



# CITY OF KIRKLAND CITY COUNCIL

Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Doreen Marchione  
Toby Nixon • Jon Pascal • 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.*

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## AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, October 17, 2017 6:00 p.m. – Study 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.

**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.

**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.

**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*
  - a. Trees and Development Regulations Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Get Active, Stay Active Grant Award
  - b. American Planning Association Great Street Award
  - c. EnviroStars Green Business Program Update
  - d. Kirkland Youth Council and Kirkland Teen Union Building Updates

**\*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.

**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.

**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.

**8. CONSENT CALENDAR**

*a. Approval of Minutes:* October 3, 2017

*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) Resolution R-5273, Approving the City of Kirkland's Allocation for the North East King County Regional Public Safety Communications Agency (NORCOM) Budget.

(2) Resolution R-5274, Approving the Subdivision and Final Plat of Wildridge Being Planning and Building Department File No. SUB16-00921 and Setting Forth Conditions to Which Such Subdivision and Final Plat Shall Be Subject.

(3) Studio East Funding Request

(4) Purchase of Holiday Tree Extension

(5) Surplus of Equipment Rental Vehicle/Equipment

(6) Report on Procurement Activities

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

*a. Continuity of Operations and Continuity of Government Plan Draft*

*b. Ordinance O-4611 and its Summary, Relating to Emergency Management.*

*c. Resolution R-5275, Approving an Amendment to Section 3.12 and Adding New Sections 3.25 and 3.26 to the Kirkland City Council Policies and Procedures.*

*d. Ordinance O-4607 and its Summary, Relating to Short-Term Rentals.*



**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.

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

**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.

- e. Ordinance O-4612 and its Summary, Adopting Local Animal Control Provisions That Set Forth the Regulations Applicable to Enforcement, Penalties, and Impounding Procedures.

**11. NEW BUSINESS**

- a. Human Services Commission Draft Work Plan
- b. Park Board Interview Selection Committee Recommendation
- c. Resolution R-5276, Authorizing the City Manager to Execute a Real Property Purchase and Sale Agreement for a Portion of Tax Parcel #2826059085 for the Extension of 118<sup>th</sup> Avenue NE.

**12. REPORTS**

- a. *City Council Regional and Committee Reports*
  - (1) Prioritizing Sound Cities Association (SCA) 2018 Open Seats/Appointments to Regional Boards and Committees
- b. *City Manager Reports*
  - (1) Calendar Update

**13. ITEMS FROM THE AUDIENCE**

**14. ADJOURNMENT**



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3225**  
**www.kirklandwa.gov**

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Jeremy McMahan, Planning Manager – Development Services  
Eric Shields, AICP, Director  
Deb Powers, Urban Forester  
Ashley Adams, Development Review Arborist  
Christian Geitz, Planner

**Date:** October 5, 2017

**Subject:** Trees and Development Update

### **RECOMMENDATION**

City Council receive staff report on administration of the City's Tree Management and Required Landscaping regulations, Kirkland Zoning Code (KZC) Chapter 95.

### **BACKGROUND DISCUSSION**

Given the current pace of development in Kirkland, it is no surprise that tree removal and tree retention has become a frequent flash point in the community. City staff is in daily contact with neighbors who express concern that City codes allow so many trees to be removed and developers who express concern that City codes are overreaching or are not being fairly administered. In this context, it is timely to review current City regulations that govern trees and development with the City Council.

This memo will start with a brief history of the City's regulations (Section A) and the guiding policy basis (Section B). With that background, we will then review some specific scenarios to illustrate the practical application of the rules (Section C and D). Violation of the regulations may result in code enforcement actions, so we will address how those enforcement actions are handled (Section D). Finally, we will highlight the key challenges that staff, residents, and the community face as the development process unfolds (Section E).

#### **A. Brief History of Chapter 95**

Beginning in 2002, concerned with ongoing tree removal during a time of significant land development, the City Council adopted a series of interim ordinances that reduced tree removal on private property to two trees per year and required retention of all "perimeter" trees (within 10' of the property lines) with new development unless removal was needed for locating structures, access ways, utilities, etc. In 2006, the City adopted its first comprehensive tree protection regulations in Chapter 95 of the KZC, "Tree Management and Required Landscaping" (current regulations are Attachment 1). A quick summary of the regulations is included as

Attachment 2. The 2006 tree regulations were developed through an extensive multi-year review process involving the general public and the development community. The City hired its first Urban Forester to oversee this effort. As part of the adoption of Chapter 95, the City Council asked to revisit the regulations after a couple years of administration to identify potential fixes. That effort led to a number of minor and moderate amendments to Chapter 95 in 2010, mainly to clarify the Code. The Council decided to not pursue major updates that would have increased tree density requirements and retain more trees through the development process.

Interesting to note is that many cities elsewhere in the region and surrounding Kirkland have also established tree codes. A good indicator of this is the signage placed at city limits declaring Tree City USA status, as tree regulations are one of four criteria for Tree City USA eligibility.

Since 2010, the most significant change to Kirkland's tree protection came with the annexation of the Finn Hill Neighborhood and King County's Holmes Point Overlay regulations (now KZC Chapter 70) in 2011. This memo does not devote much attention to those regulations as there is a separate process underway with the Planning Commission and City Council to review and amend those rules. A comparison of regulations in KZC Chapter 70 and KZC Chapter 95 are included as Attachment 3)

## **B. Policy Basis for Tree Management**

The Comprehensive Plan directs efforts towards meeting the requirements of Washington's Growth Management Act (GMA) while achieving the community's vision for the future. With Kirkland's last Comprehensive Plan update, the Natural Environment Element section was revised including policies to

- Achieve a healthy, resilient urban forest with an overall 40 percent tree canopy cover
- Provide a regulatory framework to protect, maintain and enhance Kirkland's urban forest.

The [Urban Forest Strategic Management Plan](#) was adopted in 2013 to outline steps towards a healthy, sustainable urban forest, a qualitative measure, over a long term horizon. The plan establishes performance measures and specific objectives; linking daily operations to long term goals. Like any strategic plan, the intent is to lay the foundation for cohesive, efficient and sustainable urban forest management on a daily, annual, incremental and long-term basis.

## **C. Tree Management Regulations**

KZC Chapter 95 is the regulatory framework with the intent to slow the loss of the City's 40 percent tree canopy cover, a quantitative measure. The Code establishes a permit process and standards for the protection and replacement of trees on private and public property. The regulations address tree management in three basic categories: tree pruning, tree removal when not associated with development, and tree removal associated with development activity. The table in Attachment 2 summarizes Kirkland's tree code.

Regarding pruning, no permits are required to prune trees on private property; however, topping is not allowed. Regarding tree removal, the following sections address tree

management for the non-development and development categories and provide scenarios to illustrate how the Code is administered.

A few basic definitions are in order when discussing tree removal.

### **Definitions**

Significant Tree – A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground.

Hazard Tree – A tree that meets the following criteria:

- a. A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
- b. Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
- c. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

Nuisance Tree – A tree that meets either of the following criteria:

- a. Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation ,or roof: or
- b. Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

## 1. Tree Removal Not Associated With Development

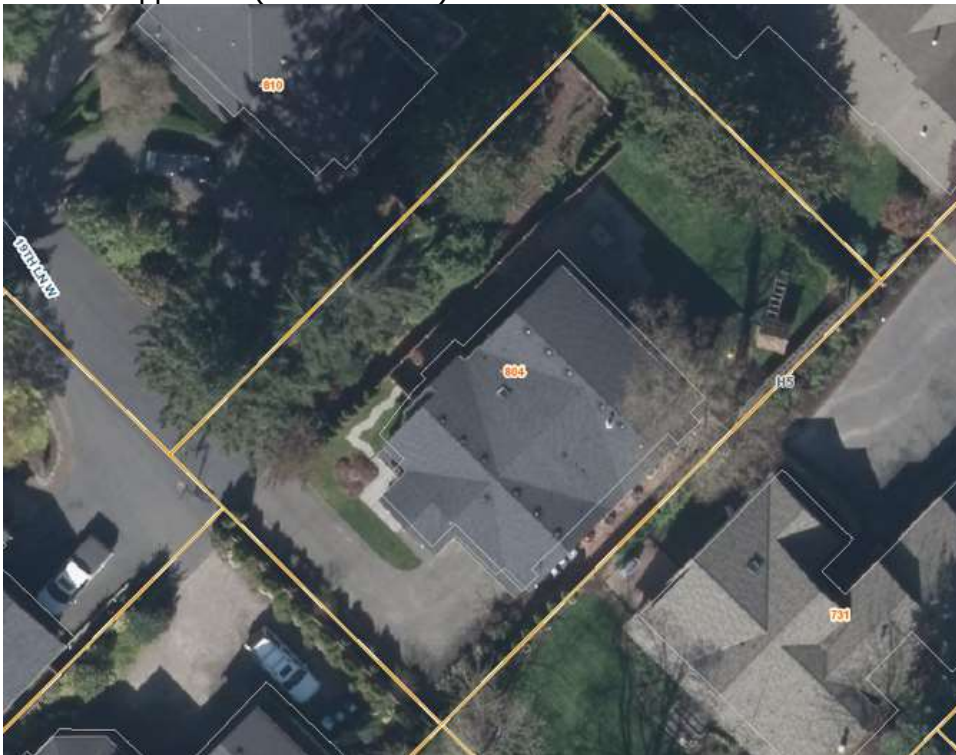
### a. Tree Removal Notifications:

The majority of tree removal not associated with development is exempt from a permit requirement. Exempt from permit requirements are cases where the owner of a developed property wants to remove one or two trees within a 12-month period, there is no pending development application, and the following conditions are met:

- At least two significant trees remain
- The property is not covered by the tree retention agreement required for new development (new residence built within the last five years)
- The trees are not in a Native Growth Protection Easement (NGPE).
- The trees are not in a critical area of its buffer (i.e. streams, steep slopes, and wetlands).
- There are not subdivision restrictions listed on deed or plat map
- The property is not subject to shoreline vegetation requirement
- The property is not within the Holmes Point Overlay (HPO).

Although this type of tree removal does not require a permit, the City makes available a tree removal notification form that enables property owners and tree removal companies to verify code compliance and document the activity in advance of the actual removal. Of the 680 tree removals reviewed by the City in 2016, 531 were tree removal notifications. Tree removal notification requests are free of charge.

The real-life example shown in Figure 1 below is a property that has no critical areas and is not located within the Holmes Point Overlay. After researching the property data in Energov (the City's internal permit tracking system), it was also determined that the property had no conditions that would require a permit. The owner was eligible to remove two trees from the property and submitted a Tree Removal Notification Form that was approved (Attachment 4).



*Figure 1 – GIS snapshot of a property with no conditions. Removal of two trees was allowed and owner submitted Tree Removal Notification Form*

#### b. Tree Removal Permits

Tree removal or pruning requests (not associated with development) that are not exempt from a permit as discussed above must apply for and receive City approval prior to proceeding. These permits fall into the following two categories:

- Tree Removal Permit for removal of more than two trees or for removal that does not meet the conditions noted above (i.e. – in a critical area buffer, in the HPO, etc.). While an arborist report is generally required with this permit, an applicant may submit photos for trees with obvious defects or for tree causing

obvious damage to property. Arborist reports must be done by a qualified professional. A permit fee of \$211 is required.

- Public Tree Removal & Pruning Permit Application for either the pruning or removal of street (public) trees. Removal of public trees requires an arborist report by a qualified professional (see the description of qualified professional below). A permit fee of \$211 is required for processing a public tree removal request. Unlike tree removal permits on private property, tree permits for right-of-way trees are reviewed by the Public Works Street Division. Pruning requests have no fees, but an ISA (International Society of Arboriculture) certified arborist is required to perform the pruning of public trees to the ANSI A300 Standard.

A recent example is a property located within the Holmes Point Overlay that includes both private and public tree removal permitting (Figure 2). The property owner requested removal of a total of seven trees, four of which were on private property and two in the adjacent ROW along NE 116th Street. Two separate permit applications were submitted, a Tree Removal Permit Application and a Public Tree Removal & Pruning Permit Application. Each permit was accompanied by an arborist report completed by a qualified professional. The Development Review Arborist performed a site visit and peer review of the arborist report for private property trees for compliance with Kirkland Zoning Code. Three of the trees met the City's hazard tree definition and so removal was approved. The fourth tree did not meet the hazard tree definition and was not approved for removal. A Planning Official Decision Letter was sent to the applicant that outlined this information and replanting requirements (Attachment 5). The Public Tree Removal & Pruning Permit Application was routed to the Public Works Arborist for review and approval. Public Works crews removed two of the right-of-way trees as hazard trees.



*Figure 2 - GIS snapshot of a property located in the Holmes Point Overlay where the property owner requested removal of seven trees, including private and public trees*

## 2. Tree Removal Associated With Development

To understand how staff approaches administration of the KZC relative to trees, it is important to understand that Kirkland has a tree retention based code, and not a tree replacement based code. The purpose and intent of Chapter 95 focuses on the retention and maintenance of healthy trees and vegetation as the basis of development review. The Code uses a tree credit system to assess the current tree canopy and establish a minimum replanting standard for all single family residential development sites. The following section breaks down tree retention review associated with the two most prominent development types in Kirkland: infill development, where an existing residence is demolished and replaced; and land division, whereby exiting lots are divided into multiple lots through a short plat or subdivision.

To begin dissecting the complexity of the assessment of sometimes large numbers of trees on a site proposed for development, Planning staff follows four general stages: 1) assess the trees, 2) classify the trees, 3) establish a retention plan, and 4) protect the trees during development. Each of these four phases of the review and construction process are multifaceted and involve many stakeholders. Administration has evolved over the years through staff training, consensus building, and implementation. Staff regularly meet to discuss best practices, issues, and make sure we are consistently applying the code.

### **Assess the trees**

All development permits require certain information be included with an application related to the existing onsite and offsite trees. This information is obtained through a Tree Plan, which is comprised of reports, surveys, and plans identifying and illustrating the health, location, and protection measures for each tree on the subject property, as well as trees located offsite that may be impacted by the proposed development activity (see section 95.30, Attachment 1). These materials, including an arborist report prepared by a qualified professional, are evaluated by the City's Development Review Arborist, performing a site visit and peer review of the applicant's submittal materials. Incomplete or inadequate information requires correction through the permit review process.

### **Classify the trees**

With the completion of the peer review, the Development Review Arborist will provide an initial classification of the trees and collaborate with the assigned Planner on confirming the retention requirements for the proposal. All trees are evaluated and placed into three separate categories, based on a retention value. The retention values are located in the definitions of Chapter 95 KZC (see Attachment 1). This breakdown of the tree inventory, simply put, inventories all trees based on health and location and places them into the following categories: High, Moderate, and Low Retention Value Trees (HRV, MRV, LRV).

#### **Retention Values: What are they?**

Trees are classified into three retention categories. Moderate Retention Value trees are healthy trees located within an area of a lot that is allowed to support buildings or associated structures and improvements (ex. Residence, driveways, patios, etc.). These trees are required to be retained "if feasible". Low Retention Value trees are unhealthy trees or trees located in an area where removal is unavoidable due to anticipated development impacts. High Retention Value trees are those viable and healthy trees



located in tree groves, required setback yards, required landscape areas, sloped areas, and environmentally sensitive areas (see KZC section 95.10, Attachment 1). These trees are required to be retained "if possible". For brevity, this memo focuses on High Retention Value trees, as these are the trees most often part of debate or disagreement among various interests. The Code provides staff significant leverage to require the retention of HRV trees (95.32 KZC).

### **Retention plan**

The next step in the process is perhaps the most complicated, as it relates to the establishment of which trees will be slated for retention and which trees may be removed. Based on the classification status of a tree, the Planner must make a determination as to feasibility of retention, while still allowing the property to develop. Staff rely on our Development Review Arborist to assist in finding the most beneficial tree retention plan for the project. The plan must be beneficial to the maintenance of the existing tree canopy while acknowledging the development rights of the property owner.

### **Protection**

The final phase of the review process is closely related to the retention plan phase, and seeks to determine the best and most reasonable level of protection for those trees required to be retained. Protection during development requires six foot tall chain link fencing with notification signage (see Attachment 6 for fencing detail). The location of protection measures is initially proposed by the applicant and confirmed or revised as required by the Development Review Arborist. The fencing location is required to be shown on the site plan and is inspected by the Planner prior to permit issuance. Protection fencing is required to be installed and maintained in place throughout the development of the project. The fencing is intended to clearly delineate where grading, digging, construction, and similar activities shall not occur, in order to maintain the pre-development health and viability of the tree(s).

### **Development Complexities**

The development or redevelopment of a property in Kirkland must be designed and proposed to satisfy many of variables and code requirements, all coming together to provide for safe and livable community. The "perfect world" scenario for Planners conducting permit review is a development project planned around its specific site conditions. This is the standard recommendation that staff provide from the genesis of a project, where the applicant is reminded to consider existing trees as well as the following conditions:

- Access: location/configuration
- Storm Water drainage requirements
- Utilities (Water, Sewer, etc.)
- Neighboring trees
- Topography
- General Design concepts

Unfortunately, more often than not, the individual home design has already been chosen, and tree retention is an afterthought. The regulations provide incentives and variations to development standards (KZC section 95.32), but these tools don't provide significant motivation to save trees on the margins of developable area.

### **Infill Development**

The removal and replacement of a residence often provides some of the greatest challenges for tree retention. Typically, pre-existing residential properties contain mature trees located around



the perimeter of a smaller home footprint. Infill development consistently replaces a smaller footprint with a home built to the maximum code allowances, including floor area ratio, lot coverage, and setbacks. The development impacts of homes running up against the maximum development standards leave limited room on the infill site to accommodate tree retention. Attachment 7 provides a before and after example of an infill development.

### **Land Division**

The division of land can follow two review paths relative to Tree Plan criteria in KZC 95; the preferred Integrated Development Plan (IDP) process, or the Phased Review process. The IDP option places all the tree review up front in the planning and design of the short plat or subdivision. The phased review follows the above mentioned assessment, classification, retention, and protection steps independently at each stage of the development: the short plat review and decision; the demolition permit; the Land Surface Modification permit review; and then at each residential dwelling unit permit review (see Attachment 8). Both processes have their benefits depending on the site conditions, but the IDP places the emphasis on collaborative design and planning of a project between the applicant and the City.

The division of land provides for some of the more dramatic changes to our communities relative to tree and canopy retention or loss. The process of dividing one parcel into multiple, is accompanied by requirements for access roadways, sewer lines, storm water facilities (vaults), building footprints, and all the associated grading and excavation required to clear for and build these infrastructure improvements. The clearing limits required to install a foundation or a storm water vault require additional clearing and excavation which consistently impact trees onsite Attachment 9 provides a before and after example of a typical two lot , phased review short plat.

