



MEMORANDUM

To: Kurt Triplett

From: Cherie Harris, Chief of Police
Michael Ursino, Administrative Captain
Lorrie McKay, Intergovernmental Relations Manager

Date: October 21, 2016

Subject: Update: Animal Services Discussion

RECOMMENDATION:

It is recommended that the City council receive an update on the Animal Services discussion, including follow-up from Council's Public Safety Committee, and provide direction of whether the City should enter into the 2018 Successor ILA with RASKC, or notify King County of the City's intent to implement a local animal services program at the conclusion of the current ILA, December 31, 2017.

BACKGROUND DISCUSSION:

The City Council received a briefing from Regional Animal Services of King County (RASKC) on the 2018 Successor Interlocal Agreement (ILA) for the provision of regional animal services at its October 4 study session. Council was further briefed at its October 18 regular council meeting about how the Kirkland Police Department could provide local animal control services with the goal of delivering a higher level of service to Kirkland residents and animals.

At Council's October 18 meeting, Deputy Mayor Arnold asked staff to provide additional detail on case enforcement and what the impact might be to the City when someone appeals a citation to the City's Hearing Examiner, or to the Kirkland Municipal Court. Councilmember Sweet echoed an interest in understanding how enforcement is currently managed, how it would be managed and what the costs might be.

Animal Related Violations and Case Enforcement

In February 2016, at the request of the Board of Appeals the King County Council passed an ordinance that moved several types of appeals, including animal care and control appeals from the Board of Appeals to the King County Hearing Examiner. RASKC representatives say that every appeal that is not a violation of the Revised Code of Washington (RCW) goes to the King County Hearing Examiner. Other appeals (more rare) go to District Court, and Hearing Examiner findings are appealed to Superior Court.

Estimating the Volume of Enforcement Cases Currently Managed within Kirkland

To try to get a sense of the volume of Kirkland's enforcement cases currently managed by RASKC, staff analyzed the last three years of ACO service data, focusing specifically on "Violation/Investigation" case reports (Attachment A). The data show an average of roughly 108 Violation/Investigation cases reported in Kirkland per year.

These Violation/Investigation enforcement cases ranged from

1. Vicious Animal ("not in progress" primarily) - 29 per year
2. Noise / Barking – 20
3. Animal Bite – 18
4. Cruelty/Neglect – 14
5. Trespass – 8
6. Notice and Order – 7
7. Cruelty Abuse – 6
8. License Violation – 3
9. At Large – 3

To understand how many of Kirkland's enforcement type cases were then appealed to the King County Board of Appeals (now the King County Hearing Examiner), staff reached out to RASKC officials. According to RASKC, approximately 17 violations in Kirkland were appealed to the King County Hearing Examiner per year. (A total of 62 violations in Kirkland were appealed to the Hearing Examiner between January 1, 2013 and September 30, 2016.) Moreover, of the 62 violations, none of the findings by the Hearing Examiner were further appealed.

Staff also reached out to the Court Administrator of the Kirkland Municipal Court to determine a volume of "animal" related violations filed in Kirkland Municipal Court. The Court Administrator reported that, from January 1, 2013 through September 30, 2016 a total of 25 violations were filed, 23 of which were leash law violations.

The Court Administrator also examined all King County Animal Control (KAC) citations filed in King County District Court (KCDC) to try to determine the number of citations filed there from within Kirkland. The extracts show that KCDC is entering all KAC citations with the jurisdiction of "King County," regardless of what city the violation occurred in. So staff was unable to determine which citations/violations were actually for Kirkland cases. The extracts show that countywide there were about 100 infractions filed each year by KAC and since 2011, all of the citation filed by KAC with KCDC are for "Pets to be on Leash in Park" only.

Estimate of Staff Time to Handle a Violation Appeal

Should the City move forward with providing animal services locally, staff anticipate seeing a spike in the number of calls for Control/Field service, from the 257 calls for service currently responded to by RASKC. As mentioned previously, Kirkland is in Control District 200 which includes eight other cities and the northern portion of unincorporated King County. Control District 200 is currently served by one ACO who responds to approximately 1,300 calls for service per year. Staff is confident that a local ACO will have the capacity to manage and respond to calls for service from local residents.

