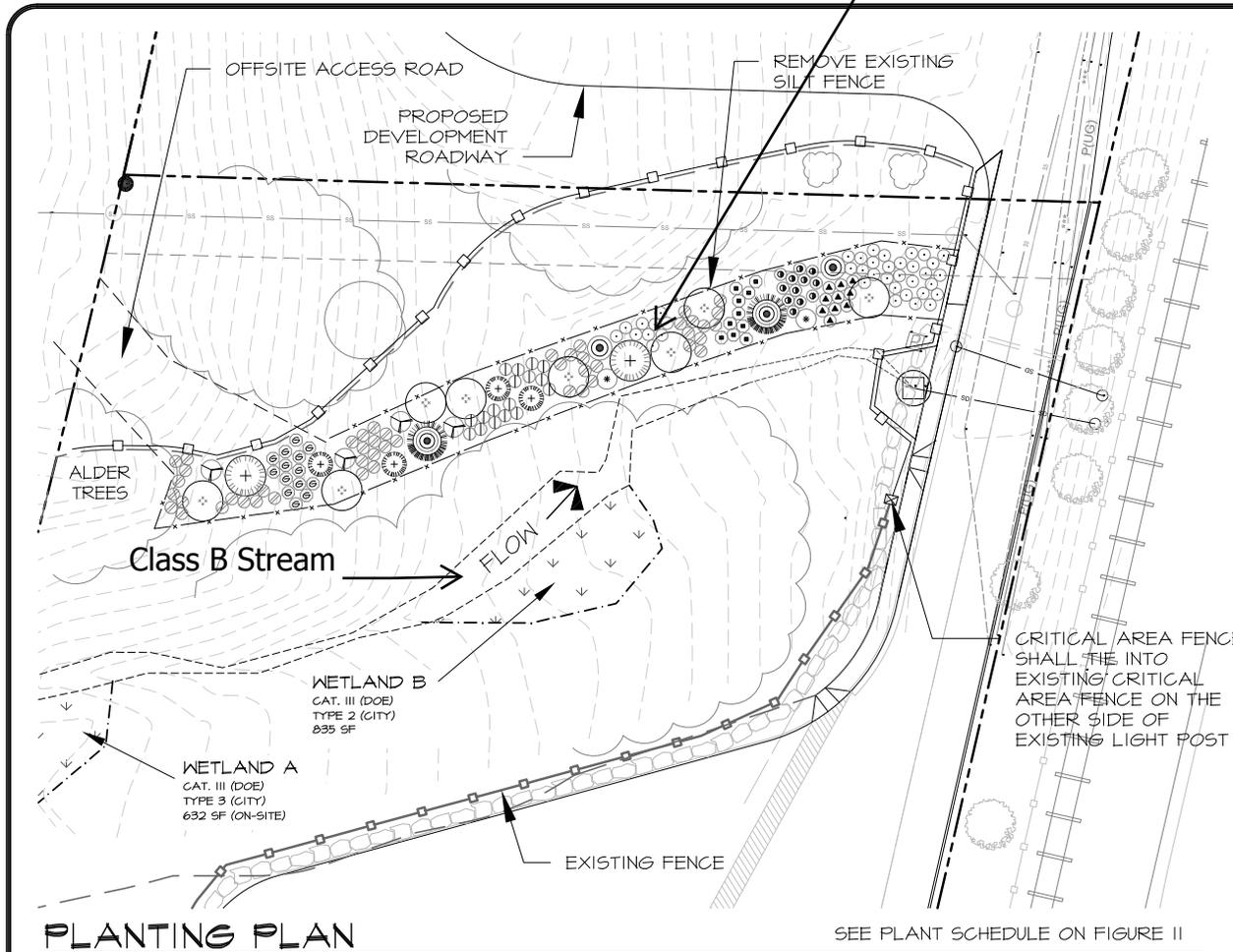
0.0 0 0.02 0.0 Miles



NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

Produced by the City of Kirkland. © 2016 City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness, or merchantability, accompany this product.

# Stream Buffer Planting area



## PLANTING PLAN

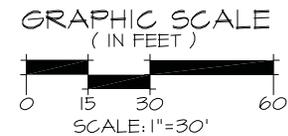
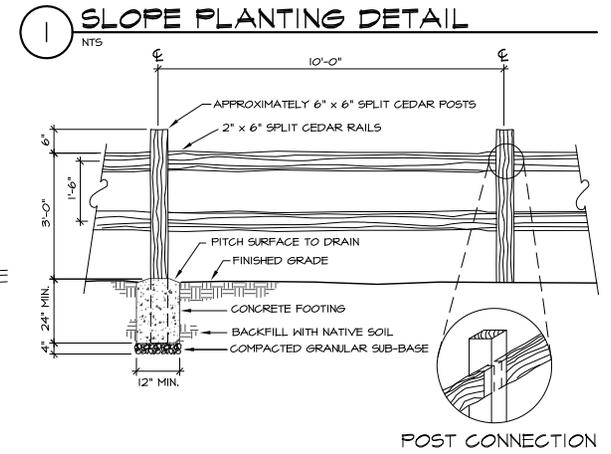
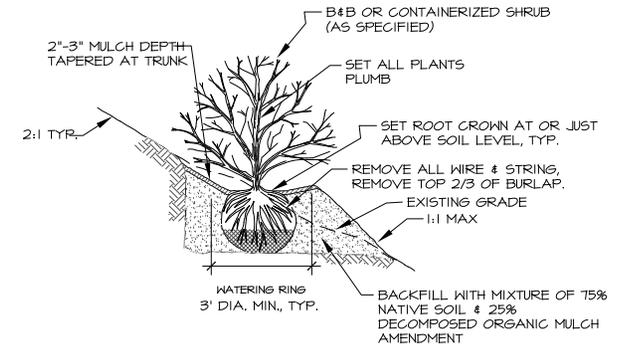
SEE PLANT SCHEDULE ON FIGURE II

### LEGEND

- PROJECT SITE BOUNDARY
- EXISTING WETLAND
- OHWM
- EXISTING SILT FENCE
- POST CONSTRUCTION BUFFER
- SPLIT RAIL FENCE
- EXISTING TREES

### SOIL PREPARATION NOTES

1. CLEAR ENHANCEMENT AREA AND DISPOSE OF ALL INVASIVE SPECIES.
2. REMOVE ROCK & RIP RAP OF OLD ACCESS ROAD.
3. SCARIFY/DECOMPACT ENHANCEMENT AREA.
4. PLACE 9" TOPSOIL.
5. MULCH ALL ENHANCEMENT AREAS.
6. COMPLETE SITE CLEANUP AND INSTALL PLANT MATERIAL AS INDICATED ON THE MITIGATION PLANTING PLAN.



**TALASAEA CONSULTANTS, INC.**  
Resource & Environmental Planning  
15020 Bear Creek Road Northeast  
Woodinville, Washington 98077  
Bus (425)861-7550 - Fax (425)861-7549

FIGURE #3

PLANTING PLAN & DETAILS  
ASTRONICS EXPANSION  
KIRKLAND, WASHINGTON

DESIGN	DRAWN	PROJECT
	AB5	1467
SCALE AS SHOWN		
DATE 12-2-2015		
REVISED		
		<b>3</b>

ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING FILE NO. ZON15-00875, AND SETTING FORTH CONDITIONS OF APPROVAL.

1           WHEREAS, the Department of Planning and Building has  
2 received an application, pursuant to Process IIB, for a preliminary and  
3 final planned unit development (PUD) filed by Craft Architecture on  
4 behalf of Astronics Corporation as Department of Planning and Building  
5 File No. ZON15-00875 for a proposed office/manufacturing  
6 development within a TL7B Zone known as Astronics ("Development");  
7 and

8  
9           WHEREAS, pursuant to the City of Kirkland's Concurrency  
10 Management System, KMC Title 25, a concurrency application has been  
11 submitted to the City of Kirkland, reviewed by the responsible Public  
12 Works official, the concurrency test has been passed, and a concurrency  
13 test notice issued; and

14  
15           WHEREAS, pursuant to the State Environmental Policy Act,  
16 RCW 43.21C, and the Administrative Guidelines and local ordinance  
17 adopted to implement it, an environmental checklist was submitted to  
18 the City of Kirkland, reviewed by the responsible official of the City of  
19 Kirkland, and a determination of non-significance was issued; and

20  
21           WHEREAS, the environmental checklist and determination have  
22 been available and accompanied the application through the entire  
23 review process; and

24  
25           WHEREAS, the application was submitted to the Kirkland  
26 Hearing Examiner who held a hearing on June 24, 2016; and

27  
28           WHEREAS, the Kirkland Hearing Examiner, after her public  
29 hearing and consideration of the recommendations of the Department  
30 of Planning and Building, adopted certain Findings, Conclusions and  
31 Recommendations and recommended approval of the Process IIB  
32 Permit subject to the specific conditions set forth in those  
33 recommendations; and

34  
35           WHEREAS, the City Council, in open meeting, considered the  
36 environmental documents received from the responsible official,  
37 together with the recommendation of the Hearing Examiner; and

38  
39           WHEREAS, the Kirkland Zoning Code requires approval of this  
40 application for PUD to be made by ordinance.

41  
42           NOW, THEREFORE, the City Council of the City of Kirkland do  
43 ordain as follows:

44           Section 1. The Findings, Conclusions, and Recommendations of the  
 45 Kirkland Hearing Examiner ("Recommendations"), as signed by her and  
 46 filed in the Department of Planning and Building File No. ZON15-00875,  
 47 a copy of which is attached to this Ordinance as Exhibit A and  
 48 incorporated herein, are adopted by the Kirkland City Council.

49  
 50           Section 2. The City Council hereby approves the application for  
 51 a preliminary and final PUD, subject to the conditions set forth in the  
 52 Recommendations.

53  
 54           Section 3. The Process IIB Permit shall be issued to the  
 55 applicant subject to the conditions set forth in the Recommendations  
 56 adopted by the City Council.

57  
 58           Section 4. Nothing in this ordinance shall be construed as  
 59 excusing the applicant from compliance with any federal, state or local  
 60 statutes, ordinances or regulations applicable to this project, other than  
 61 expressly set forth herein.

62  
 63           Section 5. Failure on the part of the applicant to initially meet  
 64 or maintain strict compliance with the standards and conditions to which  
 65 the Process IIB Permit is subject shall be grounds for revocation in  
 66 accordance with the Kirkland Zoning Code.

67  
 68           Section 6. This ordinance shall be in force and effect five days  
 69 from and after its passage by the Kirkland City Council and publication  
 70 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
 71 form attached to the original of this ordinance and by this reference  
 72 approved by the City Council.

73  
 74           Section 7. A complete copy of this ordinance, including  
 75 Findings, Conclusions and Recommendations adopted by reference,  
 76 shall be certified by the City Clerk, who shall then forward the certified  
 77 copy to the King County Department of Assessments.

78  
 79           Section 8. A certified copy of this ordinance, together with the  
 80 Findings, Conclusions, and Recommendations herein adopted shall be  
 81 attached to and become a part of the Process IIB Permit or evidence  
 82 thereof delivered to the applicant.

83  
 84 Passed by majority vote of the Kirkland City Council in open meeting  
 85 this \_\_\_\_ day of \_\_\_\_\_, 2016.

86  
 87           Signed in authentication thereof this \_\_\_\_ day of  
 88 \_\_\_\_\_, 2016.

\_\_\_\_\_  
 MAYOR

Attest:

\_\_\_\_\_  
 City Clerk

Approved as to Form:

---

City Attorney

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND DECISION**

---

**APPLICANT:** Craft Architecture on behalf of Astronics Corporation

**FILE NO:** ZON15-00875

**APPLICATION:**

Site Location: 13415 and 13425 141<sup>st</sup> Avenue NE

Request: A Planned Unit Development to provide offsite mitigation, outside of the property's drainage basin, for filling three onsite Type III wetlands

Review Process: Process IIB, Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, who makes a final decision

Key Issue: Using the Planned Unit Development process in the Kirkland Zoning Code to allow applicant participation in the King County In-Lieu Fee Mitigation Reserves Program as compensatory mitigation for filling three onsite Type III wetlands, rather than requiring mitigation onsite or within the same drainage basin as the subject property as required by Code

**SUMMARY OF RECOMMENDATION:**

Planning and Building Development                      Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the application on June 24, 2016, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing are available for public inspection in the Planning and Building Department. The Examiner visited the site following the hearing.

**TESTIMONY**

David Barnes, Project Planner testified at the public hearing. No members of the public attended the hearing. The testimony is summarized in the hearing minutes.

**EXHIBITS**

The following exhibits were entered into the record at the hearing:

- A. Department of Planning and Building Staff Report including 26 attachments
- B. Comment letter dated June 24, 2016 from the King County Division of Parks and Recreation

Hearing Examiner Decision  
File No. ZON15-00875  
Page 2 of 3

### **FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

After reviewing the Department's Advisory Report and all attachments, the Examiner finds that the findings of fact in the Advisory Report are accurate, complete and supported by the record. The Examiner therefore adopts them by reference and adds the following:

A comment letter was received from the King County Division of Parks and Recreation on the date of the hearing. The comment letter advises that King County owns the properties adjoining the subject property on the east and west, which are expected to be part of a paved regional trail. The County suggests that in designing the project and clearing the site, the applicant consider any future needs for privacy, screening or other site security measures. The comment letter also provides information about the appropriate method for obtaining a permit for a connection from the subject property to the adjacent Eastside Rail Corridor.

The Conclusions set forth in the Department's Advisory Report are supported by the facts in the record, and are therefore adopted by reference.

### **Recommendation:**

Based upon the adopted findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the PUD application, subject to the conditions set forth at pages 2 through 4 of the Department's Advisory Report.

Entered this 27<sup>th</sup> day of June, 2016.

  
Sue A. Tanner  
Hearing Examiner

### **SUBSEQUENT MODIFICATIONS**

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

### **CHALLENGES AND JUDICIAL REVIEW**

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

#### **CHALLENGE**

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with

any fees set by ordinance, to the Planning Department by 5:00 p.m., July 8, 2016, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

#### **JUDICIAL REVIEW**

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

#### **LAPSE OF APPROVAL**

KZC Section 152.115 requires that the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

#### **PARTIES OF RECORD:**

Applicant  
Department of Planning and Building  
Department of Public Works

## EXHIBIT A

[Exhibit A, staff report and attachments](#), is available by going to the Hearing Examiner webpage for the June 24<sup>th</sup> 2016 meeting date. Exhibit A in its entirety is divided into five (5) parts.



**King County**

Department of Natural Resources and Parks  
**Division of Parks and Recreation**  
Property Management  
King Street Center Building  
201 South Jackson Street  
Seattle, WA 98104-3855  
206-477-477-9378

June 24, 2016

Mr. David Barnes, Planner  
Planning and Building Department  
City of Kirkland  
123 5<sup>th</sup> Ave  
Kirkland, WA 98033

RE: King County Parks and Recreation Division Comments on ZON15-875

Mr. Barnes,

This letter intends to provide comment on the subject notice of hearing and is submitted on behalf of King County Parks and Recreation Division. King County owns the adjoining properties to the east and west. These properties are considered in the Eastside Rail Corridor Master Plan, a current planning effort that includes early design for a paved regional trail on each property. Construction of the regional trails may also require our development of retaining walls and drainage facilities. After reviewing the proposed application and staff report we have the following comments:

1. A regional trail on the east and west boundary of this site will increase traffic, visibility and exposure to trail users, on-going maintenance, and periodic construction. While designing and clearing the subject site, consider and accommodate future on-site needs that the applicant may have for privacy, screening, or other site security.
2. The staff report identifies a requirement for development of a new connection from the subject site to the Eastside Rail Corridor (E.1.a.1. (d-f), pg 14). Access points, and connecting paths, within the property boundary of the Eastside Rail Corridor may be considered and reviewed through the King County Special Use Permit (SUP) process. A SUP is the method to request the use or alteration of King County property. A SUP is a temporary, revocable real estate license that King County Parks may approve, may approve with conditions, or may deny. The applicant

CITY OF KIRKLAND  
**Hearing Examiner Exhibit**

Applicant \_\_\_\_\_  
Department \_\_\_\_\_  
Public

**B**

FILE # 2015-00875

is encouraged to coordinate with King County Parks in the near term regarding the potential for approval of a SUP, to meet the City's stated requirement.

Please contact me for additional information or discussion, [heather.marlow@kingcounty.gov](mailto:heather.marlow@kingcounty.gov).

Sincerely,

A handwritten signature in cursive script that reads "Heather Marlow". The signature is written in dark ink and is positioned above the printed name.

Heather Marlow  
Real Property Agent

PUBLICATION SUMMARY  
OF ORDINANCE O-4526

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT APPLIED FOR BY CRAFT ARCHITECTURE ON BEHALF OF ASTRONICS CORPORATION IN DEPARTMENT OF PLANNING AND BUILDING DEPARTMENT FILE NO. ZON15-00875, AND SETTING FORTH CONDITIONS OF APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Approves the application for a preliminary and final Planned Unit Development.

SECTION 3. Provides that after completion of final review of the PUD, the Process IIB Permit shall be issued and subject to the adopted Recommendations.

SECTION 4. Provides that the applicant is not excused from compliance with any federal, state or local statutes, ordinances or regulations applicable to the project, other than as expressly set forth in the Ordinance.

SECTION 5. Provides grounds for revocation of the Process IIB Permit.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 7. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 8. Provides that the certified Ordinance and adopted Findings, Conclusions and Recommendations are part of the Process IIB Permit and shall be delivered to the applicant.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2016.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND****Police Department****11750 NE 118<sup>th</sup> Street, Kirkland, WA 98034-7114 425.587.3400**[www.kirklandwa.gov](http://www.kirklandwa.gov)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Chief of Police  
Kevin Raymond, City Attorney

**Date:** July 8, 2016

**Subject:** ORDINANCE TO AFFIRM AND CLARIFY THE AUTHORITY OF THE APPOINTING AUTHORITY TO DETERMINE MOST QUALIFICATIONS OF APPLICANTS FOR CIVIL SERVICE POSITIONS

**RECOMMENDATION:**

Staff recommends that the City Council approves the attached ordinance amending Kirkland Municipal Code Section 3.54.050 to affirm and clarify the authority of the City Manager or the City Manager's designee, as appointing authority, to determine most qualifications of applicants for all civil service positions.

**BACKGROUND:**

In accordance with Chapter 41.08 RCW related to city firefighters and Chapter 41.12 RCW related to city police, the City of Kirkland ("City") has adopted Chapter 3.54 of the Kirkland Municipal Code ("KMC"). KMC Chapter 3.54 creates a civil service commission ("CSC") for the City and substantially accomplishes the purposes of both referenced RCW chapters. The object of civil service regulations is to implement a system of examinations that "provide a system for the selection of capable officers uninfluenced by mere personal or political consideration," and also to allow each city's commission to serve as a "check" on the ability of an appointing authority to remove an employee based on "mere personal, political, or other insufficient motives." *Easson v. City of Seattle*, 32 Wash. 405 (1903).

Pursuant to KMC Section 3.54.020(1), accordingly, the CSC is empowered to make "suitable" rules and regulations to implement the chapter that "are not inconsistent with the provisions thereof" related to "the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made." Pursuant to KMC Section 3.54.050, the City has also granted the CSC authority to determine a limited number of enumerated qualifications of applicants for civil service positions; for example, age suitability and the ability to read and write the English language.

The intent of the proposed ordinance is to affirm and clarify that except for those qualifications specified in KMC Section 3.54.050, the City appointing authority or power (defined as the City Manager or the City Manager's designee) retains the authority to determine qualifications of applicants for all civil service positions.

The need for this affirmation and clarification has been prompted in part by the Police Chief's need to fill a number of current police officer vacancies in the Police Department ("Department"). While strong efforts are being made to recruit and train new police officers, attracting lateral hires will also be required to fill the positions. The Police Chief desires the ability to modify the current requirement that all lateral police officers must have a post-secondary education to be hired by the City of Kirkland. The Police Chief believes that "equivalent" experience such as military service or defined years of service as a police officer in another jurisdiction should be allowed as alternatives to post-secondary education. The City Manager supports this need for flexibility and creativity in attracting lateral hires for the reasons outlined at the end of the memo.

#### *Authority and Accountability for Minimum Qualifications*

However, the CSC's rules and regulations impose the post-secondary education requirement on lateral transfers. More specifically, by CSC rules, lateral officer appointment candidates are presently required to have 90 quarter credit hours or 60 semester credit hours of post-secondary educational experience in order to qualify for employment in the Department. This lateral hire education requirement is the only such requirement in the CSC rules. There are no similar requirements in the rules for hiring new officers, even though the Department has chosen to set education requirements for new officers. Nor are there education requirements in the CSC rules for promotions of any police officer, or for hiring or promoting any firefighter positions that are also under the purview of the CSC. The City has set the educational standards for each of these positions separate from the CSC.

This anomaly of a Civil Service Commission qualification rule only for lateral police officers prompted the City Manager to review where the appropriate authority for setting minimum qualifications for police and fire should reside. The City Attorney's Office and a consulted attorney concluded that the City Council has the authority, through the adoption of legislation, to determine who sets minimum qualifications. Municipal Code provisions supersede adopted Commission rules and will provide clarity and eliminate ambiguity.

After careful legal research and policy review, the City Manager recommends that qualification authority should rest with accountability. The City Council and the public appropriately hold the City Manager, Police Chief and Fire Chief accountable for the performance of Police Officers and Firefighters. Therefore the City Manager proposes that the authority to set minimum qualifications should be vested with the City Administration.

This ordinance, if adopted, would affirm and clarify that the determination of most civil service position qualifications, such as post-secondary educational requirements for lateral police officer hires, is the responsibility of the City Manager or designee, in this particular instance the Police Chief.

This ordinance is also respectful of the current role of the Kirkland Civil Service Commission. Most agenda items that come before the Commission are procedural in nature, such as certifying an eligibility list, authorizing a promotional exam process, updating Civil Service rules and regulations, or hearing candidate appeals of test results. Historically the Commission has had limited involvement in actually establishing minimum qualifications for civil service job classifications. Their role is largely more general oversight over hiring processes. The Commission relies heavily on the Secretary/Examiner and appointing authority to ensure

applicants meet the minimum qualifications of the positions applied for. Staff appreciates and respects the hard work and critical role of the Commission in ensuring fair and unbiased hiring, promotion and termination processes and is not proposing any changes to these traditional responsibilities of the Civil Service Commission.

*The Rationale for Modification of Lateral Hire Qualifications*

If the Council concurs the authority should rest with the City Manager, the next issue is why the potential change in lateral qualifications is being considered. The Department has experienced a significant number of retirements and resignations in the past twelve months. These two factors alone mean the Department will have at least eight vacant commissioned officer positions as of the end of June 2016. There are also an estimated 10 more officers who will be eligible for retirement (20 years of service and at least 53 years of age) within the next year.

It is estimated that there are at least 38,000 unfilled law enforcement positions across the nation. Police agencies at the local, county and state levels in Washington are also experiencing great difficulty in attracting qualified police applicants in sufficient numbers. For example, there are presently an estimated 75 law enforcement vacancies across King and Snohomish Counties, and the City of Seattle has pledged to add an additional 175 officers. Law enforcement agencies are finding themselves in increasing competition from increasingly scarce applicant pools, and most agencies have responded with some mixture of recruitment initiatives, candidate incentives, and the removal of non-essential qualifications barriers.

The Department has already increased recruitment opportunities in the following ways:

- Streamlined application processes for lateral applicant officers, which had previously mirrored the more extensive entry level officer process for individuals without prior law enforcement experience.
- Implementation of a new patrol schedule, as the previous schedule had been identified by many as an obstacle to recruiting lateral officers.
- New marketing/recruitment strategies that include traditional, web based and social media modes, as well as target marketing to include billboard advertising on Metro buses throughout King County. In addition, new radio/web based advertising on two of the most popular radio stations in the Seattle area.

Despite these recruitment initiatives, the City is presently unable to fill its current and growing police officer vacancies. The Department needs greater flexibility to adapt to this serious challenge so that it can meet public safety needs, staff appropriately, and remain competitive as an employer with area law enforcement agencies. The current CSC educational requirements for lateral hires is an unnecessary impediment. Many outstanding police officers do not have post-secondary educational experience. Only one of the City's ten comparative ("comp") cities imposes a post-secondary educational requirement on its lateral police officer hires. These other cities clearly recognize the importance of the police officer experience that lateral hire candidates offer. The ordinance would serve an immediate and pressing need by allowing the Police Chief flexibility in increasing the Department's pool of qualified candidates for police officer positions in the City of Kirkland.

ORDINANCE O-4527

AN ORDINANCE OF THE CITY OF KIRKLAND AFFIRMING AND CLARIFYING THE POWER OF THE APPOINTING AUTHORITY OR DESIGNEE TO DETERMINE MOST QUALIFICATIONS FOR CIVIL SERVICE POSITIONS.

1           WHEREAS, Chapter 3.54 of the Kirkland Municipal Code ("KMC")  
2 has been adopted by the City of Kirkland ("City") to provide for civil  
3 service in the City's fire and police departments; and

4  
5           WHEREAS, Chapter 3.54 creates a civil service commission  
6 ("CSC") for the City; and

7  
8           WHEREAS, Chapter 3.54 KMC substantially accomplishes the  
9 purposes of Chapter 41.08 related to city firefighters and Chapter 41.12  
10 RCW related city police; and

11  
12           WHEREAS, the City has the authority to amend Chapter 3.54  
13 KMC from time to time to provide for system policies and procedures  
14 that best suit the local conditions of the City; and

15  
16           WHEREAS, the City wishes to amend Chapter 3.54 KMC to affirm  
17 and clarify that with a limited number of specific exceptions it is the  
18 responsibility of the appointing authority or power, and not the CSC, to  
19 determine the qualifications of applicants for all civil service positions in  
20 the City.

21  
22           NOW, THEREFORE, the City Council of the City of Kirkland do  
23 ordain as follows:

24  
25           Section 1. Section 3.54.050 of the Kirkland Municipal Code is  
26 amended to read as follows:

27  
28           **3.54.050 Qualifications of applicants.**  
29 An applicant for a position of any kind under civil service must be a  
30 citizen of the United States of America who can read and write the  
31 English language. An applicant for a position of any kind under civil  
32 service must be of an age suitable for the position applied for, in  
33 ordinary good health, of good moral character and of temperate and  
34 industrious habits; these facts to be ascertained in such manner as the  
35 commission may deem advisable. Notwithstanding any provision of this  
36 chapter actually or seemingly to the contrary, all other qualifications for  
37 applicants for a position of any kind under civil service will be  
38 determined by the appointing authority or power.

39  
40           Section 2. This ordinance shall be in force and effect five days  
41 from and after its passage by the Kirkland City Council and publication,  
42 as required by law.

43 Passed by majority vote of the Kirkland City Council in open  
44 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

45  
46 Signed in authentication thereof this \_\_\_\_\_ day of  
47 \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



**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:** Michael Olson, Director of Finance and Administration  
 Kathi Anderson, City Clerk/Public Records Officer  
 Amy Robles, Public Disclosure Analyst

**Date:** July 7, 2016

**Subject:** PUBLIC DISCLOSURE SEMI-ANNUAL PERFORMANCE REPORT

### **RECOMMENDATION:**

City Council receives the semi-annual status report on the City's public records disclosure program pursuant to KMC 3.15.120.

### **BACKGROUND:**

In accordance with KMC 3.15.120, this report presents the performance of the City's Public Disclosure Program during the first half of 2016. Pursuant to KMC 3.15.120, the semi-annual public record disclosure report shall include: (1) number of open records requests at the beginning of reporting period; (2) number of records requests received during the reporting period; (3) number of records requests closed in the period; and (4) number of open requests at the end of the reporting period. This information is represented in Figure A.

**Figure A**

<b>Mandatory Reporting Information</b>	
Number of Requests Open at Start of Reporting Period	46
Number of Requests Received During Reporting Period	2,262
Number of Requests Closed During Reporting Period	2,249
Number of Requests Open at End of Reporting Period	59

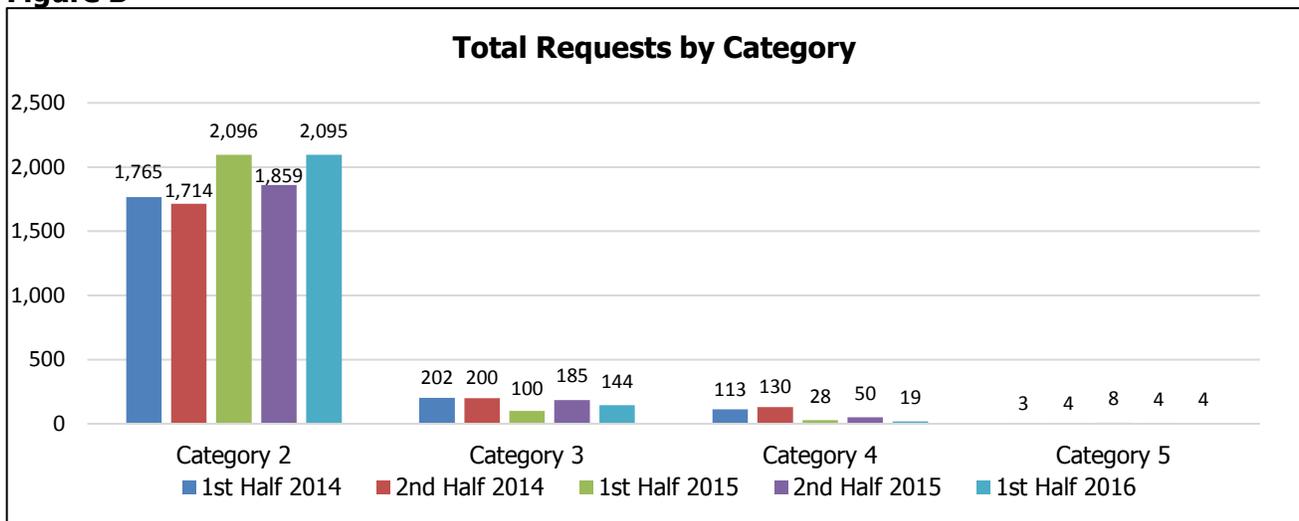
The City implemented its records portal in 2014. In the time following implementation of the records portal software, the City's public record process has continued to be refined with customization of the software to assist with addressing customers' and staffs' needs. Staff have become well versed in the use of the software and implementation is well established. During the current reporting period, a portion of the Public Disclosure Analyst's time has been allocated to development and implementation of staff training. At the June 21, 2016 City Council meeting, the Public Disclosure Analyst position was converted from a one-time temporary funded position into a regular FTE effective July 1, 2016 as part of the 2016 mid-year budget adjustments to address the ongoing workload related to the increasing number and complexity of public disclosure requests.

**DATA-BASED ANALYSIS OF PERFORMANCE:**

This report presents information reflecting the City’s performance based on total requests received and evaluates performance in terms of processing time by category. Performance is presented as a comparison between the following five reporting periods: the first half of 2014, the second half of 2014, the first half of 2015, the second half of 2015, and the first half of 2016.