Staff is often required to engage in a negotiation regarding tree retention or removal, balancing the Code, the needs of the applicant and the concerns of adjoining property owners. Contentious issues with developers arise when retention of trees is required due to the tree classification (i.e. High Retention Value) and such retention impacts the applicant's preliminary design for structures and improvements. The example in Attachment 9, illustrates how the developer initially was planning to remove three trees from the front of a new lot, where a driveway was proposed, only to be required to change the house design due to those trees meeting the HRV definition as a grove.

The same project in Attachment 9, illustrates the significant loss of tree canopy when one lot is divided into two. Staff works through the code requirements and will establish a retention plan that provides for reasonable development of proposed lots, which must be considered throughout the development of the site.

### **D. Code Enforcement**

The City's code enforcement policy is to enforce compliance with City codes in a fair manner. However, not all violations have the same degree of severity and as a result do not require the same amount of research, investigation, and/or follow-up. Therefore, the City has established priority ranking and procedures. The intent of these procedures is to provide a level of enforcement that best fits the type and circumstances of the code violation(s) within clear and

objective criteria and that is consistent with established priorities given our resources. Such procedures are periodically updated based on whether current practice is meeting our objectives. Below is a summary of our objectives:

- Achieve compliance with intent (and letter) of City codes
- Respond to complaints in a timely manner
- Seek to achieve code compliance in a non-confrontational and cooperative manner; and
- Coordinate enforcement among City departments

Complaints regarding public health and safety, such as lack of a building permit, and impacts to the environment are deemed as a high priority by the City and typically require immediate investigation. Critical areas (streams and wetlands, including their buffers and steep slopes) and trees, the topic of this memo, fall under the 'environment' category.

Code enforcement staff periodically receives complaints regarding tree removal throughout the City. It is common to receive these types of complaints once a chainsaw is started or when a concerned citizen drives by a site where tree removal is actively occurring. Tree code enforcement is covered in [Kirkland Municipal Code Title 1.12.100](#), 'Special provisions relating to enforcement of tree regulations, Chapter 95 KZC'. Tree violations are also observed by City staff when out in the field. Below is a summary of the number of tree enforcement cases since 2016.

<b>CODE ENFORCEMENT CASES – TREE CODE VIOLATIONS</b>		
<b>Violation Type</b>	<b>2016 – No. of Cases</b>	<b>2017 - No. of Cases (January to August)</b>
No Permit or Too Many Trees Removed (Not associated with development)	58	29
Violation of Tree Retention Plan associated with an approved building permit	15	5
	73 (8.3% of all cases (877))	34 (7.2% of all cases (470))

Given the high priority for trees, staff usually follows the first several procedures described below on the same day the tree removal complaint is received. Follow-up typically occurs in the following weeks depending on the responsiveness of the potential violator.

**Procedures:**

1. Complaint is received
2. Case is opened
3. Investigation begins. It includes:

- a. Researching the property in the City's permit system
  - b. Visiting the site
  - c. Taking photos
  - d. Including the Development Review Arborist to help determine number and species of significant trees removed.
  - e. If access to the property is not available, leaving a business card, door hanger notice, or letter to contact the code enforcement officer for follow-up. If there is no follow-up by resident within 3 to 4 days, go to #8 below.
4. If a tree removal permit or a building permit is found, a site visit is still conducted to confirm compliance with the permit. If the tree removal is consistent with the permit, then there is no violation and the case is closed. If inconsistent with the permit, go to #7 below.
  5. If a tree removal permit is not found, the owner is asked to submit for a tree removal permit (may require an arborist report) or tree removal notification (removal of one or two trees on private property with no conditions (see Attachment – Tree Removal Guide)).
  6. The application is reviewed by an Assistant Planner and Development Review Arborist (if applicable) per the City's standard review process. If approved, then there is no violation and the case is closed. If the application is denied, go to #7 below.
  7. Case is turned over to a code enforcement officer.
  8. Code enforcement officer issues a Notice of Tree Fines and Restoration Due.
  9. Once fines and restoration are complete, the case is closed. If there is failure for the violator to pay fines and/or complete the restoration plan, then the City may issue a Notice of Violation in which a hearing date will be established regarding the violation.
  10. Upon restoration being completed, the violator may request to have fines reduced. Staff reviews such requests on a case by case basis pursuant to KMC 1.12.055, which allows the applicable department director to base a decision to reduce a monetary penalty on an evaluation of individual circumstances, including but not limited to the severity of the violation, the impact to neighbors, the duration of the violation, the cost to the city, the public interest being protected, and the cooperation of the person responsible for the violation. The person responsible for the violation must submit a written request for reduction of monetary penalties that includes an explanation of the circumstances surrounding the commission of the violation and acts taken to correct the violation.

Recent tree enforcement cases involving pruning and/or removal of street trees have frustrated some citizens involved with the cases. Several of these cases were originally reported by City crews and tree impacts assessed by the Public Works arborist. A request by Public Works staff for code enforcement followed. The potential violators were unaware of the requirements for pruning and/or removal of street trees. Key takeaways from these cases are to better educate citizens of tree permit requirements for pruning and/or what constitutes 'removal' of street trees (i.e. removing more than 50% of the live crown), to continually refine and improve procedures for better customer service and to better coordinate enforcement procedures between departments.

Due to the need for information regarding pruning and/or removal of street trees, staff made several immediate changes. One change included updating the City's website to contain information regarding tree pruning and tree topping, which is not allowed. Also, development

permit conditions have been updated to clearly state that a permit is required for pruning street trees.

Cases that involve violating an approved tree retention plan associated with a development permit are more straightforward. Typically, it is the project planner or inspector that notices the illegal tree removal on the development site. The investigation is handled by the planner who confirms the illegal tree removal based on a review of the approved tree retention plan. At that point, the case is turned over to the code enforcement officer to inform the violator of the fines and restoration due. Restoration is handled as part of the development permit and should be completed prior to final inspection.



Illegal tree removal on an active development site

#### **D. Challenges**

The City's tree management regulations have resulted in the protection and enhancement of the City's tree canopy. However, managing the City's tree canopy does present a number of challenges, including the following:

- **Code Construct:** The City's tree regulations were crafted to be responsive to the unique condition of each site and to avoid any substantive diminution of development rights assigned by other allowances of the KZC. Application of these regulations is not like administering precise regulations like a setback - where a 20' front setback is always a 20' front setback. Rather, depending on the assigned retention value of trees, the tree regulations contain requirements such as: "applicant is encouraged to retain viable trees", "retain and protect trees with a high retention value to the maximum extent possible", and "retain and protect trees with a moderate retention value if feasible". The lack of precision is intentional and typical of tree protection regulations because conditions vary to such a degree on every site. However, it does set up a process where tree retention can turn into a lengthy negotiation about what exactly is possible or feasible.
- **Resources:** Of all the individual development regulations administered by Planning staff (setbacks, building height, FAR, lot coverage...), tree regulations are the most time consuming – from plan review to final inspection. Adequate resources have been provided for staff to administer the requirements, with the exception of shortcomings in the inspection process discussed below. The City's Development Review Arborist position is currently only funded as a half time position with temporary funding for the other half. Because administration of Chapter 95 relies on this position, the Department will seek to address this with the 2019-2020 budget. Policy and code revisions, conducting education and outreach, and oversight for projects such as Kirkland's next tree canopy assessment present resource challenges as well.
- **Perception:** Trees tend to be a polarizing issue in the development process and tree removal associated with development tends to be a lightning rod for community angst

about development and change. The process of regulating which trees must be saved with a permit can be contentious with a developer while the process of explaining to a neighbor why certain trees were removed can be similarly contentious. As illustrated in the examples provided above, these decisions are based on complex regulations applied to the unique conditions of each development site.

- **Neighboring Trees:** To a large extent, the tree regulations apply to trees on the subject property and avoid City regulation of trees on properties directly adjacent to the development. This intentionally sidesteps the difficult legal issues around property rights between neighbors. The bottom line is that alleged damage to neighboring trees are addressed as a civil issue between property owners. When issues arise, the City often refers complainants to Bellevue Mediation for assistance.
- **“Leveraging” the 2 Per Year Allowance:** As discussed above, a property owner is generally entitled to remove one or two trees per year provided there are not pending development permits for the property. Developers will commonly exercise this right (or have the seller exercise this right) immediately prior to submitting permit application.
- **Inspection and Enforcement:** Given the current volume of construction across the City, there has been criticism that the City's inspection and enforcement of tree protection during development is not as robust as it should be. Inspection and enforcement of tree protection occurs at three stages in the development process: prior to permit issuance, during construction, and at final inspection. The greatest gap in inspection and enforcement of tree protection is during the construction process, largely due to the long intervals between scheduled City inspections at defined stages of the development process. This proactive enforcement on tree violations during construction differs from the City's current reliance on complaints to identify violations of which the City is not aware. The Planning and Building Department will be presenting a service package for temporary assistance to improve inspection and enforcement capabilities and ensure that trees intended for protection are not negligently damaged or destroyed during construction.

As part of the work on the Holmes Point Overlay regulations, staff will also be recommending City-wide improvement to construction fencing and sign requirements and more significant penalties for violations.

## **CONCLUSION**

Administration of the City's tree regulations is complex and involves a great deal of staff collaboration. The tree regulations are layered in with all of the other regulations that are intended to shape development in Kirkland consistent with the community's vision. As with regulations for setbacks, building height, floor area ratio, lot coverage, etc., the tree regulations were crafted to strike a balance between allowing the City to continue to grow while preserving the essential character of the community. Community impressions as to whether the City over-regulates or under-regulates varies depending on perspective. In this challenging environment, staff stays focused on administering the written codes in a professional, consistent, and reasoned manner.

Attachments:

1. KZC Chapter 95
2. KZC Chapter 95 Summary Chart
3. Comparison of Chapter 95 and HPO Requirements
4. Tree Removal Notification Example
5. Tree Removal Permit Example
6. Tree Fencing Detail
7. Infill Development Example
8. Comparison of IDP and Phased Review
9. Subdivision Example

**Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING****Sections:**

- [95.05](#) Purpose and Intent
- [95.10](#) Definitions
- [95.20](#) Exemptions
  - 1. Emergency Tree Removal
  - 2. Utility Maintenance
  - 3. Commercial Nurseries or Tree Farms
- [95.21](#) Tree Pruning
  - 1. Tree Pruning of Street Trees
  - 2. Tree Pruning on Private Property
- [95.23](#) Tree Removal – Not Associated with Development Activity
  - 1. Introduction
  - 2. Permit Required for Removal of Trees on Private Property or City Right-of-Way
  - 3. Tree Removal Permit Application Form
  - 4. Tree Removal Permit Application Procedures and Appeals
  - 5. Tree Removal Allowances
- [95.25](#) Sustainable Site Development
- [95.30](#) Tree Retention Associated with Development Activity
  - 1. Introduction
  - 2. Tree Retention Plan Required
  - 3. Tree Retention Plan Review
  - 4. Tree Retention Plan Components
  - 5. Tree Retention Plan
  - 6. Additional Tree Retention Plan Standards for Short Plats and Subdivisions
    - a. Phased Review
    - b. Modifications to Tree Retention Plan for Short Plats and Subdivisions
- [95.32](#) Incentives and Variations to Development Standards
  - 1. Common Recreational Open Space
  - 2. Parking Areas and Access
  - 3. Required Yards
  - 4. Storm Water
  - 5. Additional Variations
- [95.33](#) Tree Density Requirement
  - 1. Tree Density Calculation
  - 2. Supplemental Trees Planted to Meet Minimum Density Requirement
  - 3. Tree Location
  - 4. Minimum Size and Tree Density Value for Supplemental Trees
- [95.34](#) Tree and Soil Protection during Development Activity
  - 1. Placing Materials near Trees
  - 2. Protective Barrier
  - 3. Grade
  - 4. Directional Felling
  - 5. Additional Requirements
- [95.40](#) Required Landscaping
  - 1. User Guide
  - 2. Use of Significant Existing Vegetation
  - 3. Landscape Plan Required
- [95.41](#) Supplemental Plantings
  - 1. General
  - 2. Standards
- [95.42](#) Minimum Land Use Buffer Requirements
- [95.43](#) Outdoor Use, Activity, and Storage
- [95.44](#) Internal Parking Lot Landscaping Requirements
- [95.45](#) Perimeter Landscape Buffering for Driving and Parking Areas
  - 1. Perimeter Buffering – General
  - 2. Exception
  - 3. Design Districts
  - 4. Overlapping Requirements
- [95.46](#) Modifications to Landscaping Standards
  - 1. Modifications to Land Use Buffer Requirements
  - 2. Modifications to General Landscaping Requirements
- [95.47](#) Nonconforming Landscaping and Buffers
- [95.50](#) Installation Standards for Required Plantings
  - 1. Compliance

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2. Timing
  3. Grading
  4. Soil Specifications
  5. Plant Selection
  6. Fertilization
  7. Irrigation
  8. Drainage
  9. Mulch
  10. Protection
- [95.51](#) Tree and Landscape Maintenance Requirements
1. Responsibility for Regular Maintenance
  2. Maintenance Duration
  3. Maintenance of Preserved Grove
  4. Maintenance in Holmes Point Overlay Zone
  5. Nonnative Invasive and Noxious Plants
  6. Landscape Plans and Utility Plans
- [95.52](#) Prohibited Vegetation
- [95.55](#) Enforcement and Penalties
- [95.57](#) City Forestry Account
1. Funding Sources
  2. Funding Purposes

**95.05 Purpose and Intent**

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:

- a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
- b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
- c. Reducing the effects of excessive noise pollution;
- d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
- e. Providing visual relief and screening buffers;
- f. Providing recreational benefits;
- g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC [95.05\(1\)](#);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- h. Manage trees and other vegetation in a manner consistent with the City's Natural Resource Management Plan.
- i. Preserve and protect street trees, trees in public parks and trees on other City property.

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)



**95.10 Definitions**

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter [5](#) KZC.

1. Caliper – The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six (6) inches above the ground for up to and including 4-inch caliper size and 12 inches above the ground for larger sizes.
2. Critical Root Zone – The area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified professional (example: one (1) foot radius per one (1) inch DBH).
3. Crown – The area of a tree containing leaf- or needle-bearing branches.
4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet from the ground. DBH is also known as Diameter at Standard Height (DSH).
5. Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.
6. Grove – A group of three (3) or more significant trees with overlapping or touching crowns.
7. Hazard Tree – A tree that meets all the following criteria:
  - a. A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
  - b. Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
  - c. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.
8. Impact – A condition or activity that affects a part of a tree including the trunk, branches, and critical root zone.
9. Limit of Disturbance – The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk.
10. Nuisance Tree – A tree that meets either of the following criteria:
  - a. Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
  - b. Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

11. Public Works Official – Designee of the Public Works Director.
12. Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:
  - International Society of Arboriculture (ISA) Certified Arborist;
  - Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent);
  - American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
  - Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

For tree retention associated with a development permit, a qualified professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.

13. Retention Value – The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:
  - a. High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC [95.32](#):
    - 1) Specimen trees;
    - 2) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC [95.51\(3\)](#);
    - 3) Trees on slopes of at least 10 percent; or
    - 4) Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, critical area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize;
  - b. Moderate, a viable tree that is to be retained if feasible; or
  - c. Low, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.

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14. Significant Tree – A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground.
15. Significantly Wooded Site – A subject property that has a number of significant trees with crowns that cover at least 40 percent of the property.
16. Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.
17. Specimen Tree – A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester.
18. Street Tree – A tree located within the public right-of-way; provided, that if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter.
19. Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.
20. Viable Tree – A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location.
21. Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.
22. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

(Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4193 § 1, 2009; Ord. 4010 § 2, 2005)

### 95.20 Exemptions

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The following activities are exempt from the provisions of this chapter:

1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days of the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree removal was not warranted or if the removed tree was required by a development permit, the Planning Official may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.
2. Utility Maintenance. Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

### 95.21 Tree Pruning

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1. Tree Pruning of Street Trees. It is the responsibility of the abutting property owner to maintain street trees abutting their property, which may include pruning, watering, and mulching. In order to prune, trim, modify, or alter a street tree, the abutting property owner shall apply for a permit by filing a written application with the City. Pruning shall conform to the most recent version of the American National Standards Institute (ANSI) A300 Part 1 – 2001 pruning standards or as outlined in an approved Utility Vegetation Management Plan. The City reserves the right to have City or utility crews perform routine pruning and maintenance of street trees.
2. Tree Pruning on Private Property. A permit is not required to prune trees on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal and subject to the provisions in KZC [95.23](#).

Tree topping is not allowed. If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter [1.12](#) KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration pruning program.

(Ord. 4281 § 1, 2011; Ord. 4238 § 2, 2010)

### 95.23 Tree Removal – Not Associated with Development Activity

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1. Introduction. Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.
2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.

No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#) and subsection (5) of this section.

3. Tree Removal Permit Application Form. The Planning and Building Department and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:
  - a. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.

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- b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance with standards set forth in KZC [95.33\(3\)](#).
4. Tree Removal Permit Application Procedure and Appeals.
- a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.
- b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter [145](#) KZC.
- c. Time Limit. The removal shall be completed within one (1) year from the date of permit approval.
5. Tree Removal Allowances.
- a. Except in the Holmes Point Overlay zone, any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:
- 1) There is no active application for development activity for the site;
  - 2) The trees were not required to be retained or planted as a condition of previous development activity; and
  - 3) All of the additional standards for tree removal and tree removal permits as described in subsections (5)(b) through (e) of this section are met.
- The Planning and Building Department shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.
- b. Tree Retention and Replacement Requirements.
- 1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.
  - 2) Tree Replacement.
    - a) For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.
    - b) If a tree removal request is for one (1) or both of the trees required to remain, a tree removal permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.
    - c) For all other uses not listed in subsection (5)(b)(1) of this section, a tree removal permit is required and the required tree replacement will be based on the required landscaping standards in KZC [95.40](#) through [95.45](#).
  - c. Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter [83](#) KZC for additional standards.
  - d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a tree removal permit and meet the requirements of this subsection.
    - 1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.
    - 2) Trees in Critical Areas or Critical Areas Buffers. See Chapter [90](#) KZC.
    - 3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
    - 4) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.
  - e. Forest Management Plan.
    - 1) A Forest Management Plan must be submitted for developed, significantly wooded sites (over 40 percent canopy coverage) of at least 35,000 square feet in size in which removal of more than two (2) trees is requested and is not exempt under KZC [95.20](#). A Forest Management Plan must be developed by a qualified professional and shall include the following:
      - a) A site plan depicting the location of all significant trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;
      - b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (5)(e)(2) of this section;
      - c) A reforestation plan that includes location, size, species, and timing of installation;
    - 2) The following Forest Management Plan standards shall apply:

- a) Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.
- b) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.
- c) No removal of specimen trees, unless otherwise permitted by this chapter.
- d) No removal of healthy trees that would cause trees on adjacent properties to become hazardous.
- e) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
- f) Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
- g) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
- h) Recommended maintenance prescription for retained trees with a specific timeline for such management.

(Ord. 4551 § 4, 2017; Ord. 4491 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4238 § 2, 2010)

### 95.25 Sustainable Site Development

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All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in KZC [95.05](#).

