



CITY OF KIRKLAND

City Manager's Office

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MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: November 23, 2010

Subject: CITY OF KIRKLAND DRAFT 2011 LEGISLATIVE AGENDA

RECOMMENDATION:

It is recommended that the City Council review the proposed draft Legislative Agenda and provide comments to Staff so that a final Legislative Agenda may be adopted at the January 4th Council meeting.

BACKGROUND DISCUSSION:

The City Council's Legislative Subcommittee has developed a draft Legislative Agenda in preparation for the 2011 session (attachment 1). The Draft 2011 Legislative Agenda has been reformatted and categorized by guiding principles, Kirkland's top legislative priorities, and Kirkland's support of selected priority items of our ally organizations. An annotated version of the draft agenda is included in attachment 2, which provides explanatory information for some agenda items. The top priority items will be the focus for the City's contracted lobbyists.

This year's State session is a long, 105-day session beginning on January 10, 2011 and extending to April 25, 2011. The legislature finalizes the cutoff schedule on the first day of session. Recognizing the State of Washington's severe financial challenges, State Legislators will primarily focus on closing an estimated \$5.7 billion projected deficit for the 2011-2013 biennium. Kirkland's legislative agenda has few financial requests from the State and focuses on protecting existing state funding sources and securing local flexibility in the use of current revenues. The subcommittee also recommends seeking state financial partnership to construct the public safety building (attachment 3, informational flyer) as well as financial assistance to implement multiple transportation uses on the BNSF corridor. The City of Kirkland and the Association of Washington Cities continue to focus on increased flexibility for existing sources of funding, particularly for infrastructure.

One new item that has been added to the agenda with the recommendation of both the Public Safety and the Finance Committees was to seek legislation to allow cities the same fire benefit charge authority that fire districts and regional fire authorities receive.

Staff was assisted by Majken Ryherd and Jim Richards of Waypoint Consulting, who were awarded a contract to be Kirkland's State lobbyists.

After receiving the City Council's feedback and edits, a final Legislative Agenda will be prepared for adoption at the January 4, 2011 regular meeting.

Attachments: Draft 2011 Legislative Agenda
Annotated Draft Legislative Agenda
Public Safety Building Informational Flyer

**CITY OF KIRKLAND
2011 LEGISLATIVE AGENDA –DRAFT**

General Principles

Kirkland supports legislation that promotes the City Council's goals and protects the City's ability to provide basic municipal services to its citizens.

- Protect current revenue sources available to the City, provide new revenue options and provide flexibility in the use of existing revenues
- Support the City's ability to complete the annexation of Finn Hill, Juanita and Kingsgate through continued appropriation of state funds and legislation that facilitates the cost effective transition of services.
- Oppose the imposition of new mandates that draw on City resources and oppose any further shifting of costs or services from the State or County to cities.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals

City of Kirkland 2011 Legislative Priorities

1. Kirkland supports legislation that secures financial assistance for the construction of the Public Safety Building required to consolidate public safety services and adequately serve the City after annexation.
2. Kirkland supports legislation that allows flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.
3. Kirkland supports legislation that provides financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.
4. Kirkland supports legislation for roadway pricing tools that provides funding for high priority transportation routes, promotes multi-modal transportation modes and mitigates collateral impacts on Kirkland's arterials.
5. Kirkland supports preservation of all options for future use of the BNSF corridor and state financial assistance to implement multiple uses including recreation and transportation.
6. Kirkland supports legislation that provides cities with new and improved financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.
7. Kirkland supports legislation that streamlines the SEPA process and eliminates duplicate and overlapping requirements of growth management and SEPA.

8. Kirkland supports legislation that supports the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers.
9. Kirkland supports legislation amending RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.
10. Kirkland supports legislation to allow cities the same fire benefit charge authority that fire districts receive under RCW 52.18.010.

2011 Legislative Support

Kirkland supports selected items of the 2011 legislative agendas for the following organizations:

Association of Washington Cities

- Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times
 - City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET).
 - Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded.
- Enact new tools to help cities recover, thrive and be efficient
 - Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests.
 - Options for creating sustainable personnel related costs.
 - Additional tools for combating gang activity including funding for gang intervention and prevention activities.
 - Street maintenance utility authority.
- Maintain essential state revenues and authorities for cities
 - Ensure continued appropriation of committed state shared funds and preserve existing local revenue authorities.
 - Preserve infrastructure funding such as the Public Works Trust Fund and storm water funding.
 - Retain current authorities – neither add new requirements or take any away.

Cascade Water Alliance

- Clarify and improve the tools available to voluntarily provide utility services on a joint basis.

Eastside Human Services Forum

- Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.

- Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.