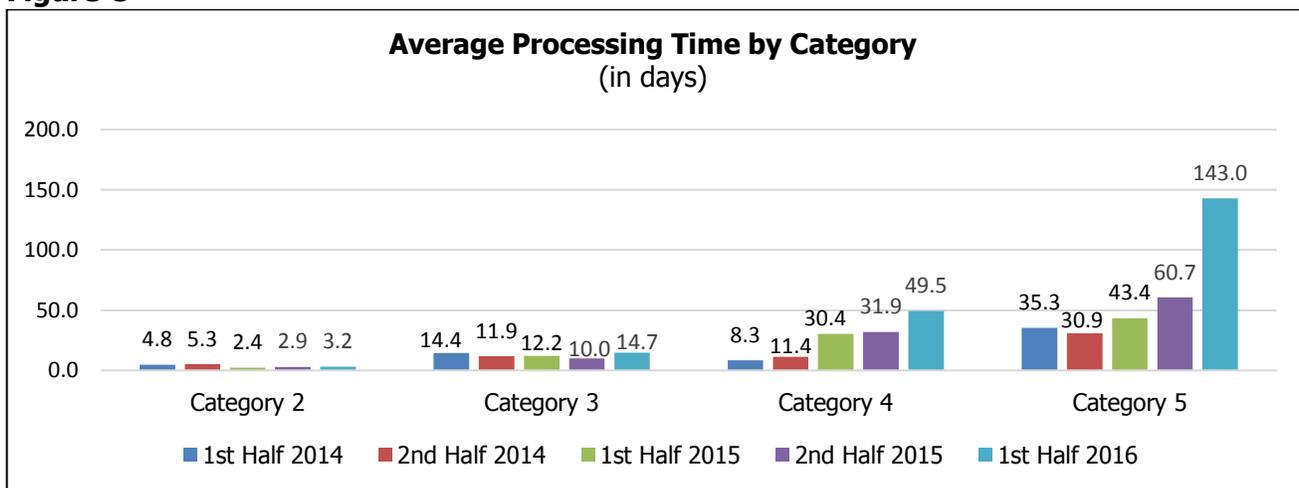
During the current reporting period, the City experienced an increase in the total number of requests received in comparison to the previous reporting period. In 2015, the City received a total of 4,330 requests. Having already received 2,262 requests during the first half of 2016, it is anticipated that the City will experience an overall increase in the total number of requests received. The comparison of requests by category between the five reporting periods is presented in Figure B.

**Figure B<sup>1</sup>**



The following table is an evaluation of the City’s program by comparing the processing times for each category. Figure C presents data for the average processing time (in days) by category.

**Figure C<sup>1</sup>**



<sup>1</sup> There were no Category 1 requests received during any of the reporting periods.

The average processing time has increased overall in all categories in comparison to the last reporting period. The continued increase in processing times for Category 4 and Category 5 requests is due to the complexity of these requests including the amount of data encompassed by the requests and the level of data review required prior to production. Data reflecting the increased length of timelines is partly due to multiple unrelated complex requests from one requestor.

Pursuant to the City's PRA Rule 080, the following goals for standard response time periods are established as follows (note that for categories 3, 4, and 5, the time is dependent on the nature and scope of the request):

- (a) Category 1 records requests - immediately or the next business day
- (b) Category 2 records requests - within five business days
- (c) Category 3 records requests - usually between 5 and 30 business days.
- (d) Category 4 records requests - may require several weeks to several months.
- (e) Category 5 records requests - may require several weeks to several months.

### **LITIGATION:**

During the current reporting period, the City was served with a PRA lawsuit. The lawsuit alleges violations of the Public Records Act in the production of emails in response to the public records request referenced as P004591-011715. The request was received by the City via the City's records request portal on January 17, 2015. The request was for:

All emails sent by or to (To, Cc<Bcc) Patrick Tefft from January 1, 2014 until the present. An Outlook format (PST) is preferred. If your software program creates searchable PDF copies, and that is easier for you, they are acceptable. Depending upon copy charges, I may wish to inspect such records at your place.

The City responded with installment productions of the requested emails. The final installment of was provided on June 15, 2015 at which time the request was administratively closed.

The plaintiff is Joe Beavers, who is appearing *pro se*. Mr. Beavers claims that the City violated the PRA by "withholding" the sender's email address on 416 emails and by "withholding" the recipient's address on 19 emails.

The City is in the process of evaluating the claims. At this time, the City does not believe that this information was withheld and that this is likely a misunderstanding on the plaintiff's behalf either in how the plaintiff imported the emails into his own outlook account or in that some of the records produced did not contain this information in their original format such as draft emails. In total, Mr. Beavers' request involves approximately 1,833 records. The City redacted only a single record, involving a building access code and provided an exemption log for the redaction; this exemption was not asserted as a claim in the suit.

### **AMENDMENT TO PUBLIC RECORDS ACT RULES:**

PRA Rule 010 (5) requires that all amendments to the PRA Rules be reported to Council. In accordance with PRA Rule 010 (5), on June 21, 2016, the Public Disclosure Steering Team reviewed proposed PRA Rule amendments. Following the Public Disclosure Steering Team's review and consensus, the City Manager amended the PRA Rules as follows:

- PRA Rule 040 (1) is amended to add a designee of the City Attorney to the Public Disclosure Steering Team.
- PRA Rule 140 (1) has been amended with an updated listing of exemptions provided by other statutes.
- The cost for certification of records has been added as PRA Rule 150 (3) and the former PRA Rule 150 (3) has been renamed as PRA Rule 150 (6).
- PRA Rule 160 (2) has been amended to allow five (rather than only two) business days for response to petitions for administrative review of denial of access.

These amendments to the PRA Rules were reviewed and approved by the Public Disclosure Steering Team and amended by the City Manager in accordance with PRA Rule 010 (5).

### **NEXT STEPS AND CONCLUSION:**

Based upon the volume of public records requests received during the current reporting period, it is expected that the City will continue to experience an increase in the volume of requests it receives. The complexity of the public records requests continues to increase and it is anticipated that processing time for more complex requests will also continue to increase. Even though volumes and response times are increasing, current staffing levels seem adequate with the conversion of the Public Disclosure Analyst to an on-going position. Staff will continue to monitor resource levels and responsiveness and will return to the Council if additional resources should be considered.

Development of staff training regarding the Public Records Act is underway. It is anticipated that training sessions will be held in the second half of 2016. The focus on staff training may impact overall processing times, however it is anticipated that the training will enhance the City's Public Records process and increase customer confidence in the City's ability to efficiently respond to public records requests in accordance with state law.

**CITY OF KIRKLAND****City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Ellen Miller-Wolfe, Economic Development Manager  
Philippa Marsh, Special Projects Coordinator

**Date:** July 7, 2016

**Subject:** Cross Kirkland Corridor Art Integration Plan

**RECOMMENDATION:**

It is recommended that City Council receive a presentation on the Draft Cross Kirkland Corridor Art Integration Plan for eventual placement as an appendix to the Cross Kirkland Corridor Master Plan and request that public outreach on the draft be implemented prior to final adoption.

**BACKGROUND DISCUSSION:**

The CKC Art Integration Plan (Attachment A) is an extension of to the CKC Masterplan. Just as the CKC Masterplan guides today's physical changes on the corridor as well as long term planning for the corridor, it is the intent that the Art Integration Plan (AIP) do the same, helping to inspire and shape decisions for ephemeral and permanent art on the corridor while protecting, preserving and enhancing its scenic and environmental features now and into the future.

While the CKC Masterplan addressed art as an exceptional opportunity of the corridor's experience (Attachment B- Section 4.4, Page 43), it only scratched the surface of how art can be a catalyst for shaping the CKC. This AIP, resulting from a robust public process and community input that was overseen by the Cultural Arts Commission, builds off of the Masterplan and is a compendium of how art can be realized on the corridor. Highlights of the AIP include inspiration gleaned from community members and other cities, best management practices, and funding strategies.

The Art Integration Plan (AIP) consists of several chapters, one building on the next, to develop art on the CKC.

- **Big Ideas:** The first chapter is an introduction to the CKC, the role of the Art Integration Plan, and how art can shape both the CKC and the city as a whole.

- Outreach and Input: Next is a summary of how the community shaped the plan, and the unique opportunities of Kirkland and its residents to shape and be shaped by art. And, it describes how art can be shaped to be unique to, and reflective of Kirkland.
- Strategies: Provided are a series of broad and specific strategies to shape art on the corridor. How to develop art on the corridor starting with both modest and temporary art interventions, growing to ambitious and community defining installations is presented. One such ephemeral art project is currently planned and is being presented for Council approval at the July 19 City Council meeting.
- Action: Guidance for how the City and community should manage and invest in art on the corridor, including regulatory issues, CKC specific art considerations, and the city-wide arts policies that governs art decision making.
- Appendices: The AIP is completed with a scrapbook of a few ideas and opportunities, as well as a detailed summary of public engagement efforts.

Staff is seeking comments and suggestions on the draft plan. Per the recommendation of the Planning and Economic Development Committee, following the presentation to Council, staff will post the draft plan on the city website, distribute it to participants in previous public outreach sessions, and send it to listservs for further comment from the public. In addition there are some format changes and proof reading edits that will be incorporated into the final document. Staff will return to Council in the fall for the adoption of the final plan.



# Art Integration Plan

For the Cross Kirkland Corridor

# Art Integration Plan for The Cross Kirkland Corridor

## CKC Art Integration Plan: Executive Summary

The CKC Art Integration Plan is an extension of to the CKC Masterplan. Just as the CKC Masterplan guides today's physical changes on the corridor as well as long term planning for the corridor, it is the intent that this Art Integration Plan do the same, helping to inspire and shape decisions for ephemeral and permanent art on the corridor while protecting, preserving and enhancing its scenic and environmental features now and into the future.

While the CKC Master Plan addressed art as an exceptional opportunity of the corridor's experience (Section 4.4, Page 43), it only scratched the surface of how art can be a catalyst for shaping the CKC. This Art Integration Plan, resulting from a robust public process and community input that was overseen by the Cultural Arts Commission, builds off of the Masterplan, a compendium of how art can be realized on the corridor. Highlights of the AIP include inspiration gleaned from community members and other cities, best management practices, and funding strategies.

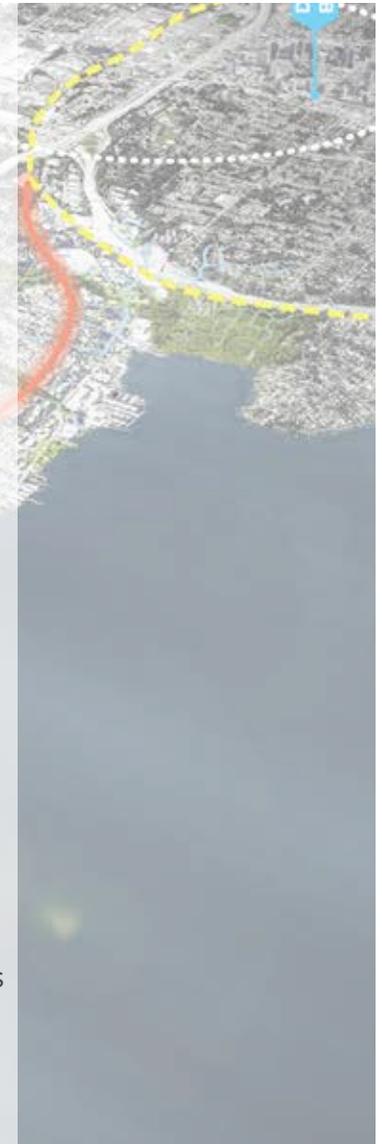
The Art Integration Plan (AIP) consists of several chapters, one building on the next, to develop art on the CKC.

- Big Ideas: The first chapter is an introduction to the CKC, the role of the Art Integration Plan, and

how art can shape both the CKC and the city as a whole.

- Outreach and Input: Next is a summary of how the community shaped the plan, and the unique opportunities of Kirkland and its residents to shape and be shaped by art. And, it describes how art can be shaped to be unique to, and reflective of Kirkland.
- Strategies: Provided are a series of broad and specific strategies to shape art on the corridor, and how to develop art on the corridor starting, with both modest and temporary art interventions, growing to ambitious and community defining installations is presented. One such ephemeral art project is currently planned.
- Action: Guidance for how the City and community should manage and invest in art on the corridor, including regulatory issues, CKC specific art considerations, and the city-wide arts policies that governs art decision making.
- Appendices: The AIP is completed with a scrapbook of a few ideas and opportunities, as well as a detailed summary of public engagement efforts.

The Cross Kirkland Corridor Art Integration Plan is the next step in moving the city's vision for their new, cherished corridor forward to be the Civic treasure loved by the city's residents and sought after destination drawing visitors to Kirkland!



# TABLE OF CONTENTS

1.0 BIG IDEAS	1.1 The CKC   1.2 Role of the Art Integration Plan   1.3 Shaping City Culture   1.4 Reaching beyond the Corridor 1.5 Art as a Catalyst	04-13
2.0 OUTREACH & INPUT	2.1 Reflecting the Community   2.2 Step 1: Inspiring Art on the CKC 2.3 Step 2: Strategies & Ideas for Art on the CKC   2.4 Sharing what we Learn	14-21
3.0 STRATEGIES	3.1 Embracing all Art   3.2 Honor the Corridor   3.3 Building on the Character of the Corridor   3.4 Reaching beyond the Corridor   3.5 Art Today and the Future   3.6 Enhancing the Existing   3.7 Make the Required Inspired   3.8 Corridor-wide Opportunities   3.9 Investing in Artists	22-39
4.0 ACTION	4.1 The Art Walk   4.2 Welcoming Art   4.3 Making Art Happen   4.4 Funding and Commissioning Art Investment 4.5 Funding and Commissioning Permanent Art Investment   4.6 In Considering Art...   4.7 Guidelines (CKC Specific) 4.8 Policy (City of Kirkland)	40-63
5.0 SCRAPBOOK		64-71
6.0 ACKNOWLEDGMENTS		72-73
7.0 APPENDICES		74-129

## 1.1 The Cross Kirkland Corridor (CKC)

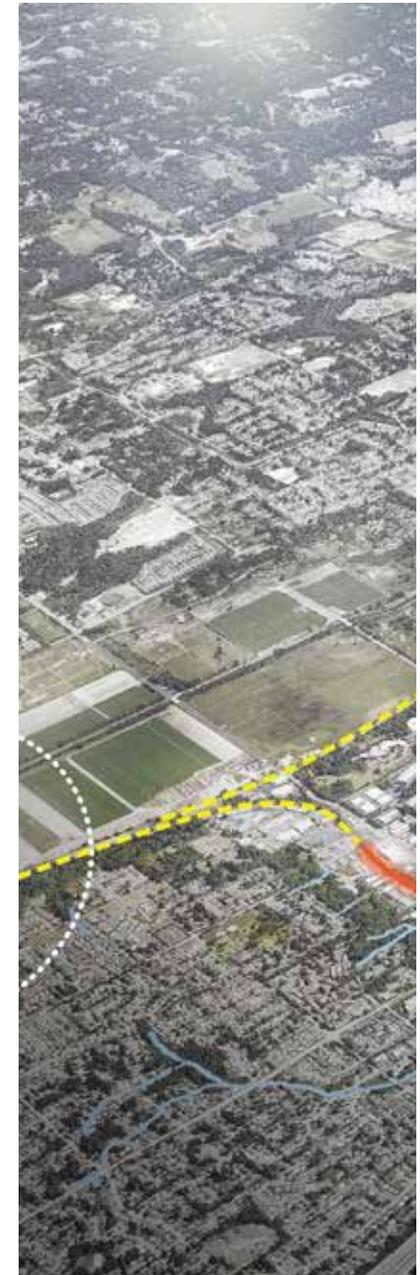
The Cross Kirkland Corridor (CKC) is 5.7 miles long and transects the City of Kirkland, Washington. It was once a critical transportation link as a railway that helped build the communities east of Lake Washington. Today, it is being reborn as a multi-use trail. As part of the 42-mile Eastside Rail Corridor (ERC), the CKC is a critical regional treasure.

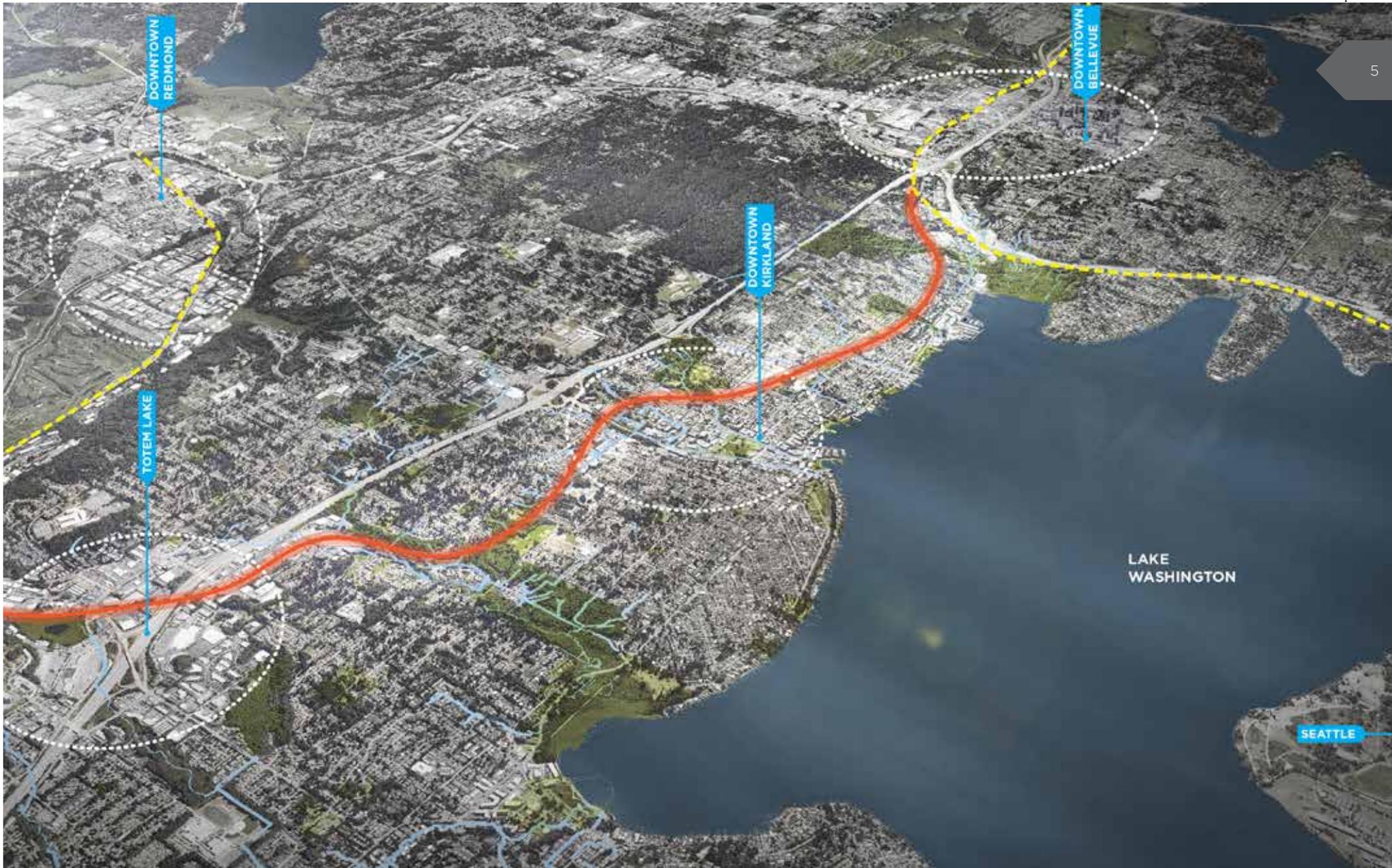
The City of Kirkland acquired the corridor in 2012 and developed the Cross Kirkland Corridor Master Plan to guide its rebirth from a defunct rail line into a critical source of civic vitality for a City facing an expanding population and shrinking open space. The CKC traverses the heart of Kirkland and stitches together diverse neighborhoods and landscape conditions with sensitive interventions that are rooted in place. The master plan delivers both vision and technical reference to guide the City in successfully transforming one, formerly great, piece of industrial infrastructure into a new model of civic infrastructure to last the next 100 years and recalibrate how Kirkland lives and works.

The City has moved forward to claim the CKC as a civic open space and active transportation connection, starting with the construction of an interim trail that opened in Spring, 2015. Countless commu-

nity access and improvement projects are drawing more people to use and enjoy the space. Even as the CKC is now a treasured community asset, there is more it can do to serve and shape Kirkland.

The Cross Kirkland Corridor Art Integration Plan describes how art on the CKC can add a new layer of interest and attraction to the corridor and how the CKC can shape the broader community as a cultural catalyst. Beyond shaping the City for those who live here, art has the power to draw visitors to the City. It can be a tool for economic development and is a relatively modest investment for a very high return. Art on the CKC and in the whole City can positively shape perceptions of Kirkland in the eyes of its residents and visitors.





## 1.2 Role of the Art Integration Plan

### Art brings something different....

The 2014 Cross Kirkland Corridor Master Plan guides decision makers, designers and private developers with a vision to move the CKC forward to funding and realization. Art was addressed in the master plan as a priority to shape the corridor experience and as a catalyst to move it forward to engage and shape the community. While the master plan identified the opportunity for art and provided high-level guidance, it did not include a full art plan for the CKC. With the success of the master plan, the interim trail construction, and new emerging projects along the corridor, now is the time to proactively invest in art opportunities on the CKC.

The role of this Art Integration Plan is twofold: to inspire the opportunities for art on the CKC (and beyond) and to provide guidance to the City on how to facilitate and manage art on the corridor.

### Inspiring art!

At its best, art is not a dictated solution, location or element, but rather a process led by an artist to solve a problem that, perhaps, no one had seen or knew was there to be solved. The Art Integration Plan does not seek to dictate what art should be, but rather serves as a tool to facilitate and inspire artists to bring something different.

### Guiding art policy!

This Art Integration Plan does not exist in isolation. While it focuses on the CKC, it is supported by existing arts infrastructure and City policies. This includes prescribed art policies overseen by the Kirkland Cultural Arts Commission (KCAC), a group of dedicated volunteers who act as advocates and oversight for art in the City at the pleasure of the City Council. The KCAC shaped this Art Integration Plan, which, in turn, will provide guidance to the KCAC as it promotes and facilitates a growing arts culture. The City Council makes final decisions about all art on the CKC.





## 1.3 Shaping City Culture

8

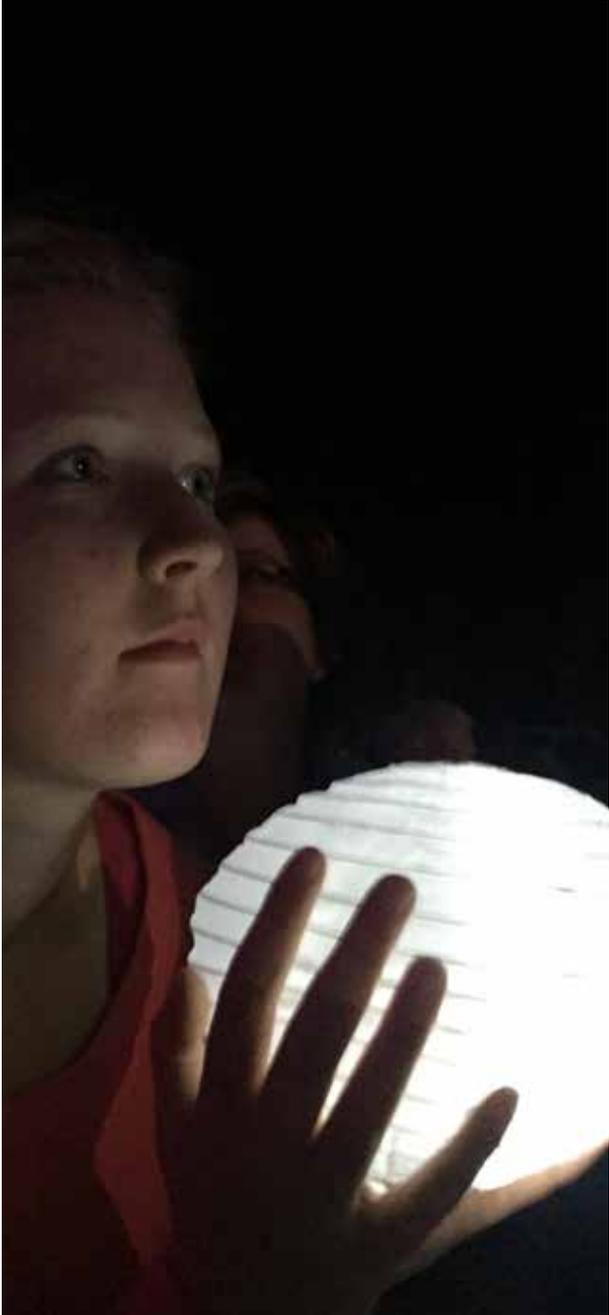
**Corridor = Physical**

**+**

**Community = Cultural**

The CKC is an amazing place physically as it fluctuates between urban and naturalistic landscapes, vast regional views and quiet introverted experiences. The Art Integration Plan will help accelerate the transition already underway. The corridor will move beyond a physical place to become a cultural place used by the citizens, loved and defended by advocates, and increasingly reflecting the community and its values. At its most ambitious, the CKC will become a sought-out destination for visitors because it reflects the forward-looking culture of Kirkland. More than shaping a physical space, it shapes culture and people on a personal and meaningful level.





## 1.4 Reaching Beyond the Corridor

# Art, the CKC and Kirkland Culture!

Although the CKC is a relatively narrow greenway, it has a value far beyond its location and physical presence. It transects and ties together most of the City and its neighborhoods. Like the corridor itself, the Art Integration Plan has the ability to impact more than its geographic limits. The ideas, strategies, passion, and energy resulting from this process and contained here have the opportunity to shape Kirkland's arts and culture.



- INTERSECTION
- OVER/UNDERPASS
- STREET END
- ..... KIRKLAND BOUNDARY
- HIGHWAY
- CROSS KIRKLAND CORRID

NORTH



Along its 5.7-mile route, the CKC has multiple intersection crossings, street ends, formal and informal access points. Each of these are entry points to the corridor and present and opportunity for intuitive wayfinding and branding through art.

## 1.5 Art as a Catalyst

# Art on the Cross Kirkland Corridor...

Now and in the Future,  
In Forms both  
Simple and Elaborate,  
*always Uniquely Kirkland!*

### Now ... simple:

Kirkland has arts advocates, arts organizations and artists that shape the community today.

Empower and utilize these resources now to expand the presence of art on the corridor (and beyond), amplifying the impact and visibility of art in the community. Leverage today's resources to make art a catalyst on the CKC.

### Future ... elaborate:

Harness the power, ideas and excitement of building momentum around art on the CKC and arts community to grow arts advocacy in Kirkland. Grow the arts as a civic value, a distinguishing and recognizable feature of the city. Reach beyond the traditional arts community to recreation interests, tourism and economic development interests and others who have an interest in the reinvention of the corridor and could get behind art opportunities. Make arts an expectation and point of pride for the larger public. As the value and expectation of art grows, so too does support for the arts and the ambitions for how art and artists can be empowered to respond to and shape city culture.



**Uniquely Kirkland: Art on the CKC should be shaped by and inspired by place.**



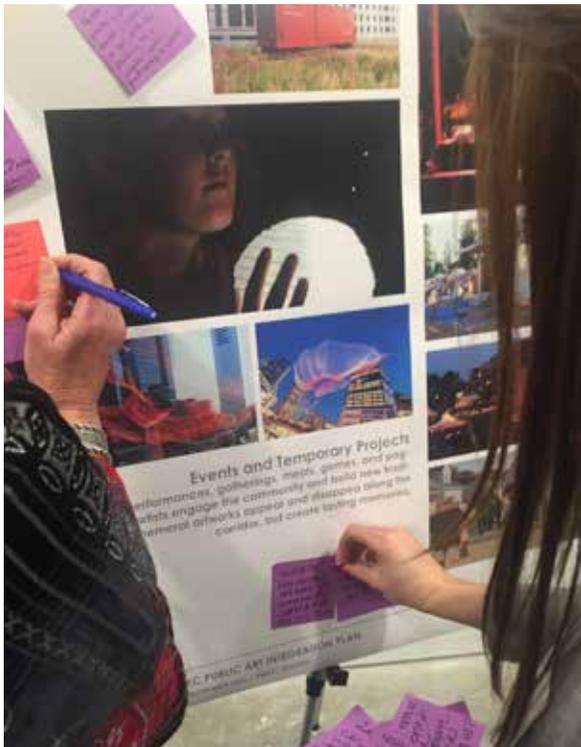
## 2.1 Reflecting the Community

A plan shaped *by* the community,  
to **reflect** the community...

The Art Integration Plan has been crafted through a community effort and powered and populated by passionate individuals and organizations. Its creation included several events facilitated by the City art planning team and the KCAC, presented by Berger Partnership, which gathered ideas, themes and strategies for art on the corridor.



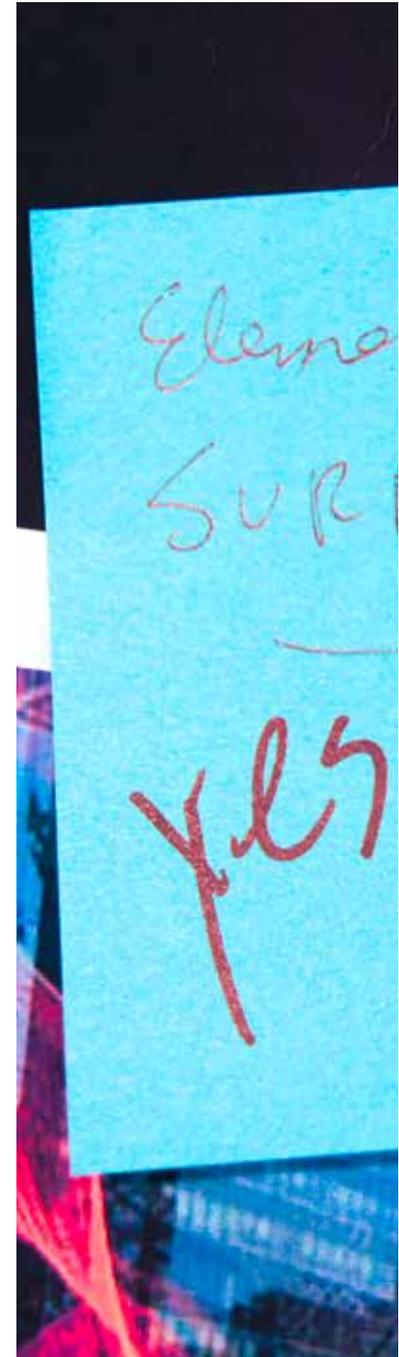
# First public outreach session on November 16, 2015



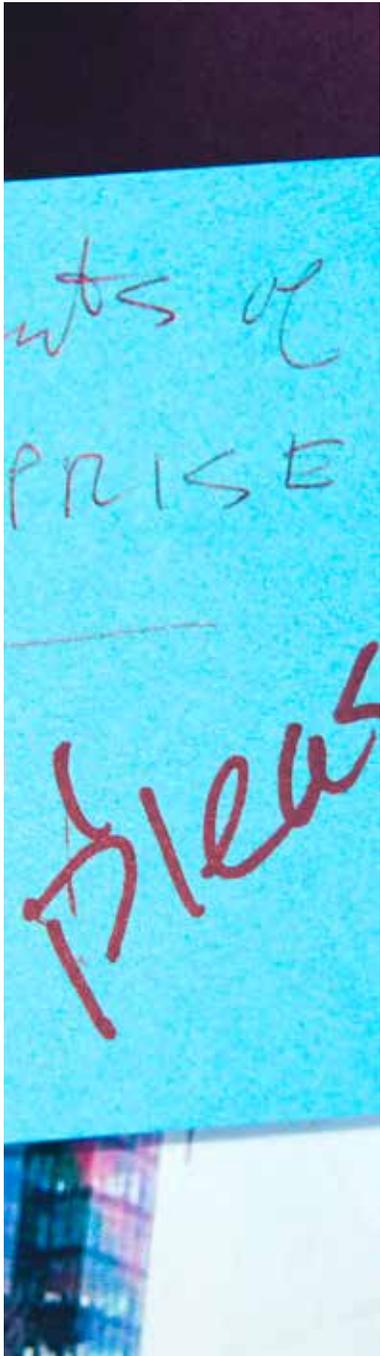
## 2.2 Inspiring Art on the CKC

Imagining art on the CKC: The initial community event focused on sharing and inspiring the possibilities of what art on the CKC could be—the many forms of art, the unique opportunities of the site, and the unique qualities of Kirkland. Arts and heritage supporters shared their observations and ideas through conversations facilitated by the KCAC and through post-it notes in response to inspiration boards and questions.