Applicants requesting alternative compliance shall submit a site assessment report prepared by a qualified professional detailing how the proposed alternative measures will be equal or superior to the benefits provided by the established trees to be removed. Qualifying projects shall implement sustainable site development strategies throughout the construction process as well as contain measurable performance standards for the techniques used. Examples of sustainable site development include building placement with minimal site impact, habitat protection, water conservation, heat island reduction, storm water flow runoff control and water quality, and utilization of the site's natural services such as solar and wind. Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request.

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

### 95.30 Tree Retention Associated with Development Activity

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1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter [70](#) KZC.

2. Tree Retention Plan Required. An applicant for a development permit must submit a tree retention plan that complies with this section. A qualified professional may be required to prepare certain components of a tree retention plan at the applicant's expense. If proposed development activities call for more than one (1) tree retention plan component, the more stringent tree retention plan component shall apply; provided, that the Planning Official may require a combination of tree plan components based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate tree retention plan requirements.

The chart in subsection (5) of this section sets forth the tree retention plan requirements for development activities and associated tree removal. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. The Planning Official may waive a component of the tree retention plan if the Planning Official determines that the information is not necessary.

3. Tree Retention Plan Review. Any proposed development of the subject property requiring approval through a building permit, land surface modification permit, and/or demolition permit, or Design Review, Process I, IIA or IIB, described in Chapters [142](#), [145](#), [150](#) and [152](#) KZC respectively, shall include a tree retention plan to be considered as part of that process.

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Based on the tree retention plan information submitted by the applicant and the Planning Official's evaluation of the trees relative to the proposed development on the subject property, the Planning Official shall designate each tree as having a high, moderate, or low retention value as defined in KZC 95.10, Definitions, for application towards the regulations in this chapter.

4. Tree Retention Plan Components. The tree retention plan shall contain the following information as specified in the chart in subsection (5) of this section, unless waived by the Planning Official:

- a. A tree inventory containing the following:
  - 1) A numbering system of all existing significant trees on the subject property (with corresponding tags on trees); the inventory must also include significant trees on adjacent property with driplines extending over the subject property line;
  - 2) Limits of disturbance (LOD) of all existing significant trees (including approximate LOD of off-site trees with overhanging driplines);
  - 3) Size (DBH);
  - 4) Proposed tree status (trees to be removed or retained);
  - 5) Brief general health or condition rating of these trees (i.e.: poor, fair, good, excellent, etc.);
  - 6) Tree type or species.
- b. A site plan depicting the following:
  - 1) Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified. If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;
  - 2) Accurate location of significant trees on the subject property (surveyed locations may be required). The site plan must also include the approximate trunk location and critical root zone of significant trees that are on adjacent property with driplines extending over the subject property line;
  - 3) Trees labeled corresponding to the tree inventory numbering system;
  - 4) Location of tree protection measures;
  - 5) Indicate limits of disturbance drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate LOD of off-site trees with overhanging driplines);
  - 6) Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting out;
  - 7) Proposed locations of any supplemental trees and any required trees in order to meet tree density or minimum number of trees as outlined in KZC 95.33.
- c. An arborist report containing the following:
  - 1) A complete description of each tree's health, condition, and viability;
  - 2) A description of the method(s) used to determine the limits of disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees);
  - 3) Any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare);
  - 4) For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);
  - 5) Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;
  - 6) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in KZC 95.34; and
  - 7) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC 95.50 and 95.51.

5. Tree Retention Plan. The applicant shall submit a Tree Retention Plan that includes the components identified in the following chart based on the proposed development activity.

TREE RETENTION PLAN

<u>Development Activity</u>	<u>Minor (1)(3) – Single-Family, or two attached, detached, or stacked dwelling</u>	<u>Major (2)(3) Single-Family, or two attached, detached, or stacked</u>	<u>Multifamily, Commercial, any other use other than residential,</u>	<u>Short Plat, Subdivisions, cottages, carriage units, two/three-unit</u>
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<b>Required Components</b>	<b><u>units, and related demolition and land surface modification applications</u></b>	<b><u>dwelling units, and related demolition and land surface modification applications</u></b>	<b><u>and related demolition and land surface modification applications</u></b>	<b><u>homes, and related demolition and land surface modification applications (see KZC 95.30(6)(a), Phased Review, for additional standards)</u></b>
<b>TREE INVENTORY AS DESCRIBED IN KZC 95.30(4)(a) FOR:</b>				
All significant trees on the subject property		X	X	X
Significant trees potentially impacted by proposed development activity	X			
<b>SITE PLAN AS DESCRIBED IN KZC 95.30(4)(b) TO INCLUDE:</b>				
Surveyed tree locations if required by the Planning Official		X	X	
Surveyed tree locations				X
A final landscape plan showing retained trees			X	
<b>REQUIREMENTS IN KZC 95.30(4)(c) SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:</b>				
Significant trees within required yards or within 10 feet of any side property line		X		
Significant trees potentially impacted by proposed development activity as determined by the Planning Official			X	
Proposed removal of trees with a high retention value in required landscaping areas			X	
All significant trees				X
<b>TREE RETENTION STANDARDS</b>				
Applicant is encouraged to retain viable trees	X <sup>(4)</sup>			
Retain and protect trees with a high retention value to the maximum extent possible		X <sup>(4)</sup>	X <sup>(4)</sup>	X <sup>(4)</sup>
Retain and protect trees with a moderate retention value if feasible		X	X	X
Preservation and maintenance agreements pursuant to KZC 95.51 are required for all remaining trees on the subject property	X	X	X	X <sup>(5)</sup>
<b>TREE DENSITY</b>				
Tree density requirements shall apply as required in KZC 95.33		X		X
A minimum of two trees must be on the lot following the requirement set forth in KZC 95.33(4)	X			
<b>LANDSCAPING</b>				

Preserved trees in required landscaping areas shall apply toward required landscaping requirements				X	
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- (1) Applicable when new development, redevelopment, or development in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing improvements on the subject property.
- (2) Applicable when new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 50 percent of the total square footage of the existing improvements on the subject property.
- (3) For lots created through a short subdivision, subdivision, or planned unit development with an approved Tree Retention Plan, the applicant must comply with the Tree Retention Plan approved with the short subdivision, subdivision, or planned unit development unless subsection (6)(a) of this section, Phased Review, applies.
- (4) To retain trees with a high retention value, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in KZC [95.32](#).
- (5) Prior to short plat or subdivision recording.
6. Additional Tree Retention Plan Standards for Short Plat and Subdivisions.
  - a. Phased Review.
    - 1) If during the short plat or subdivision review process the location of all proposed improvements, including the building footprint, utilities, and access, was not able to be established, the applicant may submit a Tree Retention Plan that addresses trees only affected by the known improvements at the time of application. Tree removal shall be limited to those affected areas.
    - 2) A new Tree Retention Plan shall be required at each subsequent phase of the project as more information about the location of the proposed improvements is known subject to all of the requirements in KZC [95.30](#).
  - b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

- 1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.
- 2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:
  - a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and
  - b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.
- 3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:
  - a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
  - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
  - c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;
  - d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and
  - e) Said comment period shall not be less than 14 calendar days.

(Ord. 4437 § 1, 2014; Ord. 4252 § 1, 2010; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

### 95.32 Incentives and Variations to Development Standards

In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter [22.28](#) KMC, lot line placement when subdividing property under KMC Title [22](#), Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.

Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC [95.05](#) and would involve trees with a high or moderate retention value.



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1. Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space may be granted.
2. Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
3. Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front, side or rear required yards; provided, that:
  - a. No required side yard shall be less than five (5) feet; and
  - b. The required front yard shall not be reduced by more than five (5) feet in residential zones. There shall not be an additional five (5) feet of reduction beyond the allowance provided for covered entry porches;
  - c. Rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract may be reduced by five (5) feet;
  - d. No required yard shall be reduced by more than five (5) feet in residential zones.
4. Storm Water. Requirements pertaining to stormwater may be varied if approved by the Public Works Official under KMC 15.52.060.
5. Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

(Ord. 4547 § 1, 2016; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010)

### 95.33 Tree Density Requirement

The required minimum tree density is 30 tree credits per acre for single-family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification. For individual lots in a short subdivision or subdivision with an approved Tree Retention Plan, the tree density shall be calculated for each lot within the short plat or subdivision. The tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees pursuant to subsection (2) of this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Urban Forester based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.

1. Tree Density Calculation. In calculating tree density credits, tree credits may be rounded up to the next whole number from a 0.5 or greater value. For the purpose of calculating required minimum tree density, public right-of-way, areas to be dedicated as public right-of-way, and vehicular access easements not included as lot area with the approved short plat shall be excluded from the area used for calculation of tree density.

Tree density calculation for existing individual trees:

- a. Diameter breast height (DBH) of the tree shall be measured in inches.
- b. The tree credit value that corresponds with DBH shall be found in Table 95.33.1. Existing native conifers (or other conifer species as approved by the Urban Forester) shall count 1.5 times credits for retention.

Table 95.33.1

#### Tree Density for Existing Significant Trees

(Credits per minimum diameter – DBH)

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five (5) tree credits ( $7,200/43,560 = 0.165 \times 30 = 4.9$ ) or five (5)). The tree density for the lot could be met by retaining one (1) existing 16-inch deciduous tree and one (1) existing 6-inch deciduous tree on site. The same 7,200-square-foot lot would meet the required five (5) tree credits by retaining one (1) existing 14-inch conifer.

2. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.
3. Tree Location. In designing a development and in meeting the required minimum tree density, the trees shall be planted in the following order of priority:



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- a. On-Site. The preferred locations for new trees are:
    - 1) In preserved groves, critical areas or their buffers.
    - 2) Adjacent to storm water facilities as approved by Public Works under KMC [15.52.060](#).
    - 3) Entrance landscaping, traffic islands and other common areas in residential subdivisions.
    - 4) Site perimeter – The area of the subject property that is within 10 feet from the property line.
    - 5) On individual residential building lots.
  - b. Off-Site. When room is unavailable for planting the required trees on site, then they may be planted at another approved location in the City.
  - c. City Forestry Account. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees into the City forestry account.
4. Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size of the supplemental tree worth one (1) tree credit shall be six (6) feet tall for Thuja/Arborvitae or four (4) feet tall for native or other conifers and 2-inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded for larger supplemental trees. The installation and maintenance shall be pursuant to KZC [95.50](#) and [95.51](#) respectively.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

### 95.34 Tree and Soil Protection during Development Activity

Prior to development activity or initiating tree removal on the site, vegetated areas, individual trees and soil to be preserved shall be protected from potentially damaging activities pursuant to the following standards:

1. Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or stockpiling any materials, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.
2. Protective Barrier. Before development, land clearing, filling or any land alteration, the applicant shall:
  - a. Erect and maintain readily visible temporary protective tree fencing along the limits of disturbance which completely surrounds the protected area of all retained trees, groups of trees, vegetation and native soil. Fences shall be constructed of chain link and be at least six (6) feet high, unless other type of fencing is authorized by the Planning Official.
  - b. Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
  - c. Prohibit excavation or compaction of soil or other potentially damaging activities within the barriers; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.
  - d. Maintain the protective barriers in place for the duration of the project until the Planning Official authorizes their removal.
  - e. Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with machinery from outside the protected zone or by hand.
  - f. In addition to the above, the Planning Official may require the following:
    - 1) If equipment is authorized to operate within the protected zone, the soil and critical root zone of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.
    - 2) Minimize root damage by hand-excavating a 2-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained. Never rip or shred roots with heavy equipment.
    - 3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
    - 4) Maintenance of trees throughout construction period by watering and fertilizing.
3. Grade.
  - a. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one-half (1/2) of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
  - b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent soil erosion and suffocation of the roots.
  - c. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
  - d. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the

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tree's survival.

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e. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

5. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

#### 95.40 Required Landscaping

1. User Guide. Chapters [15](#) through [56](#) KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts or development standards tables, in Chapters [15](#) through [56](#) KZC, establish additional or special buffering requirements for some uses in some zones.
- b. Chapter [85](#) KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.
- c. Chapter [90](#) KZC, Critical Areas, addresses vegetation within critical areas and critical area buffers.
- d. Chapter [110](#) KZC and Chapter [19.36](#) KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.
- e. KZC [115.135](#), Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter [22](#) KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

- a. General. The applicant shall apply subsection KZC [95.30](#)(3), Tree Retention Plan Procedure, and KZC [95.32](#), Incentives and Variations to Development Standards, to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant's compliance with this section.
- b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in KZC [95.34](#) to ensure the protection of significant existing vegetation and soil.

3. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC [95.30](#), application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section, and shall address the plant installation and maintenance requirements set forth in KZC [95.50](#) and [95.51](#). Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

(Ord. 4551 § 4, 2017; Ord. 4547 § 1, 2016; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4238 § 2, 2010; Ord. 4121 § 1, 2008; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 4010 § 2, 2005)

#### 95.41 Supplemental Plantings

1. General. The applicant shall provide the supplemental landscaping specified in subsection (2) of this section in any area of the subject property that:

- a. Is not covered with a building, vehicle circulation area or other improvement; and
- b. Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and
- c. Is not committed to and being used for some specific purpose.

2. Standards. The applicant shall provide the following at a minimum:

- a. Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.
- b. One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
- c. If a development requires approval through Process I, IIA or IIB as described in Chapters [145](#), [150](#) and [152](#) KZC, respectively, the City may require additional vegetation to be planted along a building facade if:

- 1) The building facade is more than 25 feet high or more than 50 feet long; or
- 2) Additional landscaping is necessary to provide a visual break in the facade.
- d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

**95.42 Minimum Land Use Buffer Requirements**

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

ADJOINING PROPERTY →	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
LANDSCAPING CATEGORY ↓				
A	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D	Must comply with subsection (2) (Buffering Standard 2)			
E				
<b>Footnotes:</b>	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:
  - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
  - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
    - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
    - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
    - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.

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- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
    - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
    - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
  3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
  4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
  5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
  6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
  7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
  8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
  9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
    - a. Buffer planting standards are met; and
    - b. Required plantings will be able to attain full size and form typical to their species.

(Ord. 4495 § 2, 2015; Ord. 4238 § 2, 2010)

### 95.43 Outdoor Use, Activity, and Storage

Outdoor use, activity, and storage (KZC 115.105(2)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from KZC 115.105(2)(c)(1) and (2)(c)(2) as stated below:

1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
4. Outdoor dining areas.
5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in KZC 95.45(1); and provided further, that the exemptions of KZC 95.45(2) do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.
6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

### 95.44 Internal Parking Lot Landscaping Requirements

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
  - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or

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peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.

b. Landscaping shall be installed pursuant to the following standards:

- 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
- 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
- 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC [15.52.060](#). Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.

c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.

2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.

3. If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

(Ord. 4547 § 1, 2016; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010)

#### 95.45 Perimeter Landscape Buffering for Driving and Parking Areas

1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.45.A):

- a. One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.
- b. Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.
- c. Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC [15.52.060](#). Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.

2. Exception. The requirements of this section do not apply to any parking area that:

- a. Is fully enclosed within or under a building; or
- b. Is on top of a building and is at least one (1) story above finished grade; or
- c. Serves detached dwelling units exclusively; or
- d. Is within any zone that requires design regulation compliance. See below for Design District requirements.

3. Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see Figures 95.45.A, B, and C):

- a. By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RHBD Regional Center (see KZC Figure 92.05.A) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.
- b. The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.
- c. The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC [92.35](#)(1)(g), in building material, color and detail, or of wood if the design and materials match the building on the subject property.
- d. In JBD zones:
  - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
  - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.

e. If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

4. Overlapping Requirements. If buffering is required in KZC [95.42](#), Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

#### Perimeter Parking Lot Landscaping

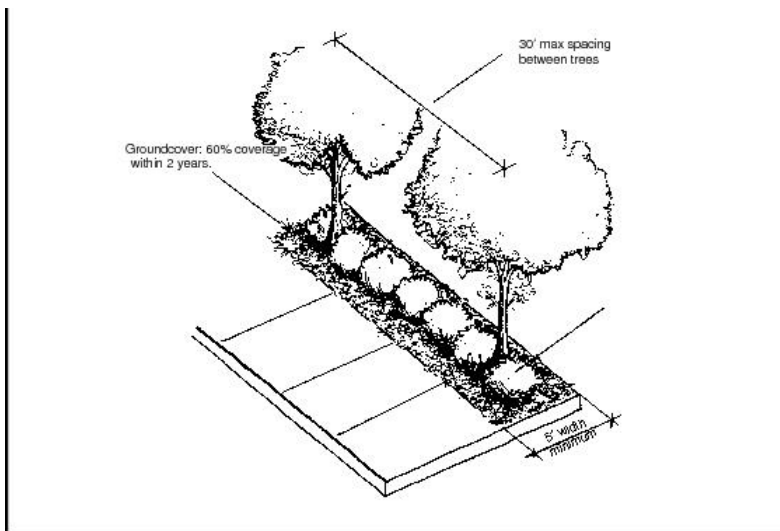


FIGURE 95.45.A

Perimeter Parking – Examples of Various Screen Wall Designs

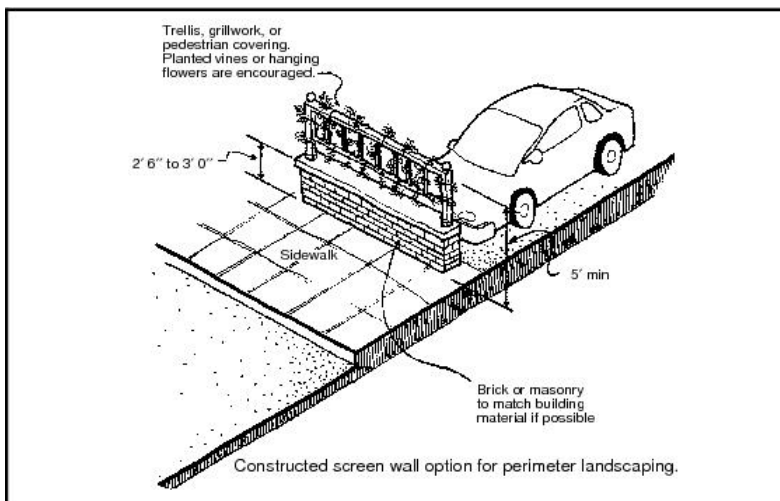


FIGURE 95.45.B

Perimeter Parking – Examples of Various Screen Wall Designs

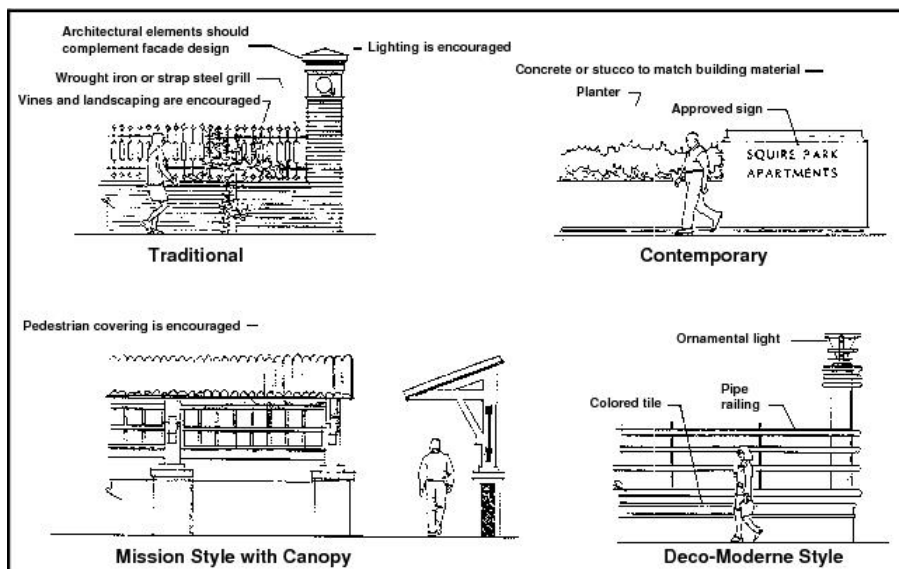


FIGURE 95.45.C

**95.46 Modifications to Landscaping Standards**

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in KZC [95.42](#). The Planning Official may approve a modification if:

- a. The owner of the adjoining property agrees to this in writing; and
- b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
- c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
- d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
- e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

2. Modifications to General Landscaping Requirements.

- a. Authority to Grant and Duration. If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in Chapters [142](#), [145](#), [150](#), and [152](#) KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in subsections (2)(b) and (2)(c) of this section. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

- b. Internal Parking Lot Landscaping Modifications. For a modification to the internal parking lot landscaping requirements in KZC [95.44](#), the landscape requirements may be modified if:

- 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
- 2) The modification will result in increased retention of significant existing vegetation; or
- 3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.