Environmental Priorities Coalition

- Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections.
- 2011 Clean Water Act/Working for Clean Water -- Fund job-creating projects across the state by building water infrastructure that will clean up our water ways.

Washington Fire Chiefs Association

- Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections.
- Provide funding for CBRNE/Funded Regional Hazardous Materials Teams.
- Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet.
- Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate.

Washington Association of Sheriffs and Police Chiefs

- Burglar Alarm Program information protection – Amend RCW 42.56 to protect law enforcement false alarm program information from public disclosure that would compromise the security of properties.
- Require that red light cameras comport with federal standards and that fines are equalized.
- Increase penalties for vehicle prowl.

Washington Bicycle Alliance

- Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.

Washington Recreation and Parks Association

- Real Estate Excise Tax -- Provide local-option legislation allowing cities and counties to use up to 25 percent of the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections to be used for maintenance and operations of parks and recreational facilities
- Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program.

Washington Low Income Housing Alliance

- Maintain the State's investment in Housing Trust Fund.

Washington Chapter of the American Planning Association

- Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.

WRIA 8

- Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.
- Authorize legislation for creation of multipurpose Watershed Districts.

Additional Legislation to Support

- Support waste to energy facilities and policies.
- Support modification of the Washington State Department of Licensing's (DOL) implementation of the Commercial Driver's License process.
- Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.
- Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.
- Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.

**CITY OF KIRKLAND
2011 LEGISLATIVE AGENDA – DRAFT - ANNOTATED VERSION**

General Principles

Kirkland supports legislation that promotes the City Council's goals and protects the City's ability to provide basic municipal services to its citizens.

- Protect current revenue sources available to the City, provide new revenue options and provide flexibility in the use of existing revenues
- Support the City's ability to complete the annexation of Finn Hill, Juanita and Kingsgate through continued appropriation of state funds and legislation that facilitates the cost effective transition of services.
- Oppose the imposition of new mandates that draw on City resources and oppose any further shifting of costs or services from the State or County to cities.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals

City of Kirkland 2011 Legislative Priorities

- 1. Kirkland supports legislation that secures financial assistance for the construction of the Public Safety Building required to consolidate public safety services and adequately serve the City after annexation.**

The City of Kirkland is seeking \$2.65 million in state capital dollars to partner with local funding (\$11.5 spent to date) for the building, renovation and co-location of public safety and Court services in the Totem Lake urban center. (See attached informational flyer)

- 2. Kirkland supports legislation that allows flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.**

KMC 5.18.040(b) provides that the first one-quarter of one percent, REET 1, shall be used consistent with RCW 82.46.010 (capital improvements primarily in the Capital Facilities Element of the Comprehensive Plan). KMC 5.18.045 sets forth that the second one-quarter of one percent, REET 2, shall be used, i.e., "solely for financing projects specified in the transportation portion of the capital facilities element of the city's comprehensive plan."

The proposed legislation seeks to allow cities and counties to use the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections for maintenance and operations of parks and recreational facilities and other infrastructure such as streets and sidewalks. If passed, this legislation would give agencies another "tool" to fund ongoing maintenance of new acquisition or development.

3. **Kirkland supports legislation that provides financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.**

Current state law and procedure disallow using the most recent (2010) federal census of the Juanita-Finn Hill-Kingsgate annexation area (to be released in April 2011). Rules require the city to conduct a census of the newly annexed area at an estimated cost of up to \$225,000. Representatives of Washington State Office of Financial Management do not support using the 2010 Census as a substitute for a complete, independent census of the annexation area. They cite two reasons: 1) State law clearly requires an independent count. 2) Every other annexing city has to do a similar census – when would you draw the line that the decennial census is no longer a valid base? Kirkland, in partnership with the AWC will seek remedy to this inefficiency.

4. **Kirkland supports legislation for roadway pricing tools that provide funding for high priority transportation routes, promote multi-modal transportation modes and mitigate collateral impacts on Kirkland's arterials.**

WSDOT is expected to introduce legislation in the 2011 session to allow tolling on I-405. Priority 4 supports Council's Roadway Pricing Policy, which is supportive of legislation that would allow Express Toll Lanes to be implemented on I-405. Express toll lanes would create a two-lane HOV system. Vehicles that don't meet the HOV requirements could buy into the HOV lanes when excess capacity is available. This priority also fits with Council's support of Transportation 2040, the Region's Transportation Plan. Transportation 2040 calls for the region to move toward a system of priced freeways.

5. **Kirkland supports preservation of all options for future use of the BNSF corridor and state financial assistance to implement multiple uses including recreation and transportation.**

During the summer and fall of 2010, the Transportation Commission conducted outreach in the community to understand opinions on how the Eastside Rail corridor should be developed. This work has shown that people are interested in many possible uses, including using the corridor for transportation of several possible modes. Challenges include funding construction and insuring that the corridor stays in public ownership.