In terms of enforcement cases, it is important to keep in mind that the vast majority of animal related investigations and violations are non-emergent, lower priority (3, 4 & 5) requests for service that may be handled by the Animal Control Officer (ACO) with follow-up over the course of hours and days. Additionally, the first point of ensuring efficient and effective response to an appeal of a citation is a well-trained ACO, who can competently and completely write-up case reports.

RASKC officials shared some of the steps that their ACO's take to prepare for an appeal, from the moment an appeal letter is received. Once the appeal letter is received, staff must collect the case information; decide with the supervisor whether to go to the hearing examiner; communicate with the complainant; communicate with the offender; communicate with and schedule with the Hearing Examiner; and attend the hearing if determined. RASKC estimates

this process takes about 6 hours of staff time. Using this 6 hour estimate and assuming 17 appeals per year, the City's ACO could spend a little more than 100 hours per year on tasks associated with appeals.

Appeals: Kirkland Municipal Court and/or Hearing Examiner

Staff recognize that there remain questions to be asked and answered with regard to enforcement, as well as operational processes to be determined. However, the initial research suggests that the number of animal related violations in Kirkland appears to be relatively small. According to the City's Court Administrator, the estimated volume would have little impact to court operations, should citations be filed as infractions or criminal citations in Kirkland Municipal Court. The number of potential appeals, if the Kirkland Municipal Court is identified as the entity authorized to hear animal care and control appeals, is also estimated to have little impact on Court operations.

Should Council identify the Hearing Examiner as the entity authorized to hear animal care and control appeals, staff researched the estimated cost of utilizing the Hearing Examiner for this purpose. Currently, the City contracts with the City of Seattle Hearing Examiner for matters related to the Planning Department. Hearing Examiner hearings are pre-scheduled twice per month on the first and third Thursday's at 9am. The Hearing Examiner's costs include: an hourly rate; travel fee; mileage & tolls; review of reports and materials; the hearing; a decision; postage; and administrative time to mail a decision. For this discussion, staff researched ten Code Enforcement hearings to identify a base estimate of \$240 for each appeal to the Hearing Examiner. Using this estimate of \$240 per appeal and assuming 17 appeals per year identified by King County, staff estimate an annual budget of \$5,000 for use of the Hearing Examiner for appeals.

Revised Local Animal Services Program Proposed Budget – 2018

To reflect the estimated cost for the appeal process, staff added a line item for the use of the Hearing Examiner, but did not include a line item to reflect revenue recovered through payment of fines. The revised budget proposed for animal services provided locally is as follows:

Animal Control Officer Cost	\$ 97,583
Shelter Cost - (est. 96 intakes @ \$185 ea.)	\$ 17,760
Licensing Cost (9,316)	\$ 38,195
Marketing, Promotions, Canvassing	\$ 20,000
Specialty Contracts	\$ 10,000
*Hearing Examiner / Appeals	\$ 5,000
Vehicle O&M and Operating Supplies	\$ 25,000
Estimated Total 2018 Program Cost	\$ 213,300
Pet License Fee Revenue	\$ 284,300
Estimated Balance Remaining	\$ 70,762

Public Safety Committee Review and Recommendation

At Council's October 18 meeting, the City Manager reported that earlier in the day, RASKC representatives had communicated an alternate proposal for the City's consideration in remaining in the regional system. Councilmember Asher offered a motion, which was seconded by Councilmember Kloba, to have the Public Safety Committee consider RASKC's latest proposal and bring its recommendation back to the full Council at its November 1 meeting. The motion passed unanimously.