- c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:

- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
- 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
- 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC [95.45](#); or
- 4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses, but provides the buffer around the perimeter of the shared parking area.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

**95.47 Nonconforming Landscaping and Buffers**

1. The landscaping requirements of KZC [95.41](#), Supplemental Plantings, KZC [95.43](#) Outdoor Use, Activity and Storage, KZC [95.44](#), Internal Parking Lot Landscaping, and KZC [95.45](#), Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:

- a. An increase of at least 10 percent in gross floor area of any structure; or
- b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.

2. Land use buffers must be brought into conformance with KZC [95.42](#) in either of the following situations:

- a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
- b. A change in use on the subject property and the new use requires larger buffers than the former use.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

**95.50 Installation Standards for Required Plantings**

All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure.



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When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required landscaping; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. Deferred installation shall be secured with a performance bond pursuant to Chapter 175 KZC prior to the issuance of a certificate of occupancy.
3. Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).
4. Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.
5. Plant Selection.
  - a. Plant selection shall be consistent with the Kirkland Plant List, which is produced by the City's Natural Resource Management Team and available in the Planning and Building Department.
  - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
  - c. Prohibited Materials. Plants listed as prohibited in the Kirkland Plant List are prohibited in required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
  - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
  - e. Plants shall meet the minimum size standards established in other sections of the KZC.
  - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.
6. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.
7. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

  - a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.
  - b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
  - c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.
8. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half (1/2) inch of water per hour is acceptable.
9. Mulch.
  - a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
  - b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.
10. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

(Ord. 4551 § 4, 2017; Ord. 4547 § 1, 2016; Ord. 4491 §§ 3, 11, 2015; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)



**95.51 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. **Responsibility for Regular Maintenance.** Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC 95.21.
2. **Maintenance Duration.** Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, required landscaping.
3. **Maintenance of Preserved Grove.** Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. **Maintenance in Holmes Point Overlay Zone.** Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).
5. **Nonnative Invasive and Noxious Plants.** It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
6. **Landscape Plans and Utility Plans.** Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

(Ord. 4551 § 4, 2017; Ord. 4437 § 1, 2014; Ord. 4238 § 2, 2010)

**95.52 Prohibited Vegetation**

Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City or required to be retained.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

(Ord. 4450 § 1, 2014; Ord. 4238 § 2, 2010; Ord. 4121 § 1, 2008)

**95.55 Enforcement and Penalties**

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.

(Ord. 4286 § 1, 2011; Ord. 4281 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

**95.57 City Forestry Account**

1. **Funding Sources.** All civil penalties received under this chapter and all money received pursuant to KZC 95.33(3)(c) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

- a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;
- b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
- c. Donations and grants for tree purposes;
- d. Sale of seedlings by the City; and
- e. Other monies allocated by the City Council.

2. **Funding Purposes.** The City shall use money received pursuant to this section for the following purposes:

- a. Acquiring, maintaining, and preserving wooded areas within the City;
- b. Planting and maintaining trees within the City;

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- c. Establishment of a holding public tree nursery;
- d. Urban forestry education;
- e. Implementation of a tree canopy monitoring program; or
- f. Other purposes relating to trees as determined by the City Council.

(Ord. 4238 § 2, 2010)

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**The Kirkland Zoning Code is current through Ordinance 4551, passed December 13, 2016.**

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3190

Code Publishing Company (<http://www.codepublishing.com/>)

eLibrary (<http://www.codepublishing.com/elibrary.html>)

**Summary of Kirkland Zoning Code Chapter 95**

	<b>REMOVAL SCENARIO</b>	<b>REVIEW? PERMIT?</b>	<b>MISC.</b>
<b>PRIVATE PROPERTY</b>	Remove 2 trees (regardless of condition)	<b>No review, no permit Tree removal request recommended</b>	Notification appreciated to avoid unnecessary Code Enforcement response
	Remove >3 trees Considered hazard or nuisance	<b>No review, no permit if...</b>	Hazard or nuisance is obvious in a photo or other documentation
	Remove hazard or nuisance trees in critical areas	<b>Yes, review and permit required</b>	Arborist report, replacements may be required
	Emergency/urgent tree removal	<b>No review, no permit</b>	Contact Planning Dept. 2 weeks after incident
	Prune or trim trees	<b>No review, no permit</b>	-Property owners are responsible for tree care -No topping allowed (>50% live crown removal is same as tree removal)
	Tree removal with development	<b>Yes, included with land use or development permit (LSM, BSF, SPL)</b>	-Arborist report required for trees potentially impacted by development -Protection measures required on site
<b>PUBLIC PROPERTY</b>	Trees in CKC, right-of-way medians, Central Business District maintained by the City. Otherwise, street trees are the maintenance responsibility of the adjacent property owner.	<b>Yes, review and permit required</b>	-Public Works staff may prune street trees by property owner request -Public Works staff may remove street trees at their discretion
	Prune or remove park trees	<b>No permit required; review/service performed by request</b>	-Staff may prune park trees by property owner request -Most hazard tree removal is contracted out

**Comparison of tree retention requirements between Holmes Point Overlay Regulations and outside HPO, (City wide) for single family residential development**

	<b>HPO KZC Chapter 70</b>	<b>Outside of HPO (City Wide) KZC Chapter 95</b>
<b>General Tree Retention Requirements</b>	Requires tree retention beyond what is required in KZC Chapter 95.  Must meet both HPO Chapter 70, Chapter 95 tree regulations. If located within 200' of Lake Washington, shoreline Chapter 83 tree retention/planting requirements apply.	Must meet Chapter 95 tree requirements such as:  Arborist report evaluating viability for retention as high, moderate, low value. Tree retention plan showing limits of disturbance and tree protection fencing.
<b>Retain a perpetual Natural Protection Area with trees and vegetation</b>	Set aside minimum 25% of lot area in perpetuity as a natural protection area (PNA) in one contiguous area on each lot. Minimum tree and vegetation planting requirements.	No PNA restriction  Native growth protection easements required for sensitive areas (stream buffers, wetlands, landslide hazard steep slope areas if recommended by a geotech engineer).
<b>Provide a Landscape Plan</b>	Landscape plan required for new planting in PNA and new trees to meet tree density requirements	No landscape plan required.
<b>Maximum Site Disturbance</b>	Maximum 75% of lot area can be disturbed	No restriction except for shown on tree retention plan
<b>Size of garden or lawn</b>	Limits the amount of garden area on lot to maximum of 50% that may be used for garden, lawn or landscaping. All significant trees must be retained.	No restriction
<b>Minimum Tree Density, Planting of Shrubs, Groundcover</b>	Within PNA, 150 tree credits per acre. Outside PNA, 30 tree credits per acre. Shrubs covering min. 60% of PNA Groundcover min. 60% of PNA	30 tree credits per acre No vegetation requirements
<b>Maximum Lot Coverage</b>	Higher maximum lot coverage requirements (37% to 50; sliding scale depending on lot size). Example lots less than 6,500 sq. ft. in size, 2,600 sq. ft.	Maximum 50% of impervious surfaces per lot

<b>Site Inspection prior to site disturbance</b>	Required inspection to delineate 25% PNA and 75% of clearing limits/site disturbance with fencing or high visibility survey tape. Tree protection fencing/limit of grading around trees Erosion control fencing	Required inspection for tree protection fencing/limit of grading around trees Erosion control fencing
<b>Tree removal without development</b>	Permit always required with an arborist report no matter how many trees to be removed. Review Fee of \$207.	Permit only required if removing more than 2 trees per year. Two trees shall remain on property. If remaining 2 trees need to be removed must replace one for one.
<b>Prune or trim trees</b>	Allowed to maintain view, safety. Pruning and tree topping same as Chapter 95.	Pruning allowed not to exceed half of the live crown. Tree topping not permitted.
<b>Remove hazard or nuisance trees in critical areas</b>	Permit required with arborist report. Replacement tree is required.	Permit required with arborist report. Replacement tree may be required.
<b>Emergency tree removal</b>	No permit required	No permit required
<b>Variations from standards</b>	<p>Lot Coverage Flexibility: Planning Director may allow up to a 10% increase in lot coverage on lots if variance criteria is met and if long longer than 60' driveway, on site storm water retention is required, preservation of more trees, access is needed for mobility of an impaired resident.</p> <p>PNA Flexibility provided: If a PNA does not exist or providing one will restrict development based on zoning regulations, the Planning Official may allow a PNA to be restored or established with new plantings.</p>	<p>If the result will retain high or moderate value trees modifications may be varied to:</p> <ul style="list-style-type: none"> <li>-Reduce amount and dimensions of common recreation space,</li> <li>-Parking areas and access,</li> <li>-Reduce required yards if criteria is met (not less than 5 feet),</li> <li>-Storm water requirements</li> <li>-Other variations</li> </ul> <p>Request to reduce tree density prior to tree removal may be approved by Planning Official.</p> <p>Reduce tree density after tree removal requires a Process IIA decision by the Hearing Examiner (notice to property owners is required).</p>



**CITY OF KIRKLAND**  
**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
**123 FIFTH AVENUE, KIRKLAND, WA 98033**  
**425.587.3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

## TREE REMOVAL NOTIFICATION

Case No. **TRE16-08711**

Before filling out this form please review the TREE REMOVAL INFORMATION GUIDE or contact the Planning Department at 425.587.3225.

Contact & Property Information		
Property Owner: <i>Justin Haagy</i>	Phone: <i>206-498-3437</i>	email: <i>jhaagy@nwmls.com</i>
Site Address: <i>804 19th Lane West Kirkland, WA 98033</i>		
Mailing Address (if different)		
Contact Name:	Phone:	email:
I certify (or declare) under penalty of perjury under the laws of the State of Washington that the information answered on this form is true and complete to the best of my knowledge. I understand that the City of Kirkland is relying on this information to make its decision. Trees removed illegally may result in the City pursuing monetary penalties and/or restoration under KZC 95.55.		
Owner Signature <i>Justin Haagy 10-11-16</i> (acknowledging and supporting request)		

### Proposed removal of Significant Trees (trunk diameter is $\geq 6$ inches, measured 4½ ft from the ground)

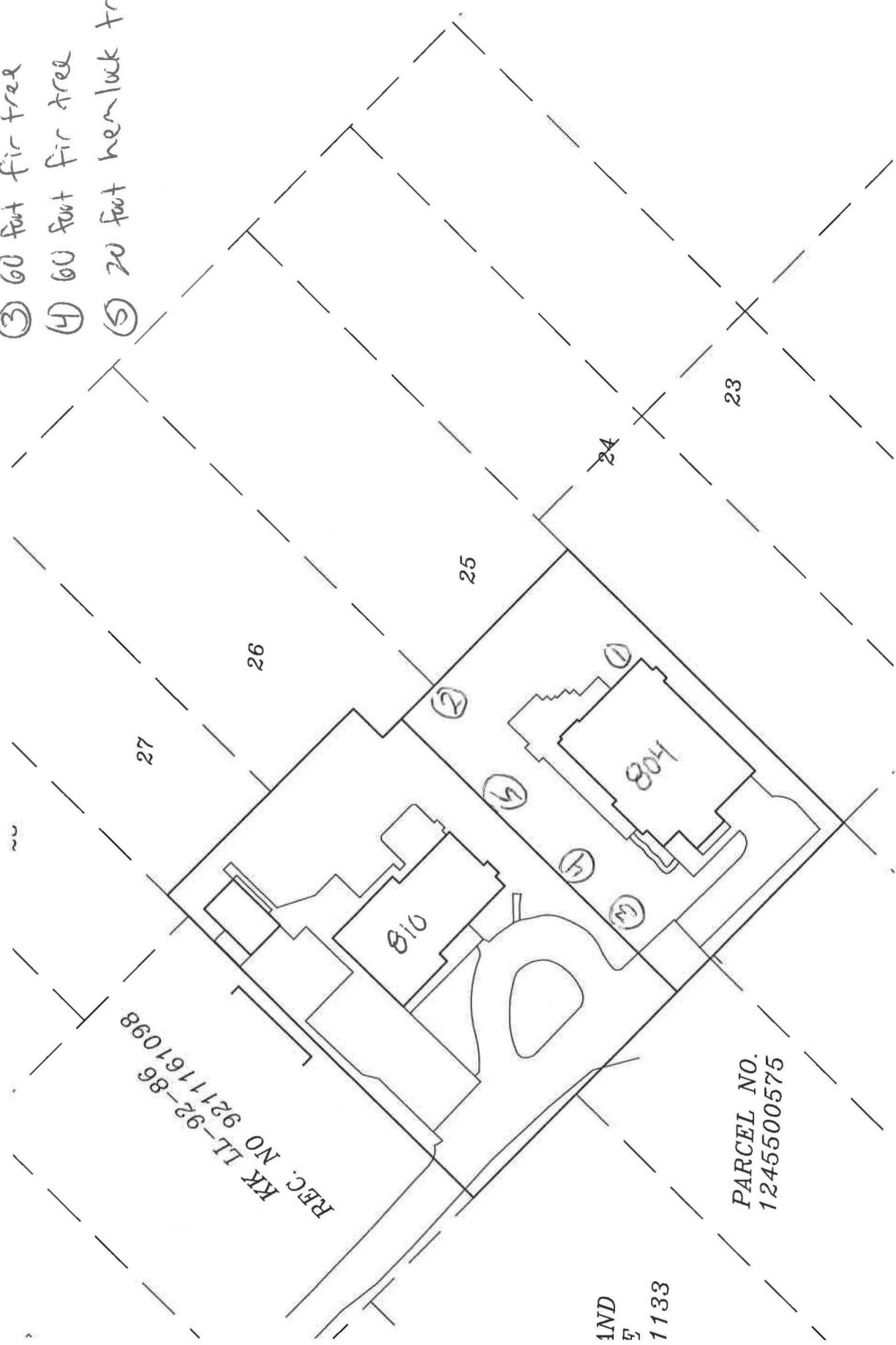
Tree #1	<i>30</i>	inches trunk diameter (dbh)	Common Name or Genus/species: <i>locust</i>
Tree #2	<i>7</i>	inches trunk diameter (dbh)	Common Name or Genus/species: <i>cypress</i>
Tree #3		inches trunk diameter (dbh)	Common Name or Genus/species:
<b>NOTE: Removal Notification for more than 2 trees must include photographs that clearly show the tree is dead or in severe decline.</b>			
Tree #4		inches trunk diameter (dbh)	Common Name or Genus/species:
<b>NOTE: Removal Notification for more than 2 trees must include photographs that clearly show the tree is dead or in severe decline.</b>			

### Include Site Plan (use back of form or attach a screen shot, survey, drawing, etc.)

**NOTE:** The site plan must identify the approximate location of all significant trees on the property. Include location and species of trees to be removed and retained. This form will not be processed without a completed site plan.

- ① lowest to be removed
- ② cypress to be removed

- ③ 60 foot fir tree
- ④ 60 foot fir tree
- ⑤ 20 foot hemlock tree



REC. NO 9211161098  
 KK LL-92-86

1ND  
 1133

PARCEL NO.  
 1245500575



**CITY OF KIRKLAND**  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
123 FIFTH AVENUE, KIRKLAND, WA 98033  
425.587.3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

### Site Plan

Number of significant trees remaining on property after proposed removals: 3

--This Section for Staff Use Only--

Reviewed for compliance with KZC Chapter 95 by: AMB

Date: 10/18/2016 Staff Initials: AMB \*Expiration Date: 10/18/2017

\*Application for any development permit or activity prior to the expiration date shall override this tree removal notification.

Conditions/Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





September 22, 2017

Katherine Taylor  
Tree Solutions, Inc.  
2940 Westlake Ave N, Suite 200  
Seattle, WA 98109

Subject: Tree Removal Permit: TRE17-06101, Partial Approval

A Tree Removal Permit was submitted to the City of Kirkland Planning Department on 9/5/2017 requesting removal of four (4) trees on the property at 11611 73<sup>rd</sup> Pl. NE. This property is located within the Holmes Point Overlay Zone and tree removal is only allowed if the tree meets the nuisance or hazard criteria listed in KZC 95.10.10 and 95.10.7. I completed a peer review of the removal request and arborist report for compliance with applicable City regulations. After this review, the City has determined that Tree #s 50, 73 and 77 as indicated on the submitted site plan are approved for removal. Tree #81 is not approved for removal, as the City has found no evidence that the tree meets the nuisance or hazard criteria listed in KZC 95.10.10 and 95.10.7. I conducted a site visit and agreed with the determination in the submitted arborist report that the tree is in good health and structural condition.

The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official. A permit is not required to prune trees on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal and subject to the provisions in KZC 95.23. Topping is also not allowed.