A more detailed report on inspirations from this meeting are included in Exhibit A in the appendix.



# First public outreach session on November 16, 2015



Burma Shave  
type signs that  
tell a story  
or a joke.

Industrial link  
(eg Cannery)  
near Norkik edge

Under the over-  
passes  
Coca-Cola sign  
Coca-Cola done  
at Grandville  
underpasses

Use old  
Kirkland  
Boatworks  
from early  
1700's for  
inspiration.

HONOR  
the KAIK  
History

create  
something  
that changes  
w/ seasons  
→ light w/ temp



Themed  
Rock  
Formats  
Along  
A long  
existing  
corridor



Site specific  
histories and tradi-  
tione  
settle into an existin  
context, or

Canyon Lebois used  
to be Yarrow Bay  
Water District #1  
pump house. There is  
an old backhoe pump  
+ wood water pipe in  
ravine. Great material  
+ inspiration.



Themed  
Rock  
Formats  
Along  
A long  
existing  
corridor

Sit  
and  
ht nestle into an existin  
invent a new ide

In the industrial  
area along the  
corridor  
This is really important.  
See if we can get the  
history to fit it so  
the trail becomes more  
enjoyable with some history

link history  
to the corridor,  
walkable timeline

Delightful  
trail with surprises  
(eg <sup>sculpture</sup> created in trees)  
and history  
(see McClellan Park)

Digital art-  
QR codes  
linking to poetry/  
music etc.

Surprise  
drinking  
fountains



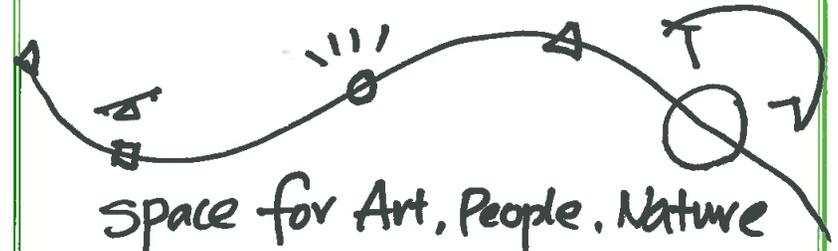
## 2.3 Strategies & Ideas for Art on the CKC

Strategies and ideas for art on the CKC: A second phase of community engagement shared distilled strategies and opportunities for art with the public to further hone and prioritize. In addition to strategies, a host of arts ideas from vague to specific were shared, many of which have found their way into the scrapbook near the end of this document.

A more detailed report on inspirations from this meeting are included in Exhibit B in the appendix.

### QUESTIONS FOR YOU

1. What are you most excited about?

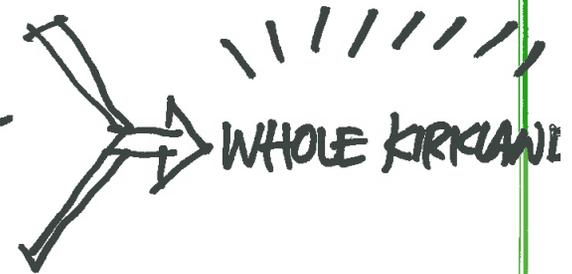


2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

- Competitions
- Different
- Engage

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

- Safe
- Nature
- nodes
- People



## Second public outreach session on January 20, 2016

What are you most excited about?

Eclectic art of all kinds & for all ages & types of people.

- Way finding and anchoring a place with art. Goal: Locations on the trail are anchored and identified with art. Example: not "let's meet at the 120<sup>th</sup> Ave intersection" but "let's meet at the big pink fish."

Shakespeare in the Park  
Mindful Coloring on backs of bldgs.

Wind-generating 'tree' from France that could power a programmable light display - - to wishing tree  
challenge board wall in shape of mountain map

drone events  
google glass tours.  
ambien "art" show -

What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

Something to juice up the Park Mac - murals  
"Industrial" based themed event  
(vendors - think oddball - industrial performance (fire art etc)  
Installations - lights (#lightshow)

LW Tech has a digital gaming and design program that could provide digital art on a short term basis. Art is created by students every quarter and the

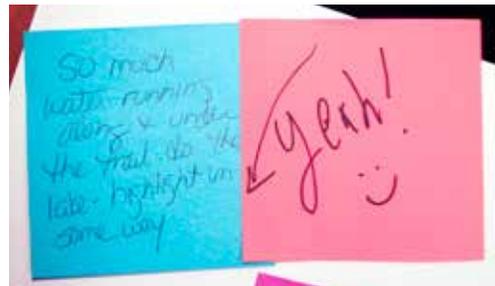
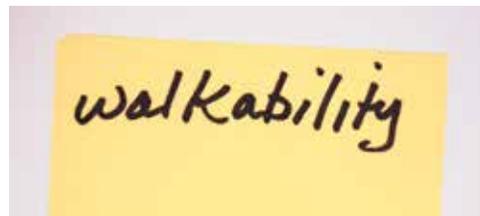
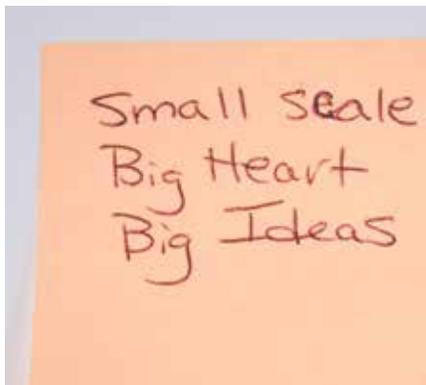
What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

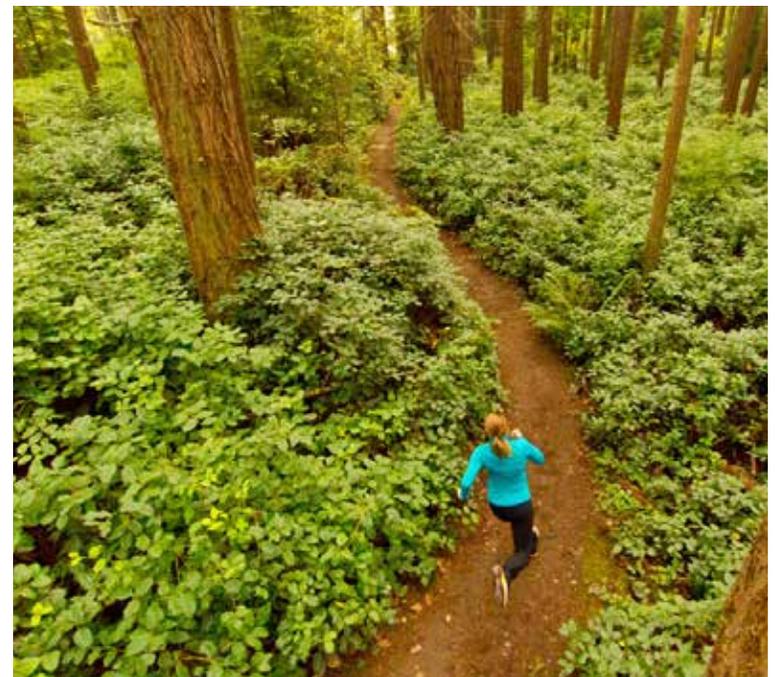
College could change pieces monthly or even weekly throughout the year.

## 2.4 What we Learned

# What makes Kirkland Special?

It was a wonderfully impossible question to ask, and there was, of course, a range of great answers that reflected a wide variety of observations and perspectives. This is a great starting point for art on the CKC—a lens artists can look through as they shape art uniquely inspired by the corridor and City.



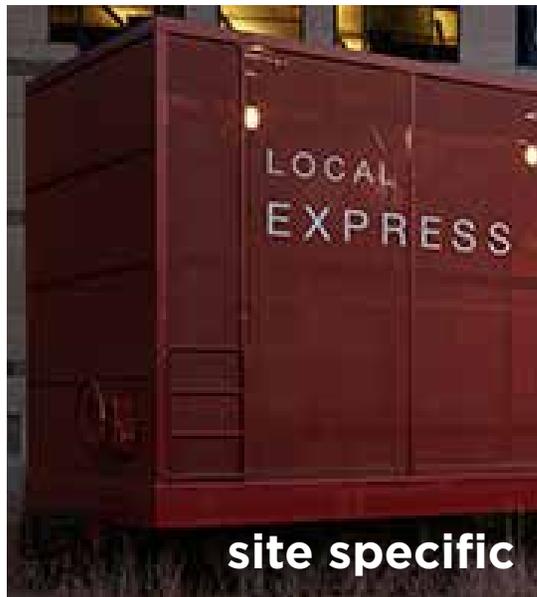
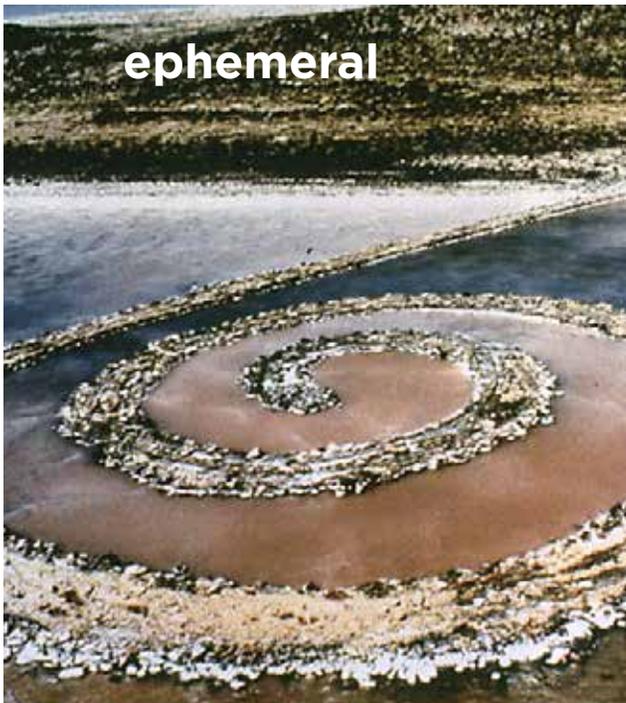


## 3.1 Embracing all Art

22

# Empower Art in all its *Forms!*

Empower art in all its forms! An emerging theme in this process, and a trend in public art, is to take a broad view of all that art can be. While permanent site-specific installations will clearly be part of art's presence on the corridor, so too should other forms of art: ephemeral, digital, temporary, curated, performance, site specific, environmental, and more. One unique opportunity for art is to celebrate the CKC's active transportation use and invite mobile art that can move and stop along the corridor. Mobile art could even become a Kirkland ambassador by moving to and through other communities along the Eastside Rail Corridor. Embracing art in all its forms will enrich the CKC and facilitate the realization of art.



## 3.2 Honor the Corridor

The corridor is an exceptional place physically and culturally. However, the more cherished a space becomes, the harder it is to manage it in a way that honors the qualities that make it special.

**What is and is not art?** Art can be subjective. It is a process and a physical object that comes from an artist who is empowered to bring something different. Avoid the trap of calling something art to mitigate, enhance or solve a design challenge/shortcoming or to try to utilize art budgets to solve non-art issues. Being overly prescriptive with art to mitigate design issues typically results in an “applied” layer of art that risks becoming predetermined decoration. This is not desired for the corridor because it lacks the aspirational qualities to truly shape Kirkland’s culture.

**Public art with a capital “P”:** The CKC aspires to be a home to public art shaped by, owned by, and crafted through a lens of the City and community. While there is the possibility of incorporating art that has been collected or commissioned privately, this work inherently risks being less reflective and pertinent to the place and community that are the CKC.

**Interpretation vs. art:** One of the great opportunities of art on the corridor is to interpret history and place. However, it is the artist’s prerogative, through a deliberate and genuine process, to craft their interpretation. Interpretation cannot be dictated to the artist, as that would impact the quality and authenticity of the art.

**Gifted art:** There is a likelihood that residents may generously choose to gift or donate artworks to the corridor. While born of a genuine generosity, such gifts should be carefully vetted by the KCAC, CKC Service Team (and other City staff) in accordance with this report and other art and culture guidelines. This Art Integration Plan recommends accepting donated art only in limited situations, with a thorough vetting to assure they are of true “public art” value. As conditions of accepting donated art, the City should have a robust agreement that gives the City full control over the art’s siting and management, be it on the CKC or elsewhere. Avoid art that comes with “strings attached.”



## 3.2 Honor the Corridor



**“Volume” of art:** The corridor comes with a wide variety of physical spaces, including iconic regional views (Houghton Porch), introverted naturalistic landscapes (Highland Pass), and underutilized urban fabric (PARMAC and undercrossings). Art too comes with a range of physical qualities, from iconic and stand-alone (high column) to integrated and subtle (low volume). It is important that art respond respectfully to the natural qualities of its physical setting to enhance and not detract from the space. For example, at the corridor’s most iconic and cherished places, art should be lower volume, subtly integrated into an already great place, complementing but not competing for attention. In areas that are less special, still in transition or in need of enhancement, art can be bolder, higher in volume, and the catalyst for change to improve the CKC experience.

**Quantity of art:** The corridor can accept limitless amounts of ephemeral or managed short-term art because it is not permanent. However, manage permanent public art so that it does not over-occupy the corridor—a welcomed challenge, as it will represent the ultimate success in arts advocacy and funding.

**Beyond art:** The goal of this Art Integration Plan is to accomplish everything through a lens of art and creativity to guide the artful development of the corridor. Art cannot be considered in a vacuum, but rather in the context of other built and engineered realities. Just as with art, avoid over-populating the CKC with too many types or instances of furnishings (benches, trash/recycle receptacles, bike racks, etc.). Select furnishings through a deliberate, holistic process. They can become an art opportunity as well. Vigilance will be required to keep the corridor the rich, uncluttered public space it is today.

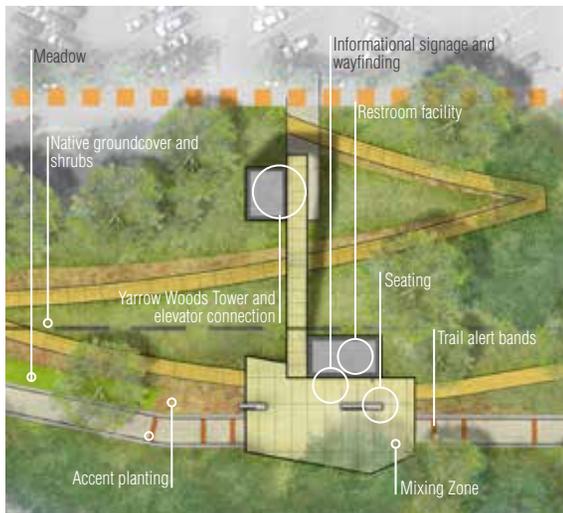
**Community to curate using the KCAC.....**

## 3.3 Building on the Character of the Corridor



A guiding principle to the Cross Kirkland Corridor Master Plan was identifying and leveraging the many unique character zones that exist along the corridor today, with the intent of preserving and strengthening them as the site develops. Art on the CKC should build on and highlight the unique qualities of each character zone. A key consideration is to complement, but not compete with, the unique characteristics of each place. Art may, in certain places, become iconic, while in other places it may be more appropriate for art to be a subtle, hidden discovery. The tone of all art on the CKC is one of respect for this place ... artists should leverage their unique perspectives and skills inspired by the corridor. A predetermined agenda should not be imposed on the corridor, but rather be shaped by and respond to this unique place.

## 3.3 Building on the Character of the Corridor



### Yarrow Woods

A naturalistic, inward focused section of the trail, art can be subtly integrated into the landscape or be a welcomed juxtaposition, responding to the naturalistic character and green vegetation with interventions that acknowledge the unnatural realities of the corridor. Imagine:

- Art as the CKC's southern portal at 108th Avenue.
- The Yarrow Woods Tower should not merely have art integrated, but could be an object of art.
- The Cochran Springs Perch welcomes art as storytelling.



### Houghton Porch

An extroverted section of the trail, with westward facing views of Lake Washington, Seattle and the Olympics. Art should not compete with these views, and instead be a more subtle and enriching element on this stretch. Picture this:

- Storytelling integrated into proposed micro shelters.
- Paving in-lays in trails or seating eddies that literally or abstractly connect this place on the CKC to the more distant landscapes.
- Celebrating Kirkland's connection (via The Lake Washington Shipyards) to the region's maritime history.



### Convergence Zone

An area infused with activity from its adjacent neighbors; park, school, and technology and commercial businesses. There are countless opportunities for art that leverages the density of activity and visitors with fun, playful and magnetic art. Opportunities include:

- The reimagined trestle crossing 68th, experienced both from the corridor, but also from afar.
- Leveraging the Kirkland technology community as a source for art. While temporary pieces may embrace technology as part of the art, long term works could be inspired by technology in an "analog" response.

## 3.3 Building on the Character of the Corridor



### Everest Edge

A diverse character zone, to the West of 6th Street, maintained gardens and lawn, to the east, naturalistic forest canopy and creek crossing. Art can shape both spaces and reinforce the crossing of 6th. Imagine:

- Integration of art into and to define the 6th Street Gardens.
- Reimagining the existing equipment shed as the city curated “Kirkland Kurio”. (See the Scrapbook)
- Leveraging the site’s hydrology and Everest Creek for inspiration and kinetic art.



### Norkirk Edge

Unique for its two-sided character, residential to the East, Commercial to the west, the Masterplan has a host of elements that can be shaped by, or become, art. Opportunities include:

- The Norkirk Catwalk, art and architecture, can embrace the industrial influence of the adjacent Public-Works site.
- Art can become a “trail of breadcrumbs” to intuitively forge a connection between the CKC and downtown Kirkland.
- The “undercrossing” of 85th Street is a unique opportunity to support (hang) art interventions and embrace light.



### Highlands Pass

Similar to Yarrow Woods, a naturalistic, inward focused section of the trail welcoming art subtly integrated into the landscape or as a welcomed juxtaposition. This sections character is perhaps the most “rural escape” along the entire CKC, and art should respect and be subservient to that quality. Visualize:

- Highlighting the “Kirkland Divide” with a subtle yet interesting point on the trail where surface water from wetlands flows both north and south.
- Inspire art to address, engage, and reveal the ecological function of this stretch of trail.

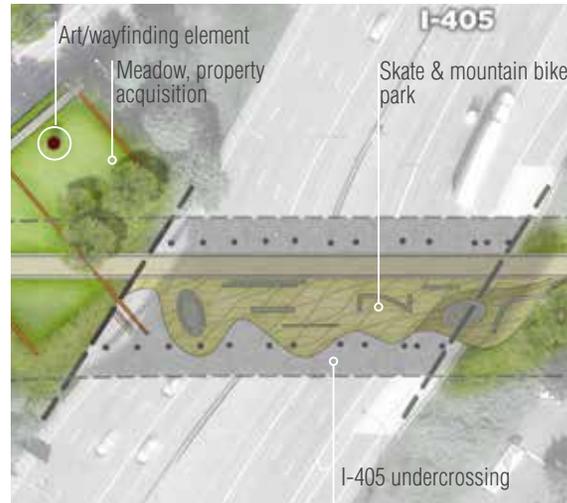
## 3.3 Building on the Character of the Corridor



### The Active Zone

The active zone is the most “blank canvas” for art on the CKC. Lacking a strong character now, art can be a near term and long term opportunity to help reimagine this stretch of the corridor. Just about anything goes here, with a particular emphasis on ephemeral or temporary art as they are transitions. Opportunities include:

- Embracing the sides and doors of exiting warehouses as blank canvases for curated seasonal murals. (see scrapbook)
- Highlighting the new Forbes Creek Crossing the hydrology that has for so long been hidden from sight and mind.



### West Totem Lake Connector

What is now one of the more challenging stretches of the CKC can leverage art to become one of the most unique destinations on the CKC. The cover provided by the I-405 crossing can provide weather protection and superstructure for art and activities, both ephemeral and permanent. With its weather protection, the space can be home not only to physical art, but could become a great venue for performances and events that can draw people and activity to this currently underutilized space.



### Totem Lake

This stretch of the CKC is defined and inspired by the connection to Totem Lake Park and its rich habitat and ecology. Imagine:

- The Totem Lake gateways as a piece of art in itself, seen from afar and experienced from within.
- Boardwalks passing around the rich wetlands. With art integrated into boardwalk elements for storytelling the site’s rich ecology.

## 3.3 Building on the Character of the Corridor



Totem Lake Park

## 3.4 Reaching Beyond the Corridor



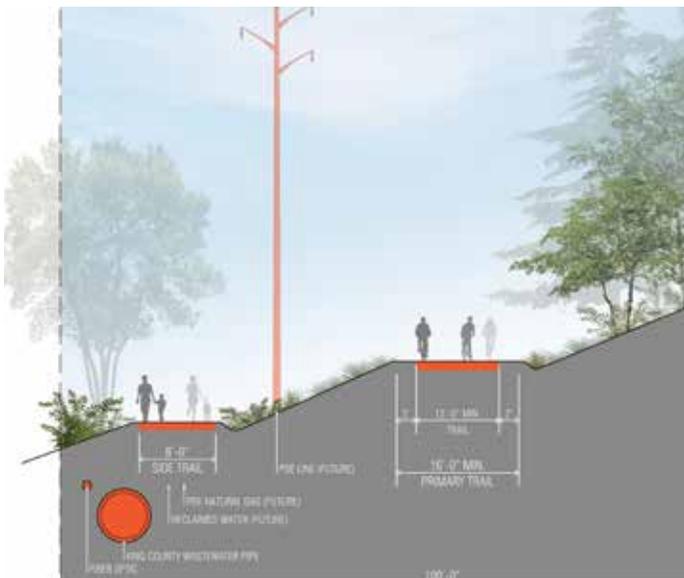
The vision for art should not be limited by the corridor itself. As time passes, properties that border the corridor and once turned their back on it, will evolve to face it. As properties and developments evolve, art can be part of their evolution, be it as places that are physically shaped by art or additional spaces providing a venue for art.

Adjacent property owners can be encouraged to embrace art as part of their project through planning policies and incentives, including using the corridor to mitigate some impacts such as green stormwater infrastructure. The recent Google expansion project illustrates how the corridor and adjacent properties can leverage each other so that the whole is greater than the sum of its parts, where the public corridor and private Google properties are seamlessly intertwined to one great public space where users are happily oblivious to property ownership limits and shared-use agreements. The Google campus also illustrates the process required to seize such opportunities: it has to be a win-win for all involved.

## 3.5 Art Today and in the Future



present



future

The Cross Kirkland Corridor will inevitably continue to evolve into the future, and the master plan illustrates how this evolution may occur. The inevitable change should not preclude arts investment on the corridor now. Today's interim trail can be seen as a venue for interim art. Several strategies can be used to assure that inviting art today is a sound choice.

- Invest in ephemeral, short-term art. This reduces the cost of art, accelerates the schedule for art delivery, and allows the art to be replaced as the corridor evolves.
- Locate art where future changes are likely to be less significant. For example, the master plan identifies a possible transit envelope that typically runs on the east side of the corridor; therefore, focusing art on the west side increases the likelihood it will be out of the way of future impacts. In addition, art may be installed on public realm adjacent to but outside the property boundaries of the corridor, such as at Terrace Park or the historic depot location.
- Create art that evolves with the corridor, including art that can be moved and potentially reimagined in a new form as the site evolves.

## 3.6 Enhancing the Existing



The interim trail has an abundance of new yet interim features such as railings, stairs, bridge overcrossings and underpasses that can be a canvas for interim art today, including community-facilitated art projects.

## 3.7 Make The Required Inspired



Significant investment has already been made to the corridor in its interim state, and additional investment will be forthcoming as the space involves. Capital will continue to be invested in the corridor for its maintenance and operation. There is the opportunity to leverage the investment in required infrastructure in more creative ways, or even use investment in art to reduce required investment in regulatory infrastructure.

While there is the opportunity to embrace art and artists with these elements, there must be a constancy of standard elements long the corridor. The best way to make the required inspired is to develop design standards for the corridor, subtle, standardized elements that enrich the corridor in a meaningful way. It is recommended the city develop standards for base elements and furnishings that includes seating, signage, bike racks, and trash and garbage receptacles. There is an emerging model for these standards in the common detailing of the access points being developed by communities along the corridor now.

## 3.8 Corridor-Wide Opportunitites

By its very nature, the CKC is a long public space transecting the City. There are opportunities for art elements that celebrate the unique qualities of the route and the challenges of an active (human-powered) transportation corridor. Art can be the solution to some of the challenges of using the CKC, but not in an overly prescribed way. Remember, art brings something different!



### 1. Portals

Art can distinguish primary and secondary access points from the neighborhoods through which the CKC passes. Imagine art being part of the solution to demarcate and guide people to the corridor. These portals would become intuitive beacons, be they a series of like elements or a series of different elements performing a common purpose, shaped by a single artist or a collection of artists.

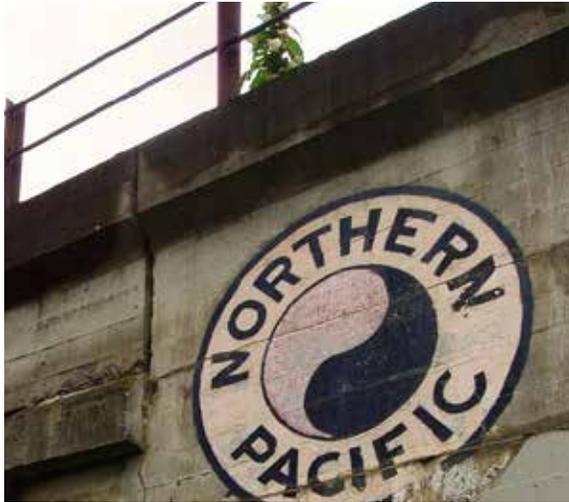


### 2. Navigation and Distance

At nearly six miles, the CKC is long. Today, it is marked by the relics of the old railroad mileage, as well as newly installed City mile markers. Imagine how art could celebrate and mark the passage up and down the route through elements iconic or subtle, which create a cadence.

## 3.8 Corridor-Wide Opportunities

36



### 3. Storytelling

The corridor has stories to tell! History and memories from people who knew it in the past and people who use it today. Art can be a powerful vehicle to tell stories in a rich and layered way, more so than interpretive boards or plaques, which grow dated and stale soon after posting.



### 4. Uncovering Civic Archeology

The site's rich history should be uncovered and shared. Art can honor history in a way that gives it new life and relevancy. There is an opportunity to share this history in a way that is uniquely Kirkland.



### 5. Salvage

Preserve artifacts that describe the heritage of the corridor.

## 3.8 Corridor-Wide Opportunities



### 6. Embrace Undercrossings

The three significant undercrossings the corridor moves through can be made into particularly noteworthy attributes. The sense of compression and overhead these bridges offer can be utilized by art and with art to make unique moments. Imagine the opportunity of the overheads as canvas for art, framework for suspension of elements, and screen for projection of light and images (temporary or permanent). The undercrossings can become sought-after destinations and venues for events and performances, offering coveted cover in our rainy climate.



### 7. Porches

Celebrate views and the natural beauty while providing reasons to pause.



### 8. Exposing Ecology

The site is blessed with rich naturalistic landscapes and some exceptionally valuable ecology. There is a chance to greatly enhance the ecology. However, the corridor, while naturalistic, is not natural; its ecology, hydrology and vegetation are all functions of human activity. Art can be a way to both expose and celebrate the ecology, while acknowledging its unnatural character.

## 3.9 Investing in Artists

# Key strategies for Art on the CKC!

**Attract significant local, regional and international artists:** Art “in” Kirkland can mean many different things. Art should be inspired by the City and place, and potentially even designed and fabricated in Kirkland. Imagine an artist-in-residence program on the corridor. As art events and investment grow, invite a balance of artists from inside and outside the community to shape the CKC. The CKC should aspire to be a sought-after venue that welcomes and inspires artists from near and far.

**Promote local art:** Local art is not merely imported to Kirkland, but is born of Kirkland. Artists can be homegrown Kirkland artists in the community now who can help us see and adopt the corridor in a new light, supporting and supported by the community in which they live and make art.

**Regional, national, or international art:** It is critical to invite artists from outside the City to come shape the corridor. Artists, be they regional, national or international, all bring a different lens through which they are able to view the City and the corridor. This fresh perspective is critical for art to not only react to what is, but to also shape “what could be” with their fresh perspectives.