Council's Public Safety Committee met on Thursday, October 20 to discuss RASKC's latest proposal. Norm Alberg, Division Director of King County Records and Licensing attended the meeting to offer clarifications and respond to questions. The primary elements of the proposal included ways to reduce Kirkland's costs and also allow Kirkland to retain any license revenue after all RASKC costs were deducted. Kirkland could then use any remaining license revenue to contract for enhanced services. While the County's efforts to be responsive to the City's interests were appreciated, Committee members expressed that localizing the services of the Animal Control Officer will provide better service to the residents of Kirkland, and contracting for shelter and licensing services with professional third party service providers is a better overall value for the City. Committee members will provide their recommendation to the full Council at the Council meeting.

Resident Communication

Between October 16 and October 20, Council received four emails from Kirkland residents expressing support for Kirkland's continued participation in the Regional Animal Services of King County program. Each letter also expressed that "it doesn't seem reasonable (that the City) can operate this service with only one animal control officer; (resident does not) believe that the City will in fact save money and improve services; and (they) appreciate the services we currently receive from the regional model and like that it is managed by a seasoned Vet and not out of a police department." Two residents also suggested that "Kirkland's proposal fails to note that other cities operating independent services staff 1.5 to 2.0 positions rather than the proposed 1.0." Finally, one resident included a proposed "solution for East King County cities to band together to encourage RASKC to hire an additional person to service Eastside cities and that RASKC could then charge participating Eastside cities an extra fee for the additional coverage." Staff will be responding to these letters and believe that the proposed local services envisioned by the Kirkland Police Department will address the concerns raised.

SUMMARY:

Staff is seeking final direction. Funding and FTE authority to create a local animal service program have been included in the City Manager's Preliminary 2017-2018 budget. If the Council chooses to establish a Kirkland animal services program, Council should authorize the City manager to send a letter (Draft included as Attachment B), notifying King County and the RASKC partner cities of Kirkland's intent complete its obligation under the current contract, which terminates December 31, 2017. Further, Council should direct the Kirkland Police Department to develop and implement a program to provide animal services locally, effective January 1, 2018, which would include creating an appropriate appeals process through either the Municipal Court or the City's contracted Hearing Examiner.

Attachment A: Three-year Analysis of "Violation/Investigation" case reports

Attachment B: DRAFT Letter notifying RASKC of Kirkland's intent to complete its obligation under the current contract, which terminates December 31, 2017

Overall 3-Year Average - "Investigation" category call type 108

Attachment A

3-year averages - "Investigation" by Priority:

Priority 1 0.33
Priority 2 5.33
Priority 3 26
Priority 4 52
Priority 5 22
Priority 6 3

Control/Field Case Description "Investigation" Summary Data

	2013	2014	2015	Priority 1	Priority 2	Priority 3	Priority 4	Priority 5	Priority 6
Vicious Marauding	1	2	2		1		4		
Vicious Not In Progress	30	27	30			10	72	5	
Cruelty Abuse	4	8	7		4	9	4	2	
Cruelty Neglect	19	14	9		6	9	24	1	2
Cruelty Welfare Check	14	26	22		2	11	23	26	
Animal Bite	15	18	21	1	3	38	9	1	2
Animal Bite older than 10 days	0	1	2				2	1	
Stray dog confined	0	0	1				1		
Illegal Kennel	2	0	0					2	
Barking or Noise	7	8	11			1	3	19	3
Trespass	5	10	8				14	8	1
Totals	97	114	113	1	16	78	156	65	8

November 1, 2016

Norm Alberg, Director
King County Records and Licensing Division
500 4th Ave Rm 411
Seattle, WA 98104

Re: Kirkland will complete its obligation under the current contract, which concludes December 31, 2017

On behalf of the City of Kirkland, I am writing to inform you that the Kirkland City Council has decided not to enter into the 2018 Successor Interlocal Agreement (ILA) for the provision of regional animal services. Rather, the City of Kirkland will complete its obligation under the current contract, which concludes December 31, 2017.

We look forward to continuing to participate fully as a partner city throughout the 2017 service year. City staff will work closely with RASKC staff on transition issues, such as transferring full and complete records of Kirkland's pet license holders in 2017 and at reconciliation in June of 2018.

Sincerely,