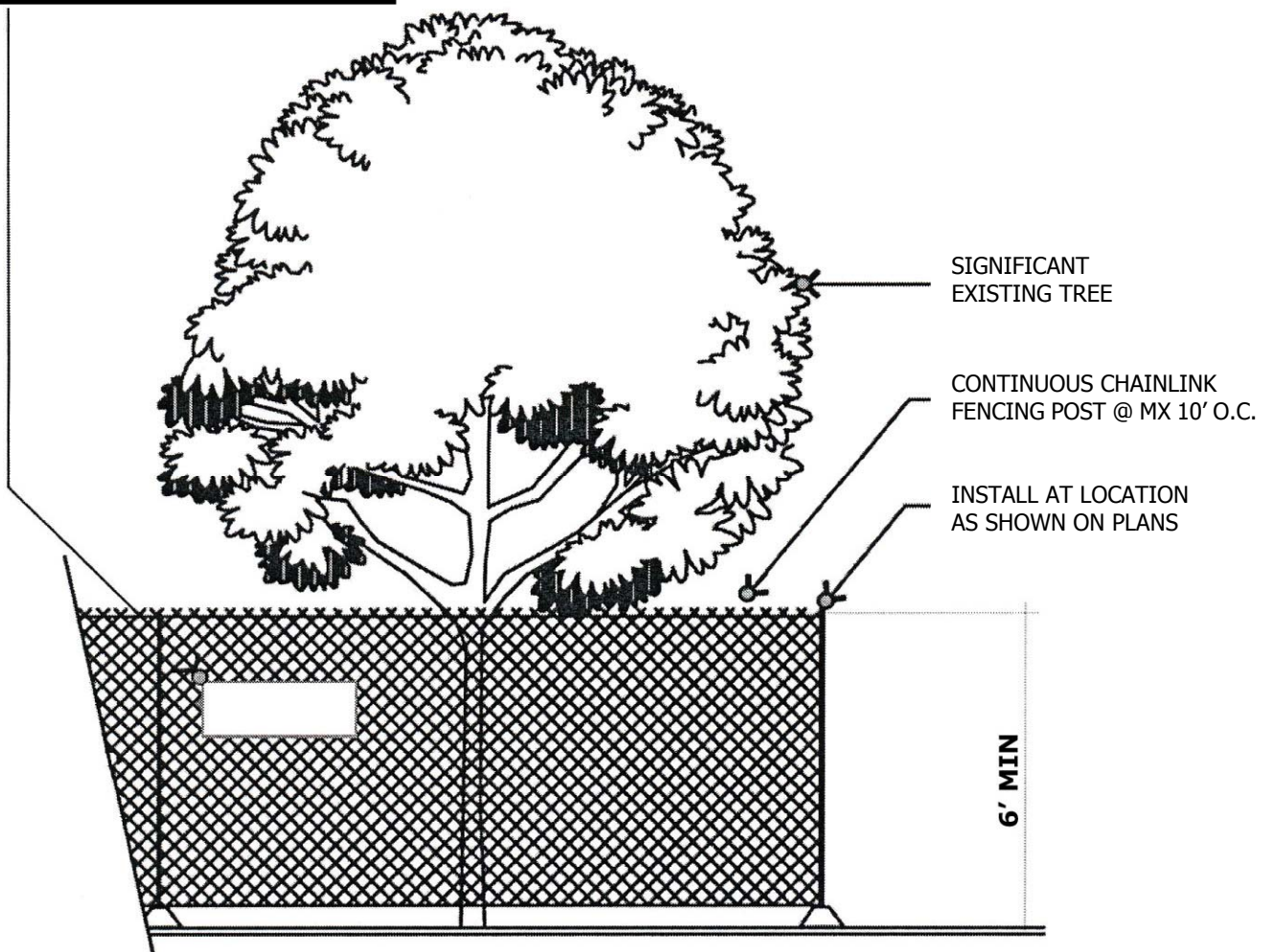
An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The appeal fee shall be submitted with the written request. Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ashley Adams".

Ashley Adams  
Development Review Arborist  
ISA Certified Arborist #PN-8216A, TRAQ  
425.587.3264  
[aadams@kirklandwa.gov](mailto:aadams@kirklandwa.gov)

Tree Protection Area, Entrance Prohibited  
To report violations contact  
City Code Enforcement  
At (425) 587-3225



1. MINIMUM SIX (6) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE(S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING AND COVERED WITH SOIL AS SOON AS POSSIBLE.
3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.



## TREE PROTECTION FENCING DETAIL

(for public and private trees)

# **TREE PROTECTION AREA**

**Entrance Prohibited**

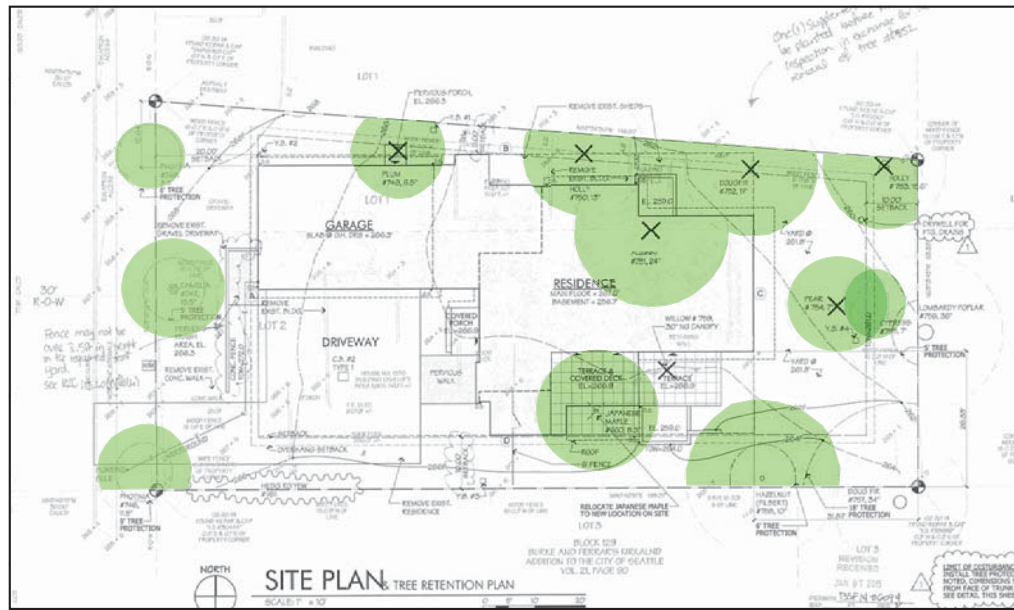
**To report violations contact**

**City Code Enforcement**

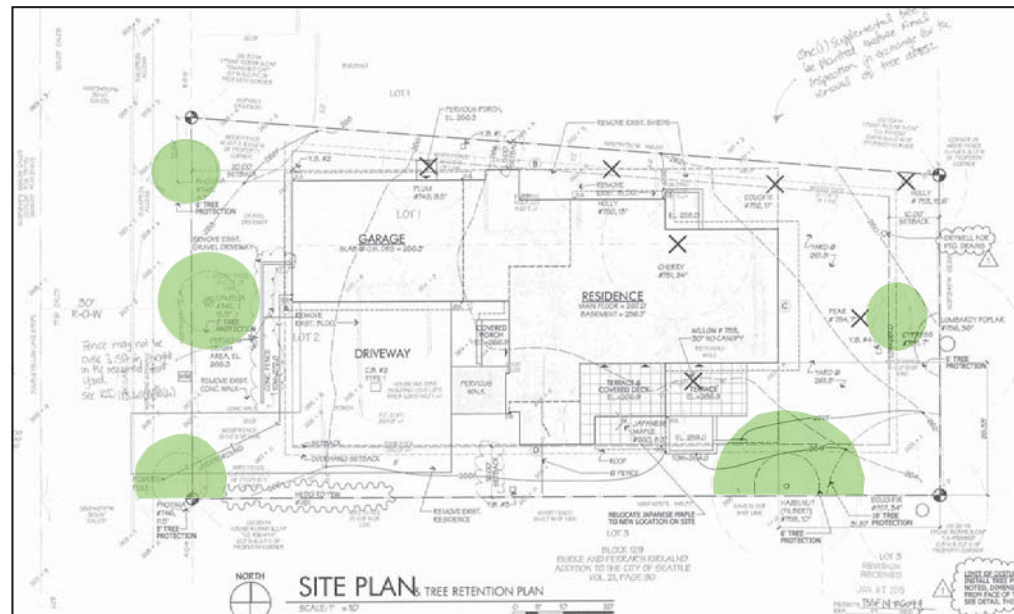
**At (425) 587-3225**

 Tree Canopy

Pre-Development



Post-Development

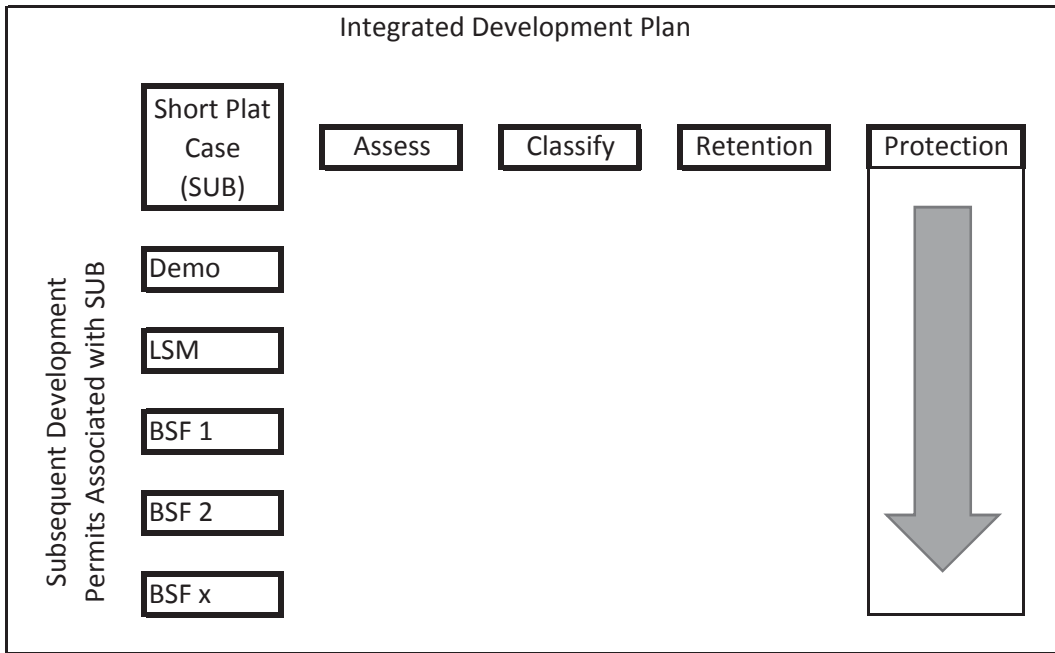


Pre-Development

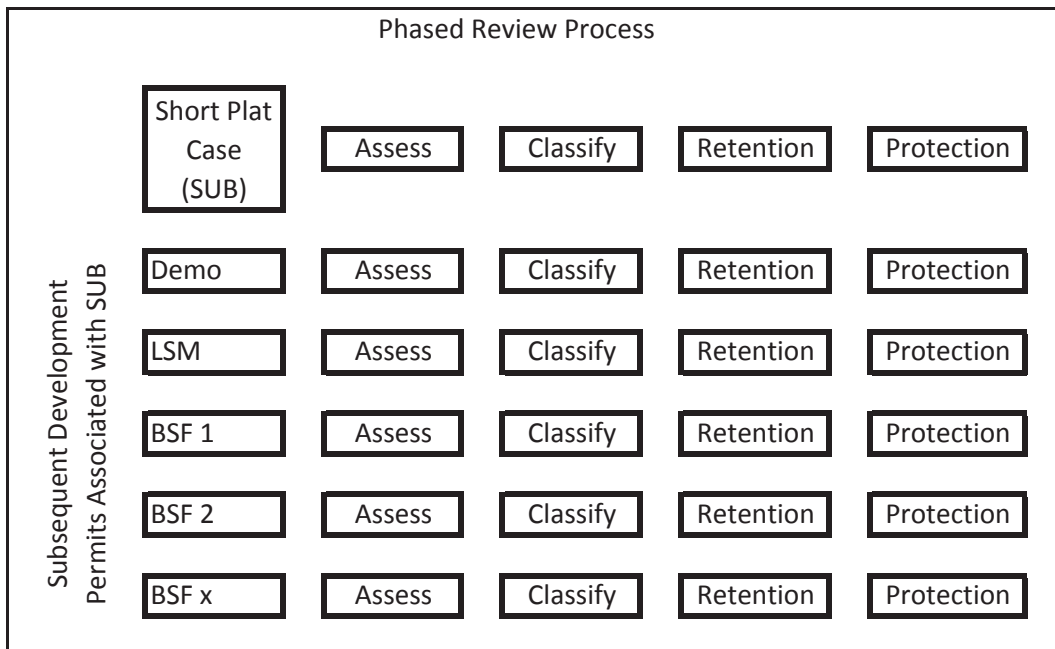


Post-Development





Under an IDP, all review associated with tree assessment, classification, retention, and protection is handled up front. The protection plan is carried forward through all subsequent development permit applications, making for quicker and simpler plan and permit review later in the process.



Development of a subdivision through the phased review process, requires the four steps to be repeated when each subsequent permit is submitted.







Pre-Development



Post-Development





**CITY OF KIRKLAND**  
Department of Parks & Community Services  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 · 425.587.3300  
www.kirklandwa.gov

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Sarah Sandquist, Parks and Community Services Supervisor  
Linda Murphy, Parks and Community Services Manager

**Date:** October 3, 2017

**Subject:** Presentation for Get Active, Stay Active Grant Award

## **RECOMMENDATION**

That the City Council receives a presentation from representatives of the King County Council District 6 with presentation of funds for their Get Active, Stay Active Grant.

## **BACKGROUND DISCUSSION**

Kirkland Parks and Community Services Pee Wee Soccer and Basketball programs are recipients' of a \$1,750 grant to expand programming opportunities. The Get Active/Stay Active grant supports sports programs and physical fitness activities serving the residents of King County Council District 6. The goal of the grant is to help youth, adults and seniors participate in physical activities that promote health and wellbeing.

Currently serving approximately 1,000 children between the ages of 2 ½ to 6, Pee Wee Soccer and Basketball focuses on a positive first introduction to the sports. Programs are run primarily by volunteer coaches, many of whom coach for multiple seasons. Grant monies will enable 25 additional children to participate in the programs through Kirkland Parks and Community Services scholarship program.

Research shows that children participating in community sports experience improvements in physical health, as well as psychological and social health. With these scholarships, we can support these outcomes for those who would typically not have access to these programs.

King County Council District 6 Councilmember Claudia Balducci will present the check to Melissa Skorupa, former Intern and Sarah Sandquist, Kirkland Parks and Community Services Supervisor.



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Kathy Brown, Public Works Director  
Dave Snider, Capital Projects Manager  
Joel Pfundt, Transportation Manager

**Date:** October 5, 2017

**Subject:** GREAT STREET AWARD FOR PARK LANE

### **RECOMMENDATION:**

City Council to receive a brief special presentation on the American Planning Association's "Great Street Award" for Park Lane.

### **BACKGROUND DISCUSSION:**

For 10 years, the American Planning Association's (APA) [Great Places in America](#) Program has honored the planning behind neighborhoods, streets, and public spaces that people love most in their communities. Since launching the Great Places in America program in 2007, APA has recognized 275 neighborhoods, streets and public spaces around the country. Designees are selected annually and represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement and a vision for the future. The APA's Great Neighborhoods, Great Streets, and Great Public Spaces of 2017 are places that are unique and exemplary in their amenities, infrastructure, cultural identity and use of sustainable and innovative practices.

For 2017, APA has selected Kirkland's Park Lane, the street that was created to "go to, not just through," as one of the five streets in the nation to win in the category of Great Streets. The APA compiles the annual list to recognize streets, neighborhoods and public spaces in the United States that demonstrate exceptional character, quality and planning attributes that enrich communities, facilitate economic growth and inspire others around the country.

As stated on the [APA Great Places website](#), Park Lane is "a magnificent example of planning and urban design ingenuity..." The site further notes "...the relatively small, two-block street tells a compelling story of how prioritizing pedestrians pays big dividends in terms of commercial activity... the woonerf-style concept... demonstrates that European-inspired urban design can work in a suburban American context."

Through the nominating process, the following defining characteristics and features were highlighted:

- Park Lane hosts regular community events, such as art walks and music performances at no cost to residents, while also providing easy access to events and retail located along Waterfront Park and Central Park.
- Bollards placed at the ends of Park Lane were installed to allow the street to become a car-free pedestrian mall for special occasions.
- Planners, designers, and engineers developed the continuous, decorative paver system that encourages walkability and reduces traffic speed by reminding drivers that pedestrians have the right-of-way.
- Park Lane is a sustainable street, cleaning 100 percent of its runoff through bio-retention planters and permeable pavers before the water is released into Lake Washington.
- Expanded outdoor seating areas have been defined for each restaurant along the street.

A shared environment for pedestrians and passing vehicles is created by 36,000 square feet of pavers. The surface design promotes walking and biking over driving with its woonerf-style design and 100 percent paver surface, abundant street furniture, and parking hoops for cyclists, as well as multiple art plinths for rotating art exhibits. In addition, the street contains the following amenities:

- Thirty-two bicycle parking hoops
- Thirty-four new sidewalk cafe seats with bistro tables
- Nineteen pedestrian scale LED street lights support 1,300 feet of overhead festival lighting
- One original donation art fountain was saved with six new art plinths with seats

In addition to Park Lane, APA also recognized the following streets this year:

- Congress Street – Tucson, Arizona
- Lincoln Avenue – Chicago, Illinois
- South Grand Boulevard – St. Louis, Missouri
- Main Street – Waterloo, New York



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**Department of Public Works**  
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**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracy Durnell, Environmental Education and Outreach Specialist  
Jenna McInnis, Recycling Programs Coordinator  
John MacGillivray, Solid Waste Programs Supervisor  
Kathy Brown, Public Works Director

**Date:** October 5, 2017

**Subject:** EnviroStars Green Business Program Update

## **RECOMMENDATION**

Staff recommends that the City Council receive a brief special presentation on the new EnviroStars Green Business Program.

## **BACKGROUND**

Green business recognition programs in Kirkland, King County, and the region have evolved over time.

### *The EnviroStars Program*

The original EnviroStars Program was created in King County in 1995 as a service of the Local Hazardous Waste Management Program. It has since been adopted across the region in Jefferson, Kitsap, Pierce, Skagit, Spokane, and Whatcom Counties. The mission of EnviroStars was to provide assistance and incentives for smaller businesses to reduce hazardous materials and waste in order to protect public health, municipal systems, and the environment.

The EnviroStars Program:

- Is well-respected, well-known and encompasses a wide range of green business behaviors;
- Has strong brand equity among consumers and the business community; and
- Has certified more than 700 businesses region-wide.

### *The Kirkland Green Business Recognition Program*

The City of Kirkland's Green Business Program was developed in 2007 through a collaborative effort between the City's solid waste and economic development staff, the Greater Kirkland Chamber of Commerce, and Puget Sound Energy. Businesses were able to receive recognition for their efforts in waste reduction and recycling, water and energy conservation, pollution prevention, transportation, and green building. Between 2007-2014, over 100 businesses were recognized but participation waned in later years, leading staff to consider a renovation of the program.