# Significant local, regional, and international artists

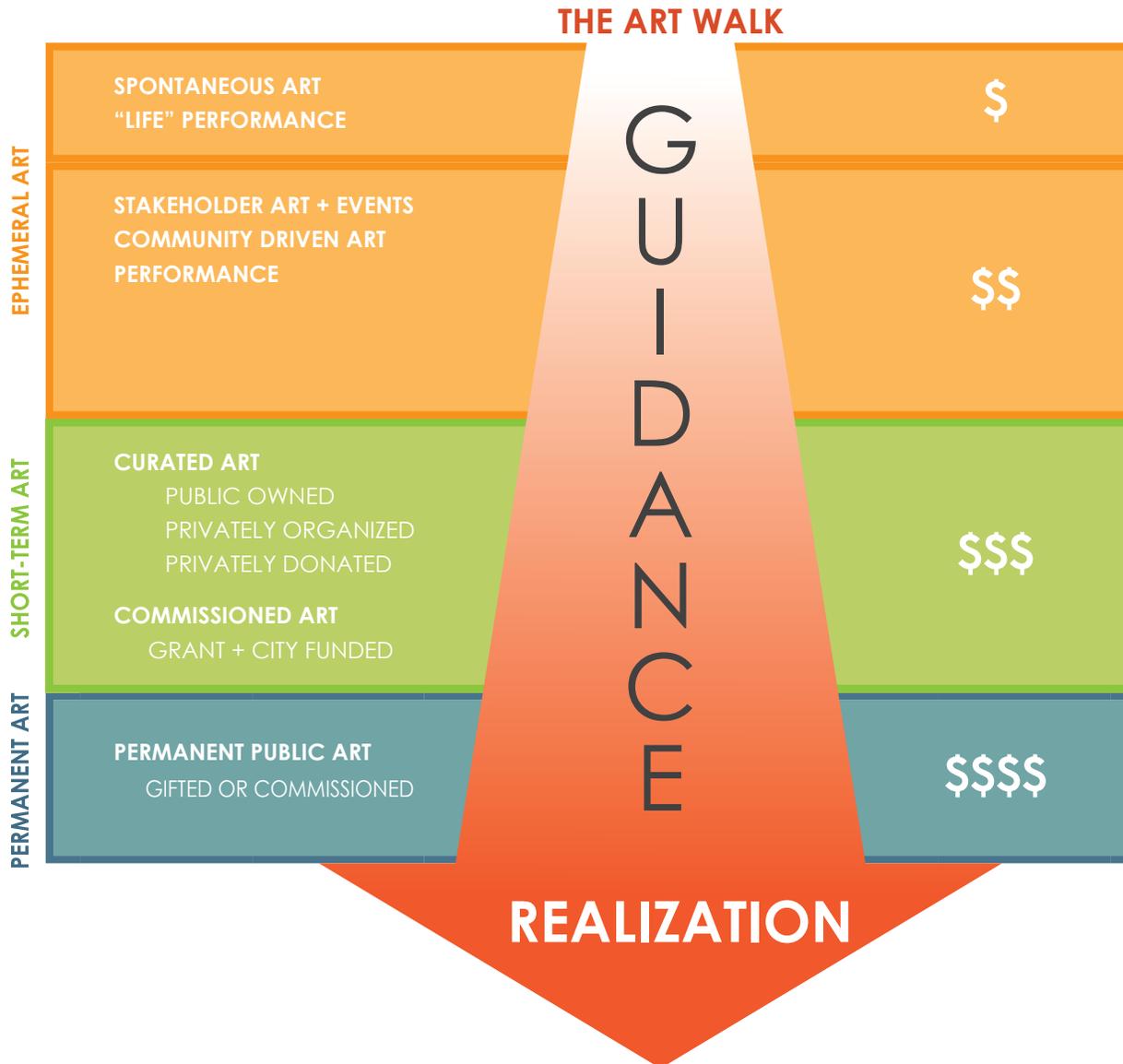


## 4.1 The Art Walk

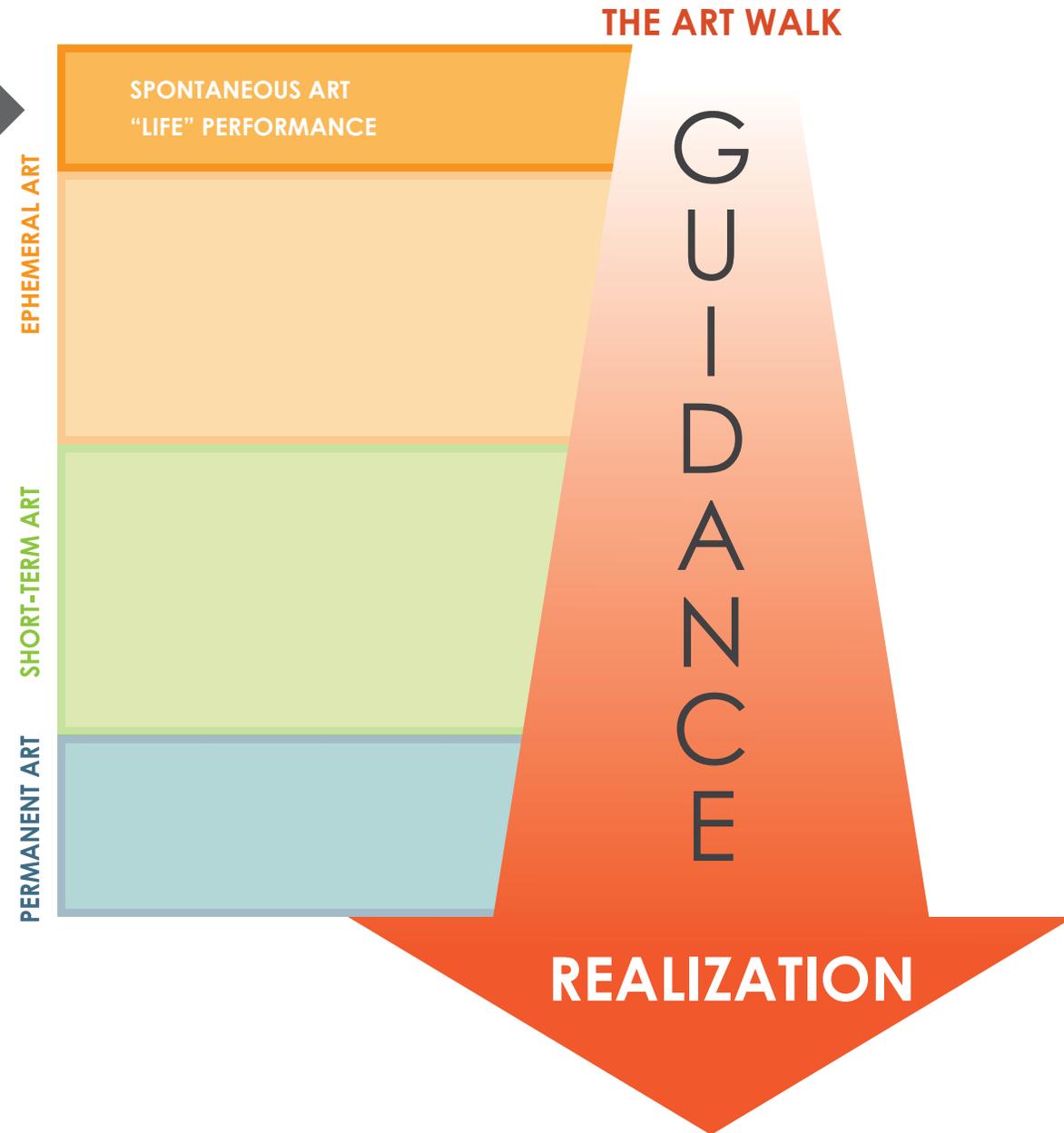
# Making it Happen!

Shaped by big ideas, public outreach and input, and arts strategies, the Art Integration Plan is about making art happen on the corridor. To do so, this section defines art guidelines and policies intended to complement other Kirkland arts policies with a focus on the CKC.

Arts guidance for the Cross Kirkland Corridor is succinctly guided and summarized by the Art Walk. At the core of the Art Walk is a simple premise: a desire to welcome art to the corridor with the recommendation that, as the investment and duration of an art project increases, so too does the required oversight by the City in reviewing and managing that art. The Art Walk also intuitively shows the balance to be struck between different types of art, with an abundance of lower investment short-term art, and a more limited high investment permanent public art. At its heart, the Art Walk is intended to simplify and empower art as a catalyst for shaping community culture on the corridor.



## 4.2 Welcoming Art



The corridor aspires to be a place that invites and displays the creativity and artistic passion of the community, from fleeting performances to displays of short-duration physical art. The key to welcoming this art is respect: respect neighbors, limit noise, and respect the site's existing character. Spontaneous art and life performance should leave no trace; however, should that intent not be met, increased management and regulation could be necessary.

### “life” performance

**The New York Times** **U.S.**

WORLD U.S. N.Y. / REGION BUSINESS TECHNOLOGY SCIENCE HEALTH SPORTS OPINION

POLITICS EDUCATION TEXAS

## Now Atlanta Is Turning Old Tracks Green



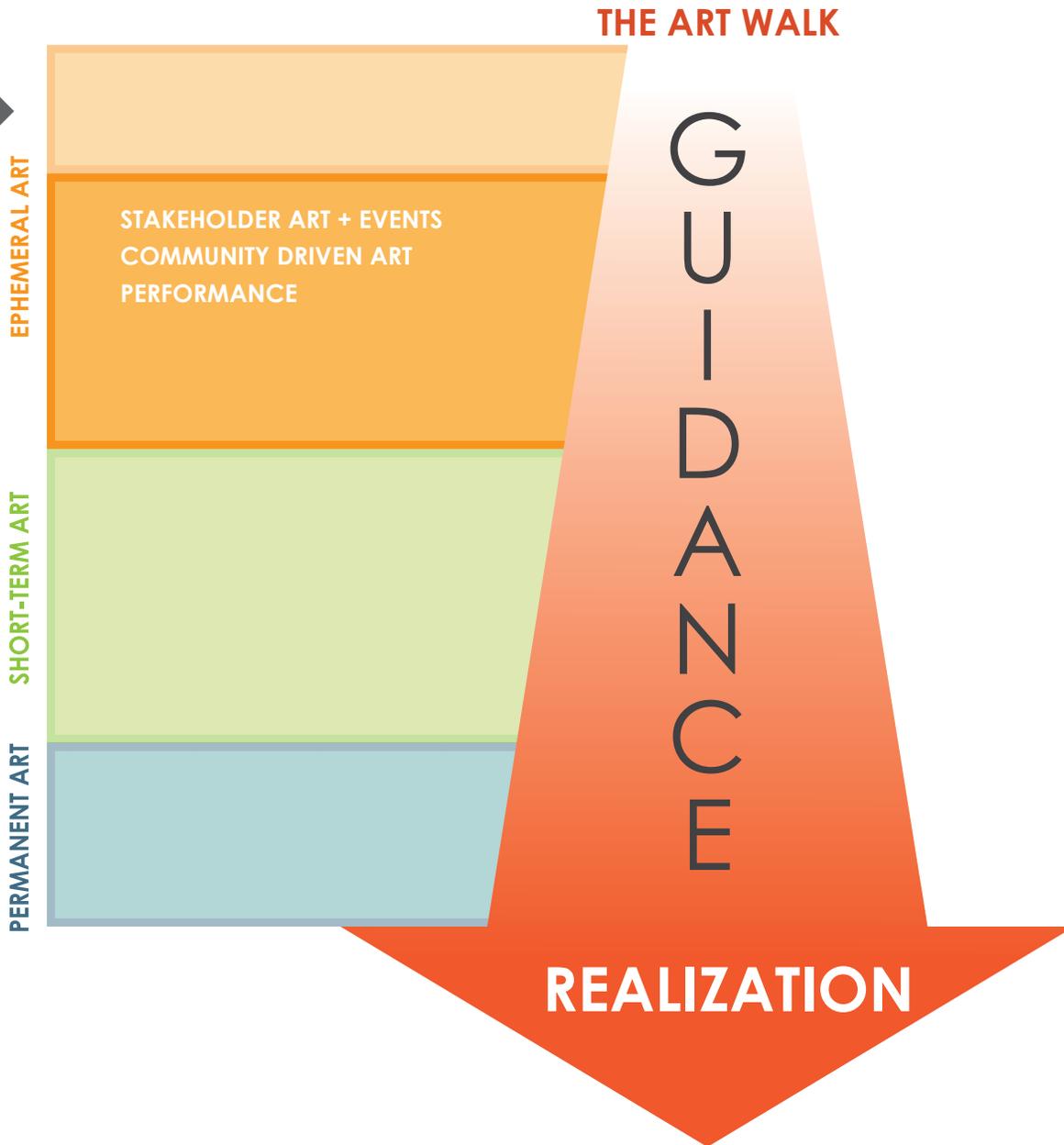
Rich Addicks for The New York Times

Bonjovi the dog got a concert and a ride on the Eastside Trail one Saturday last month. The BeltLine project links 45 neighborhoods.

### spontaneous art



## 4.3 Making Art Happen



The corridor can be a venue for planned art events that last from days to weeks (one month or less), leveraging the richness of the site. The CKC can also help build community by being the home to community-grown temporary art projects that help “claim the corridor” and build increased ownership. These events may be City initiated or initiated by the community and stakeholder groups with the vetting and support of the City (via the KCAC and CKC Service Team) to assure they meet City arts and public space policy. This also allows the City to help promote and support these events. A key part of planning and approval for these events is a solid plan for demobilization and a commitment to leaving the site better than it was before.



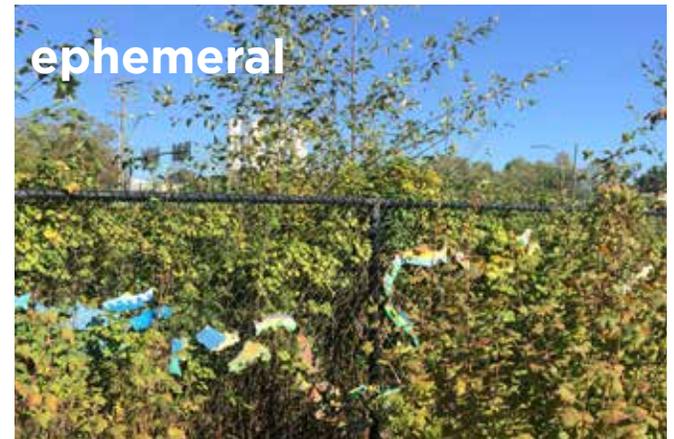
**community driven**



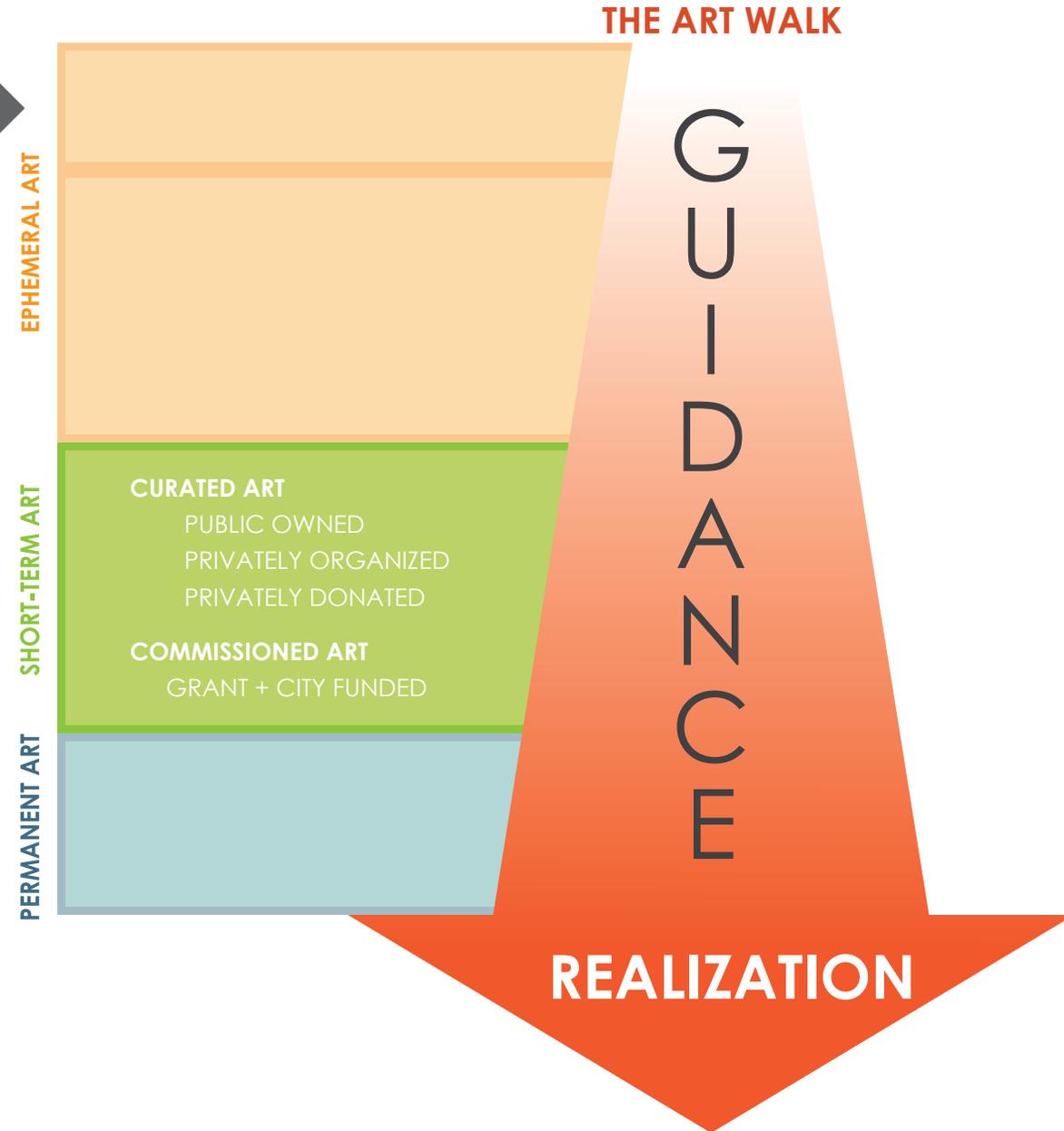
**stakeholder  
art & events**



**ephemeral**



## 4.4 Funding and Commissioning Art Investment



As the investment in art on the corridor increases, the KCAC, CKC Service Team, and City funding are increasingly important as the likely catalyst for these events. Planning for such events a year or more in advance and pursuing funding is critical. The ambitions of these events also grows, with the opportunity to craft art calls of adequate stature to garner regional and potentially national attention. As part of this, the artist-selection process may be broadened to expand the reach and attractiveness of the art calls. Short-term art opportunities can significantly grow the stature of the arts in Kirkland and allow artistic experimentation while still unburdened by the cost and complexities of permanent public art pieces.

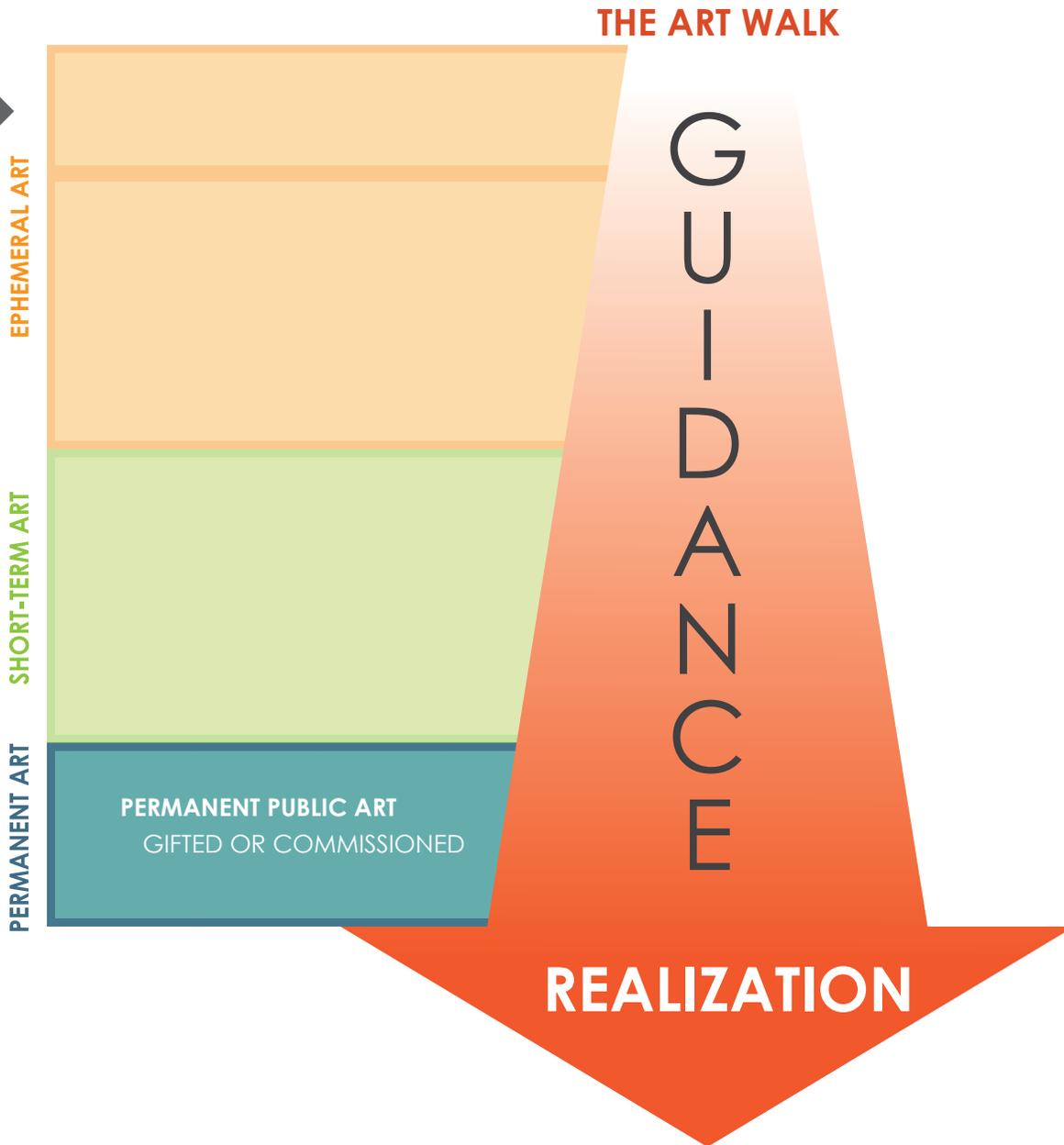
curated art



short-term commissioned art



## 4.5 Funding & Commissioning Permanent Art



More than a high level of initial investment, introducing permanent art to the corridor brings a much greater planning expectation of how the art will be an appropriate addition and reflection of the community. Additionally, the art element must be constructed for longevity and managed and maintained in perpetuity (30 years is the typical assumed life of such art). With the challenge of permanence and the increased investment, utilize the most robust City review process, likely including a diversity of City departments and public stakeholders.

curated art



short-term commissioned art



## 4.6 In Considering Art...

The Art Integration Plan lays out many strategies and ideas for how art can shape the City and the corridor. As it comes time to empower art on the corridor in real, tangible ways, those strategies can be measured against some simple considerations.

- Is the art and artist being empowered to “bring something different”?
- Is there an opportunity for the art (or the influence of the art) to reach beyond the corridor?
- Will the art enhance and shape City culture in ways big or small?
- Is the art shaped by and responding to the unique qualities of the CKC and Kirkland?
- Is the proposal being developed with consideration of the many different types of media or performance types that art can entail?
- Is the art clearly Public, with a capital “P”?
- Is the proposal responding appropriately to its unique character zone on the CKC?
- Can the proposal leverage existing site infrastructure, arts investment, or planned capital investments in the corridor to “elevate” the required to the inspired?
- If focused on or inspired by history, does the proposed intervention merely regurgitate fact, or does it craft an enriching, compelling story?
- Can it evolve to reward repeat trips to the corridor?
- Does the proposal engage or is it inspired by the surrounding physical condition and ecology?
- Is the art an appropriate “volume” (loud or quiet) for its proposed location?
- Does the art work move you? Has the artist awed and surprised you and allowed you to see things in a new, unexpected light?



# 4.6 In Considering Art...



## 4.7 Guidelines (CKC Specific)

### a. Mechanisms and structures for meaningful art integration:

- i. Build Budgets: Start small and build
  - 1. Pilot projects should be funded from general planning funds. These can be temporary projects or events, but probably not permanent works. If successful, these projects can build support for a dedicated art budget for the CKC related to capital funding, and ideally for a fund that will persist after the CKC is completed.
- ii. Build appetite: Start easy and move to challenge
  - 1. Art can be a crucial aspect of the CKC, used to develop a sense of place, mark key sites, enliven areas of less interest or beauty, and excite the public.
  - 2. Art must also be supported for its own sake. Art seen only as a functional tool will often fail as both a tool and art. Art can bring unexpected viewpoints and new authorship to the site. While art should support the general goals of the CKC, it can vary from them or create new ideas without undercutting the general project.
- iii. Processes for managing Public art with a capitol “P”
  - 1. Managing arts donations: Donations can be part of a robust public art program but must be carefully managed. Accepting works of art creates public responsibility to care for the works; donated works should support the broader goals of the public art program. All potential donations should be carefully vetted by City staff and approved by the KCAC and CKC Service Team. Donors should be encouraged to read and understand the public Art Integration Plan for the CKC and work to support its goals.

## 4.7 Guidelines (CKC Specific)

### b. Funding considerations

Central to realizing the elements in this Art Integration Plan, is the need to invest in arts funding. This section identifies a variety of funding considerations and opportunities, however, it is critical to understand that if art is truly of cultural value of the city of Kirkland, that value requires city funding. Funding art includes the funding of artists and art fabrications, but it also includes the “soft-costs” of city staff to coordinate and build support for arts in the community. As arts are funded by the city as a demonstration of a community value, it becomes much easier to leverage those funds from outside sources, through philanthropy, grants, and even becoming home to more arts institutions and venues. For “outside” investors to increasingly support arts in Kirkland, there will be a desire to see the city’s commitment to art in its budgeting and expenditures.

#### i. Capital set-asides:

1. Kirkland, as many cities do, has a 1% for art guideline, setting aside a portion of a capital project budgets, as a catalyst for investing in art in the city. This is a great tool to realize art on the CKC and the city as a whole! However, 1% for arts alone will not strengthen Kirkland as a city of arts. Capital set-asides typically only apply to certain portions of certain capital budgets. This allows the opportunity for artist integration into civic projects beyond those guidelines. Make art engagement part of a City Project Ethic, a culture that permeates city hall to include artist participation beyond the 1%, which can come with increased flexibility on how art and artists are engaged.
2. Investments of art from 1% typically manifest themselves in fixed, permanent art at a designated project site. However, a 1% arts investment can also result in mobile or movable elements, thereby allowing the city use capital investments from a project in one area of the city, to create mobile art or art program element that can be moved around the whole of the city to serve a much broader population. With art opportunities on the CKC welcoming mobile interventions, such opportunities could be realized by leveraging arts dollars from more distant projects. Think mobile performance venue or a mobile artist-in-residence studio that is budgeted from a project in one neighborhood, enriching the lives of residents at events all around the city, including on the CKC!

## 4.7 Guidelines (CKC Specific)

### ii. Leveraging public works projects (artist as participant)

1. Design team artists can consult on larger projects without taking on larger fabrication and installation costs. By integrating artists with the design team, the project can include their input on infrastructural projects built as part of the general program for the CKC.

### iii. Philanthropy

1. Donations are discussed above. Philanthropy has played a major role in funding public art around the Northwest, with the Western Washington University sculpture collection as a prime example. Philanthropic initiatives should be supported and guided toward investments that complement the public projects on the CKC.

### iv. Collaborating with other cities on grants.

### c. Engaging artists

i. Selection process/structure: Artists should be selected through a combination of invitational and open calls issued as RFQs. RFPs have several problems, including uncompensated labor, unfamiliarity with the project site and goals among responding artists, and tying the City too early to a specific project. Site-specific projects are best developed once an artist is under contract and can devote time and resources to research, conceptual development, and site integration.

1. Curatorial process: A curator or artist in residence can develop a curatorial plan building upon the Art Integration Plan. They may directly select artists for temporary projects and events, and develop invitational calls and open RFQs for permanent works.
2. Staff-led: Calls are issued by City staff, building on the Art Integration Plan. A City project manager should work to issue contracts, manage conceptual and design development, and oversee fabrication and installation, working with the artist as the lead contractor.
3. Consultant-led: Similar to staff-led, but managed by external specialists in art and project management. Also allows greater possibility of developing a consistent conceptual approach to the art program.

## 4.7 Guidelines (CKC Specific)

### ii. Managing artist process and art creation

1. Artists should be allowed enough time to develop truly site-responsive works which support the broader goals of the CKC.
2. Once selected, artists should meet with City staff and project managers, the KCAC, and selected stakeholders.
3. Projects should be presented at concept stage to the above for advice and approval.
4. Permanent projects should be installed, if possible, alongside the capital improvements on their sites and under the same permits.

### d. Managing art

#### i. Once it's there, maintain and leverage it.

ii. Maintenance budgets separate from capital funds are crucial and very often underfunded relative to percent-for-art programs. Art should be considered from a long-term maintenance view as it is being developed, and funds should be identified sufficient to maintain all commissions and donations.

## 4.8 Art Policy (City of Kirkland)

### **CURRENT CITY OF KIRKLAND PUBLIC ART POLICY GUIDELINES AS OF May 2016**

#### **Public Art Vision**

Kirkland maintains a diverse public art collection that invites interaction, fosters civic identity and community pride, inspires a sense of discovery, stimulates cultural awareness, and encourages economic development.

The Kirkland Cultural Arts Commission (KCAC)

The Kirkland Cultural Arts Commission is responsible for helping the City Council implement the Public Art Vision in Kirkland. The Cultural Arts Commission a volunteer advisory board that works to help arts, culture and heritage grow and thrive in the City of Kirkland. Along with supporting art and cultural initiatives, the Cultural Arts Commission promotes strategic arts planning and advises the City Council on art acquisition in Kirkland.

#### **KCAC Mission**

The Cultural Arts Commission curates and advises the City Council on public art acquisitions and loans, and reviews and recommends projects under the City's "one percent for the arts" program.

#### **KCAC Goals:**

- Curate the growth of a diverse public art collection
- Facilitate exposure to public art
- Encourage community dialogue through public art
- Use public art to reflect the characteristics of the greater Kirkland community
- Determine that the art is appropriate for its location

#### **PUBLIC ART ACQUISITION GUIDELINES**

Proposed public art acquisitions shall be reviewed by the Cultural Arts Commission with recommendations to the City Council. For a proposed public art acquisition to be sited in a park, a recommendation from the Kirkland Park Board will also be requested. A recommendation will be requested from affected boards, commissions, organizations, and associations when appropriate.

Proposed public art acquisitions will be evaluated on the following:

- A. The quality and aesthetic merit of the art work.
- B. Context within the city collection should be considered with the following criteria:
  - a. Does art work enhance the existing collection or add diversity?

## 4.8 Art Policy (City of Kirkland)

- b. How does the piece engage the public?
  - c. Are the materials appropriate?
  - d. Is the piece susceptible to vandalism or graffiti?
- C. Coordination with the Park Board or other affected commissions and departments concerning siting, costs of installation, and maintenance of art work.
- a. Availability of an appropriate site.
  - b. Appropriateness in size, scale, material, form and style for the area in which it is to be placed.
  - c. Condition, durability, installation, and maintenance requirements of the art work.
- D. Donor conditions, if applicable.
- E. If applicable, loaned artwork can be purchased if there is sufficient public support to acquire it via public fundraising or City Council action.

### **Other Considerations:**

- Whenever appropriate, siting decisions will be determined by a public art jury made up of surrounding neighbors, businesses, or associations (e.g., business or neighborhood) impacted by an art work location.
- For a work proposed for loan to the City, the owner or owner's representative will be required to enter into an Art Display Agreement setting forth the length of the loan and other terms such as location, maintenance requirements, insurance, value of art work, installation and removal responsibility, and other conditions pertinent to the agreement.
- Donated or loaned art work will include identifying plaques if accepted by the City.
- Donated or loaned art may be declined at the discretion of the City consistent with the criteria in the public art policy guidelines.
- All accepted donated works become part of the City art collection and, as such, may be relocated.
- Unrestricted monetary donations to help fund public art acquisitions will be accepted at any time. Donations with conditions or restrictions such as use for acquisition of a specific artwork or theme will be reviewed and accepted in accordance with this policy, and declined if the conditions or restrictions are not approved.

## 4.8 Art Policy (City of Kirkland)

### TEMPORARY ART EXHIBITS

#### Objectives

To provide procedures and opportunities for the temporary exhibit of art work in cooperation with art galleries and other organizations and to showcase artists, promote awareness and foster education regarding public art in the community. The City currently has several locations and pedestals located in the downtown that provide for the display of temporary public art. Other venues throughout the community, in public facilities and neighborhoods will be encouraged.