6. **Kirkland supports legislation that provides cities with new and improved financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.**

Pursuing new tools to help cities recover, thrive and be efficient is a major priority of the AWC's 2011 legislative agenda, included in their fiscal flexibility package.

Given its limited economic development tools for attracting or retaining businesses, the State of Washington is at a major competitive disadvantage. With the exception of an R & D tax credit for IT companies, Local Infrastructure Financing Tools (LIFT) and Local Revitalization Financing (LRF), which may or may not be reauthorized in this legislative session, there is little that the City can offer to attract new companies.

Moreover, there are few tools for outfitting our business districts to accept new companies, such as funding for infrastructure. Tax Increment Financing (TIF), a commonly used public financing tool which finances infrastructure by bonding against the capture of a projected property tax revenue stream, is not available in this state. TIF or other methods of taxation that would offer incentives to companies interested in relocating would be a valuable addition to the City's economic development toolbox.

Microlending is a practice that provides small loans (up to \$35,000) to businesses that often do not have a credit history or any other track record to qualify for traditional loans. In the Puget Sound Region, Community Capital Development and Washington CASH are certified by the Small Business Administration (SBA) to offer microloans. Because clients are high risk and often need coaching, interest rates can be high on what are relatively small loan amounts. Kirkland is predominantly comprised of very small businesses. For those businesses and for start-ups to have more options for obtaining microloans at reasonable rates, legislation is requested that would create a microloan fund at the state level with low interest rates and/or allow cities to underwrite interest rates using public funds.

7. Kirkland supports legislation that streamlines the SEPA process and eliminates duplicate and overlapping requirements of growth management and SEPA.

According to the Washington City/Council Management Association, efficient and streamlined procedures for development and redevelopment are necessary to make cities more competitive, without compromising the environment. SEPA reforms that eliminate overlapping requirements of GMA, focusing on only the most extraordinary cases, could provide cost savings to permit applicants as well as the cities and will derive real value from regulations.

8. Kirkland supports legislation that supports the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers.

Kirkland encourages cities and the County to work with the state and regional agencies to develop and finance a balanced transportation system that enhances regional mobility and reinforces the countywide and regional plans for growth by rewarding cities that accept higher densities.

9. Kirkland supports legislation amending RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.

Currently, cities that exempt low-income housing from impact fees must pay the fees from their general fund. Removing the requirement for cities to pay impact fees on low-income housing is an ARCH 2011 priority and is also a carry-over from Kirkland's 2010 legislative agenda.

10. Kirkland supports legislation to allow cities the same fire benefit charge authority that fire districts receive under RCW 52.18.010.

Kirkland seeks the same authority that Fire Districts currently have under RCW 52.18.010 to impose a fire benefit charge on personal property and improvements to real property within the district, but not on any land with voter approval. The charge would apply to residential buildings, commercial structures, agricultural buildings and other structures affixed to the land. RCW 52.18.010 provides for certain exemptions and states the total amount that can be raised by a benefit charge cannot exceed 60% of the district's operating budget. It also requires the charge to be reasonably proportioned to the benefits received by the specific property resulting from the services provided by the district.

Benefit Charge proposals must be voted upon by the residents of the district and must be approved by a 60% majority. RCW 52.18.050 also states the district must hold a hearing not less than 10 days or more than 6 months before the election and, if the charge is approved, the district must thereafter hold a hearing before November 15 of each year to review and establish the charge for the subsequent year. Further, the charge cannot be imposed for more than 6 years. The charge is collected by the County Treasurer's office along with the property taxes as provided by RCW 76.04.610. Similar language for cities would be needed that considers the differing tax structures.

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Cascade Water Alliance

- Clarify and improve the tools available to voluntarily provide utility services on a joint basis.

Local governments that provide water, wastewater, stormwater and/or flood control services have found that the existing limited legal authority to operate jointly has created serious roadblocks to their ability to provide services to the public.

Local utility agencies are finding it beneficial to organize into regional organizations and yet they continue to face challenges because of the lack of certainty regarding their ability to jointly exercise authority and/or the ambiguous status of intergovernmental entities created under the Interlocal Cooperation Act (Chap. 39.34 RCW).

A recent study by several local governments and associations across the state, in cooperation with the State Departments of Ecology and Health, concluded that examining current statutes and models could yield useful recommendations to help existing intergovernmental bodies find a more workable approach to providing utility services. During the process, challenges facing intergovernmental entities were examined, as well as a variety of options for addressing these issues, such as amending existing legislation or creating an entirely new statute.

