MEMORANDUM

To: Kurt Triplett, City Manager
From: Joe Sanford, Fire Chief
Andreana Campbell, Management Analyst

Date: June 22, 2020

Subject: DRAFT FIRE AND EMERGENCY MEDICAL SERVICES BALLOT MEASURE ORDINANCE

RECOMMENDATION

City Council reviews and comments on the ballot title and ordinance language in the draft ordinance. The ordinance authorizes placement of a permanent levy lid lift on the November 2020 ballot to fund fire and Emergency Medical Services (EMS) capital and operating costs. The final ordinance will be presented for Council action at the July 21, 2020 meeting, which is the last meeting where the Council may place the measure on the ballot in November.

BACKGROUND

At their June 16 Council meeting, Council received a final update on the ComSAG capital project and staffing estimates from the Recommendation Review Team (RRT) and reviewed two potential ballot measure ordinances. Council also authorized the recruitment of the ballot measure pro and con committees. With the final update from the RRT increasing estimates beyond the ComSAG’s original recommendation of $0.225/$1,000AV, the Council chose to defer the training building located next to new Fire Station 24, the purchase of the second ladder truck, and the hiring of four firefighter/EMTs to staff an 12-Hour EMS transport aid car.

Staff presented Council with two ballot measure ordinance options. The first was the “bond and levy” ballot option of a 30-year capital bond and a permanent operating levy. The second was a “combined measure”, single permanent “pay as you go” levy option to fund both capital and operating costs. Of the two ballot measure options presented, Council chose the second option, a single permanent levy lid lift. The option approved by Council for further evaluation includes a tax rate of $.22513/$1000 AV and would generate $7 million dollars annually; $3.4 million dollars per year for capital expenses, and $3.6 million dollars a year for operating expenses, with an annual median home impact of $164. Details are shown in the chart below.

| REPRIORITIZATION AND FINAL ESTIMATES |
|---|---|---|---|
| **Capital** | $55,800,000 | $3,400,000 | $0.10948 | $79.91 |
| **Operating** | $3,600,000 | $3,600,000 | $0.11565 | $84.42 |
| **Total** | **$7,000,000** | **$0.22513** | **$164.33** |
At the conclusion of the June 16 Council presentation, Council provided the following direction:

- Incorporate RCW 84.36.381, which exempts seniors, disabled veterans, and other qualified households from the property tax into the draft ballot measure ordinance.
- Provide specificity in the ballot title language of intended staffing and facility investments funded with the generated revenue.
- Provide flexibility in the ordinance should some investments prove infeasible or circumstances arise in the future that required alternative investments.
- Create an annual accountability report like the 2012 Street levy and 2012 Parks levy accountability reports.
- Defer the training building, second ladder truck, and four firefighter/EMTs.
- Begin recruiting for the pro and con committees.

**BALLOT TITLE AND ORDINANCE LANGUAGE**

Attachment A is the updated ballot measure ordinance which incorporates the first and second bullet points above. For the July 7 Council meeting, staff is looking for feedback from Council on the ballot title and body of the ordinance. A final revised ordinance will be brought to the July 21 Council meeting, the deadline for the Council to approve placing the measure on the November 3, 2020 ballot.

The ordinance authorizes the ballot measure and adopts the actual language that will appear on the ballot. The initial language is included below for Council review and edits. Under state law, the ballot title language is limited to 75 words starting with “This proposition” as the first two words. The current draft is exactly 75 words. Staff will present this language on the screen at the meeting for Council consideration.

**CITY OF KIRKLAND PROPOSITION NO. 1**

**LEVY LID LIFT FOR FIRE AND EMERGENCY MEDICAL SERVICES AND FACILITIES**

The City Council of the City of Kirkland adopted Ordinance O-4731 concerning funding for fire and emergency medical services and facilities. This proposition funds stockpiling pandemic personal protective equipment, constructing a new fire station, seismically renovating existing stations, acquiring equipment, and hiring new firefighters/EMTs to improve response times by increasing the City’s regular property tax by $0.22513/$1,000 to a maximum rate of $1.21951/$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors, disabled veterans, and individuals qualifying under RCW 84.36 are exempted.