Over the past three years, Kirkland has been working on the development of a new regional one-stop-shop green business program, The EnviroStars Green Business Program. In order to offer a program with more robust and meaningful recognition, increase opportunities for participation, and more efficient use of resources for administration and marketing, Kirkland is collaborating with a number of other agencies. Program partners include: the cities of Kirkland, Bellevue, Redmond, and Seattle; Snohomish County; Puget Sound Energy; King County, and more. With an initial media launch in the Puget Sound region on September 27<sup>th</sup> of this year, the vision is for the program to quickly grow and become a statewide hub for all businesses and environmentally-minded consumers.

## **NEW PROGRAM**

The new regional green business program is utilizing the EnviroStars brand name, and combining the efforts and resources of the partner agencies. The program is built around a web portal where businesses can find resources and assistance, and complete checklists toward recognition.

Businesses fill out checklists about their actions in: General (Education, Transportation, etc.), Energy, Pollution Prevention, Solid Waste, Wastewater, and Water. They must complete a combination of actions in all of these categories to receive points and to gain recognition at Tier 1, or the Partner Level. Businesses interested in completing more challenging actions can receive recognition as Tier 2 (Leader) or Tier 3 (Champion) businesses. Businesses receive recognition benefits based on their tier level.

Businesses that have started and/or completed the new EnviroStars process:

- Maelstrom Brewing Company
- Livengood Alskog, PLLC
- Am Test Inc.
- Allyis
- Waste Management
- Eastside Community Aid Thrift Shop
- The Watershed Company
- The Catering Company
- PACE Engineers, Inc.
- SRM Development
- Jemco Components and Fabrication
- Twelve Baskets Catering

### **Benefits for Businesses**

In addition to assistance in completing green actions, the new program has increased recognition and marketing benefits – more appealing for business participants. Regional digital advertising features businesses at the highest recognition tier. All recognized businesses are listed in the online and mobile Green Business Directory. Businesses get access to the EnviroStars marketing toolkit, including window cling, to promote their EnviroStars recognition to customers.

### **Benefits for Member Agencies**

The new program streamlines and homogenizes the green business standards for the region by having all businesses complete the same actions in order to receive recognition. In addition, combined resources mean that the program can utilize technology to provide a better service to businesses. The EnviroStars web platform will better connect businesses with rebates and technical assistance from the city and utility providers. In addition, the platform-based system provides a way for member agencies to track individual and combined resource savings and report back on program impacts.

*Benefits for Customers*

Customers that want to patronize green businesses will find the green business lookup tool on the website useful. By using the recognized EnviroStars brand (and having just one green business brand in the area), the program expects the designation of an EnviroStars business to be more meaningful and recognizable to customers seeking to shop at businesses that place a high value on sustainability and the environment.

**NEXT STEPS**

The official launch of the new EnviroStars program was on September 27, 2017. Solid Waste staff are currently doing outreach to Kirkland businesses. Staff will be introducing the program to the Kirkland Downtown Association, Totem Lake Business Roundtable, Chamber of Commerce, and other businesses advocacy groups over the next few months. For more information, visit [www.envirostars.org](http://www.envirostars.org).

**ATTACHMENTS:**

Attachment A: EnviroStars Business Benefits flyer

Attachment B: Kirkland Reporter EnviroStars Article

# Bring the benefits of EnviroStars to your business

ATTACHMENT A



## Improved operations + marketing benefits

As an EnviroStars business, you'll learn to operate more efficiently, strengthen your bottom line, improve employee health and productivity, and gain recognition for environmental and community leadership. Access program benefits, including:

**Green business checklist** | Meet regional standards for becoming a green business, then complete more checklist actions to reach higher recognition tiers.

**Consumer directory** | All recognized businesses are listed in the online and mobile Green Business Directory.

**Marketing toolkit** | The EnviroStars Toolkit, including window cling, helps you make the most of your recognition.

**Digital advertising** | Regional digital advertising features businesses at the highest recognition tier. Ads can target your desired geography and target customer segments.

**Resource savings calculations** | Access reports of resource savings and positive impacts from green actions you take.

**Rebates and direct assistance** | Find rebates and get help taking green actions.

## Level up your recognition

Take more green actions to earn higher levels of recognition through the program. Benefits for each tier include:

### Tier 1: Partner

- EnviroStars window cling
- EnviroStars graphic file for use on your website
- Callout for your business on EnviroStars social media channels
- Digital-version of recognition certificate
- EnviroStars green business directory listing

### Tier 2: Leader

- All Tier 1: Partner Benefits
- Sponsored Facebook post that includes your business name (not exclusive)
- A mini case study about your business' green actions included on the EnviroStars website
- Select promotional materials

### Tier 3: Champion

- All Tier 1: Partner and Tier 2: Leader Benefits
- Business featured in digital ads targeted to your designated geographic area
- Considered for awards
- Featured in news media opportunities that arise

# Kirkland joins regional partners to launch EnviroStars

Mon Oct 2nd, 2017 1:30am · [NEWS \(HTTPS://WWW.KIRKLANDREPORTER.COM/NEWS/\)](https://www.kirklandreporter.com/news/)



Kirkland businesses can now get help making their operations sustainable while receiving recognition for their efforts. The City of Kirkland joins 16 Washington cities, counties and utilities to launch EnviroStars, a regional green business program.

“Sustainability and green living are top priorities for Kirkland residents,” Deputy Mayor Jay Arnold, Chair of the Planning and Economic Development

Council Committee, said in a press release. “The City is joining forces to give Kirkland businesses the opportunity to be recognized across the region for their environmentally-friendly practices. We are making it easier for our businesses to get assistance and make sustainability improvements because we recognize that businesses will be key to achieving the city’s climate goals.”

Kirkland businesses can use the [EnviroStars web portal \(http://www.envirostars.org/\)](http://www.envirostars.org/) to find referrals for sustainability services and incentives from the city and PSE, and start on a path to recognition. Businesses that engage with EnviroStars will benefit by streamlining their operational efficiency, strengthening their bottom line, improving employee health, and gaining recognition for environmental leadership.



E-page 59

“Twelve Baskets Catering has been focused on environmentally friendly practices since its beginnings in 1976,” said Jaffrey Bagge from Twelve Baskets Catering, the first Kirkland business to complete its EnviroStars application and a participant in the city’s original green business program. “We are using the EnviroStars program to see what other actions we can take to be even greener.”

Businesses of any size and from any industry can join. The program especially aims to help small businesses, which may have limited staff time or resources to dedicate to greening their operations. Multilingual business owners also have access to a free hotline supporting ten languages.

“I’d like to use the EnviroStars program for my customers,” said Dave Tomson from SRM Development, development manager for Kirkland’s Google campus, who helped shape the program as a member of the Business Advisory Committee. “Through EnviroStars, they can get recognition for their commitments to the environment and the health of their employees.”

Consumers will be able to find local businesses who share their environmental values on the EnviroStars directory – from restaurants and grocery stores, to hotels and auto body shops, and everything in between. They can also look for the EnviroStars mark on the storefronts of recognized businesses in Kirkland, Bellevue, Redmond, Seattle and other member cities.

“The program allows consumers to make empowered choices about where to take their business,” said Laurel Tomchick from the Local Hazardous Waste Management Program in King County, creator of the original EnviroStars program. “Choosing local EnviroStars-recognized businesses reinforces better business practices—which in turn creates healthier, safer communities and motivates more businesses to ‘work green.’”

EnviroStars replaces Kirkland’s original green business program, which recognized over 100 Kirkland businesses between 2007 and its sunset in 2014. Joining the regional EnviroStars program gives participating Kirkland businesses access to consistent standards for participation across jurisdictions, regional recognition and a robust website and multilingual hotline.

E-page 60

“Taking care of the land is of high importance in Hawaiian culture, and we definitely wanted to carry that on when we opened our Kirkland Marina location,” said Terrence Santos from Wow Wow Hawaiian Lemonade. “A huge part of that was to reduce our garbage waste to an absolute minimum and really keep the majority of our waste compostable and recyclable. With the City of Kirkland’s assistance we are able to accommodate these goals. We look forward to participating in the new EnviroStars program to do even more.”

To learn more or to get your business started on the path to recognition, visit [envirostars.org](http://www.envirostars.org) (<http://www.envirostars.org/>) or contact Kirkland’s Recycling Hotline at 425-587-3812 (tel:(425)%20587-3812). For multilingual assistance, call the EnviroStars hotline at 1-877-220-7827 (tel:(877)%20220-7827).



 **COMMENTS** (0)

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**SUBMIT**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Regi Schubiger, Parks and Community Services Program Coordinator  
Kelsey Hayes, Parks and Community Services Supervisor  
Linda Murphy, Parks and Community Services Manager

**Date:** October 3, 2017

**Subject:** Updates from Kirkland Youth Council and Kirkland Teen Union Building

## **RECOMMENDATION**

That the City Council receives presentations from representatives of the Kirkland Youth Council and Kirkland Teen Union Building (KTUB)

## **BACKGROUND DISCUSSION**

Representatives of the Kirkland Youth Council, Youth Services and KTUB are pleased to have the opportunity to update the City Council on the many exciting programs and initiatives that they have been working on during the 2016-17 school year.

Members of the Kirkland Youth Council Leadership team will report on some key programs and events undertaken by KYC, including the 2017 Opportunities Fair, production of "We've Got Issues" video dealing with opioid abuse, Teen Traffic Court, community service projects, and plans for the current school year.

Yasmine Farrington-Hernandez, Director of KTUB, will share information on the Teen Center's many program offerings that focus on three areas: Workforce Development, Service and Leadership, and Youth Development.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
October 3, 2017

1. CALL TO ORDER

Mayor Walen called the study session to order at 6:00 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Draft of Finn Hill Neighborhood Plan

Joining Councilmembers for this discussion were City Manager Kurt Triplet, Planning and Building Director Eric Shields, Senior Planner Janice Coogan, Public Works Development Engineering Manager Rob Jammerman, Transportation Engineering Manager Joel Pfundt and Planning Commission Chair Colleen Cullen and Vice-Chair Matthew Pruitt.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. Arbor Day Proclamation

Urban Forester Deb Powers and Green Kirkland Partnership Supervisor Sharon Rodman accepted the proclamation from Mayor Walen and Councilmember Sweet.

b. Walk to School Week Proclamation

Public Works Director Kathy Brown and Kirkland elementary school students accepted the proclamation from Mayor Walen and Councilmember Pascal.

c. Domestic Violence Action Month Proclamation

LifeWire Executive Director Rachel Krinsky led staff and volunteers from the Christian Coalition for Safe Families, the Consejo Counseling and Referral Service, and the Northwest Family Life Learning and Counseling Center in accepting the proclamation from Mayor Walen and Councilmember Nixon.

6. COMMUNICATIONS

a. Announcements

- (1) Councilmember Nixon shared a personal anecdote relating to his demonstration of support that "boys can wear pink!"

b. Items from the Audience

Andrew Klein  
Christina Brugman  
Lisa McConnell  
Karen Story

c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

a. Approval of Minutes: September 19, 2017

The minutes were approved via approval of the Consent Calendar.

b. Audit of Accounts:

Payroll \$3,160,634.52  
Bills \$7,611,461.55  
run #1650 checks #614108 - 614222  
run #1651 checks #614251 - 614411  
run #1652 checks #614412 - 614436  
run #1653 checks #614438 - 614557

c. General Correspondence

d. Claims

Claims received from Tanya Guenther, Joyce Hardy, and Virginia Nyberg were acknowledged via approval of the Consent Calendar.

e. Award of Bids

- (1) Fire Station 25 Renovation, Western Ventures Construction, Mountlake Terrace, WA

The City Council awarded the construction contract for the Fire Station 25 Renovation, to Western Ventures of Mountlake Terrace, WA in the amount of \$2,746,700.00, 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) 2018 Tourism Funding Recommendations

Council authorized the 2018 funding allocations at the recommended level, totaling \$60,000.00 via approval of the Consent Calendar.

- (2) Park Board Member Resignation

The resignation of Johanna Andrews was acknowledged via approval of the Consent Calendar.

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Ordinance O-4606, Relating to Restricted Areas and Obstructions.

City Attorney Kevin Raymond responded to Council questions.

Motion to Approve Ordinance O-4606, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RESTRICTED AREAS AND OBSTRUCTIONS."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

b. Ordinance O-4607 and its Summary, Relating to Short-Term Rentals.

Planning and Building Director Eric Shields reviewed the proposed ordinance and received Council feedback for revisions to bring back to the October 17, 2017 regular City Council meeting.

Council recessed for a short break.

c. Houghton/Everest Neighborhood Center and Residential Suites Update

Senior Planner Angela Ruggeri presented the results of the discussion at the joint meeting of the Planning Commission and Houghton Community Council on September 25, 2017 and received Council direction on several outstanding issues.

d. Animal Services

- (1) Ordinance O-4608 and its Summary, Adopting Provisions of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) Related to Animal Services, Care and Control.

Motion to Approve Ordinance O-4608 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PROVISIONS OF THE REVISED CODE OF WASHINGTON (RCW) AND WASHINGTON ADMINISTRATIVE CODE (WAC) RELATED TO ANIMAL SERVICES, CARE AND CONTROL."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

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

- (2) Ordinance O-4609 and its Summary, Adopting Portions of the City's Local Animal Control Ordinance that Sets Forth the Regulations Applicable to Kennels, Hobby Kennels, Catteries, Hobby Catteries, Grooming Services, Pet Shops and Private Animal Placement Permits.

Motion to Approve Ordinance O-4609 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE REGULATIONS APPLICABLE TO KENNELS, HOBBY KENNELS, CATTERIES, HOBBY CATTERIES, GROOMING SERVICES, PET SHOPS AND PRIVATE ANIMAL PLACEMENT PERMITS."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

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

- e. Continuity of Operations and Continuity of Government Plan Draft

This item was postponed to a future Council meeting.

- f. Resolution R-5272, Relating to Compliance with the Public Records Act, Amending and Adopting Updated Public Records Act Rules, and Ordering Posting of this Resolution and the Public Records Act Rules.

Motion to Approve Resolution R-5272, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, AMENDING AND ADOPTING UPDATED PUBLIC RECORDS ACT RULES, AND ORDERING POSTING OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

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

## 11. NEW BUSINESS

- a. Ordinance O-4610 and its Summary, Relating to Land Use and Zoning, Adopting Certain Regulations for the Review Process for City Council Initiated Amendments to the Text of the Zoning Code Regarding Tree Plan Retention Review on Short Plat and Subdivision Applications in the Holmes Point Overlay Zone; and Addition of "Shelter Use" to the Zoning Code, Including Amendments to Parking Requirements for New Shelter Uses.

Motion to Approve Ordinance O-4610 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING CERTAIN REGULATIONS FOR THE REVIEW PROCESS FOR CITY COUNCIL INITIATED AMENDMENTS TO THE TEXT OF THE ZONING CODE REGARDING TREE PLAN RETENTION REVIEW ON SHORT PLAT AND SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE; AND ADDITION OF "SHELTER USE" TO THE ZONING CODE, INCLUDING AMENDMENTS TO PARKING REQUIREMENTS FOR NEW SHELTER USES."

Moved by Councilmember Dave Asher, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0



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

b. Park Board Interview Selection Committee

City Clerk Kathi Anderson drew names; the interview selection committee members chosen were Councilmembers Asher, Sweet, and Pascal.

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the public meeting for neighbors about the proposed Women and Families' Shelter meeting at the Salt House Church; the upcoming Public Works, Parks and Human Services Committee meeting; dedication of a New Bethlehem Day Center van; the Walk your Child to School events; a handout of the Association of Washington Cities Board of Directors legislative priorities; a King County Regional Transit Committee meeting; the Redmond Central Connector Phase II grand opening ceremony; the Plastics Summit; a Cascade Water Alliance Finance and Management Committee meeting; an Economic Development Council of Seattle and King County board meeting; the LifeWire luncheon; the Kirkland Oktoberfest event; a Watershed Resource Inventory Area (WRIA) 8 Salmon Recovery Council meeting; Eastside Rail Corridor Regional Advisory Council meeting; and upcoming Puget Sound Regional Council "Building Transit, Building Opportunity" conference; the upcoming Annual WRIA 8 Salmon Recovery Tour; a meeting with the Sound Cities Association and Governor Inslee; and the Puget Sound Regional Council Executive Board meeting.

b. City Manager Reports

(1) Calendar Update

The Council referred the issue of soliciting on behalf of youth organizations to the Planning and Economic Development committee.

(2) TIGER Grant Application Letter

Motion to Authorize the Mayor to sign the proposed TIGER Grant Application Letter.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

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

The Council observed a moment of silence to honor the victims of the recent Las Vegas shooting.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of October 3, 2017 was adjourned at 10:56 p.m.

---

Kathi Anderson, City Clerk

---

Amy Walen, 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)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** October 5, 2017  
**Subject:** CLAIM(S) FOR DAMAGES

### **RECOMMENDATION**

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer 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) Kermit F. Aaron  
12434 110<sup>th</sup> Ln NE, M203  
Kirkland, WA 98034

**Amount:** \$5,000,000.00

**Nature of Claim:** Claimant states injuries resulted during a Kirkland Police arrest.

- (2) Spencer Cowan  
7025 132<sup>nd</sup> Street  
Kirkland, WA 98034

**Amount:** \$2,567.55

**Nature of Claim:** Claimant states damage to vehicle resulted from being struck by a boat which fell from a City vehicle while driving on 98<sup>th</sup> Avenue NE.

(continued)

- (3) Kelly McGuire  
13517 Holmes Pt. Drive NE  
Kirkland, WA 98034

**Amount:** \$399.99

**Nature of Claim:** Claimant states damage to computer occurred as a result of a Kirkland Police investigation.

- (4) Christine Orebaugh  
509 2<sup>nd</sup> Street  
Kirkland, WA 98033

**Amount:** \$311.41

**Nature of Claim:** Claimant states damage to vehicle tire occurred as a result of construction road debris.

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



**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  
Tom Mikesell, Financial Planning Manager

**Date:** October 4, 2017

**Subject:** 2018 NORCOM BUDGET APPROVAL

**RECOMMENDATION:**

Approve by resolution Kirkland's share of the 2018 NORCOM budget. Action by the City Council adopting the Consent Calendar will approve the 2018 NORCOM budget.

**BACKGROUND DISCUSSION:**

On July 1, 2009, the North East King County Regional Public Safety Communications Agency (NORCOM) began dispatch operations. The interlocal agreement forming NORCOM calls for each participating agency to approve their portion of NORCOM's budget before it is adopted, which will occur this year on December 8, 2017 (ILA Section 12(c)).

Technically, the City of Kirkland approved NORCOM's budget as part of the adoption of the 2017-2018 budget on December 13, 2016; however, the figures included for NORCOM at that time were estimates, as NORCOM had not yet prepared its 2018 budget. For NORCOM as a whole, user assessments are increasing an average of 5.3%. Kirkland Fire Department assessments are increasing 5.1% from the NORCOM 2017 Adopted Budget level due to a higher percentages of fire calls as a proportion of the entire NORCOM participant pool. Kirkland Police Department assessments are decreasing 0.3% due to a lower proportion of total calls.