#### Guidelines

- Proposed use of the existing pedestal locations for art work in public parks or rights-of-way shall be reviewed by the Cultural Arts Commission in coordination with Parks and Community Services for installation assistance (if required) and Public Works for any permit requirements.
- Art Display Agreements will be required.
- Hosting temporary indoor and outdoor public art exhibits shall be reviewed by the Cultural Arts Commission with recommendation to City Council. If appropriate, partnerships with other arts organizations, agencies, and the business community will be encouraged.
- Length of term on loans will be established in artwork loan agreements and reviewed by the commission on an individual basis.

### PARK LANE OUTDOOR ART GALLERY

- An outdoor art gallery located on Park Lane is intended to display temporary art for sale to the public.
- No more than six pieces of art will be displayed at one time on city-owned plinths that have been installed in the public right-of-way.
- The Cultural Arts Commission will accept sculpture display applications on a rolling basis and curate the selection of art.
- Art will be displayed for 12-18 months unless it is sold at which time the display term may be shortened, and the art replaced with another selected piece.
- Unlike other pieces of temporary art where the process calls for City Council consideration of recommendations made the Cultural Arts Commission, outdoor art gallery work will only require Cultural Arts Commission approval.
- Draft Guidelines for CKC Ephemeral Art (Not adopted by City Council)

## 4.8 Art Policy (City of Kirkland)

The Cross Kirkland Corridor (CKC) is a civic open space and active transportation connection. Art on the CKC has been envisioned as one more civic expression of the city and its residents, and as a catalyst for the corridor becoming a sought after destination for visitors to the city. Reference the CKC Master plan and CKC Art Integration Plan for further detail.

One type of art that is encouraged on the CKC is Ephemeral Art, art which is built to last only a short period of time. These artworks are often left to degrade in natural environmental conditions. Examples of such art include: art made out of natural material, water soluble painting. Ephemeral Art can also be art performances or art installations that are created and then dismantled after their exhibit.

- Ephemeral art, visual or performance art or some other art expression, shall be allowed on the corridor for no more than 60 days, and in this way distinguished from permanent art and other temporary art
- Representatives from the KCAC, representatives from the CKC Steering Committee, Office of the Special Events Coordinator and others as deemed appropriate shall be included in conceptual review of the art
- Approval of the art will require recommendations from these representatives and any other affected City departments and groups with final approval vested in the KCAC and CKC Service Team.
- In reviewing the art concept, the KCAC and other parties to the decision shall take into account:
  - The compatibility and sensitivity of the art to its natural surroundings and particularly critical areas
  - The compatibility and sensitivity of the art to abutting neighborhoods, business districts and schools
  - That the art not impede transportation flow - bike and pedestrian- on the CKC, or connections from the CKC
  - That artists or event producers be charged with making sure the art remains in good condition while on display, (is not a safety hazard or the target for graffiti) and that it is removed if the latter conditions ensue
  - That artists and event producers abide by the city events policies and also business licensing and insurance requirements
  - The artists and or event producers will be required to leave the location or locations of the art as they found them unless exceptions are made

## 4.8 Art Policy (City of Kirkland)

### ADDITIONAL MEMORIAL PUBLIC ART CONSIDERATIONS

- Donation of memorial artwork can honor the memory of an event (contemporary or historical), an occasion, an outstanding member of the community, or serve a similar purpose.
- Proposed memorial public art shall be reviewed by the Cultural Arts Commission with recommendation to the City Council. The Cultural Arts Commission will work with the donor and relevant City Departments to recommend an appropriate site for the work. For proposed memorial public art to be sited in a park, a recommendation from the Kirkland Park Board will also be requested.
- Proposed commissioned memorial art shall not ordinarily honor a living person, unless that person has made a significant and outstanding contribution to the arts or civic service. A waiting period of at least one year should elapse from the time of (1) the initial nomination of the living individual, (2) the passing away of the deceased individual(s) or, (3) the occurrence of the event in order to be eligible for consideration as a commissioned memorial public art work.
- The proponent(s) of commissioned memorial art will approach the Cultural Arts Commission with several ideas for the intended public art. The Cultural Arts Commission will establish a dialogue with the proponents and other affected city departments. As a result of this dialogue, the Cultural Arts Commission will make a recommendation to the City Council. The recommendation may endorse one of the proponent's proposed ideas or may recommend a different design approach or public art location.
- Celebratory gifts may be commemorative in nature, or may mark a life event such as: the birth of a loved one, an anniversary, a graduation, a business, or a celebration of an event or a group.
- Memorials accepted by the City become a part of the City art collection and, as such, may be relocated.

Proposed memorial public art will be evaluated on the following criteria:

- A. The fit of the art work with the overall character of public art already on display throughout the city.
- B. The timeless qualities of the art work, including its significance and appeal to future generations. Memorial proposals honoring individuals or a personal event should be represented in a form that has a broader community interest and moves the viewer to a special experience. Examples include community parks, landscaped gardens and plazas, sculpture and art works, plaques about history or the environment, poetry, fountains, park benches, and site furnishings.
- C. The art work's success in expressing the spirit of the person(s) or event to be commemorated.
- D. Memorial artwork should not set a precedent that goes against the criteria outlined above. Artwork should be congruent with the existing collection, its immediate environment and site specific existing artwork.

## 4.8 Art Policy (City of Kirkland)

- E. The artistic merit of the art work.
- F. The proposed location of the art work. The location should be an appropriate setting for the memorial and should not interfere with existing and proposed circulation and use patterns. It is recognized that a particular location may reach a saturation point and it would then be appropriate to consider limitations or a moratorium on future memorial installations at that location or area.
- G. The fit in terms of the size, scale, material, form and style for the area in which it is to be placed.
- H. Condition, durability, installation, and maintenance requirements of the art work.

### DEACCESSION OF ART WORK

#### Objectives

To provide procedures for the withdrawal of City owned art work from public display.

#### Guidelines

Deaccessioning should be cautiously applied only after careful and impartial evaluation including input from the Cultural Arts Commission, art professionals, the public, the artist, and final review and decision by the City Council

- Deaccessioning of art work may be considered for one or more of the following reasons:
  - A. The condition or security of the art work cannot be reasonably guaranteed in its present location.
  - B. The art work presents a public safety risk.
  - C. The art work is damaged and repair is not feasible.
  - D. Significant changes in the use, character or actual design of the site require a re-evaluation of the art work's relationship to the site.
  - E. The art work requires excessive maintenance or has failures of design or workmanship.
  - F. The art work no longer meets the mission and goals of the Public Art Policy.

## 4.8 Art Policy (City of Kirkland)

### RELOCATION OF ARTWORK

#### Objectives

To provide procedures for the relocation of City owned art work.

- A. The condition or security of the art work cannot be reasonably guaranteed in its present location.
- B. The art work presents a public safety risk.
- C. Significant changes in the use, character or actual design of the site require a re-evaluation of the art work's relationship to the site.
- D. A more suitable location for the artwork has been proposed.
- E. Procedures for possible deaccessioning or relocation of art work shall be initiated by a majority vote of the Cultural Arts Commission or direction from the City Council. The following describes specific procedures for deaccessioning or relocation of artwork.
- F. Review of any restriction which may apply to the specific work.
- G. Assessment of options for storage or disposition of art work, which may include sale, trade, return to the artist, or gift.
- H. Analysis of reasons for deaccessioning and recommendation to City Council for the final decision. The Cultural Arts Commission may seek additional information regarding the art work from the public, the artist, art galleries, curators, appraisers, or other professionals prior to making a recommendation.

### PUBLIC ART JURIES FOR COMMISSIONED WORKS OF ART

- The Cultural Arts Commission may convene a jury to review individual public art memorials or acquisitions. The Commission will convene a jury when the public art work to be considered is a commissioned piece and is not an already completed work of art.
- Candidate jurors can include but will not be limited to: artists, architects, landscape architects, engineers, urban designers, representatives from the community, art professionals and other stakeholders.
- An appointed jury shall not include City Council members, or their partners or families.
- A jury shall not ordinarily be comprised of more than 50% membership from the Cultural Arts Commission.

## 4.8 Art Policy (City of Kirkland)

- Proposals for commissioned works shall include:
  - A. A three-dimensional model (when appropriate) or complete drawing of a two-dimensional work
  - B. Drawings or photographs that demonstrate the relationship of the artwork to the site
  - C. Material samples for the artwork and any relevant construction materials
  - D. Installation details
  - E. Description of routine maintenance and estimate of maintenance costs
  - F. Approval for the installation and use of site by the appropriate city department(s)
  - G. Artist's resume
  - H. Budget and schedule

### **PUBLIC INPUT FOR PUBLIC ART OPPORTUNITIES**

#### **Objective**

To encourage community involvement in art, cultural and heritage activities, the City Council may seek community input on public art decisions.

- After City Council receives the recommendation from the Cultural Arts Commission and/or Public Art Jury, the Council, at its discretion, may seek broader community input on the recommendation before making a decision to acquire and site public art, to approve temporary and memorial art, or to deaccession art.

# *SCRAPBOOK!*

The scrapbook is the opportunity to catalog some of the great ideas from this planning process as a starting point for a wealth of new inspiration from the many artists who will shape the Cross Kirkland Corridor.

Inevitably, through this process, many ideas are shared, from vague and broad, to specific and ... well, crazy!

The scrapbook can be a living thing as new ideas continue to emerge. There are already too many ideas to fully share each, but within this section are some examples that reflect the range of possibility on the CKC. More ideas are documented in Exhibits A and B as part of this document.





# ART NOW!

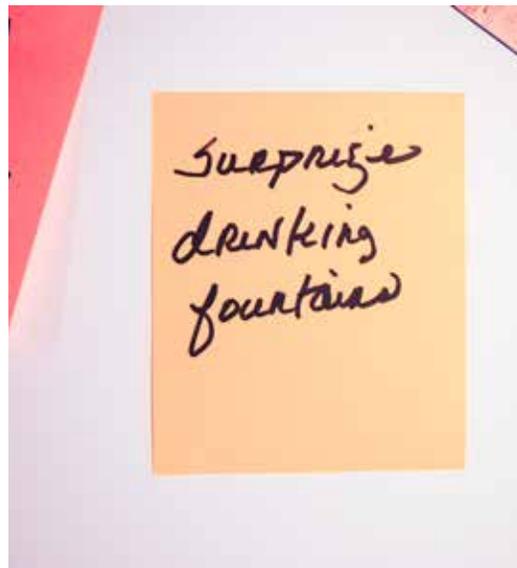
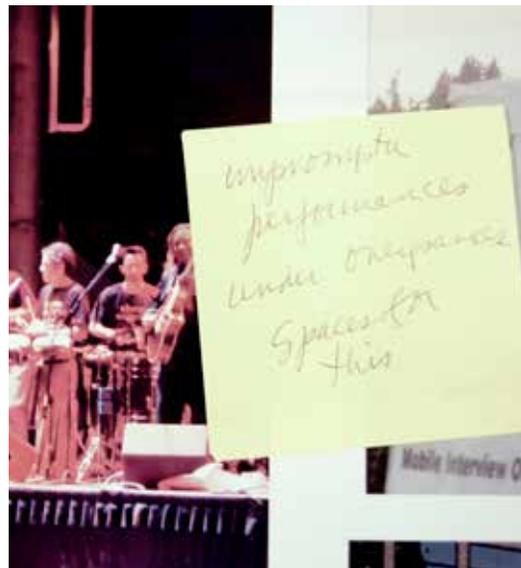
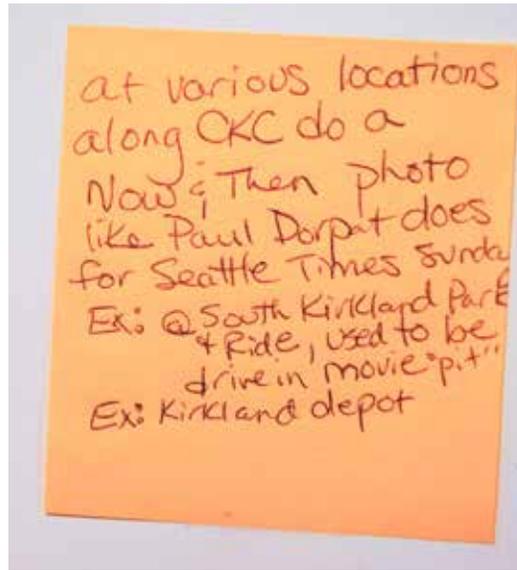
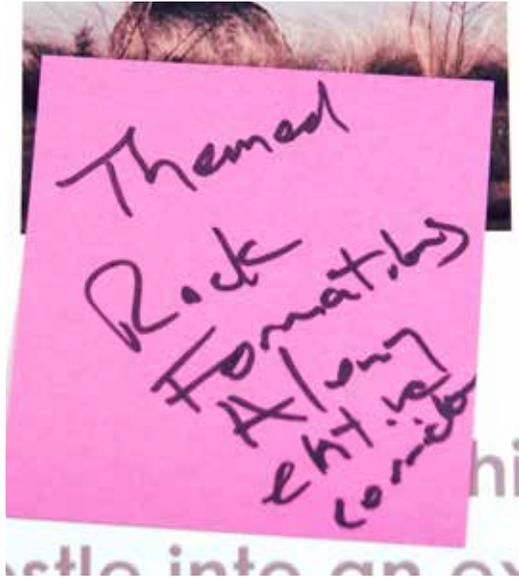
The scrapbook starts with the hopes of a real event, a celebration of completion of this planning process and a celebration of this Art Integration Plan becoming a catalyst for art on the Cross Kirkland Corridor moving forward.

**Phantasmagoria:** A community-powered festival of light celebrating art on the Cross Kirkland Corridor. Envisioned for September or October of 2016, this inaugural festival transforms the CKC into a linear, lighted festival experience. Kirklandites will participate in free lantern-making workshops enriching the community experience in creative activities, while also shining a light on the artistic community in Kirkland and the region, all to inspire further interest and participation in the arts.

The community creations will culminate in a festival with multiple organic starting points proceeding to a designated epicenter with more lantern-making booths, music, lighted dance performances, and a community-powered light spectacle.









## Kirkland Curio

While much of the corridor has been scrubbed of the equipment of its railroad past, one beautiful, utilitarian cabinet remains. Imagine the introverted, unnoticed, utilitarian structure reimaged through minimal interventions of applied graphics and new viewing windows, as a curio cabinet with monthly curated exhibits (managed by the KCAC) that could range from community members displaying their passions, to artists having a mini gallery, to artists-in-residence crafting their art on the corridor.



# INDUSTRIAL CANVAS, Molly Dilworth, Fort Industry, 2015



***forms*** of  
***art*** on the  
**CKC!**

# Acknowledgments

This Cross Kirkland Corridor Arts Integration Plan owes its existence to the passion and energy of a wide range of arts advocates, elected officials, city staff, and passionate residents of the Kirkland. It is through their leadership that this initiative has been funded, and their energy and support that it will realize its desired outcomes going forward!

## **Kirkland City Council**

Mayor Amy Walen

Deputy Mayor Jay Arnold

Councilmember Shelley Kloba

Councilmember Penny Sweet

Councilmember Toby Nixon

Councilmember Dave Asher

Councilmember Doreen Marchione

## **Kirkland's City Manager**

Kurt Triplett

Kurt's vision and leadership in buying, planning, and realizing the Cross Kirkland Corridor has made the CKC a model project for the region, and increasingly on the national stage.

## **Kirkland Cultural Arts Commission**

These dedicated volunteers from the community have worked tirelessly to both shape this plan and advocate and promote the arts on the CKC and city as a whole!

Dawn Laurant (Chair)

Ryan James (Vice Chair).

Carol Belval

Lani Brockman

Kevin Creekmore

Christine Exline

Emily Gjertsson

Marianna Hanefeld

Colleen Lenahan

Michelle Lustgarten

Dana Nunnelly

Linda Paros

Gaerda Zeiler





**Supported by the hard work and vision of Cultural Arts Commission City Staff:**

Ellen Miller-Wolfe

Philippa Marsh

**The Kirkland Community!**

This report owes a special thanks to members of the city’s public, notably braving dark stormy evenings in November and January to attend work sessions to share their time, passion, and ideas to shape this plan!

**The Cross Kirkland Corridor Art Implementation Plan was prepared by:**



Guy Michaelsen

Brad McGuirt

Tori Halligan

Christine Gannon

In collaboration with:



## 7.0 Appendices

First public outreach session on November 16, 2015

Community  
Art  
(community creates  
the art)

Decorative / imaginative /  
fake badges across  
the gutter water  
sinks coming out etc

Burma shave  
type signs that  
tell a story  
or a joke.

Food Forest  
in Parmac area  
by Hopelink  
(for fresh veggies  
or ethnic herbs)

at various locations  
along CKC do a  
Now & Then photo  
like Paul Dorpat does  
for Seattle Times Sunday  
Ex: @ South Kirkland Park  
& Ride, used to be  
drive in movie "pit"  
Ex: Kirkland depot

Signage must  
be minimal  
and art for

HONOR  
the RAIL  
History

Carillon Woods used  
to be Yarrow Bay  
Water District #1  
pump house. There is  
an old beehive pump house  
& wood/wire pipe in  
ravine. Great material  
& inspiration.

Sound **Yes!**  
installations  
along corridor

Tibetan prayer  
wheels as  
walking along

Interactive  
Entry portal  
at start of  
trail

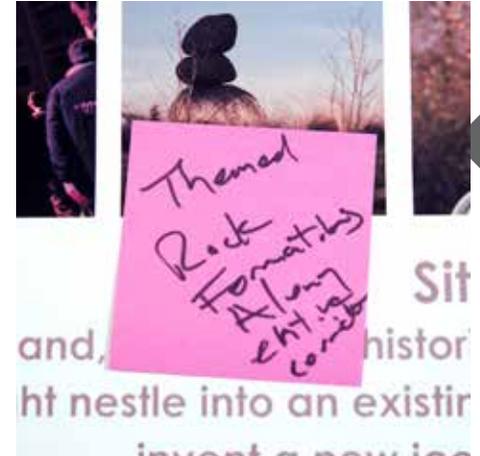
Delightful  
trail with surprises  
(eg <sup>creepypasta</sup> creature in trees)  
and history  
(see McCullough Park)

SITE SPECIFIC

Industrial link  
(eg Cannery)  
near Northside edge

Under the over-  
passes!  
COLOR & LIGHT  
as done  
at Grandlake  
underpasses

Use old  
Kirkland  
Boatworks  
from early  
1900's for  
inspiration.



create  
something  
that changes  
w/ seasons  
↳ light w/ temp?



link history  
to the corridor,  
walkable timeline

In the industrial  
area before 116<sup>th</sup>  
south  
was a really noisy vent.  
See if you can get the  
business to fix it so  
the trail becomes more  
enjoyable even where industrial

ti  
Digital art-  
QR codes  
linking to poetry/  
music etc.

Surprises  
drinking  
fountains



# 7.0 Appendices

## WHAT MAKES KIRKLAND SPECIAL?



Small scale  
Big Heart  
Big Ideas

Pedestrian  
friendly  
parks Valued  
Water

Water  
art  
Community  
energy  
destination

"Homegrown"  
community  
- support of  
small  
businesses

Takes  
itself  
VERY  
SERIOUSLY

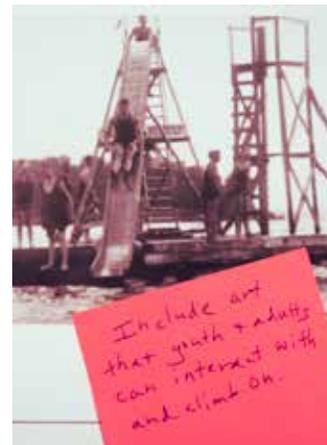
walkability

Light in winter ☺  
darkness.  
Ease of movement.  
Color throughout.  
Continuity.  
Kirkland personality.  
~ Kathy Feek

Reverence  
for the  
Past  
Sometimes  
Suspicious  
of the future

Diversity  
of Place + environment

"Homegrown!"



Costco  
"KIRKLAND"  
BRAND

# 7.0 Appendices

parklane

Trying to decide  
its future

Influence  
from lake  
Washington-  
centered on  
the water

Co-existence  
of industry, residential  
and lots of natural  
places

Downtown  
"Little Sausalito"

walking - meeting  
all the little access  
points to CHC,  
walkways between  
buildings, public  
waterfront

Small  
Town  
+ Future

MARINA  
BOATING

I'm new to  
Kirkland -  
this is a  
friendly &  
welcoming  
community!

Our outdoor  
lifestyle -  
Parks  
water

water  
food!  
walkable.

??  
→



←

☺





# 7.0 Appendices

Family  
Dormed  
Identifiers

Notice this  
portal to the  
city ground

Draw people  
off the  
trail &  
into the  
park

you connect on  
the whole - have  
some things that will lead  
people to look at the  
view -  
- trail see people just  
look up the trail

SHIPS  
BUILT FOR  
WMI &  
WMT

Draw  
people in  
from  
S. Kirkland  
PVR

Railroad  
Tunnel  
like  
Arch

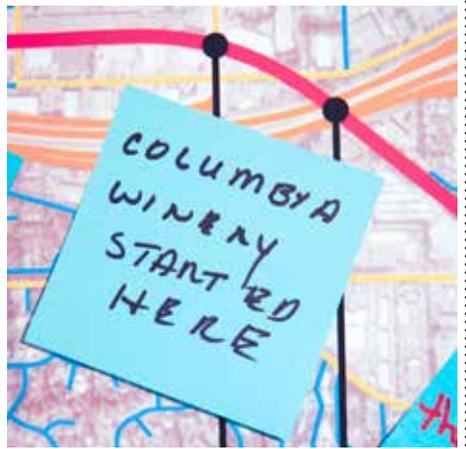
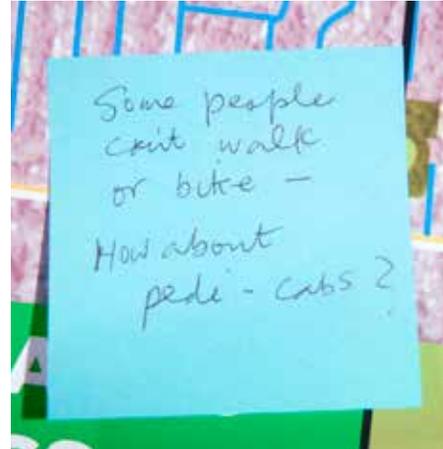
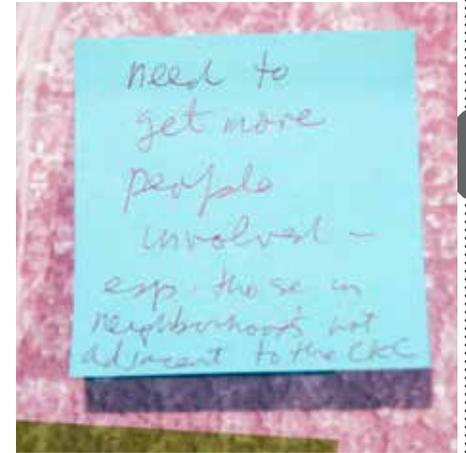
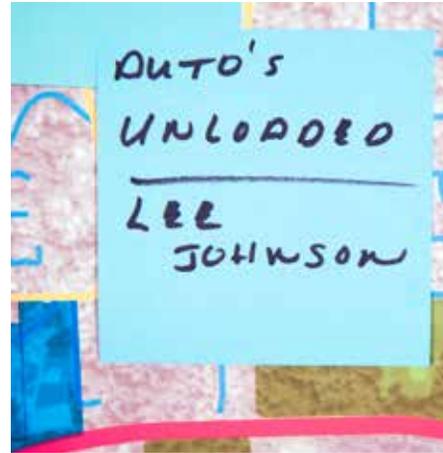
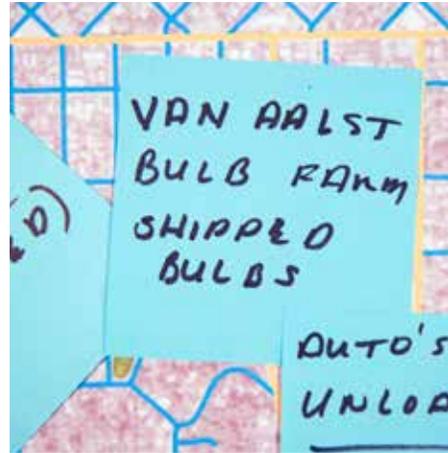
They had to  
lower the road  
@ 68th Street so  
trucks would  
stop hitting the  
trestle

Woodmark Hotel  
(Carillon Point)  
↳ Ferry dock  
in 1900s;  
held dancery;  
temporary  
home to  
Seattle Seahawks

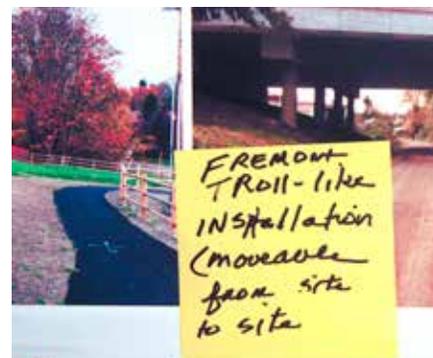
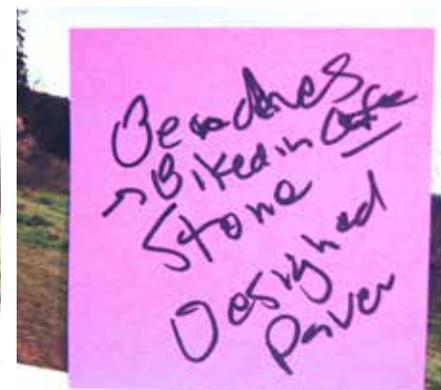
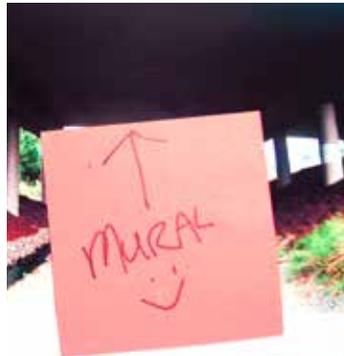
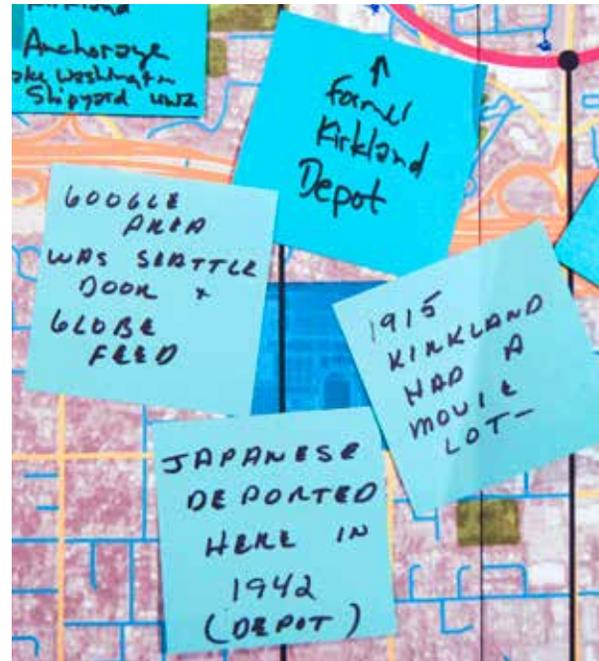
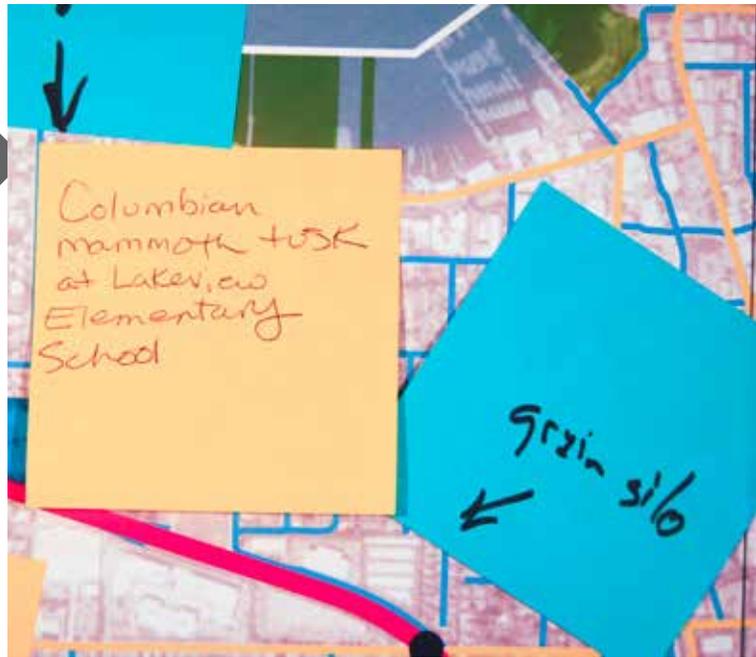
## Possibly  
Wooden Trestle  
filled in later  
↓

HEBISON AH +  
NELSON  
LABORATORY'S  
HERE -  
NOW HAN -

##  
Steel Girder  
Bridge 16  
↓  
Columbian

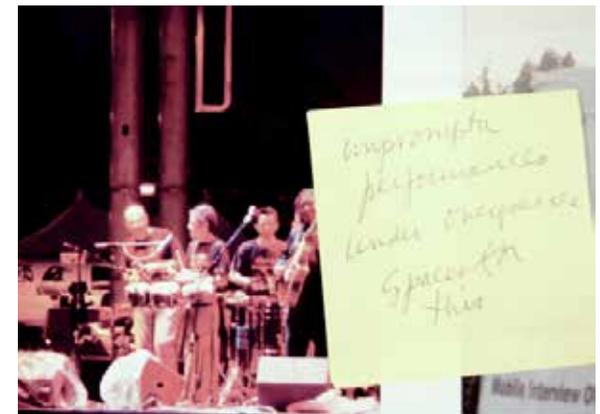
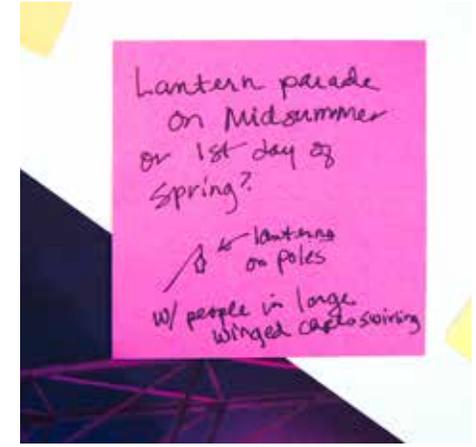
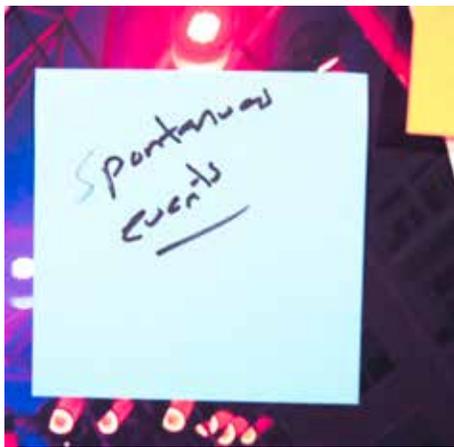
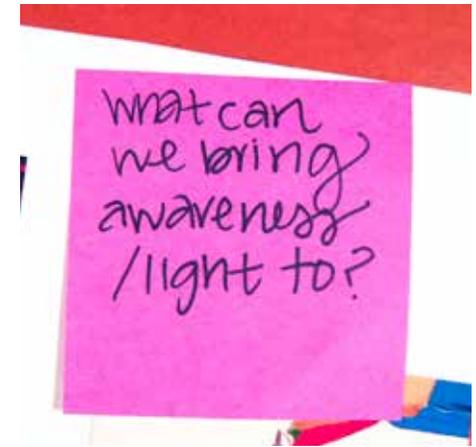
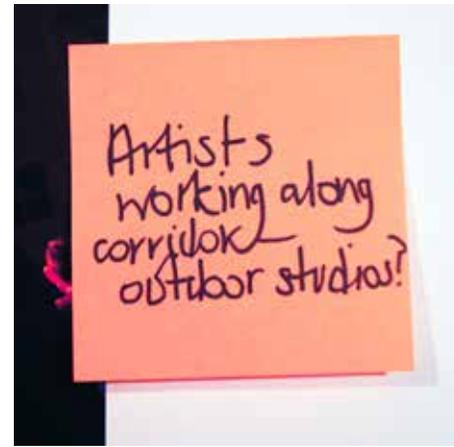


# 7.0 Appendices





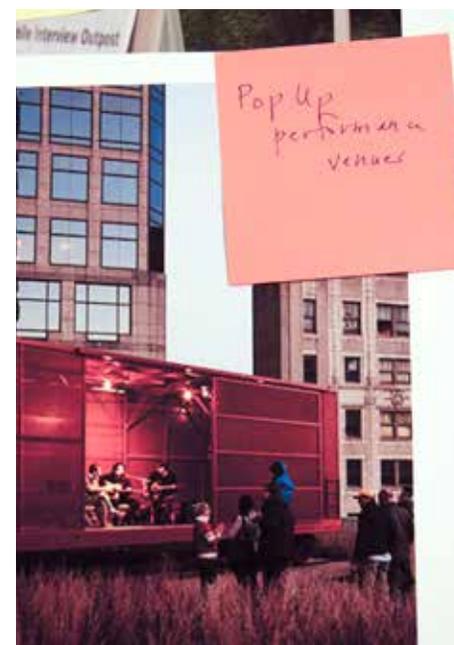
# 7.0 Appendices



Event Festival of  
Lights flowing  
along CCC feeding  
into tree lightings  
@ Morina. Could  
be a nighttime light  
homage to all the  
creeks that flow  
into Lake Washington

On the Houghton  
ponds, a stage for  
music (classical)  
to go with the  
scenery on a  
regular basis -  
partnership w/ LWSO?

melting  
dinosaurs in  
a wetland area  
(from lake)  
melting in that they  
are feet sized and made  
of sugar/salt (wildfire)  
gradually disappear



Pop up  
performance  
venues

Elements of  
SURPRISE!  
yes please

Have interactive  
things - taxis  
club in, roll crowd  
Magician we had  
big ideas with your rocks  
you roll around that  
make (quiet) notes

Invite local  
nonprofits to  
create an  
installation for  
a weekend.