Pro and con committee applications are still being accepted through this week, with the deadline set for June 30 at 4:30pm. A separate memo regarding appointing the committees is also part of the Council packet. Depending on the applications received, Council can choose to appoint up to three members for each committee at the July 7 meeting.
**NEXT STEPS:**

At the March 17 meeting, Council received a preliminary update on the ComSAG’s recommendation. At the April 7 meeting, Council received the full report along with the final fire and EMS community survey questions incorporating Council’s feedback. At the April 21 meeting, Council accepted the ComSAG report by adopting Resolution R-5413. On May 19 staff received Council’s feedback and direction after being presented the survey results from both EMC Research and the City’s online version of the survey.

At the June 16 meeting, staff presented draft ordinances and draft ballot title language for the Council’s consideration. For the July 7 meeting, staff has worked with the City Attorney’s Office and Bond Counsel to refine the next iteration of the ordinance authorizing the combined measure and ballot title. Pro and con committee members will also be appointed at the July 7 Council meeting.

The July 21st meeting marks the last day for Council to take final action to place the measure on the November ballot. On July 21st staff will bring the final revised ordinance.

<table>
<thead>
<tr>
<th>Calendar</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 17</td>
<td>Staff Presented Preliminary Update on ComSAG Recommendation to Council</td>
</tr>
<tr>
<td>April 7</td>
<td>Staff presented Final ComSAG Recommendation to Council</td>
</tr>
<tr>
<td>April 21</td>
<td>Council Adopted Resolution R-5413 Accepting Final ComSAG Report</td>
</tr>
<tr>
<td>April 22</td>
<td>EMC Research to Begin the Fire/EMS Community Survey</td>
</tr>
<tr>
<td>May</td>
<td>Staff to Receive Top Line Results from Survey</td>
</tr>
<tr>
<td>May 19</td>
<td>Council Received Survey Responses</td>
</tr>
<tr>
<td>June 16</td>
<td>Staff to Bring Draft Ordinance(s) and Draft Ballot Title Language to Council</td>
</tr>
<tr>
<td>June 16</td>
<td>Authorize Recruitment for Ballot Measure Voter Pamphlet Statement Pro/Con Committees</td>
</tr>
<tr>
<td>June 30</td>
<td>Deadline for Statements of Interest for Pro/Con Committee appointment</td>
</tr>
<tr>
<td>July 7</td>
<td>Staff to Bring Second Draft Ordinance and Ballot Title Language to Council for review</td>
</tr>
<tr>
<td>July 7</td>
<td>Appointment of Ballot Measure Voter Pamphlet Statement Pro/Con Committees</td>
</tr>
<tr>
<td>July 21</td>
<td>Last Council Meeting to Adopt Ballot Measure Ordinance</td>
</tr>
<tr>
<td>August 4</td>
<td>Pro/Con Committee notice of appt due to King County Elections</td>
</tr>
<tr>
<td>August 4</td>
<td>Ballot Measure Filing due to King County Elections</td>
</tr>
<tr>
<td>August 7</td>
<td>Explanatory Statement due to King County Elections</td>
</tr>
<tr>
<td>August 11</td>
<td>Pro/Con Statements due to King County Elections</td>
</tr>
<tr>
<td>November 3</td>
<td>General Election</td>
</tr>
</tbody>
</table>
ORDINANCE NO. O-4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

WHEREAS, in 2011, the City Council (the “Council”) of the City of Kirkland (the “City”) engaged the services of Emergency Services Consulting International (“ESCI”) to conduct an organizational review of the City Fire Department; and

WHEREAS, since 2012, Fire Department staff has worked with other City departments and the City Manager’s Office to implement certain ESCI recommendations, including through the budget process; and

WHEREAS, the Council completed a Fire Strategic Plan in 2012 to identify needed investments in staffing, equipment and technology to provide for better response times for fire and Emergency Medical Services (“EMS”); and