The 2018 NORCOM budget was not known during development of the 2017-2018 Biennial Budget. As such, the second year of the biennial budget was an estimate. The adopted NORCOM budget results in a decrease from the estimates used in the budget, as shown in the table below. Staff is recommending that the City Council approve the revised figure, which will be incorporated into the City's mid-biennium budget adjustments.

	<b>Police</b>	<b>Fire</b>	<b>Total</b>
<b>2018 Adopted Budget</b>			
Basic Budget	2,206,324	517,182	2,723,506
<b>2018 Revised Budget</b>			
NORCOM 2018 Approved Budget	2,145,225	507,263	2,652,488
<b>Net Change</b>	<b>(61,099)</b>	<b>(9,919)</b>	<b>(71,018)</b>

RESOLUTION R-5273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE CITY OF KIRKLAND'S 2018 ALLOCATION FOR THE NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY (NORCOM) BUDGET.

1 WHEREAS, the North East King County Regional Public Safety  
2 Communications Agency (NORCOM) was formed effective November 1,  
3 2007; and

4  
5 WHEREAS, NORCOM is in the process of adopting its annual  
6 budget for 2018; and

7  
8 WHEREAS, the NORCOM Interlocal Agreement, to which the City  
9 is a party, requires that the City Council approve the City's allocation for  
10 NORCOM's budget.

11  
12 NOW, THEREFORE, be it resolved by the City Council of the City  
13 of Kirkland as follows:

14  
15 Section 1. The City of Kirkland's Fiscal Year 2018 allocation of  
16 \$2,652,488 for the North East King County Regional Public Safety  
17 Communications Agency (NORCOM) budget, as proposed to be included  
18 in the City of Kirkland 2017 - 2018 mid-biennial budget update, is  
19 approved.

20  
21 Passed by majority vote of the Kirkland City Council in open  
22 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.

23  
24 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
25 2017.

\_\_\_\_\_  
MAYOR

Attest:

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



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3600 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, AICP, Planning Director  
Susan Lauinger, Associate Planner

**Date:** October 3, 2017

**Subject:** Wildridge Final Subdivision (formally Callan Ridge), File No. SUB16-00921

**RECOMMENDATION**

That the City Council approve the Final Subdivision application for the Wildridge Plat. The City Council will do so by adopting the enclosed resolution through the approval of the consent calendar.

**BACKGROUND DISCUSSION**

The Wildridge (aka Callan Ridge) Preliminary Subdivision application, along with the Preliminary and Final Planned Unit Development applications, was heard by City's Hearing Examiner on October 27, 2016 who subsequently issued a recommendation of approval with conditions on November 1, 2016. The City Council approved the application on December 13, 2016.

The proposal includes the following elements:

- Subdivision of 5 parcels totaling 7.35 acres, into 28 lots for single-family residences within an RSA 6, low density zone;
- Access to the lots will be provided via a new access road off of 136th Ave NE, which will be called NE 133<sup>rd</sup> Place.
- A SEPA Determination of Non-Significance was issued on August 10, 2016.

The proposal complies with the Final Subdivision Approval Criteria as stated in Attachment 2. The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB16-00921) by the Hearing Examiner. Prior to recording of the plat, the applicant will submit a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

SHEET 1 OF 7

VOL./PAGE

**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921

**LEGAL DESCRIPTION**

PARCEL A:  
LOTS 1, 2 AND 3, KING COUNTY SHORT PLAT NO. 377147, RECORDED UNDER RECORDING NO. 7708180366,  
RECORDS OF KING COUNTY, WASHINGTON, BEING A PORTION OF THE NORTH 516 FEET OF THE SOUTH 246 FEET OF  
THE WEST 810 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 26  
NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL B:  
LOTS 1 AND 4, KING COUNTY SHORT PLAT NO. 59250060, RECORDED UNDER RECORDING NO. 9802249309,  
RECORDS OF KING COUNTY, WASHINGTON.

**DEDICATION**

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED BEING ALL OF THE OWNERS OF THE LAND  
HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE  
HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS AND AVENUES NOT  
SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH  
THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR  
CUTS AND FILLS UPON THE LOTS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND  
AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL EASEMENTS AND TRACTS SHOWN ON THIS  
PLAT FOR ALL PUBLIC PURPOSES AS INDICATED HEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACES,  
UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS  
BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO  
HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE  
PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND  
ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR  
DAMAGES AGAINST THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE  
ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION  
OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND  
ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY  
DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE  
BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE OR SUB-SURFACE  
WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS  
WITHIN THIS SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING  
THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF  
DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS SUCCESSORS  
OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE  
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

RIDGE FOX, LLC,  
A WASHINGTON LIMITED LIABILITY COMPANY

BANNER BANK

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
ITS: \_\_\_\_\_

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
ITS: \_\_\_\_\_

ALCO INVESTMENT COMPANY

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
ITS: \_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS INSTRUMENT  
ON OATH STATED HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE  
OF RIDGE FOX, LLC, A WASHINGTON LIMITED LIABILITY COMPANY TO BE THE FREE AND  
VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF  
NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS INSTRUMENT  
ON OATH STATED HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE  
OF BANNER BANK, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE  
USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF  
NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ SIGNED THIS  
INSTRUMENT ON OATH STATED HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE  
OF ALCO INVESTMENT COMPANY TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY  
FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED \_\_\_\_\_

SIGNATURE OF  
NOTARY PUBLIC \_\_\_\_\_

TITLE \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

**APPROVALS**

CITY OF KIRKLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

EXAMINED, REVIEWED AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SUBDIVISION PROVISIONS  
OF TITLE 22 (LAND SUBDIVISION), KIRKLAND MUNICIPAL CODE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
DIRECTOR, PUBLIC WORKS DEPARTMENT

CITY TREASURER CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT LOCAL IMPROVEMENT ASSESSMENTS AND THAT ALL  
SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS OR FOR  
OTHER PUBLIC USE ARE PAID IN FULL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
TREASURER, CITY OF KIRKLAND

**KING COUNTY DEPARTMENT OF ASSESSMENT**

EXAMINED, AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

KING COUNTY DEPARTMENT OF ASSESSMENTS

KING COUNTY ASSESSOR

DEPUTY KING COUNTY ASSESSOR

PARCEL NO'S. 2226059024, 2226059097, 2226059098, 2226059099 AND 2226059117

**FINANCE DIVISION CERTIFICATE**

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL  
ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED  
TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS,  
ALLEYS, OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MANAGER, KING COUNTY OFFICE OF FINANCE

\_\_\_\_\_  
DEPUTY

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAT OF WILDRIDGE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES,  
COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND  
BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS  
OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATING.

*Stephen J. Schred*

7/3/17

STEPHEN J. SCHRED, PROFESSIONAL LAND SURVEYOR, DATE

CERTIFICATE NO. 37555  
D.R. STRONG CONSULTING ENGINEERS  
620 7TH AVE  
KIRKLAND, WASHINGTON 98033  
PHONE: (425) 827-3063



**D.R. STRONG  
CONSULTING ENGINEERS**  
ENGINEERS PLANNERS SURVEYORS

620 - 7th AVENUE KIRKLAND, WA 98033  
O 425.827.3063 F 425.827.3423

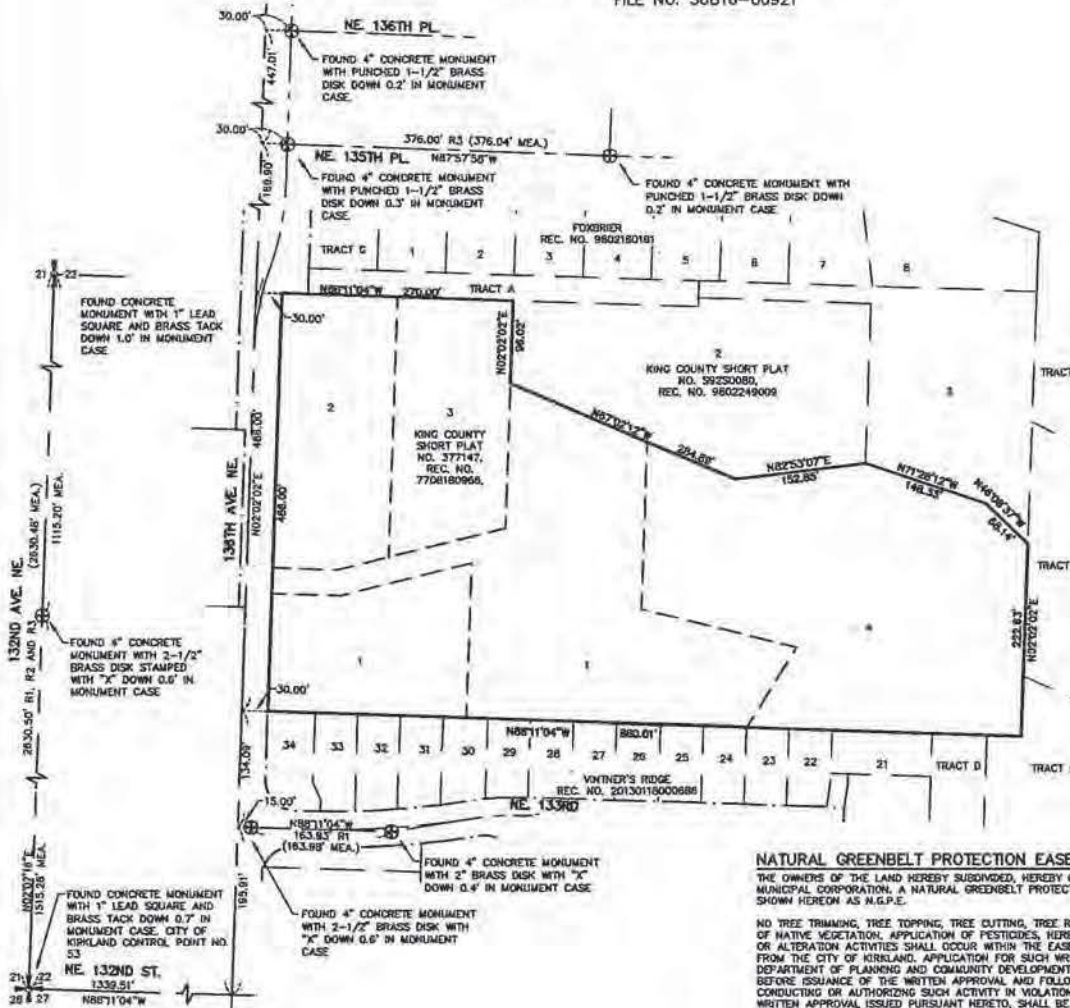






**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921



**NORTH**

GRAPHIC SCALE  
0 50' 100' 200'  
1 INCH = 100 FT.

**BASIS OF BEARINGS**

N02°07'16\"/>

**REFERENCES**

1. KING COUNTY SHORT PLAT NO. 59250080, RECORDED UNDER RECORDING NUMBER 9502249006.
2. THE PLAT OF WINTNER'S RIDGE RECORDED UNDER RECORDING NUMBER 20130118000686.
3. THE PLAT OF FOXBRIDGE RECORDED UNDER RECORDING NUMBER 9902180101.

**LEGEND:**

- ⊕ FOUND SECTION CORNER AS NOTED
- ⊕ FOUND QUARTER SECTION CORNER AS NOTED
- ⊕ FOUND MONUMENT AS NOTED

**NATURAL GREENBELT PROTECTION EASEMENT (N.G.P.E.)**

THE OWNERS OF THE LAND HEREBY SUBDIVIDED, HEREBY GRANTS TO THE CITY OF KIRKLAND, A MUNICIPAL CORPORATION, A NATURAL GREENBELT PROTECTIVE EASEMENT OVER AND ACROSS THOSE AREAS SHOWN HEREON AS N.G.P.E.

NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, TREE REMOVAL, SHRUB OR BRUSH-CUTTING OR REMOVAL OF NATIVE VEGETATION, APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS; CONSTRUCTION, CLEARING, OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL IS TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 170, ORDINANCE 3719, THE KIRKLAND ZONING CODE. IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGED OR FALLEN VEGETATION, RESTORATION OF THE AFFECTED AREA BY PLANTING REPLACEMENT TREES AND OTHER VEGETATION AS REQUIRED IN APPLICABLE SECTIONS OF THE KIRKLAND ZONING CODE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED.

IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN CRITICAL AREAS AND THEIR BUFFERS BY REMOVING NON-NATIVE, INVASIVE, AND NOXIOUS PLANTS IN A MANNER THAT WILL NOT HARM CRITICAL AREAS OR THEIR BUFFERS AND IN ACCORDANCE WITH KIRKLAND ZONING CODE REQUIREMENTS FOR TREES AND OTHER VEGETATION WITHIN CRITICAL AREAS AND CRITICAL AREA BUFFERS.

THE CITY SHALL HAVE A LICENSE TO ENTER THE EASEMENT AREA (AND THE PROPERTY IF NECESSARY FOR ACCESS TO THE EASEMENT AREA) FOR THE PURPOSE OF MONITORING COMPLIANCE WITH THE TERMS OF THIS EASEMENT.

DEVELOPMENT OUTSIDE OF THIS NATURAL GREENBELT PROTECTIVE EASEMENT MAY BE LIMITED BY COPIED STANDARD, PERMIT CONDITIONS, OR MOVEMENT OF THE CRITICAL AREA.

EACH OF THE UNDERSIGNED OWNERS AGREE TO DEFEND, PAY, AND SAVE HARMLESS THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS, OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID NATURAL GREENBELT PROTECTIVE EASEMENT OVER SAID OWNERS' PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT, INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEY'S FEES AS MAY BE INCURRED BY THE CITY OF KIRKLAND IN DEFENSE THEREOF, EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.

THIS EASEMENT IS GIVEN TO SATISFY A CONDITION OF THE DEVELOPMENT PERMIT APPROVED BY THE CITY OF KIRKLAND UNDER KIRKLAND FILE/PERMIT NO. 15M16-09540, FOR CONSTRUCTION OF UPON THE LAND HEREBY SUBDIVIDED.

THIS EASEMENT SHALL BE BINDING UPON THE PARTIES HERETO, THEIR SUCCESSORS AND ASSIGNS, AND SHALL RUN WITH THE LAND.



**D.R. STRONG CONSULTING ENGINEERS**  
ENGINEERS PLANNERS SURVEYORS  
100 - 7th Avenue, Kirkland, WA 98033  
425.827.3010 F 425.827.3420



**TITLE RESTRICTIONS**

1. THIS SITE IS SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, TO THE EXTENT THAT THE SAME ARE PERMITTED BY APPLICABLE LAW AS DISCLOSED BY KING COUNTY SHORT PLAT RECORDED UNDER RECORDING NUMBER 9802249006.
2. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT REGARDING TEMPORARY WATER SERVICE AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 7301050411.
3. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT REGARDING TEMPORARY WATER SERVICE AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 7902060730.
4. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT REGARDING TEMPORARY WATER SERVICE AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 7906271018.
5. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A GEOLOGICALLY HAZARDOUS AREAS COVENANT AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20170418001294.
6. THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF A SAVE HARMLESS AGREEMENT - STREAM AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 20170418001295.
7. THIS SITE IS SUBJECT TO A RECORD OF SURVEY AND MATTERS RELATING THERETO AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8904069506.
8. THIS SITE IS SUBJECT TO A RECORD OF SURVEY AND MATTERS RELATING THERETO AS DISCLOSED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 2015030950001.

**SURVEYOR'S NOTES**

1. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM FIDELITY NATIONAL TITLE INSURANCE COMPANY FOURTH AMENDED SUBDIVISION GUARANTEE NUMBER 61124880 DATED JUNE 23, 2017. IN PREPARING THIS MAP, D.R. STRONG CONSULTING ENGINEERS INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS D.R. STRONG CONSULTING ENGINEERS INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY REFERENCED FIDELITY NATIONAL TITLE INSURANCE COMPANY GUARANTEE. D.R. STRONG CONSULTING ENGINEERS INC. HAS RELIED WHOLLY ON FIDELITY NATIONAL TITLE COMPANY REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND THEREFORE D.R. STRONG CONSULTING ENGINEERS INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
2. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN JUNE, 2013.
3. PROPERTY AREA = 320,097.4 SQUARE FEET (7.34944 ACRES).
4. ALL DISTANCES ARE IN FEET.
5. THIS IS A FIELD TRAVERSE SURVEY. A LEICA FIVE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-130-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.