GRAFFITI  
ARTISTS

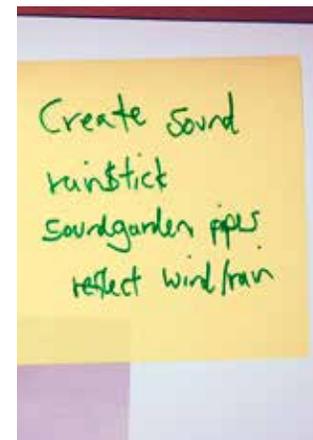
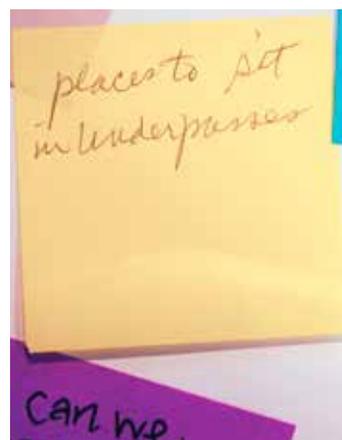
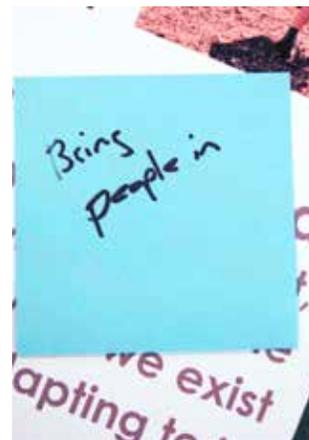
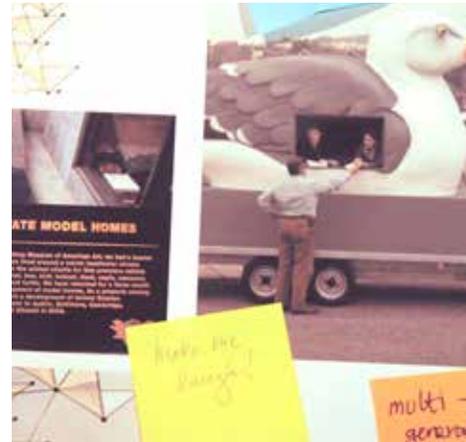
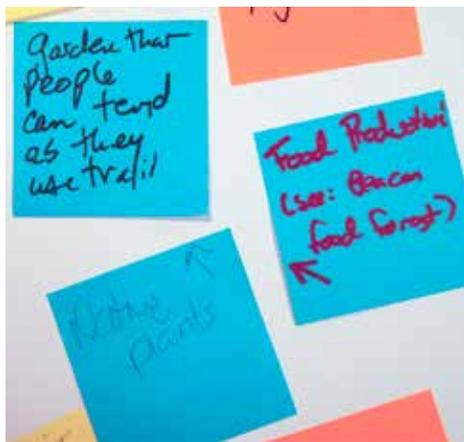
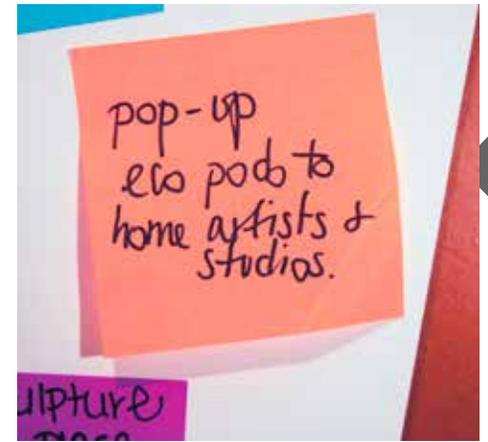
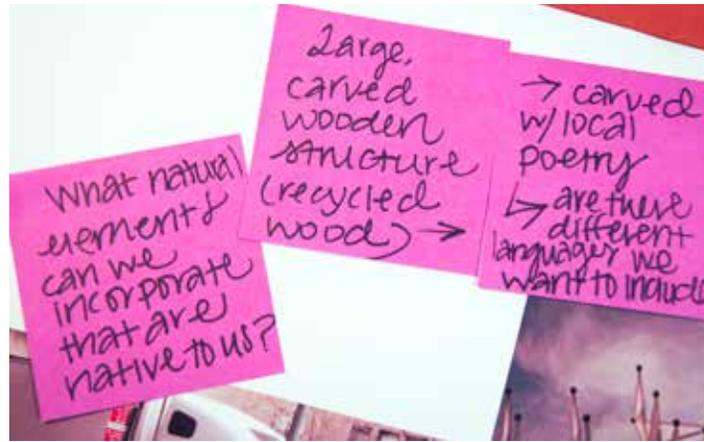
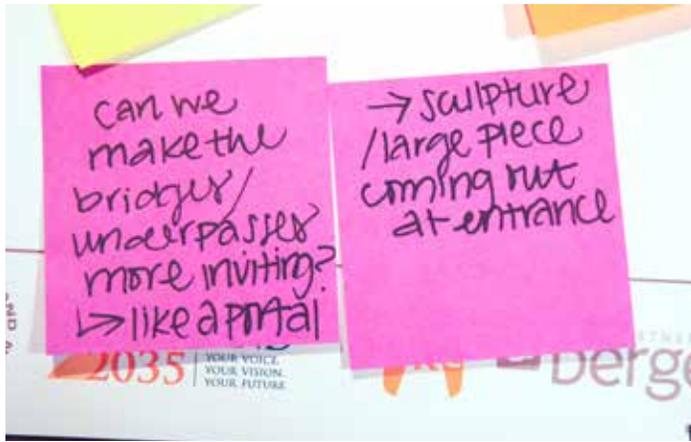
Artists under  
the bridge -  
community arts  
projects.

A Harvest "Train"  
that runs on CCC  
and people bring  
down their extra  
produce (How many  
tomatoes can you  
eat?) People could  
gather at "stations"  
and do seed/plant  
swaps. Food go to  
Hopelink

WALKS:  
How can our  
art walk or  
wine walk  
spread to  
the CCC? →

→ How can  
we infuse  
those with  
art?





## 7.0 Appendices

What natural element & can we incorporate that are native to us?

John Grade type installations (trees, etc.)  
\*\*\* yes!

Animal influence - coyotes, racoons, birds.



I love watching families of quail scurrying across trail or taking dust baths on summer nights.

Earth works!  
some where

guided walks along trails  
\*

I think the fox suffer - we have lots of coyotes, could have most recent coyote sightings, etc. Although one might know someone's cut in its mouth at least I'd know

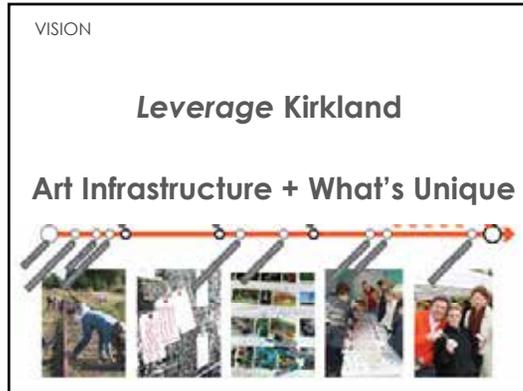
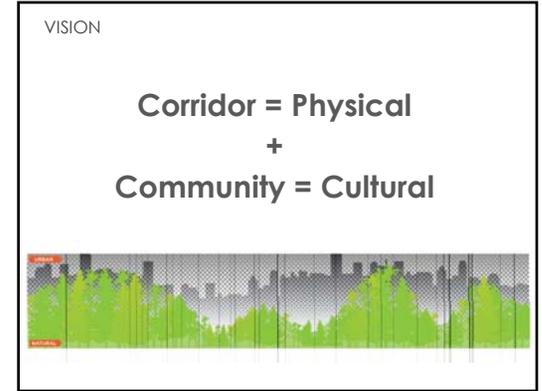
Micro P-patches along corridor.

Recycled glass permeable "pavement"

Link to rising interest in foraging & growing own food.

Digital map. Create an app to log the wild life seen / plants.

# First public outreach session on November 16, 2015



# 7.0 Appendices

PLACE

physical **place**  
and **opportunities**  
of CKC !

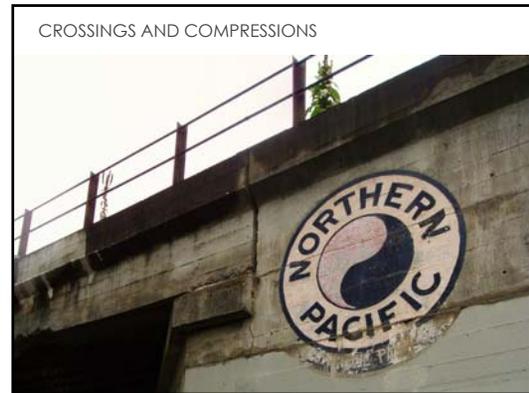
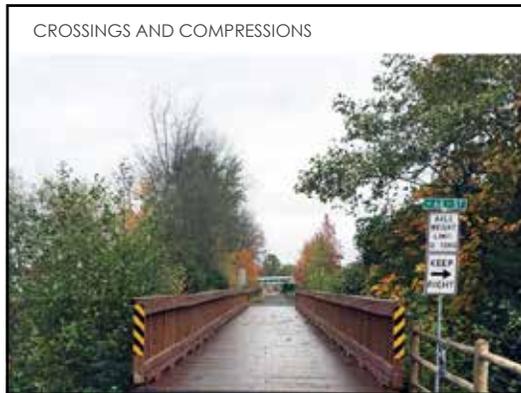
PLACE

**Build** on **Character Zones**  
+  
**Capitalize** on the **CORRIDOR!**



PLACE





# 7.0 Appendices

ACTIVATIONS AND ADJACENCIES



CIVIC ARCHEOLOGY



CIVIC ARCHEOLOGY



EXPOSING ECOLOGY



MAKE THE REQUIRED INSPIRED



COMPRESSION AND OVERHEAD

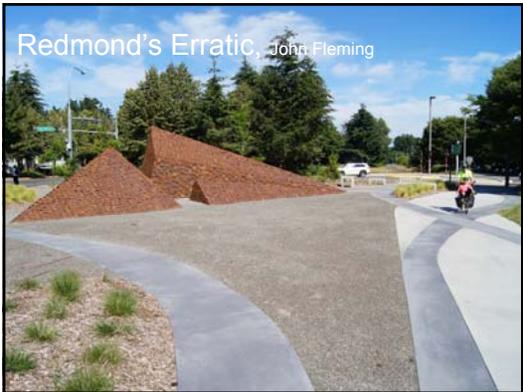
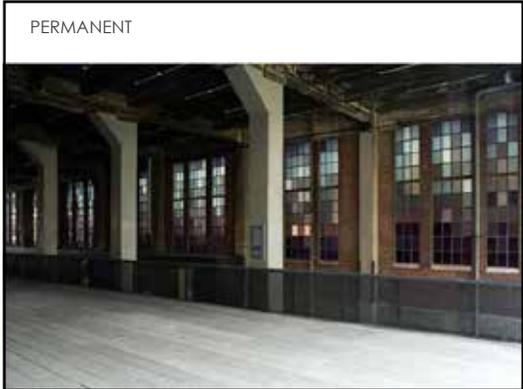
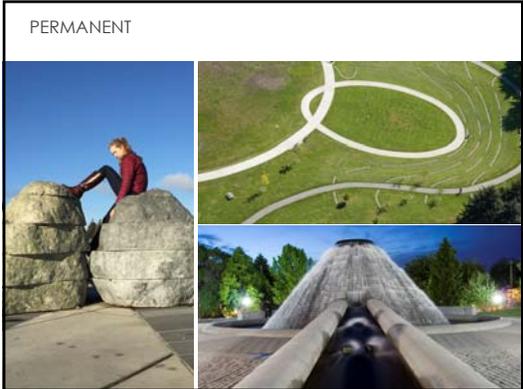
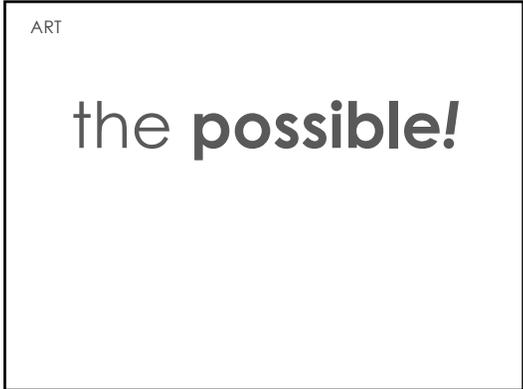


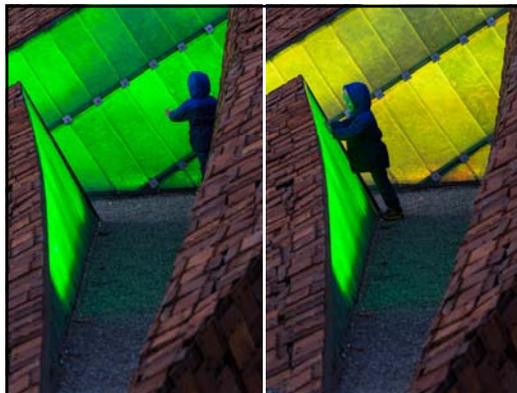


ART

**ART** Provides  
something  
*different!*

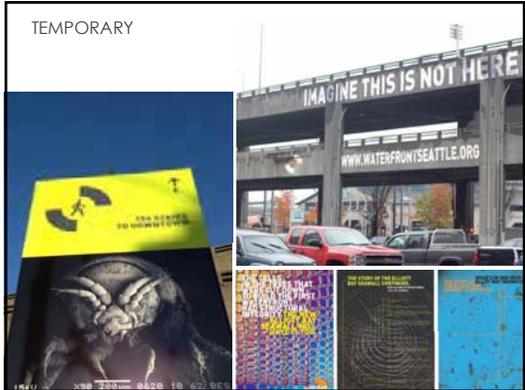
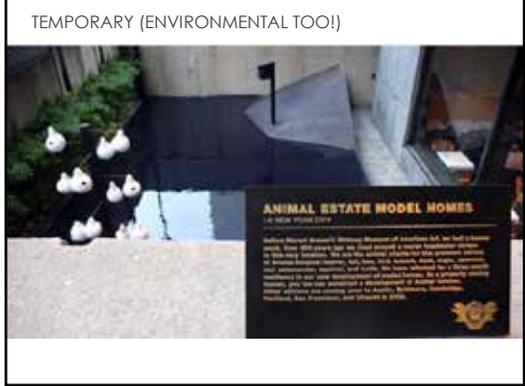
# 7.0 Appendices





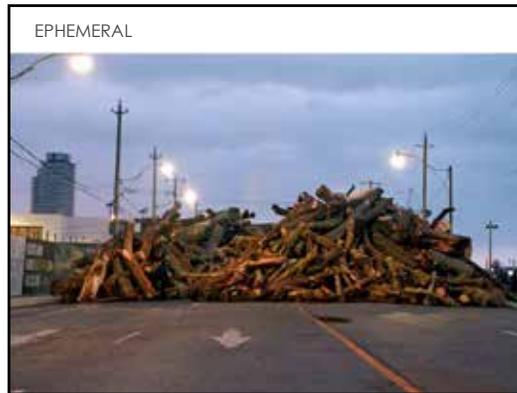
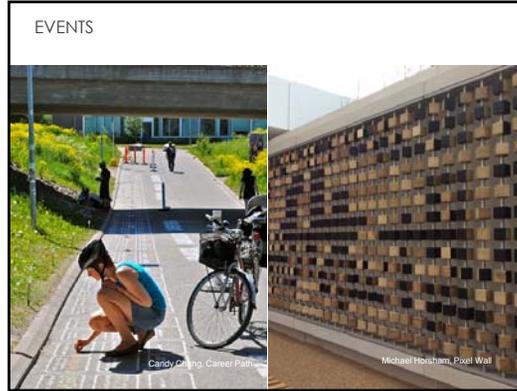
# 7.0 Appendices



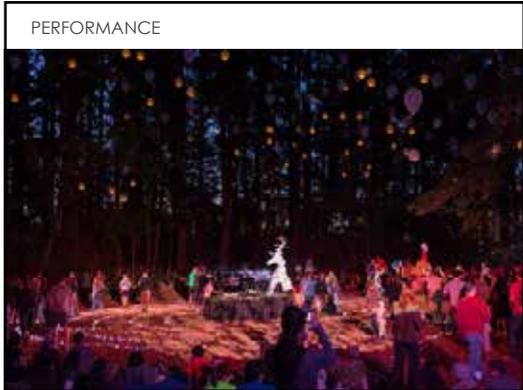


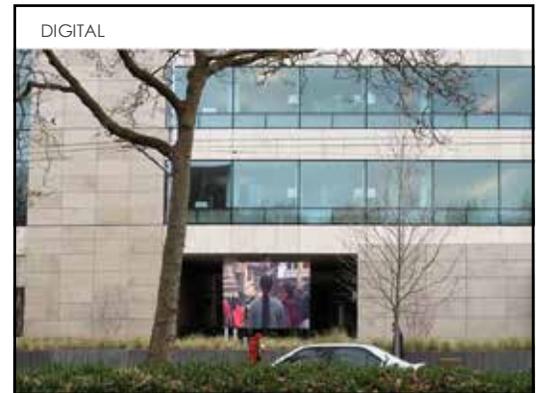
# 7.0 Appendices



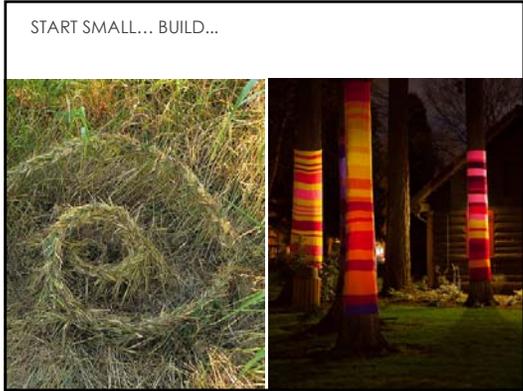


# 7.0 Appendices





# 7.0 Appendices



Second public outreach session on January 20, 2016

QUESTIONS FOR YOU

1. What are you most excited about?

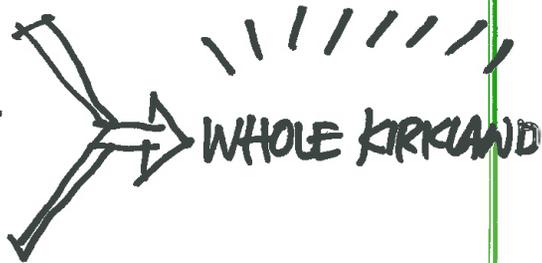


2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

- Competitions
- Different
- Engage

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

- safe
- Nature
- nodes
- People



QUESTIONS FOR YOU

1. What are you most excited about?

improvement opportunities  
ephemeral events

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

Something to juice up -  
the Park Mac - murals  
"Industrial" based themed event  
(vendors - think oddball -  
Industrial performance (fire art etc)  
Installations - lights (light show)

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

Landscaping as art & to set mood, lighting as art  
Large scale art that is truly innovative & impressive  
→ Performance space  
Take the KAWAKAWA - build a horseshoe cafe installation that acts as an amphitheater (Moonlight cruises also inspiration)

Also - a few nature cultural events  
... cultures that live here (i.e. Indian holiday books)

# 7.0 Appendices

## QUESTIONS FOR YOU

1. What are you most excited about?

Wind-generating tree from France that could power a programmable light display - - w wishing tree

chalk board wall in shape of mountain map  
ephemeral art w blackberries  
ephemeral garden art.

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

Horsehead-style installation.

drone events  
google glass tours.  
garden "art" show

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

Campfire circle

## QUESTIONS FOR YOU

1. What are you most excited about?

Shakespeare in the Park  
Mindful Coloring on backs of bldgs.

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

Train - dinner train picture

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

Art Wall

Chews Kirkland ~~Chews~~  
Gum Wall

## QUESTIONS FOR YOU

1. What are you most excited about?  
Eclectic art of all kinds +  
for all ages + types of  
people.  
pods/areas that embrace art but  
also nature. safe environment
2. What near-term (achievable, low threshold)  
art presence on the CKC are you excited  
to help make happen? How can you help  
make that happen?
3. What long-term (major arts investment) are  
you most excited to work toward? How can  
you help make that happen?

Compost area to watch nature +  
use?

## QUESTIONS FOR YOU

1. What are you most excited about?  
As you go along the trail, you get different  
experiences; almost checkpoints.  
A root for people to go along branching  
off into different areas → stopping places
2. What near-term (achievable, low threshold)  
art presence on the CKC are you excited  
to help make happen? How can you help  
make that happen?  
- Night shadows  
- Shakespeare in the  
Park  
- Places to sit  
- Shelter from the rain  
- Include local communities (ownership)  
- already defined neighborhoods?  
- industrial canvases  
- "Art-Cart"  
- Interactive? Performances  
- Doggie bags → encourage people to  
clean up after their pets. <sup>Wishing tree</sup>  
<sub>awesome</sub>
3. What long-term (major arts investment) are  
you most excited to work toward? How can  
you help make that happen?  
- Something to do with water  
- covered areas → clear ceilings (could  
add something to that, like  
colors, or designs so it looks  
interesting when it's sunny)  
- Permanent things that have changeable  
components  
- \*start traditions on the corridor (maybe  
on New Years bring people to the corridor  
to release lanterns? → (feel connected to the  
rest of the corridor))

## 7.0 Appendices

### QUESTIONS FOR YOU

1. What are you most excited about?

- Way finding and anchoring a place with art. Goal: Locations on the trail are anchored and identified with art. Example: *not* "let's meet at the 120<sup>th</sup> Ave intersection" but "let's meet at the big pink fish."

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

- Art on backs of buildings; engage property owners along the trail.
- Busking & performance art @ low barrier to entry, at least at first, to get the ball rolling. Consider permitting & control later.

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

- Bathrooms with great integrated art, customized for local culture.

### QUESTIONS FOR YOU

1. What are you most excited about?

- Idea that Kirkland Community Foundation could eventually raise funds and acquire donor gifts.
- Wayfinding is artistic.

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

- Short term barrier to entry
- Encourage participation
- Lake City may need staff to manage w/ Commission
- Portals, vignettes w/ landscaping

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

- Music/art walk with drinks & food along the way
- Graphic art on buildings
- Shakespeare in the Park
- People need places to rest - artist-designed benches, arbors, etc.

①

QUESTIONS FOR YOU

1. What are you most excited about?

Variety of spaces, building facade  
spontaneous, new development, communal  
experiences, variety of expressions - art  
in food, art & makers technology caches  
tie in to business downtown, downtown  
attractions; digital scavenger hunt  
\* permanent things that have a changeable component  
2. potentially interactivity ~~more~~ engagement every time

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen? Performance artists; "performing"

② Makers - being promoted via performing items on the corridor  
③ Art parade " ④ teaser for arts events

→ Use existing local connections to begin with; Arts Commission vetting + Plan + budget

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen? "Portals" could be exciting; 4 Culture performance space could support

Heritage park sculpture show

②

QUESTIONS FOR YOU

Contributions by individuals as they pass

1. What are you most excited about? interaction (digital or other), Environment that it goes through (zones), Connectivity to environment. Variety of opportunities Portals (signage) Attractive, Artistic doorways infusion of Art; Sponsorship of Art focus

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

We need to own the drone film festival

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

# 7.0 Appendices

## QUESTIONS FOR YOU

1. What are you most excited about?
  - Kirkland arts plan as a catalyst for adjacent owners (King Co, Sno. Co) and the community at large.
  - ephemeral art / participatory Art  
*Maybe a place for fassins*
2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?
  - Art crawl / Sunday market stalls for artists
  - Events - Such as music/holiday lights/events at night / Food trucks
3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?
 

Gateways  
Neighborhood markers / Art  
(Houston Porch etc.)

## QUESTIONS FOR YOU

1. What are you most excited about?
 

Wishing garden  
Berry stomping event.  
Rent goats to clear some of the berries!  
Story telling circle in natural area.
  2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?
 

Signs to mark trail  
transitions or an arch or a RR tunnel!  
Expand Terry Park  
to include an amphitheater
  3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?
 

Need Bike Parking  
Need Benches  
And they could be really cool!
- Google Creative Center

## QUESTIONS FOR YOU

### 1. What are you most excited about?

Giving it a sense of place (or places) - even with different zones, I like the idea of "Oh, that's the corridor" - something fairly big at each point/intersection

### 2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

Another idea for the switch box / curio cabinet (or ~~switch~~ similar) - things kids can do (cranks, levers, falling balls etc)  
Things you travel off the corridor to see (by a few yards) - ground hedges or walls & then re-connect, or just go see what's there

### 3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen? (idea from NATA)

Sand garden, under underpass, using wind of traffic to generate tone

Maybe ~~some~~ a sky under the underpass reflected from the sky above w mirrors (probably as much engineering as art...)

## QUESTIONS FOR YOU

### 1. What are you most excited about?

- Enhancement of CKC with experiences/interaction making it a destination!
- Addition of the unexpected and changing installations
- Not sure what wayfinding really means but seems appealing
- Thumbs up on curio cabinet concept

### 2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

- LWTI rotating sculpture exhibits (motorcycles parts remixed as art)
- Look at Duwamish River \* experience - a bit of a treasure hunt wayfinding
- Whimsical connection with Coyotes - give it a rare (even on side-trail at child eye level)
- Highlighting industrial features of Parmac area - glad involving highly representational mural

### 3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

- Kirkland Edge overlook - Portal
- Sand Garden using traffic/wind on underpass subtle

\* [www.duwamishrevealed.com](http://www.duwamishrevealed.com)

## 7.0 Appendices

### QUESTIONS FOR YOU

1. What are you most excited about?

The potential for student led art projects from LWTech.

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

rotating exhibits of old motorcycles turned into art. This would be folded into current curriculum. Art program will design, welding will create & →

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

### QUESTIONS FOR YOU

1. What are you most excited about?

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

LWTech has a digital gaming and design program that could provide digital art on a short term basis. Art is created by students every quarter and the

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

college could change pieces monthly or even weekly throughout the year.

### QUESTIONS FOR YOU

1. What are you most excited about?

opportunities for students and young artists to display their work for the public to see. New creative and positive students can be

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

HWTECH students create sculptures that could be displayed for a month on the CKC then moved to Park Lane where they could be sold to raise

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

money for scholarships & student emergency funds.

### Amy Whittenburg QUESTIONS FOR YOU

1. What are you most excited about?

1) Images that continue to engage repeatedly  
2) Portals - Ensure ppl know where ~~the~~ corridor is  
3) Scavenger hunt w/ arts related calls to action at each stop  
infusing art into everything. Why have  
a boring, functional sign when you can do

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

3 (cont'd)  
on scav. hunt, invite people to do or make art & post it onsite or online or both (do a dance, build a sand structure, sing a song, paint a pic, etc.)  
the same content in a beautiful, artful way.  
\* I would help develop arts scavenger hunt idea

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

## 7.0 Appendices

### QUESTIONS...

1. What are you most excited about?

A parade on the CKC - celebration  
of Spring

five hula hoops  
interpretive dance w/ wing capes

2. What near-term (achievable, low threshold) art presence on the CKC are you excited to help make happen? How can you help make that happen?

I can help - I will bring the cow.

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

~~The~~ Dead animals - roadkill  
representing the animals on the  
Corridor. ~~For~~ They could be  
coated/embellished/encased. Such as -  
You'd see examples like passover  
you don't normally see. Once  
(on CKC) we saw some girls who  
had moved a dead rabbit from  
the road to the side, put flowers  
around it, and a heart if stone.

Some way to incorporate more  
plants in the industrial sections  
without taking away from the  
industrialness - rock gardens  
of grain? long industrial-looking  
planters?

Some place peaceful <sup>feeling</sup> looking to  
relax - calming art that is  
just there to sit near

J. and Anta collision  
will paint & detail.

We have 14 motorcycles  
that we need to scrap,  
but creating ~~art~~ art would  
be a much better use  
of our equipment.

Kirkland Art Commission &  
Park Lane Outdoor  
sculpture gallery.

# Second public outreach session on January 20, 2016



What's the Point!

**Art,**  
the **CKC** and  
Kirkland **Culture !**

What's the Point!

**Corridor = Physical**  
+  
**Community = Cultural**

What we've learned!