As a result, a new statute is being drafted that focuses narrowly on addressing many of the unsettled questions and issues identified that apply to municipal utilities.

Eastside Human Services Forum

- Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.
- Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.

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- Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections.
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Washington Fire Chiefs Association

- Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections.
- Provide funding for CBRNE/Funded Regional Hazardous Materials Teams.

CBRNE (chemical, biological, radiological, nuclear or explosive) Funded Regional Hazardous Materials Teams. Funded by the State and supported by existing local team all with identical standard operating procedures, equipment and training throughout the state.

- Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet.
- Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate.

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- Require that red light cameras comport with federal standards and that fines are equalized.
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Washington Low Income Housing Alliance

- Maintain the State's investment in Housing Trust Fund.

Washington Chapter of the American Planning Association

- Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.

A Planned Action EIS is an environmental impact statement that is prepared for a large geographic area based on adopted plans and regulations. The EIS is prepared in sufficient detail to allow future development that is consistent with policies and regulations to be exempted from further SEPA review. This saves the developer time and money and, most importantly, provides a greater degree of certainty in the permitting process.

Planned Action EISs are expensive and require an up-front investment by a jurisdiction. The proposed legislation would allow the jurisdiction to recoup all or some of those costs by charging future developers a fair share.

WRIA 8

- Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.
- Authorize legislation for creation of multipurpose Watershed Districts.

Additional Legislation to Support

- Support waste to energy facilities and policies.
- Support modification of the Washington State Department of Licensing's (DOL) implementation of the Commercial Driver's License process.

On January 2, 2009, the Department of Licensing (DOL) significantly changed the skill and training requirements for a State of Washington Commercial Drivers License. An applicant must now complete 160 hours of training provided by a training institute (up to \$10,000). Alternatively, an employer (i.e. the City of Kirkland) can sign a certificate stating the employee possesses the skills and required training to safely operate a vehicle requiring a CDL license. WCIA issued Risk Management Bulletin # 32 recommending that employers do not certify their employees as safe drivers because of significant and ongoing liability concerns. This has a direct impact on the ability for the City to hire qualified employees for many of its Public Works positions.

- Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.
- Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.
- Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.

The City of Kirkland imposes a business license fee based on the number of full-time equivalent employees. Until recently, the City was able to obtain L&I records to verify accurate reporting of full-time equivalents. The State determined that that the records were confidential and that they would not provide it to cities. The City is seeking legislation that clarifies the cities' ability to access L&I data.

Attachment 3



City of Kirkland Public Safety Building

The City of Kirkland is requesting \$2.65 million in state capital dollars to partner with local funding for the building, renovation and co-location of public safety and Court services. The City has purchased a property including an existing building that can be renovated to house public safety services and is large enough for an additional public safety auxiliary building to be built on site. Additionally, the site of this property is in the Totem Lake area which is now in the geographic center of the City due to annexation expansion.

The population of Kirkland has grown to 49,000, an increase of 17% since the last City Hall remodel in 1994. In 2011, annexation will increase Kirkland’s population by an additional 33,000 citizens requiring additional public safety service capacity for its citizens. In its current location in City Hall, the Police Department is severely overcrowded. Work space has not increased since 1989, while police staffing has grown from 58 employees to 107, plus approximately 20 volunteers. Annexation will require an additional 45 personnel further exacerbating the space shortage. The Department is challenged with a lack of key functional operational spaces and inefficiencies including remote facilities for Municipal Court, evidence storage and weapons training. A recent study concluded that Kirkland needs 33 additional jail beds to house its daily prisoner population — a need that will increase after annexation. Kirkland currently contracts with multiple jails throughout the state for misdemeanor housing which creates operational, security and financial challenges. The new public safety site will allow adequate space for police, jail and Municipal Court services. This public safety “campus” will be more cost effective due to the co-location of facilities and reduced need for contracted services.

OBJECTIVES & BENEFITS

- Creates operational and safety improvements by co-locating Police and Court functions
- Provides a geographically central location subsequent to annexation providing efficiency to citizens accessing public safety services
- Reduces jail costs by housing more misdemeanor prisoners
- Equips the City to provide service to the annexation area of 33,000 citizens
- Provides adequate and secure space for public safety personnel

BACKGROUND

The City exercised an opportunity to purchase an existing building for a stand-alone public safety building which will allow the Police and Municipal Court functions to be co-located. The total project cost for the purchase, remodel and construction of the project, including a separate auxiliary building for police support functions, is approximately \$38 million.

The Facility	
Purchased building	102,000 sf
Police support building (to be built)	21,000 sf
Total completed facility	123,000 sf
The Funding	
Total expended to date	\$11.5 M
Remaining Costs	\$26.5 M
Total anticipated cost	\$38.0 M



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