WHEREAS, on February 21, 2017, the Council approved Resolution R-5239 adopting the City’s 2017-2018 Work Program to “explore potential ballot measures for fire station modernization and public safety operations to further the goals of Public Safety, Dependable Infrastructure, and Financial Stability”; and

WHEREAS, on December 12, 2017, the Council adopted Resolution R-5290, revising the 2017-2018 City Work Program to defer exploration of a fire facilities and operations ballot measure to at least 2020 due to public concerns about the cumulative financial impact of property tax increases due to state and regional legislation; and

WHEREAS, the Council subsequently implemented a two-phased approach to addressing public safety needs; and
WHEREAS, phase one included a sales and use tax for enhanced police and public safety services, which was approved by the voters at an election held in November 2018, and phase two includes a bond and/or levy lid lift for fire station seismic renovation, capacity expansion, and additional firefighter/emergency medical technician (“EMT”) staffing; and

WHEREAS, on February 19, 2019, the Council adopted the 2019-2020 City Work Program which ranked “exploring a potential ballot measure in 2020 to fund Fire Station modernization and enhanced operations to further the goal of Public Safety” as its number one priority; and

WHEREAS, the City continues to experience unprecedented growth and development, with new types of commercial and residential structures that need fire/EMS services; and

WHEREAS, providing fire/EMS services that match this economic growth and redevelopment are challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly $4 million annually from the City’s general fund; and

WHEREAS, further, Washington State law limits the annual increase of a city’s regular property tax levy to 1% plus an allowance for new construction, unless the voters of a city approve a levy lid lift permitting the collection of regular property taxes in a greater amount; and

WHEREAS, to sustainably fund these potential fire/EMS investments, the City must either identify new revenues or significantly reprioritize existing general fund programs such as parks maintenance and street maintenance that also rank as high priorities with City residents; and

WHEREAS, in 2019, the Council convened the Community Safety Advisory Group (“ComSAG”) to review options to improve response times, keep Fire/EMS stations seismically sound, and improve firefighter health and safety; and

WHEREAS, in February 2020, ComSAG recommended hiring 24 new firefighter/EMTs to provide a dedicated aid car at Fire Station 22 in Houghton, fully staff Fire Station 24 in north Juanita, provide daily 12 hour dedicated patient transport during peak hours, and fund five new firefighter/EMTs to improve response times throughout the City; and

WHEREAS, to improve response times and protect firefighter health and safety, the ComSAG also recommended construction of a
new Fire Station 27 in Totem Lake, and the seismic renovation of Fire Station 22 in Houghton, Fire Station 26 in Rose Hill and Fire Station 21 at the border of Juanita and Norkirk; and

WHEREAS, since the ComSAG completed its recommendation in February 2020, the City proclaimed an emergency to combat the COVID-19 pandemic and has been grappling with the escalating social and economic impact of the virus and related public health and safety orders on the community; and

WHEREAS, the capital and operating elements in the proposed ComSAG recommendation would have significantly improved the City’s response to COVID-19, and the budget challenges created by the economic impacts of the outbreak curtails the City’s ability to fund any of these additional public safety investments without a voter approved revenue source; and

WHEREAS, at the May 19, 2020 Council meeting, the Council directed staff to reprioritize the capital and operating elements funded within the ballot measure(s) to be no more than the ComSAG’s recommendation of $0.22513 per $1,000 of assessed valuation which required a deferral of some staffing and facility elements to future years; and

WHEREAS, it is deemed necessary that the City increase its regular property tax levy rate to $0.22513 per $1,000 of assessed value for collection in 2021 and thereafter to use the resulting levy amount as the basis for computing the limitations for subsequent levies as allowed by chapter 84.55 RCW; and

WHEREAS, the Council deems it necessary to submit to the voters of the City the proposition of whether or not the City shall levy regular property taxes for collection in 2021 in excess of the limit factor provided for in chapter 84.55 RCW;

NOW, THEREFORE, the City Council of the City of Kirkland does ordain as follows:

Section 1. Findings. The Council hereby finds that the best interests of the residents of the City require the City to fund fire and emergency medical services and facilities, including but not limited to the following (“Fire and EMS Services”):

- Acquire pandemic response equipment, including stockpiling personal protective equipment;
- Acquire, construct, improve and equip a new Fire Station in Totem Lake, including the acquisition of land;
- Modernize, improve, expand, and/or renovate existing Fire Stations, including Fire Station 21 in Juanita, Fire Station 22 in Houghton and Fire Station 26 in Rose Hill;
- Facility seismic renovations and capacity expansion;
- Hire approximately 20 additional full-time equivalent firefighter/emergency medical technicians (EMTs) and staff;
- Modernize and upgrade technology and public safety facilities and equipment;
- Fund additional operating, maintenance, vehicle and capital expenses to provide enhanced public safety services; and
- Other public safety operations, maintenance, improvements, equipment and services as determined by the Council should anticipated investments become infeasible or City public safety needs significantly change.

The City Council shall determine the timing, order and manner of funding the Fire and EMS Services and other uses of levy proceeds. The cost of all compensation, benefits, training, support services, equipment, vehicles, infrastructure, facilities, real property, and/or administrative expenses and other costs incurred in connection with the Fire and EMS Services shall be deemed a part of the costs of such Fire and EMS Services. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general public safety descriptions provided herein. The proper officials at the City shall produce an annual accountability report documenting actions and program status of the Fire and EMS Services and other uses of levy proceeds.

Section 2. Calling of Election Regarding the Levy of Additional Regular Property Taxes. It is hereby found and declared the best interests of the City require the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020. For the purpose of providing funds to pay the costs of the Fire and EMS Services, the King County Director of Records and Elections (the “Director”), as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct such election to be held on such day and to submit to the qualified electors of the City for their approval or rejection a proposition to increase the City’s regular property tax levy by up to $0.22513 per $1,000 of assessed valuation (to a total rate not to exceed $1.21951 per $1,000 of assessed valuation) for collection in 2021, as allowed by chapter 84.55 RCW. The 2021 levy amount will be used as the basis to calculate subsequent levy limits.
Upon approval of the voters of the proposition hereinafter set
forth, the City may use proceeds of such levy to pay the costs of the
Fire and EMS Services as more particularly described in this ordinance.

Section 3. Election. The City Clerk is hereby authorized and
directed to certify the following proposition to the Director, in
substantially the following form. Such election shall be conducted by
mail unless otherwise determined by the Director.

CITY OF KIRKLAND PROPOSITION NO. 1
LEVY LID LIFT FOR
FIRE AND EMERGENCY MEDICAL SERVICES AND FACILITIES

The City Council of the City of Kirkland
adopted Ordinance No. O-4731
concerning funding for fire and
emergency medical services and facilities.
This proposition would fund public safety,
including stockpiling pandemic personal
protective equipment, constructing a new
fire station, seismically renovating
existing stations, acquiring equipment,
and hiring new firefighters/EMTs to
improve response times by increasing the
City’s regular property tax by
$0.22513/$1,000 to a maximum rate of
$1.21951/$1,000 assessed valuation for
collection in 2021. The 2021 levy amount
will be the basis to calculate subsequent
levies, per RCW 84.55. Qualifying seniors,
veterans, and others would be exempt,
per RCW 84.36.

Should this proposition be approved:

YES? ............................  

NO? ..............................

For purposes of receiving notice of the exact language of the
ballot proposition required by RCW 29A.36.080, the City Council hereby
designates: (a) the City Clerk and (b) the City Attorney, as the
individuals to whom such notice should be provided. The City Attorney
and City Clerk are each authorized individually to approve changes to
the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical
corrections to this ordinance including, but not limited to, the correction
of scrivener’s or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the regular property tax shall be increased, as provided in this ordinance, to the electors at the November 3, 2020 election.

Section 4. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, senior citizens, disabled veterans, and other people with disabilities (as defined in RCW 84.36.381) shall be exempt from the tax increase resulting from such levy lid lift.