What we've learned!

**Art** on the  
Cross Kirkland Corridor...

**NOW** and in the **FUTURE**,  
**SIMPLE** and **ELABORATE**,  
always **UNIQUELY KIRKLAND!**





What we've learned!

### Kirkland is...

Emerging Themes

### Significant **local, Regional** and **international** artists!

Emerging Themes

### Art for **today** and for the **future**

Art on the interim trail  
Art evolving to a growing corridor

Emerging Themes

### Corridor-wide art **opportunities**

Portals  
Navigation  
Distance  
Storytelling

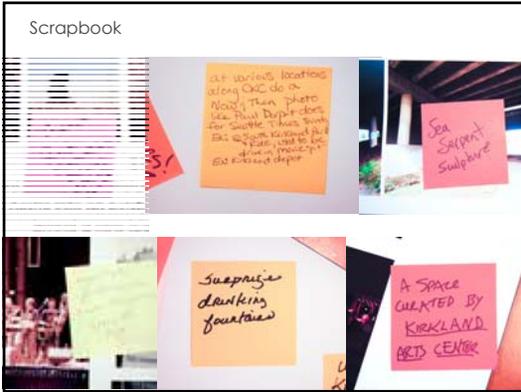
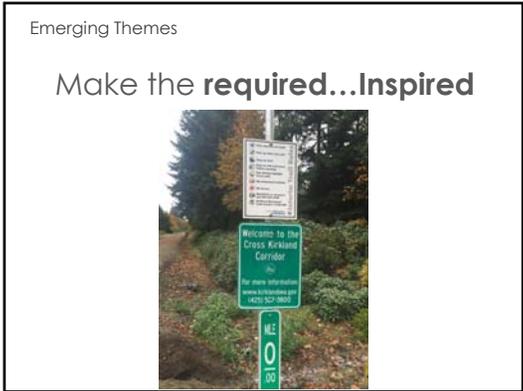
Emerging Themes

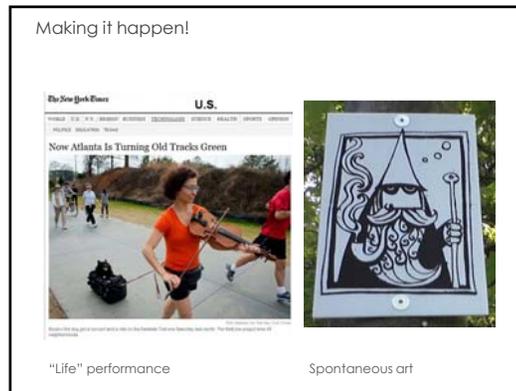
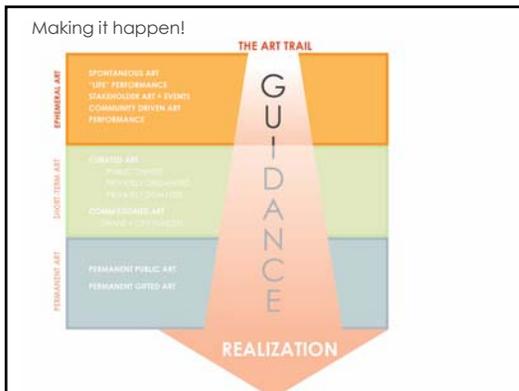
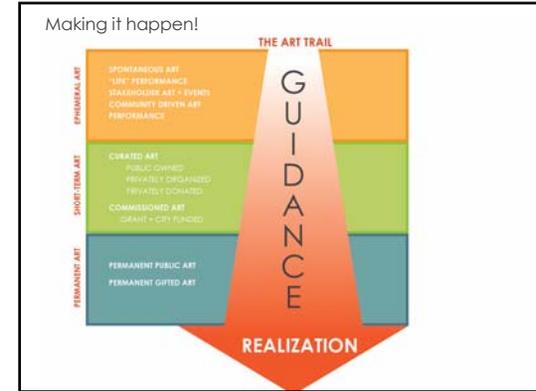
### Reaching **beyond** the corridor

Emerging Themes

### Embracing undercrossings

# 7.0 Appendices





# 7.0 Appendices

Making it happen!

Community driven art      Performance      Stakeholder art & events

Making it happen!

**THE ART TRAIL**

**EPHEMERAL ART**  
SPONSORED ART  
LIVE PERFORMANCE  
STAKEHOLDER ART + EVENTS  
COMMUNITY DRIVEN ART  
PERFORMANCE

**SHORT-TERM ART**  
CURATED ART  
PUBLIC OWNED  
PRIVATELY DONATED  
PRIVATELY DONATED  
COMMISSIONED ART  
GRANT + CITY FUNDED

**PERMANENT ART**  
PERMANENT PUBLIC ART  
PERMANENT GIFTED ART

**GUIDANCE**

**REALIZATION**

Fund art and events:

- Art investment by city and stakeholders
- Starting small and building to proactively shape the culture of Kirkland
- Planned and funded events should be proposed and approved by the CAC
- The CAC can support and promote through a simple, efficient process.

Making it happen!

**THE ART TRAIL**

**EPHEMERAL ART**  
SPONSORED ART  
LIVE PERFORMANCE  
STAKEHOLDER ART + EVENTS  
COMMUNITY DRIVEN ART  
PERFORMANCE

**SHORT-TERM ART**  
CURATED ART  
PUBLIC OWNED  
PRIVATELY DONATED  
PRIVATELY DONATED  
COMMISSIONED ART  
GRANT + CITY FUNDED

**PERMANENT ART**  
PERMANENT PUBLIC ART  
PERMANENT GIFTED ART

**GUIDANCE**

**REALIZATION**

Making it happen!

Curated art      Short-term Commissioned art

Making it happen!

**THE ART TRAIL**

**EPHEMERAL ART**  
SPONSORED ART  
LIVE PERFORMANCE  
STAKEHOLDER ART + EVENTS  
COMMUNITY DRIVEN ART  
PERFORMANCE

**SHORT-TERM ART**  
CURATED ART  
PUBLIC OWNED  
PRIVATELY DONATED  
PRIVATELY DONATED  
COMMISSIONED ART  
GRANT + CITY FUNDED

**PERMANENT ART**  
PERMANENT PUBLIC ART  
PERMANENT GIFTED ART

**GUIDANCE**

**REALIZATION**

Fund, Commission & Welcome Art:

- Introductions of short-term arts investment (seasonal to multi-year)
- Involvement of the CAC is critical at many stages:
  - funding
  - artist selection
  - art approval
  - and planning for art mobilization and demobilization

Making it happen!

**THE ART TRAIL**

**EPHEMERAL ART**  
SPONSORED ART  
LIVE PERFORMANCE  
STAKEHOLDER ART + EVENTS  
COMMUNITY DRIVEN ART  
PERFORMANCE

**SHORT-TERM ART**  
CURATED ART  
PUBLIC OWNED  
PRIVATELY DONATED  
PRIVATELY DONATED  
COMMISSIONED ART  
GRANT + CITY FUNDED

**PERMANENT ART**  
PERMANENT PUBLIC ART  
PERMANENT GIFTED ART

**GUIDANCE**

**REALIZATION**



Making it happen!

**ART NOW!**

Making it happen!

**ART NOW!**

- Homegrown Art
- An arts empowered community

**Grow ART!**

- Build Arts Appetites
- Build Arts Budgets
- Seek out and welcome fresh perspectives & voices

Making it happen!

**Art** on the Cross Kirkland Corridor...

1. What are you most **excited** about?

## 7.0 Appendices

Making it happen!

### **Art** on the Cross Kirkland Corridor...

2. What near-term art presence on the CKC are you excited to help make happen? How can you help make that happen?

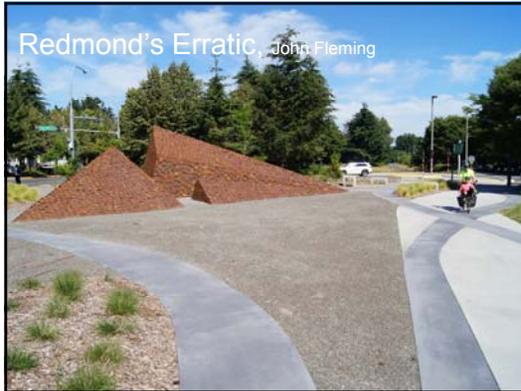
Making it happen!

### **Art** on the Cross Kirkland Corridor...

3. What long-term (major arts investment) are you most excited to work toward? How can you help make that happen?

*DISCUSS...*





# 7.0 Appendices



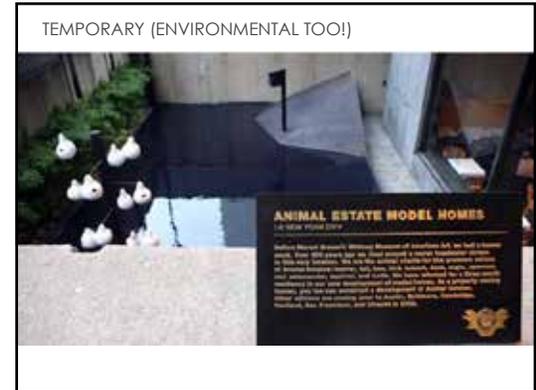
ENVIRONMENTAL



TEMPORARY (ENVIRONMENTAL TOO!)



TEMPORARY (ENVIRONMENTAL TOO!)



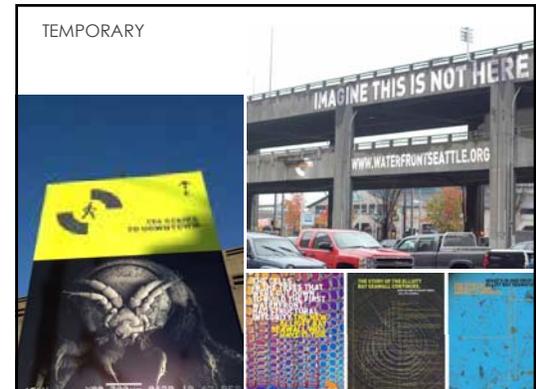
ENVIRONMENTAL



ENVIRONMENTAL

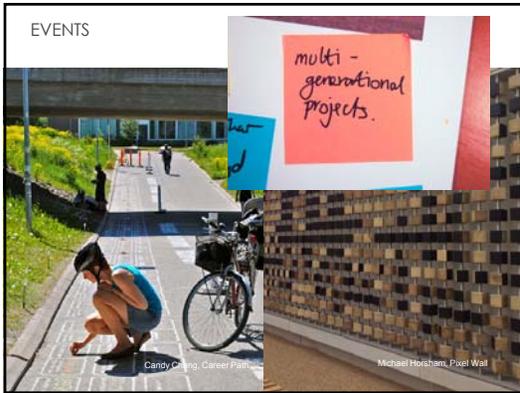


TEMPORARY

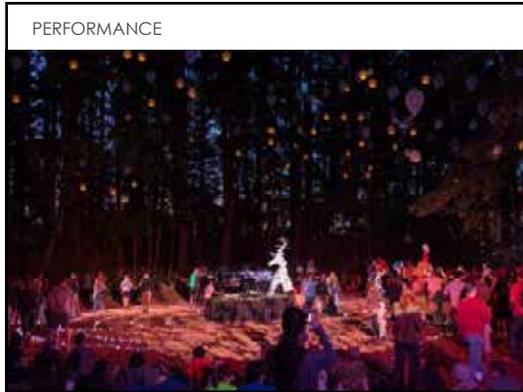


# 7.0 Appendices





# 7.0 Appendices



PERFORMANCE



EVENT



EVENT



EVENT



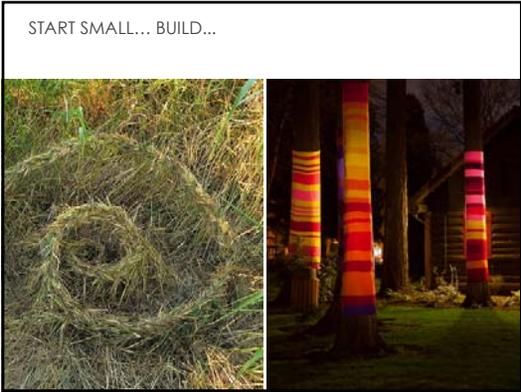
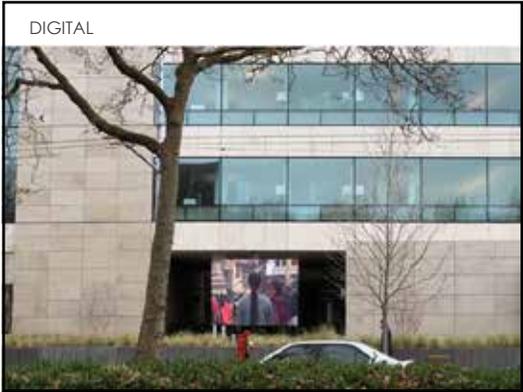
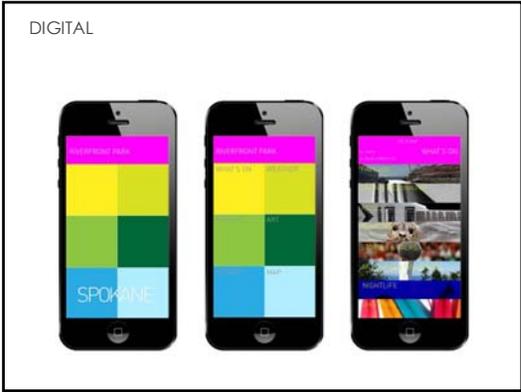
EVENT



EVENT



# 7.0 Appendices





## CORRIDOR EXPERIENCE & ECOLOGY

### 4.4 ART

Art enriches the whole corridor, reflecting the culture of Kirkland and its citizens, and differentiating the CKC from any other place. Art creates buzz, excitement and vitality that can shape the corridor experience and attract people to the CKC and Kirkland. The opportunity for art on the corridor is limitless, and the corridor should inspire great art!

The master plan recognizes and embraces art as a process, not necessarily a product. The outcome of the artistic process may be something physical, ranging from a subtle discovery to a major element, but it can also be the change in the people who experience it, which lingers long after the art has disappeared.

The ability of art to help individuals see and experience a place differently is particularly valuable as Kirkland reshapes the CKC with a new vision. Art can play a key role in this process by helping people perceive the corridor in new ways as the master plan is realized. Art on the CKC should happen as soon as possible, as a means for the city and its citizens to make the corridor their own.

Art along the corridor can be considered and managed in a variety of ways:

**Integrated:** As the corridor's physical improvements are designed and implemented, commissioned art/artists should be integral to the process and outcome. Art can shape the corridor's design while art elements can populate constructed sections of the corridor. Such art elements have the ability to become signature icons.

**Curated:** Curated artwork can create temporary influences and experiences along the corridor as new art is introduced and older art removed. Curated artwork might be designed specifically for the corridor or could include art previously displayed elsewhere. The ongoing addition and removal of art would enliven the corridor, adding interest and the engaging element of surprise.

**Ephemeral:** Ephemeral art is intended to be short lived and engaging. By encouraging ephemeral art on the corridor, Kirkland would be supporting art as a process—a rarity in public art, which is typically focused on the object.





**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Ellen Miller-Wolfe, Economic Development Manager  
Philippa Marsh, Special Projects Coordinator

**Date:** July 7, 2016

**Subject:** Approving Temporary CKC Art Proposal

### **RECOMMENDATION:**

It is recommended that City Council approve Terra Holcomb as the Artist in Residence for a temporary art installation on the CKC. Images of her work may be found at [www.terraholcomb.com](http://www.terraholcomb.com).

### **BACKGROUND DISCUSSION:**

Since the opening of the CKC Interim Trail in 2013, the Kirkland Cultural Arts Commission (KCAC) has encouraged art events and art activations on the corridor. This year, the Cultural Arts Commission budgeted \$1,600 of the \$8,000 grant from 4Culture (King County) to solicit an artist in residence through a RFP process to develop an ephemeral art installation for the Cross Kirkland Corridor. This type of art is temporary and takes into account environmental and community considerations.

If approved, the artwork will be constructed and installed on the CKC during the period of Sept 10 – Oct 8, 2016 and will be enjoyed on the CKC through mid-November.

The CKC coordinator and CKC service team have been involved in these efforts. Six artists applied for the residency and four finalists were selected to present their concepts to a Cultural Arts Commission committee and members of the CKC Steering Team. The artist selected by the panel is Terra Holcomb. Terra Holcomb's concept is a 10ft ephemeral tree sculpture made from the native Black Cottonwood leaves that are found along the trail (Attachment C). She plans to involve the community through the on-trail collection of the leaves and sorting and assembly of the leaves through elementary school involvement and community workshops. The installation will be sited near 116<sup>th</sup> Ave in the Highlands Forbes Creek Area. This ephemeral art installation is consistent with the recommendations of the CKC Art Integration Plan that is also being reviewed by the City Council at the July 19 Council meeting.

If the Council concurs with the panel recommendation, staff seeks a motion approving the selection of Terra Holcomb as the Artist in Residence for a CKC temporary art installation.

Terra Holcomb  
Letter of intent- Kirkland Corridor Residency 2016

As a Kirkland resident and frequent walker on the Kirkland Corridor, I enthusiastically submit my proposal to create a 10' ephemeral tree sculpture made from the native Black cottonwood leaves that are found along the trail. I propose collaborating with local schools to collect, clean and sort leaves that will be attached to burlap in a mosaic pattern. This "blanket" will then be attached to a wooded sculpture that will be secured to the ground. Using an ombre effect, the top will be filled with green leaves that transition to yellows with browns at the bottom. As the season progresses, I anticipate that the leaves will change color along with it. Having worked with these beautiful, hearty, heart shaped leaves before I am confident that they are durable enough to withstand several months outside in inclement weather.

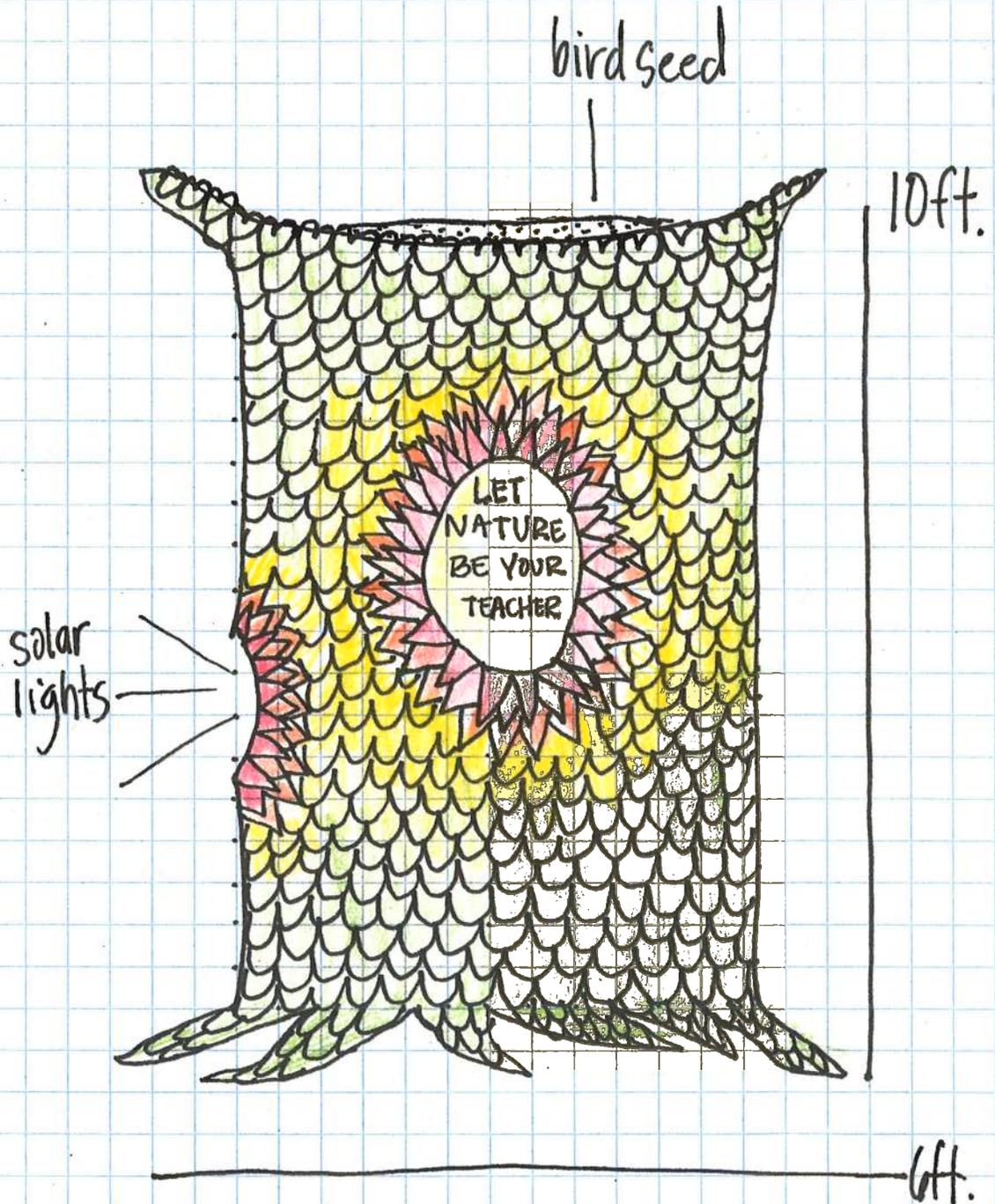
The sculpture will have several "hollows" at various heights so visitors of all sizes can peer inside. The interior will be lined with leaves that have embroidered poems or words about trails and community. Solar lights will be installed inside so the tree is visible and glows at night. Bird feeders will be incorporated at the top branches encouraging an interaction with the wildlife. Having just completed a 12' moss dress sculpture where visitors could walk inside of, I am confident in my skills to construct a beautiful, interactive, ephemeral and structurally sound piece.

A September- November residency will work perfectly as this is the time that the cottonwood trees along the corridor will begin turning yellow and dropping their leaves. Cottonwoods are native to the Northwest and are rich in history, medicinal uses and remind us that we are close to water. Salmon and trout have been spotted making their way to the lake in the creeks that run through the Corridor. Information about the sculpture will also remind visitors of the precious waterways they are sharing with wildlife.

Collaborating and educating the community about our natural resources is at the heart of my work. I have worked with kids and teens through the Seattle Art Museum, I created a 12' Phoenix piñata for a festival from fall leaves with children in Twisp, and collected over 20,000 bottle caps from Kirkland residents to create a 10' orca whale at Carkeek Park. From the Orca project, I found that the Kirkland community is hungry to participate in collaborative art projects. Over 200 individuals in Kirkland helped save, started collection drives and dropped off caps at my house. I received countless photos of families visiting the completed piece excitedly trying to locate the caps they donated. I started the collection through several "Buy Nothing" groups in Kirkland and told many that I hoped one day to make something closer to home. This would be a wonderful opportunity to do just that.

I would prefer to work along site 1 or 2/3. These are the locations that are closest to where I live/ walk and where the cottonwood is abundant. Some of the largest trees are located here and it would be easy access to three schools that I could potentially partner with.

Please visit my website for photos of works that I referenced and many of the dresses that I make and photograph myself in around the Pacific Northwest wilderness. Thank you for supporting art along the Corridor, encouraging community involvement and the ephemeral arts!





**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:** Ellen Miller-Wolfe, Economic Development Manager

**Date:** July 8, 2016

**Subject:** Resolution Supporting City Application for funding from the Port of Seattle

### **RECOMMENDATION:**

It is recommended that the City Council pass a resolution supporting Kirkland's application for funding from the Port of Seattle Economic Development Partnership Program totaling \$65,000. The resolution is required by the Port as a condition of receiving the funds. Staff recommends using the Port funds for Innovation Triangle projects and Moorage Engineering Feasibility for the Marina Park dock. The Port grant must be matched by a City contribution of 50% or \$32,500.

### **BACKGROUND DISCUSSION:**

The Port of Seattle is soliciting funding requests from King County cities for economic development projects. The Port has indicated that it expects that funding requests are due at the end of July, 2016, with the expectation that funds will be expended and projects completed by May, 2017. The City of Kirkland is eligible for \$65,000 in Port funds, but is required to match those funds at 50% or \$32,500. The funding application must include a resolution supporting the funding request.

The City is putting forward two projects that satisfy Port criteria. The Innovation Triangle is a partnership of Redmond-Bellevue-Kirkland to attract technology businesses to these communities. A special presentation on the Innovation Triangle will also be made to the Council at the July 19 Council meeting. To date the Innovation Triangle has developed marketing and promotional materials for this program including a website, banners and pamphlets; had a booth presence and attended meetings with foreign businesses at the SelectUSA Conference this past month. The Innovation Triangle is planning an event in the fall with attendance by prospective businesses that attended the conference as well as others in the tech community. The funds that are being requested for further work total \$22,000, with an \$11,000 City match reallocated from the City's economic development program.

The Moorage Feasibility Study will result in engineering and environmental information that will enable the City to move forward on the increase in transient and commercial moorage at the downtown marina and other locations. The Council favorably received a presentation of the Demand Study for the moorage that indicated a willing market if more slips were provided, with

the added benefit of increased revenues to support downtown businesses. The City is requesting a total of \$43,000 in Port funds. The total moorage feasibility study is estimated at \$125,000. Staff is proposing to pay for the remaining \$82,000 from repurposed marina development funds. This \$82,000 more than provides the required \$21,500 match.

	Kirkland Match	Port Funds	Total
<b><i>Innovation Triangle</i></b>			
Startup 425 staffing	\$ 2,667	\$ 5,333	\$ 8,000
Startup 425 Events and Marketing	\$ 3,333	\$ 6,667	\$ 10,000
Trade Shows (recruitment) * Global Passport	\$ 1,667	\$ 3,333	\$ 5,000
Select USA Follow-up event	\$ 1,667	\$ 3,333	\$ 5,000
Marketing (including website)	\$ 1,667	\$ 3,333	\$ 5,000
<b>Total IT</b>	<b>\$ 11,000</b>	<b>\$ 22,000</b>	<b>\$ 33,000</b>
<b><i>Other</i></b>			
CIP moorage engineering study	\$ 21,500	\$ 43,000	\$ 64,500
<b>Total City of Kirkland</b>	<b>\$ 21,500</b>	<b>\$ 43,000</b>	<b>\$ 64,500</b>
<b>TOTAL Funding</b>	<b>\$ 32,500</b>	<b>\$ 65,000</b>	<b>\$ 97,500</b>

The staff grant allocation proposals were discussed at the July 11 Planning and Economic Development Committee. Committee members supported the allocations and recommended that the resolution and grant application be brought to the full Council for approval. If Council concurs with the recommendations, it should adopt the attached resolution of support.

RESOLUTION R-5200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
AUTHORIZING AND SUPPORTING THE CITY'S REQUEST FOR PORT OF  
SEATTLE ECONOMIC DEVELOPMENT PARTNERSHIP PROGRAM FUNDS.

1           WHEREAS, The Port of Seattle is implementing a cooperative  
2 economic development program to help fund local economic  
3 development initiatives across King County; and  
4

5           WHEREAS, The City of Kirkland is eligible for \$65,000 in funding  
6 based on its population, with the requirement that 50 percent of that  
7 amount shall be matched by the City; and  
8

9           WHEREAS, the City has identified two economic development  
10 projects that satisfy Port funding criteria: (1) the Innovation Triangle;  
11 and (2) the Moorage Engineering Feasibility Study; and  
12

13           WHEREAS, the Innovation Triangle is an economic development  
14 partnership of the Cities of Bellevue, Redmond and Kirkland to attract  
15 technology and innovation-intensive businesses to experiment, develop  
16 and prosper in our Eastside communities; and  
17

18           WHEREAS, the Moorage Feasibility Engineering Study will help  
19 determine the amount of additional transient and commercial moorage  
20 to add to the City's downtown marina facility which will enhance  
21 economic activity in downtown Kirkland; and  
22

23           WHEREAS, the Kirkland City Council supports these two efforts  
24 and will match 50 percent of the funding up to a total of \$32,500.  
25

26           NOW, THEREFORE, be it resolved by the City Council of the City  
27 of Kirkland as follows:  
28

29           Section 1. The City Manager is hereby authorized and directed  
30 to sign the City of Kirkland's application for funding from the Port of  
31 Seattle Economic Development Partnership Program totaling \$65,000  
32 for the Innovation Triangle and Moorage Engineering Feasibility  
33 projects. The City agrees to match 50 percent of any funding received  
34 up to a total of \$32,500.

35           Passed by majority vote of the Kirkland City Council in open  
36 meeting this \_\_\_\_ day of \_\_\_\_\_, 2016.

37  
38  
39           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
40 2016.

\_\_\_\_\_  
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:** Michael Olson, Director of Finance and Administration  
Kathi Anderson, City Clerk

**Date:** June 30, 2016

**Subject:** City Council Policies and Procedures Updates

### **RECOMMENDATION:**

City Council approves the attached resolution amending the City Council Policies and Procedures to provide for requested updates to Council's meeting agenda related to Committee Reports, a housekeeping update related to Quasi-Judicial Correspondence, and an addition to the Duties of the Presiding Officer at City Council meetings.

### **BACKGROUND DISCUSSION:**

As part of the annual review of City Council Policies and Procedures, the following requested updates have been incorporated into the proposed draft attachment (showing strike-through and underlined proposed changes) to the Resolution following discussion at the May 24, 2016 City Council retreat:

- Amending Section 3.05, changing the meeting agenda line item 12.a. to "City Council Regional and Committee Reports" and deleting subheadings for various Council committees and issues.
- Amending Section 3.09, to reflect clarified language related to the meeting agenda update: "Regional and Committee Reports. The chairman of each respective regional or other committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council."
- Amending Section 3.10, proposed language adding an item to the Duties of the Presiding Officer "*Maintain order and decorum.*"
- Amending Section 5.01, removing language referring to a previously updated internal process related to Quasi-Judicial Correspondence handling on Council's meeting agenda: "*Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council*

*communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter."*

- Amending Section 7.02, to reflect clarified language related to the meeting agenda update: *"New topics requested by a Councilmember that involve more than four hours of staff time should be reviewed by the City Manager for staff impacts. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee regarding all policy options presented. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, new or significant items discussed ~~at the topics discussed and results of the committee's most recent meeting.~~"*

Council may choose to adopt the proposed changes or amend them as desired.

Attachment A: Draft Resolution R-5201

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



July 2016~~October 2015~~

## TABLE OF CONTENTS

CHAPTER 1: CITY COUNCIL VISION AND GOALS.....	4
1.01 Vision.....	4
1.02 Goals — Purpose.....	4
1.03 Operational Values.....	4
1.04 City Council Goals.....	5
CHAPTER 2: CITY COUNCIL CODE OF CONDUCT.....	7
2.01 Code of Conduct for City Council and Boards and Commissions.....	7
CHAPTER 3: CITY COUNCIL MEETINGS .....	9
3.01 Rules Governing the Conduct of Meetings.....	9
3.02 Submittal of Council Agenda Items. ....	9
3.03 Regular Meetings. ....	9
3.04 Quorum.....	9
3.05 Order of Business.....	9
3.06 Consent Calendar.....	10
3.07 Public Comment.....	10
3.08. Petitions.....	10
3.09 <u>Regional and</u> Committee Reports.....	11
3.10 Duties of the Presiding Officer.....	11
3.11 Rules for Councilmember Conduct.....	11
3.12 Voting.....	11
3.13 Tie Votes.....	12
3.14 Non-Tie Vote with Lack of Affirmative Votes.....	12
3.15 Motions to Reconsider.....	12
3.16 Motions to Lay A Matter on the Table.....	12
3.17 Motion for Adjournment.....	12
3.18 Motions and Discussion by the Presiding Officer.....	12
3.19 Suspension of Rules.....	12
3.20 City Staff Attendance at Meeting.....	12
3.21 Minutes.....	13
3.22 Procedure for Considering Process IIA Appeals.....	13
3.23 Procedure for Considering Process IIB Applications.....	13
3.24 Remote Attendance at Council Meetings.....	13
CHAPTER 4: STUDY SESSIONS AND RETREATS.....	15
4.01 Study sessions.....	15
4.02 Council retreats.....	15
CHAPTER 5: COUNCIL COMMUNICATIONS.....	16
5.01 Written Correspondence.....	16
5.02 Council Communications with the Public.....	17
CHAPTER 6: PROCLAMATIONS.....	20
6.01 Proclamations.....	20
CHAPTER 7: COUNCIL COMMITTEES.....	21
7.01 Purpose and Relationship to City Council.....	21
7.02 Council Committee Topics.....	21
7.03 Council Committee Meetings.....	21
7.04 Council Committee Appointments.....	22
7.05 Council Standing Committees.....	22
7.06 Council Intermittent Committees.....	23
CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS.....	24
8.01 Applicability/Definition.....	24

8.02 Eligibility..... 24  
8.03 Non-Discrimination. .... 24  
8.04 Concurrent Offices..... 24  
8.05 Terms. .... 24  
8.06 Term Limitations. .... 24  
8.07 Attendance. .... 24  
8.08 Appointment/Reappointment..... 25  
8.09 Criteria for Reappointment. .... 25  
8.10 Reappointment Process. .... 25  
8.11 Application Process..... 25  
8.12 Appointment Process. .... 25  
8.13 Criteria for Removal..... 26  
8.14 Open Government Training Requirement..... 26

## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. 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.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.

## 1.04 City Council Goals

***NEIGHBORHOODS***

**Value Statement:** The citizens of Kirkland experience a high quality of life in their neighborhoods.

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

***PUBLIC SAFETY***

**Value Statement:** Ensure that all those who live, work and play in Kirkland are safe.

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

***HUMAN SERVICES***

**Value Statement:** Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

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

***BALANCED TRANSPORTATION***

**Value Statement:** Kirkland values an integrated multi-modal system of transportation choices.

**Goal:** To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

***PARKS, OPEN SPACES AND RECREATIONAL SERVICES***

**Value Statement:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

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

***DIVERSE HOUSING***

**Value Statement:** The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

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

***FINANCIAL STABILITY***

**Value Statement:** Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

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

***ENVIRONMENT***

**Value Statement:** We are committed to the protection of the natural environment through an integrated natural resource management system.

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

***ECONOMIC DEVELOPMENT***

**Value Statement:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

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

***DEPENDABLE INFRASTRUCTURE***

**Value Statement:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

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

## **CHAPTER 2: CITY COUNCIL CODE OF CONDUCT**

2.01 Code of Conduct for City Council and Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

**We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.**

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

**Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.**

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

**We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.**

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

### CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
  - a. Announcements
  - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
  - c. Petitions
7. Special Presentations
8. Consent Calendar
  - a. Approval of Minutes
  - b. Audit of Accounts and Payment of Bills and Payroll
  - c. General Correspondence
    - i. ~~Routine~~
    - ii. ~~Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.~~
  - d. Claims
  - e. Award of Bids
  - f. Acceptance of Public Improvements and Establishing Lien Periods
  - g. Approval of Agreements
  - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business

12. Reports
  - a. ~~City Council Regional and Committee~~ ~~City Council Reports~~
    - (1) ~~Finance and Administration Committee~~
    - (2) ~~Planning and Economic Development Committee~~
    - (3) ~~Public Safety Committee~~
    - (4) ~~Public Works, Parks and Human Services Committee~~
    - (5) ~~Tourism Development Committee~~
    - (6) ~~Legislative Committee~~
    - (7) ~~Regional Issues~~
  - b. City Manager Reports
    - (1) Calendar Update
13. Items from the Audience
14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."
2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08. Petitions. In the event that the City Council is presented with a petition from a citizen, the City Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition and refer the matter to a Council Committee for further study.
2. Accept the petition and refer to staff for follow-up.

3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

**3.09 Regional and Committee Reports.** The chairman of each respective regional or other committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council.

**3.10 Duties of the Presiding Officer.** It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
  - a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
  - e. Repeat motions, put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees when authorized to do so.

**6. Maintain order and decorum.**

**3.11 Rules for Councilmember Conduct.**

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

**3.12 Voting.** Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for

passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and
8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the Consent calendar, has first been removed.

3.13 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

3.14 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.15 Motions to Reconsider. Except as provided in Section 3.14, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.16 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.17 Motion for Adjournment. A motion for adjournment shall always be in order.

3.18 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.20 City Staff Attendance at Meeting. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

3.21 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be ~~made available~~ present to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.23 Procedure for Considering Process IIB Applications. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

3.24 Remote Attendance at Council Meetings. From time to time, a Council Member may not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting by speakerphone or other audio/video equipment are as follows. Remote attendance should be the rare exception, not the rule, and remote attendance is limited to two times per year per Council Member.

1. Examples of situations where remote attendance would be appropriate include, but are not limited to:

- a. An emergency exists which prevents Council Members from attending in person and immediate action is needed.
- b. An agenda item is time sensitive, and remote attendance is needed for a quorum.
- c. An agenda item is of very high importance to the Council Member who cannot be physically present.
- d. It is important for all Council Members to be involved in a decision, but one Council Member is unable to be physically present.

2. Procedure and Guidelines. If a Council Member wishes to participate in Council meeting agenda items remotely, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting which they wish to attend remotely. If that is not possible, the Council Member should notify the City Manager not later than the business day prior to the Council meeting which the Council Member wishes to attend remotely. With less notice, it may not be possible to make the necessary arrangements to allow remote attendance. If the Mayor attends remotely, he or she may participate in discussions, but the Deputy Mayor, if physically present at the Council meeting shall be the presiding officer.

When the particular agenda item involving remote attendance is ready to be discussed, the presiding officer shall inform all present of the intent to initiate a remote communication.

- a. The presiding officer shall confirm and announce that all present at the meeting and in the remote location can clearly hear all other parties and (as appropriate) access visual content that may be presented.
  - b. With such confirmation, Council Members – whether they are physically at the meeting or at a remote location - constituting a majority may approve the use of remote communication for all or any specified portion of the meeting.
  - c. When the portion of the Council meeting for which remote attendance has been approved has concluded, the presiding officer shall announce the same and the attendance of the Council Member communicating remotely shall end. The City Clerk shall record the beginning and ending times of the remote attendance.
  - d. In the event that a remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the presiding officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the Council Member communicating remotely shall end. The City Clerk shall record the time of the closure.
3. Requirements of the System. The Council Member attending remotely must be able to hear the discussion on the agenda item taking place in the Council chambers, and must be able to be heard by all present in Council Chambers.
4. For purposes of voting, remote attendance at a Council meeting shall be considered equal to being physically present at the meeting. All votes conducted with a Council Member attending remotely shall be conducted by roll call.

**CHAPTER 4: STUDY SESSIONS AND RETREATS**

4.01 Study sessions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council retreats. Council retreats are held annually or semi-annually at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at will be scheduled for a regular or special council meeting.

## CHAPTER 5: COUNCIL COMMUNICATIONS

5.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature — Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence — Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the Consent agenda under the item Written Correspondence relating to quasi-judicial matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments — The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

5.02 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 citizens another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, through traditional media outlets or the use of social media platforms through personal accounts or pages.

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. 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. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
  - a. The views expressed represent the views of the author and may not reflect the views of the Kirkland City Council.
  - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act under which a policy discussion must be held in an open public meeting if a quorum of the City Council participates.
  - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under the Public Records Act.
3. 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 Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full City Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts may not be circulated for comment by a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may 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 include, or reference by a link, the disclaimers listed in Section 2.
  - 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. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment in order to avoid inadvertent discussions of these items. Unsolicited public comments on quasi-judicial matters must be placed on the record by the Councilmember at the time the matter is before the City Council for consideration.

- c. In order to demonstrate- openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
  - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. 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 Council Electronic Communications and Social Media Content. All email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the Washington State Public Records Act and the laws governing the retention and destruction of public records.<sup>1</sup>
- 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.
  - 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 difficult to retrieve and to maintain in accordance with State law. At this time, Councilmembers should only use text messaging for transitory communications and not to discuss City business.
  - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
  - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
8. Use of City-owned equipment to update personal social media sites or email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for

---

<sup>1</sup> "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . 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. . . "

personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any other City policy. Use of City-owned equipment or email accounts for campaign purposes is prohibited by RCW 42.17A.555.

**CHAPTER 6: PROCLAMATIONS**

6.01 Proclamations. A proclamation is a formatted certificate, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, or to raise awareness about concerns of interest to the community as a whole. Proclamations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations will be issued at the discretion of the Mayor.
2. Proclamations can recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland citizens. Proclamation content should relate to a public purpose or benefit.
3. A proclamation that has not previously been issued by the Mayor of Kirkland shall be reviewed by the Mayor and Deputy Mayor for content to ensure that it does not conflict with an adopted policy position of the Kirkland City Council.
4. The City Manager's Office will coordinate all requests for proclamations. Proclamation requests should be received no later than two weeks prior to a City Council Meeting to allow time for the proclamation to be prepared, reviewed, and added to the Council Agenda.
5. Proclamations shall be presented at Council Meetings only if a recipient is present in the audience or at the discretion of the Mayor. All other proclamations will be sent by mail to the recipient.

## CHAPTER 7: COUNCIL COMMITTEES

7.01 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 which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are four standing Council Committees:

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

7.02 Council Committee Topics. Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. Council Committees will be assigned an agenda topic when it supports a policy or budget decision that will come before the City Council in the near future. Agenda items may be:

- Identified by the Committee and approved by the City Council;
- Referred by City Council to a committee for monitoring or input, or;
- Referred by the City Manager for early input prior to presentation to the City Council.

New topics requested by a Councilmember that involve more than four hours of staff time should be reviewed by the City Manager for staff impacts. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee regarding all policy options presented. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, new or significant items discussed at 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's webpage and the Council's internal web page along with a list of current and future topics being discussed by each committee. The topic lists will also indicate when and by whom the topics were initiated. Pending agenda topics for Council Committees will be reviewed at least annually by the full Council when outdated or unnecessary topics may be eliminated unless the City Council decides to carry over a particular topic into the next year

7.03 Council Committee Meetings. The regular time and location of standing Council Committee meetings will be posted on the City's website. Special meetings and/or changes in the date, time or location will also be posted.

Finance and Administration	Monthly, last Tuesday, 9 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Planning and Economic Development	Monthly, 2 <sup>nd</sup> Monday, 3 p.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Works, Parks and Human Services	Monthly, 1 <sup>st</sup> Wednesday, 10 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Safety	Monthly 3 <sup>rd</sup> Thursday, 8:30 a.m.	City Hall - 123 5 <sup>th</sup> Ave.

Standing Council Committee meetings are open to the public. Members of public may attend standing Council Committee meetings, but may not provide testimony or participate in the meeting discussion. Unless a quorum of the Council is in attendance, ad hoc meetings of Council Committees, such as tours or meetings with other elected officials, do not need to be posted the City's website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

**7.04 Council Committee Appointments.** Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interest in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council's consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

**7.05 Council Standing Committees.**

<b>Committee/Topic Areas</b>	<b>Staff</b>
<b>Finance and Administration</b> <ul style="list-style-type: none"> <li>• Finance and budget</li> <li>• Utility rates</li> <li>• Human Resources and Performance Management</li> <li>• Technology</li> <li>• Public Records</li> <li>• Council Policies and Procedures</li> </ul>	<i>Deputy City Manager and Director of Finance and Administration</i>
<b>Public Safety</b> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Emergency Medical Services</li> <li>• Municipal Court</li> <li>• Emergency Management</li> <li>• Code Enforcement</li> </ul>	<i>Deputy City Manager</i>
<b>Planning and Economic Development</b> <ul style="list-style-type: none"> <li>• Business Retention and Recruitment</li> <li>• Business Roundtable</li> <li>• Tourism</li> <li>• Events</li> <li>• Development Services (permitting)</li> <li>• Long Range Planning</li> <li>• Housing</li> </ul>	<i>Planning and Community Development Director and Economic Development Manager</i>

<p><b>Public Works, Parks and Human Services</b></p> <ul style="list-style-type: none"> <li>• Public Works operations and CIP</li> <li>• Parks Operations and CIP</li> <li>• Parks planning</li> <li>• Environment</li> <li>• Utilities</li> <li>• Facilities and Fleet</li> <li>• Human Services</li> </ul>	<p><i>Public Works Director and Parks and Community Services Director</i></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

7.06 Council Intermittent Committees

<b>Committee/Topic Areas</b>	<b>Staff</b>
<p><b>Legislative</b></p> <ul style="list-style-type: none"> <li>• State and Federal Legislative Agenda and Monitoring</li> <li>• Liaison with State and Federal Elected Officials</li> </ul>	<p><i>Intergovernmental Relations Manager</i></p>

## CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

8.01 Applicability/Definition. **Unless otherwise provided by statute or the Kirkland Municipal Code**, for the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission  
Design Review Board  
Park Board  
Human Services Advisory Committee  
Planning Commission  
Library Board  
Tourism Development Committee (Lodging Tax Advisory Committee)  
Salary Commission  
Transportation Commission

8.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

8.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age\*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

\*City council has made age a qualification for specific seats on certain advisory bodies.

8.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

8.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31<sup>st</sup> of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the City Council.

8.08 Appointment/Reappointment. An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the position(s). All advisory board members completing their term who are interested in and eligible for reappointment may be reappointed by the City Council for a second term without an open competitive process.

8.09 Criteria for Reappointment. Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the appropriate Board or Commission chair for presentation to the City Council at the next regular meeting.

8.11 Application Process. Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

8.12 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within six months of the appointment through resignation or removal. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decision.

8.13 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the City Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings Act.

RESOLUTION R-5201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDMENTS TO SECTIONS 3.05, 3.09, 3.10, 5.01 AND 7.02 OF THE KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES, AND READOPTING ALL OF THE COUNCIL POLICIES AND PROCEDURES.

1 WHEREAS, since minutes of committee meetings are made  
2 available to the full City Council and the public, the City Council wishes  
3 streamline its process for receiving regional and other committee  
4 reports from Councilmembers at City Council meetings; and  
5

6 WHEREAS, unless requested by the Presiding Officer or  
7 another Councilmember, the City Council intends that such reports  
8 focus primarily on new or significant items of interest to the Council,  
9 City staff and the public, necessitating amendments to Sections 3.05,  
10 3.09 and 7.02 of the Kirkland City Council Policies and Procedures  
11 ("Policies and Procedures"); and  
12

13 WHEREAS, in support of maintaining civility in public discourse  
14 without regard to speech content, the City Council wishes to affirm  
15 that it is a duty of the Presiding Officer to maintain order and decorum  
16 during City Council meetings, necessitating an amendment to Section  
17 3.10 of the Policies and Procedures; and  
18

19 WHEREAS, it is not the practice of the City Clerk to include  
20 correspondence directly relating to quasi-judicial hearing matters as  
21 part of the General Correspondence item of the Consent Calendar  
22 included as part of the City Council's Order of Business, necessitating  
23 changes to Sections 3.05 and 5.01 of the Policies and Procedures; and  
24

25 WHEREAS, the City Council desires that City government be  
26 transparent and accountable to the public; and  
27

28 WHEREAS, the City Council seeks to govern in a manner that is  
29 responsive to the community, in collaboration with City management,  
30 and in a business-like and professional manner; and  
31

32 WHEREAS, written principles, policies and procedures best  
33 assure an atmosphere conducive to principled, accountable and  
34 transparent governance.  
35

36 NOW, THEREFORE, be it resolved by the City Council of the  
37 City of Kirkland as follows:  
38

39 Section 1. The updated "City of Kirkland City Council Policies  
40 and Procedures" dated July 2016, including its amendments to  
41 Sections 3.05, 3.09, 3.10, 5.01 and 7.02, attached as Exhibit A and  
42 incorporated by this reference, are approved.

43           Passed by majority vote of the Kirkland City Council in open  
44 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

45  
46           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
47 2015.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



July 2016

## TABLE OF CONTENTS

CHAPTER 1: CITY COUNCIL VISION AND GOALS.....	4
1.01 Vision.....	4
1.02 Goals — Purpose.....	4
1.03 Operational Values. ....	4
1.04 City Council Goals.....	5
CHAPTER 2: CITY COUNCIL CODE OF CONDUCT.....	7
2.01 Code of Conduct for City Council and Boards and Commissions.....	7
CHAPTER 3: CITY COUNCIL MEETINGS .....	9
3.01 Rules Governing the Conduct of Meetings.....	9
3.02 Submittal of Council Agenda Items. ....	9
3.03 Regular Meetings. ....	9
3.04 Quorum.....	9
3.05 Order of Business.....	9
3.06 Consent Calendar. ....	10
3.07 Public Comment. ....	10
3.08. Petitions. ....	10
3.09 <u>Regional and</u> Committee Reports.....	10
3.10 Duties of the Presiding Officer. ....	11
3.11 Rules for Councilmember Conduct. ....	11
3.12 Voting. ....	11
3.13 Tie Votes.....	12
3.14 Non-Tie Vote with Lack of Affirmative Votes. ....	12
3.15 Motions to Reconsider. ....	12
3.16 Motions to Lay A Matter on the Table.....	12
3.17 Motion for Adjournment.....	12
3.18 Motions and Discussion by the Presiding Officer.....	12
3.19 Suspension of Rules. ....	12
3.20 City Staff Attendance at Meeting.....	12
3.21 Minutes. ....	12
3.22 Procedure for Considering Process IIA Appeals. ....	12
3.23 Procedure for Considering Process IIB Applications. ....	13
3.24 Remote Attendance at Council Meetings.....	13
CHAPTER 4: STUDY SESSIONS AND RETREATS.....	15
4.01 Study sessions. ....	15
4.02 Council retreats.....	15
CHAPTER 5: COUNCIL COMMUNICATIONS.....	16
5.01 Written Correspondence. ....	16
5.02 Council Communications with the Public.....	16
CHAPTER 6: PROCLAMATIONS.....	19
6.01 Proclamations .....	19
CHAPTER 7: COUNCIL COMMITTEES.....	20
7.01 Purpose and Relationship to City Council .....	20
7.02 Council Committee Topics .....	20
7.03 Council Committee Meetings .....	20
7.04 Council Committee Appointments .....	21
7.05 Council Standing Committees. ....	21
7.06 Council Intermittent Committees .....	22
CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS .....	23
8.01 Applicability/Definition. ....	23
8.02 Eligibility.....	23

8.03 Non-Discrimination..... 23  
8.04 Concurrent Offices..... 23  
8.05 Terms. .... 23  
8.06 Term Limitations. .... 23  
8.07 Attendance. .... 23  
8.08 Appointment/Reappointment..... 24  
8.09 Criteria for Reappointment. .... 24  
8.10 Reappointment Process. .... 24  
8.11 Application Process..... 24  
8.12 Appointment Process. .... 24  
8.13 Criteria for Removal..... 25  
8.14 Open Government Training Requirement..... 25

## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. 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.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.

1.04 City Council Goals

***NEIGHBORHOODS***

**Value Statement:** The citizens of Kirkland experience a high quality of life in their neighborhoods.

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

***PUBLIC SAFETY***

**Value Statement:** Ensure that all those who live, work and play in Kirkland are safe.

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

***HUMAN SERVICES***

**Value Statement:** Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

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

***BALANCED TRANSPORTATION***

**Value Statement:** Kirkland values an integrated multi-modal system of transportation choices.

**Goal:** To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

***PARKS, OPEN SPACES AND RECREATIONAL SERVICES***

**Value Statement:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

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

***DIVERSE HOUSING***

**Value Statement:** The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

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

***FINANCIAL STABILITY***

**Value Statement:** Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

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

***ENVIRONMENT***

**Value Statement:** We are committed to the protection of the natural environment through an integrated natural resource management system.

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

***ECONOMIC DEVELOPMENT***

**Value Statement:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

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

***DEPENDABLE INFRASTRUCTURE***

**Value Statement:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

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

## **CHAPTER 2: CITY COUNCIL CODE OF CONDUCT**

2.01 Code of Conduct for City Council and Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

**We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.**

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

**Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.**

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

**We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.**

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

### CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
  - a. Announcements
  - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
  - c. Petitions
7. Special Presentations
8. Consent Calendar
  - a. Approval of Minutes
  - b. Audit of Accounts and Payment of Bills and Payroll
  - c. General Correspondence
  - d. Claims
  - e. Award of Bids
  - f. Acceptance of Public Improvements and Establishing Lien Periods
  - g. Approval of Agreements
  - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business
12. Reports
  - a. City Council Regional and Committee Reports
  - b. City Manager Reports
    - (1) Calendar Update

13. Items from the Audience
14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the Consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the Consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience."
2. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08. Petitions. In the event that the City Council is presented with a petition from a citizen, the City Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition and refer the matter to a Council Committee for further study.
2. Accept the petition and refer to staff for follow-up.
3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

3.09 Regional and Committee Reports. The chair~~man~~ of each respective regional or other committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council.

3.10 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
  - a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
  - e. Repeat motions, put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees when authorized to do so.
6. Maintain order and decorum.

3.11 Rules for Councilmember Conduct.

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

3.12 Voting. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and

8. To approve a Consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the Consent calendar, has first been removed.

3.13 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

3.14 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.15 Motions to Reconsider. Except as provided in Section 3.14, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.16 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.17 Motion for Adjournment. A motion for adjournment shall always be in order.

3.18 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.20 City Staff Attendance at Meeting. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the City of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

3.21 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be made available~~sent~~ to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.23 Procedure for Considering Process IIB Applications. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

3.24 Remote Attendance at Council Meetings. From time to time, a Council Member may not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting by speakerphone or other audio/video equipment are as follows. Remote attendance should be the rare exception, not the rule, and remote attendance is limited to two times per year per Council Member.

1. Examples of situations where remote attendance would be appropriate include, but are not limited to:
  - a. An emergency exists which prevents Council Members from attending in person and immediate action is needed.
  - b. An agenda item is time sensitive, and remote attendance is needed for a quorum.
  - c. An agenda item is of very high importance to the Council Member who cannot be physically present.
  - d. It is important for all Council Members to be involved in a decision, but one Council Member is unable to be physically present.

2. Procedure and Guidelines. If a Council Member wishes to participate in Council meeting agenda items remotely, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting which they wish to attend remotely. If that is not possible, the Council Member should notify the City Manager not later than the business day prior to the Council meeting which the Council Member wishes to attend remotely. With less notice, it may not be possible to make the necessary arrangements to allow remote attendance. If the Mayor attends remotely, he or she may participate in discussions, but the Deputy Mayor, if physically present at the Council meeting shall be the presiding officer.

When the particular agenda item involving remote attendance is ready to be discussed, the presiding officer shall inform all present of the intent to initiate a remote communication.

- a. The presiding officer shall confirm and announce that all present at the meeting and in the remote location can clearly hear all other parties and (as appropriate) access visual content that may be presented.
- b. With such confirmation, Council Members – whether they are physically at the meeting or at a remote location - constituting a majority may approve the use of remote communication for all or any specified portion of the meeting.
- c. When the portion of the Council meeting for which remote attendance has been approved has concluded, the presiding officer shall announce the same and the

attendance of the Council Member communicating remotely shall end. The City Clerk shall record the beginning and ending times of the remote attendance.

- d. In the event that a remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the presiding officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the Council Member communicating remotely shall end. The City Clerk shall record the time of the closure.

3. Requirements of the System. The Council Member attending remotely must be able to hear the discussion on the agenda item taking place in the Council chambers, and must be able to be heard by all present in Council Chambers.

4. For purposes of voting, remote attendance at a Council meeting shall be considered equal to being physically present at the meeting. All votes conducted with a Council Member attending remotely shall be conducted by roll call.

**CHAPTER 4: STUDY SESSIONS AND RETREATS**

4.01 Study sessions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council retreats. Council retreats are held annually or semi-annually at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at will be scheduled for a regular or special council meeting.

## **CHAPTER 5: COUNCIL COMMUNICATIONS**

5.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature — Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence — Correspondence that requires policy decision or approval by Council shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments — The City Manager will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

5.02 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 citizens another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, through traditional media outlets or the use of social media platforms through personal accounts or pages.

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. 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. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
  - a. The views expressed represent the views of the author and may not reflect the views of the Kirkland City Council.
  - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act under which a policy discussion must be held in an open public meeting if a quorum of the City Council participates.
  - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under the Public Records Act.
3. 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 Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full City Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts may not be circulated for comment by a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may 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 include, or reference by a link, the disclaimers listed in Section 2.
  - 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. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment in order to avoid inadvertent discussions of these items. Unsolicited public comments on quasi-judicial matters

must be placed on the record by the Councilmember at the time the matter is before the City Council for consideration.

- c. In order to demonstrate- openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
  - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. 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 Council Electronic Communications and Social Media Content. All email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the Washington State Public Records Act and the laws governing the retention and destruction of public records.<sup>1</sup>
    - 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.
    - 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 difficult to retrieve and to maintain in accordance with State law. At this time, Councilmembers should only use text messaging for transitory communications and not to discuss City business.
    - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
    - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
  8. Use of City-owned equipment to update personal social media sites or email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any other City policy. Use of City-owned equipment or email accounts for campaign purposes is prohibited by RCW 42.17A.555.

---

<sup>1</sup> "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . 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. . . "

**CHAPTER 6: PROCLAMATIONS**

6.01 Proclamations. A proclamation is a formatted certificate, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, or to raise awareness about concerns of interest to the community as a whole. Proclamations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations will be issued at the discretion of the Mayor.
2. Proclamations can recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland citizens. Proclamation content should relate to a public purpose or benefit.
3. A proclamation that has not previously been issued by the Mayor of Kirkland shall be reviewed by the Mayor and Deputy Mayor for content to ensure that it does not conflict with an adopted policy position of the Kirkland City Council.
4. The City Manager's Office will coordinate all requests for proclamations. Proclamation requests should be received no later than two weeks prior to a City Council Meeting to allow time for the proclamation to be prepared, reviewed, and added to the Council Agenda.
5. Proclamations shall be presented at Council Meetings only if a recipient is present in the audience or at the discretion of the Mayor. All other proclamations will be sent by mail to the recipient.

## CHAPTER 7: COUNCIL COMMITTEES

7.01 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 which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are four standing Council Committees:

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

7.02 Council Committee Topics. Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. Council Committees will be assigned an agenda topic when it supports a policy or budget decision that will come before the City Council in the near future. Agenda items may be:

- Identified by the Committee and approved by the City Council;
- Referred by City Council to a committee for monitoring or input, or;
- Referred by the City Manager for early input prior to presentation to the City Council.

New topics requested by a Councilmember that involve more than four hours of staff time should be reviewed by the City Manager for staff impacts. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee regarding all policy options presented. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, new or significant items discussed at the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City's webpage and the Council's internal web page along with a list of current and future topics being discussed by each committee. The topic lists will also indicate when and by whom the topics were initiated. Pending agenda topics for Council Committees will be reviewed at least annually by the full Council when outdated or unnecessary topics may be eliminated unless the City Council decides to carry over a particular topic into the next year.

7.03 Council Committee Meetings. The regular time and location of standing Council Committee meetings will be posted on the City's website. Special meetings and/or changes in the date, time or location will also be posted.

Finance and Administration	Monthly, last Tuesday, 9 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Planning and Economic Development	Monthly, 2 <sup>nd</sup> Monday, 3 p.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Works, Parks and Human Services	Monthly, 1 <sup>st</sup> Wednesday, 10 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Safety	Monthly 3 <sup>rd</sup> Thursday, 8:30 a.m.	City Hall - 123 5 <sup>th</sup> Ave.

Standing Council Committee meetings are open to the public. Members of public may attend standing Council Committee meetings, but may not provide testimony or participate in the meeting discussion. Unless a quorum of the Council is in attendance, ad hoc meetings of Council Committees, such as tours or meetings with other elected officials, do not need to be posted the City’s website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

7.04 Council Committee Appointments. Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interest in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the second City Council meeting in January for Council’s consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council’s consideration to fill this vacancy at that following Council meeting.

7.05 Council Standing Committees.

<b>Committee/Topic Areas</b>	<b>Staff</b>
<p><b>Finance and Administration</b></p> <ul style="list-style-type: none"> <li>• Finance and budget</li> <li>• Utility rates</li> <li>• Human Resources and Performance Management</li> <li>• Technology</li> <li>• Public Records</li> <li>• Council Policies and Procedures</li> </ul>	<p><i>Deputy City Manager and Director of Finance and Administration</i></p>
<p><b>Public Safety</b></p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Emergency Medical Services</li> <li>• Municipal Court</li> <li>• Emergency Management</li> <li>• Code Enforcement</li> </ul>	<p><i>Deputy City Manager</i></p>
<p><b>Planning and Economic Development</b></p> <ul style="list-style-type: none"> <li>• Business Retention and Recruitment</li> <li>• Business Roundtable</li> <li>• Tourism</li> <li>• Events</li> <li>• Development Services (permitting)</li> <li>• Long Range Planning</li> <li>• Housing</li> </ul>	<p><i>Planning and Community Development Director and Economic Development Manager</i></p>

<p><b>Public Works, Parks and Human Services</b></p> <ul style="list-style-type: none"> <li>• Public Works operations and CIP</li> <li>• Parks Operations and CIP</li> <li>• Parks planning</li> <li>• Environment</li> <li>• Utilities</li> <li>• Facilities and Fleet</li> <li>• Human Services</li> </ul>	<p><i>Public Works Director and Parks and Community Services Director</i></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

7.06 Council Intermittent Committees

<b>Committee/Topic Areas</b>	<b>Staff</b>
<p><b>Legislative</b></p> <ul style="list-style-type: none"> <li>• State and Federal Legislative Agenda and Monitoring</li> <li>• Liaison with State and Federal Elected Officials</li> </ul>	<p><i>Intergovernmental Relations Manager</i></p>

## CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

8.01 Applicability/Definition. **Unless otherwise provided by statute or the Kirkland Municipal Code**, for the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission  
 Design Review Board  
 Park Board  
 Human Services Advisory Committee  
 Planning Commission  
 Library Board  
 Tourism Development Committee (Lodging Tax Advisory Committee)  
 Salary Commission  
 Transportation Commission

8.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board.

8.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age\*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

\*City council has made age a qualification for specific seats on certain advisory bodies.

8.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City Boards.

8.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31<sup>st</sup> of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the City Council.

8.08 Appointment/Reappointment. An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the position(s). All advisory board members completing their term who are interested in and eligible for reappointment may be reappointed by the City Council for a second term without an open competitive process.

8.09 Criteria for Reappointment. Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement – has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the appropriate Board or Commission chair for presentation to the City Council at the next regular meeting.

8.11 Application Process. Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

8.12 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within six months of the appointment through resignation or removal. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decision.

8.13 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the City Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings Act.