Section 5. Voters’ Pamphlet. The preparation and distribution of a local voters’ pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement and arguments advocating approval and disapproval of the ballot measure, if any. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council. Each committee shall be composed of not more than three persons; however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 6. Severability; Ratification. If any provisions in this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the levy or collection of the taxes authorized by this proposition. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.
Section 7. Effective Date. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication of a summary of this ordinance in accordance with Kirkland Municipal Code 1.08.017.

Passed by majority vote of the Kirkland City Council in open meeting this ___ day of _____________, 2020.

Signed in authentication thereof this ___ day of _____________, 2020.

________________________
Penny Sweet, Mayor

Attest:

________________________
Kathi Anderson, City Clerk

Approved as to Form:

________________________
Pacific Law Group LLP, Bond Counsel
CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4731 of the City (the “Ordinance”), as finally adopted at a regular meeting of the City Council held on __________, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this ____ day of _________, 2020.

CITY OF KIRKLAND, WASHINGTON

____________________________________

City Clerk
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE Levy LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

Section 1. Sets forth findings of the Council, and authorizes the City to fund fire and emergency medical services and facilities, including but not limited to those operating and capital services set forth therein (the "Fire and EMS Services").

Section 2. Calls for the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020 for the purpose of providing funds for Fire and EMS Services.

Section 3. Sets forth the form of ballot proposition authorizing a levy lid lift for fire and emergency medical services and facilities.

Section 4. Provides for an exemption for qualified senior citizens, disabled veterans and other persons with disabilities from the regular property tax increase resulting from the levy lid lift.

Section 5. Authorizes the preparation and distribution of a local voters’ pamphlet providing information on the levy lid lift ballot proposition.

Section 6. Provides for the severability of the Ordinance and ratifies prior actions taken in furtherance of the purposes of the Ordinance.

Section 7. States the effective date of the Ordinance.

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 ________, 2020.

I certify that the foregoing is a summary of Ordinance No. 4731 approved by the Kirkland City Council for summary publication.

_____________________________
Kathi Anderson, City Clerk
MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: June 18, 2020

Subject: Potential Ballot Measure Pro/Con Committees Appointments

RECOMMENDATION:

That the City Council appoint members to the “pro” and “con” committees for a proposed ballot measure relating to a potential Fire and Emergency Medical Services ballot measure.

BACKGROUND DISCUSSION:

As part of the ballot measure information in the voter pamphlet, the Council must appoint individuals to write statements in favor of, and in opposition to, any potential ballot measure, if one is approved for the November 3, 2020 general election. At its June 16, 2020 meeting, the Council directed the City Clerk to proceed to advertise for applicants for these committees. On June 18th, a press release was issued for individuals to volunteer for the committees, with a deadline of June 30, 2020. Applications will be forwarded to Council under separate cover following the deadline.

King County Elections’ Jurisdiction Manual states the committees shall have no more than three members. However, a committee may seek the advice of any person or persons. Members shall be appointed from persons known to favor or oppose the measures as appropriate. The committees should each select a spokesperson for that committee. If the jurisdiction is unable to identify persons to serve on any of the committees, the Council must notify King County Elections, detailing efforts made to establish the committees, and they will publish a statement to that effect in the pamphlet.

The committee appointment forms must be submitted to King County no later than August 4, 2020. The committees’ statements are due on August 11, 2020. The purpose of the July appointment is to allow the committees ample time to meet and to construct their arguments. If the Council is not satisfied with any of the submitted names, there is time to extend the recruitment for additional interest and delay the appointments to the Council’s July 21st meeting. If desired, the Council may choose to interview the applicants prior to appointment.

Applications will be forwarded to Council following the deadline of 4:00 p.m. on Tuesday, June 30th. Council may make a motion to appoint up to three of the applicants to each committee at their July 7th meeting, or continue their deliberations or selection process to the subsequent July 21st meeting. Following appointments, the City Clerk will then prepare the appointment form for submittal to King County and contact the individuals to provide them with the information they will need to complete their tasks.