**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921



LINE	BEARING	DISTANCE
L20	N57°14'54"W	16.42'
L21	N72°29'33"W	8.52'
L22	N78°14'16"W	10.61'
L23	N40°03'57"E	14.17'
L24	N82°06'21"W	7.18'
L25	N74°16'27"W	5.89'
L26	N08°55'41"W	8.02'
L27	N02°59'54"E	21.09'
L28	N76°36'58"W	4.07'
L29	N63°17'04"W	22.05'
L30	N05°29'55"E	14.41'
L31	N79°37'45"E	18.44'
L32	N72°29'11"E	18.11'
L33	N61°02'13"W	26.61'

SEE SHEET 5 FOR CONTINUATION SEE SHEET 6 FOR ADDITIONAL NEW AND EXISTING EASEMENTS

- LEGEND**
- ⊕ FOUND MONUMENT AS NOTED
  - ⊕ SET CITY OF KIRKLAND STANDARD MONUMENT WITH BRASS DISK STAMPED 37555 IN MONUMENT CASE
  - FOUND CORNER MONUMENT AS NOTED
  - \* SET 5/8" X 24" REDAR WITH PLASTIC CAP STAMPED "DRS 37555" AT CORNER OR ON LINE AT 4.00 FEET FROM CORNER AS INDICATED
  - VBF VERTICAL BOARD FENCE

LOT NO.	MAX. ALLOWABLE LOT COVERAGE IN SQUARE FEET	LOT NO.	MAX. ALLOWABLE LOT COVERAGE IN SQUARE FEET
1	3,410	21	3,970
2	3,675	22	3,980
3	3,810	23	4,340
4	3,405	24	4,025
5	3,560	25	3,990
6	3,725	26	3,970
7	3,785	27	4,240
8	3,970	28	4,340
20	4,055		

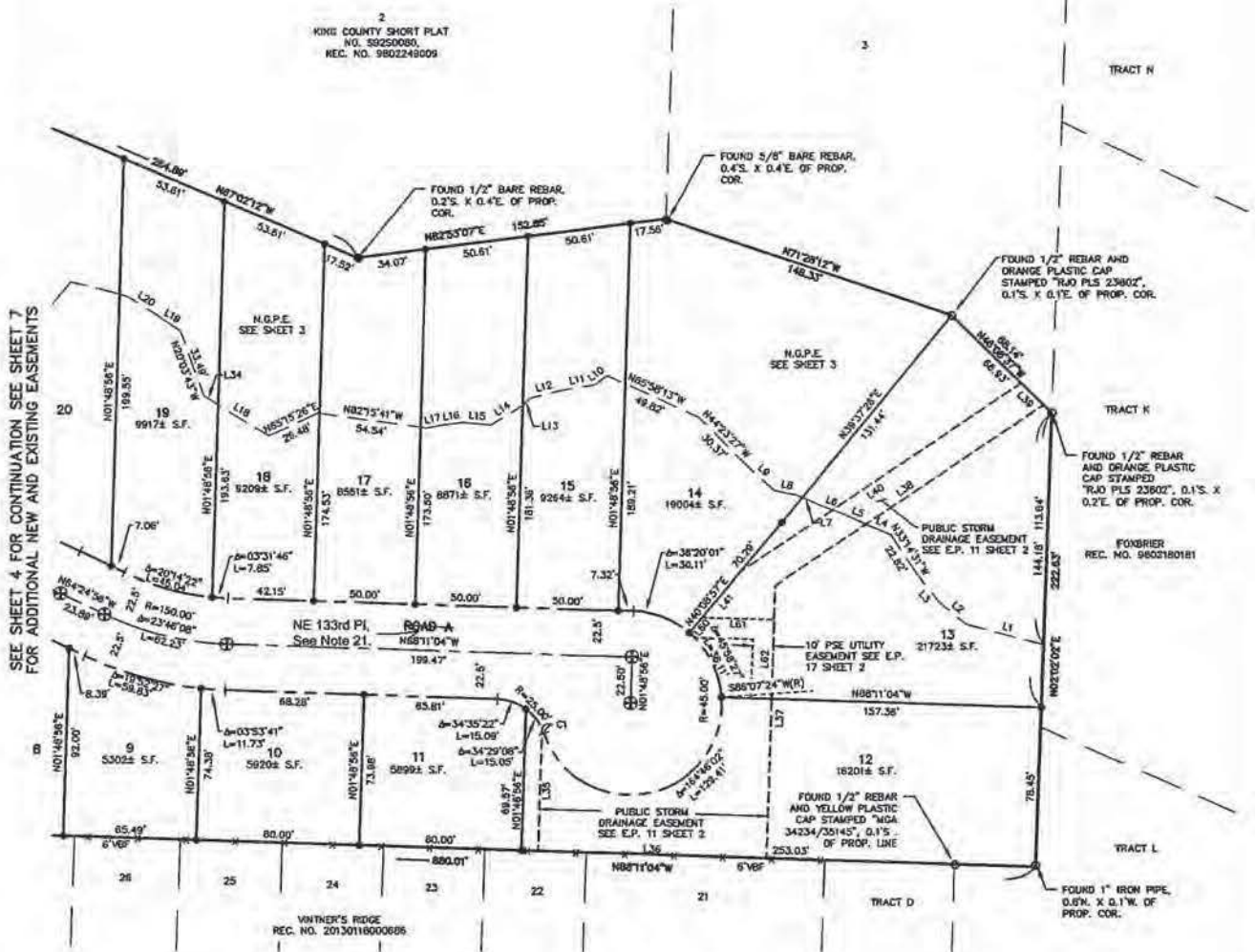


**DRS**

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420 - 7th Avenue, Kirkland, WA 98033  
O 425.077.8993 F 425.077.2423

**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921



SEE SHEET 4 FOR CONTINUATION SEE SHEET 7  
FOR ADDITIONAL NEW AND EXISTING EASEMENTS

LOT NO.	MAX. ALLOWABLE LOT COVERAGE IN SQUARE FEET
9	4,340
10	4,340
11	4,340
12	5,340
13	5,340
14	4,340
15	3,570
16	3,540
17	4,540
18	3,540
19	3,540

**LEGEND**

- ⊕ FOUND MONUMENT AS NOTED
- ⊕ SET CITY OF KIRKLAND STANDARD  
MONUMENT WITH BRASS DISK STAMPED  
37555 IN MONUMENT CASE
- FOUND CORNER MONUMENT AS NOTED
- SET 5/8" X 24" REBAR WITH PLASTIC CAP  
STAMPED "DRS 37555" AT CORNER OR ON  
LINE AT 4.00 FEET FROM CORNER AS  
INDICATED
- E.P. EASEMENT PROMISION
- VBV VERTICAL BOARD FENCE



**BASIS OF BEARINGS**

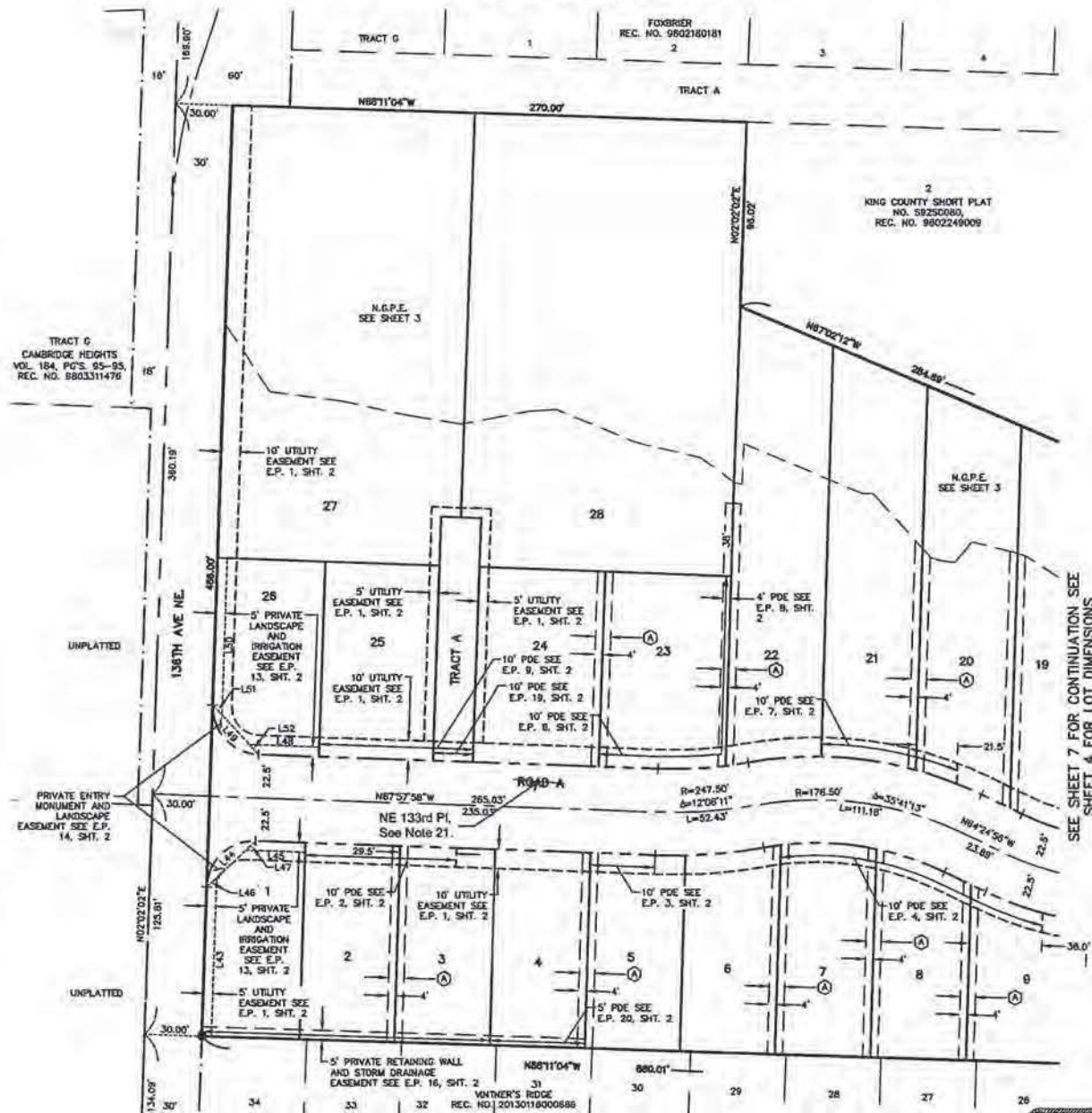
N02°07'16"E BETWEEN THE MONUMENTS FOUND  
AT THE SOUTHWEST CORNER AND THE WEST  
QUARTER CORNER OF SECTION 22-26-5 PER  
REFERENCES 1, 2 AND 3

LINE BEARING	DISTANCE
1	N75°13'40"W 158.94
2	N51°51'13"W 17.14
3	N35°25'28"W 18.10
4	N6°40'54"W 12.28
5	N85°55'54"W 13.97
6	N67°03'47"W 11.71
7	N68°27'40"W 12.50
8	N78°17'50"W 11.55
9	N47°27'04"W 20.82
10	N24°04'24"E 17.44
11	N80°43'05"E 16.89
12	N70°03'47"W 15.44
13	N4°15'52"E 13.29
14	N55°10'04"E 18.42
15	N04°49'03"W 13.95
16	N85°55'54"W 13.97
17	N67°03'47"W 11.71
18	N68°27'40"W 12.50
19	N78°17'50"W 11.55
20	N47°27'04"W 20.82
21	N24°04'24"E 17.44
22	N80°43'05"E 16.89
23	N70°03'47"W 15.44
24	N4°15'52"E 13.29
25	N55°10'04"E 18.42
26	N04°49'03"W 13.95
27	N85°55'54"W 13.97
28	N67°03'47"W 11.71
29	N68°27'40"W 12.50
30	N78°17'50"W 11.55
31	N47°27'04"W 20.82
32	N24°04'24"E 17.44
33	N80°43'05"E 16.89
34	N70°03'47"W 15.44
35	N4°15'52"E 13.29
36	N55°10'04"E 18.42
37	N04°49'03"W 13.95
38	N85°55'54"W 13.97
39	N67°03'47"W 11.71
40	N68°27'40"W 12.50
41	N78°17'50"W 11.55
42	N47°27'04"W 20.82
43	N24°04'24"E 17.44
44	N80°43'05"E 16.89
45	N70°03'47"W 15.44
46	N4°15'52"E 13.29
47	N55°10'04"E 18.42
48	N04°49'03"W 13.95
49	N85°55'54"W 13.97
50	N67°03'47"W 11.71
51	N68°27'40"W 12.50
52	N78°17'50"W 11.55
53	N47°27'04"W 20.82
54	N24°04'24"E 17.44
55	N80°43'05"E 16.89
56	N70°03'47"W 15.44
57	N4°15'52"E 13.29
58	N55°10'04"E 18.42
59	N04°49'03"W 13.95
60	N85°55'54"W 13.97
61	N67°03'47"W 11.71
62	N68°27'40"W 12.50
63	N78°17'50"W 11.55
64	N47°27'04"W 20.82
65	N24°04'24"E 17.44
66	N80°43'05"E 16.89
67	N70°03'47"W 15.44
68	N4°15'52"E 13.29
69	N55°10'04"E 18.42
70	N04°49'03"W 13.95
71	N85°55'54"W 13.97
72	N67°03'47"W 11.71
73	N68°27'40"W 12.50
74	N78°17'50"W 11.55
75	N47°27'04"W 20.82
76	N24°04'24"E 17.44
77	N80°43'05"E 16.89
78	N70°03'47"W 15.44
79	N4°15'52"E 13.29
80	N55°10'04"E 18.42
81	N04°49'03"W 13.95
82	N85°55'54"W 13.97
83	N67°03'47"W 11.71
84	N68°27'40"W 12.50
85	N78°17'50"W 11.55
86	N47°27'04"W 20.82
87	N24°04'24"E 17.44
88	N80°43'05"E 16.89
89	N70°03'47"W 15.44
90	N4°15'52"E 13.29
91	N55°10'04"E 18.42
92	N04°49'03"W 13.95
93	N85°55'54"W 13.97
94	N67°03'47"W 11.71
95	N68°27'40"W 12.50
96	N78°17'50"W 11.55
97	N47°27'04"W 20.82
98	N24°04'24"E 17.44
99	N80°43'05"E 16.89
100	N70°03'47"W 15.44
101	N4°15'52"E 13.29
102	N55°10'04"E 18.42
103	N04°49'03"W 13.95
104	N85°55'54"W 13.97
105	N67°03'47"W 11.71
106	N68°27'40"W 12.50
107	N78°17'50"W 11.55
108	N47°27'04"W 20.82
109	N24°04'24"E 17.44
110	N80°43'05"E 16.89
111	N70°03'47"W 15.44
112	N4°15'52"E 13.29
113	N55°10'04"E 18.42
114	N04°49'03"W 13.95
115	N85°55'54"W 13.97
116	N67°03'47"W 11.71
117	N68°27'40"W 12.50
118	N78°17'50"W 11.55
119	N47°27'04"W 20.82
120	N24°04'24"E 17.44
121	N80°43'05"E 16.89
122	N70°03'47"W 15.44
123	N4°15'52"E 13.29
124	N55°10'04"E 18.42
125	N04°49'03"W 13.95
126	N85°55'54"W 13.97
127	N67°03'47"W 11.71
128	N68°27'40"W 12.50
129	N78°17'50"W 11.55
130	N47°27'04"W 20.82
131	N24°04'24"E 17.44
132	N80°43'05"E 16.89
133	N70°03'47"W 15.44
134	N4°15'52"E 13.29
135	N55°10'04"E 18.42
136	N04°49'03"W 13.95
137	N85°55'54"W 13.97
138	N67°03'47"W 11.71
139	N68°27'40"W 12.50
140	N78°17'50"W 11.55
141	N47°27'04"W 20.82
142	N24°04'24"E 17.44
143	N80°43'05"E 16.89
144	N70°03'47"W 15.44
145	N4°15'52"E 13.29
146	N55°10'04"E 18.42
147	N04°49'03"W 13.95
148	N85°55'54"W 13.97
149	N67°03'47"W 11.71
150	N68°27'40"W 12.50
151	N78°17'50"W 11.55
152	N47°27'04"W 20.82
153	N24°04'24"E 17.44
154	N80°43'05"E 16.89
155	N70°03'47"W 15.44
156	N4°15'52"E 13.29
157	N55°10'04"E 18.42
158	N04°49'03"W 13.95
159	N85°55'54"W 13.97
160	N67°03'47"W 11.71
161	N68°27'40"W 12.50
162	N78°17'50"W 11.55
163	N47°27'04"W 20.82
164	N24°04'24"E 17.44
165	N80°43'05"E 16.89
166	N70°03'47"W 15.44
167	N4°15'52"E 13.29
168	N55°10'04"E 18.42
169	N04°49'03"W 13.95
170	N85°55'54"W 13.97
171	N67°03'47"W 11.71
172	N68°27'40"W 12.50
173	N78°17'50"W 11.55
174	N47°27'04"W 20.82
175	N24°04'24"E 17.44
176	N80°43'05"E 16.89
177	N70°03'47"W 15.44
178	N4°15'52"E 13.29
179	N55°10'04"E 18.42
180	N04°49'03"W 13.95
181	N85°55'54"W 13.97
182	N67°03'47"W 11.71
183	N68°27'40"W 12.50
184	N78°17'50"W 11.55
185	N47°27'04"W 20.82
186	N24°04'24"E 17.44
187	N80°43'05"E 16.89
188	N70°03'47"W 15.44
189	N4°15'52"E 13.29
190	N55°10'04"E 18.42
191	N04°49'03"W 13.95
192	N85°55'54"W 13.97
193	N67°03'47"W 11.71
194	N68°27'40"W 12.50
195	N78°17'50"W 11.55
196	N47°27'04"W 20.82
197	N24°04'24"E 17.44
198	N80°43'05"E 16.89
199	N70°03'47"W 15.44
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228	N78°17'50"W 11.55
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231	N80°43'05"E 16.89
232	N70°03'47"W 15.44
233	N4°15'52"E 13.29
234	N55°10'04"E 18.42
235	N04°49'03"W 13.95
236	N85°55'54"W 13.97
237	N67°03'47"W 11.71
238	N68°27'40"W 12.50
239	N78°17'50"W 11.55
240	N47°27'04"W 20.82
241	N24°04'24"E 17.44
242	N80°43'05"E 16.89
243	N70°03'47"W 15.44
244	N4°15'52"E 13.29
245	N55°10'04"E 18.42
246	N04°49'03"W 13.95
247	N85°55'54"W 13.97
248	N67°03'47"W 11.71
249	N68°27'40"W 12.50
250	N78°17'50"W 11.55
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254	N70°03'47"W 15.44
255	N4°15'52"E 13.29
256	N55°10'04"E 18.42
257	N04°49'03"W 13.95
258	N85°55'54"W 13.97
259	N67°03'47"W 11.71
260	N68°27'40"W 12.50
261	N78°17'50"W 11.55
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271	N68°27'40"W 12.50
272	N78°17'50"W 11.55
273	N47°27'04"W 20.82
274	N24°04'24"E 17.44
275	N80°43'05"E 16.89
276	N70°03'47"W 15.44
277	N4°15'52"E 13.29
278	N55°10'04"E 18.42
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280	N85°55'54"W 13.97
281	N67°03'47"W 11.71
282	N68°27'40"W 12.50
283	N78°17'50"W 11.55
284	N47°27'04"W 20.82
285	N24°04'24"E 17.44
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319	N80°43'05"E 16.89
320	N70°03'47"W 15.44
321	N4°15'52"E 13.29
322	N55°10'04"E 18.42
323	N04°49'03"W 13.95
324	N85°55'54"W 13.97
325	N67°03'47"W 11.71
32	



**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921



TRACT C  
CAMBRIDGE HEIGHTS  
VOL. 184, P.G'S. 95-93,  
REC. NO. 8803311476

FOXBRER  
REC. NO. 9802180181

2  
KING COUNTY SHORT PLAT  
NO. 58250080,  
REC. NO. 9802249009

SEE SHEET 7 FOR CONTINUATION SEE  
SHEET 4 FOR LOT DIMENSIONS

PRIVATE ENTRY  
MONUMENT AND  
LANDSCAPE  
EASEMENT SEE E.P.  
14, SHT. 2

WATNER'S RIDGE  
REC. NO. 12013011800688

LINE BEARING	DISTANCE
43	N02°02'02"E 183.18
44	N47°02'02"E 135.36
45	N87°52'58"W 300.91
46	N47°02'02"E 17.07
47	N47°02'02"E 17.07
48	N02°02'02"E 135.36
49	N47°52'58"W 135.36
50	N02°02'02"E 183.18
51	N87°52'58"W 17.07
52	N47°52'58"W 17.07

- LEGEND**
- E.P. EASEMENT PROVISION
  - PDE PRIVATE STORM DRAIN EASEMENT
  - (A) 8 FOOT PRIVATE WALL MAINTENANCE EASEMENT SEE EASEMENT NOTE 15, SHT. 2



**BASIS OF BEARINGS**  
N02°07'16"E BETWEEN THE MONUMENTS FOUND  
AT THE SOUTHWEST CORNER AND THE WEST  
QUARTER CORNER OF SECTION 22-26-5 PER  
REFERENCES 1, 2 AND 3



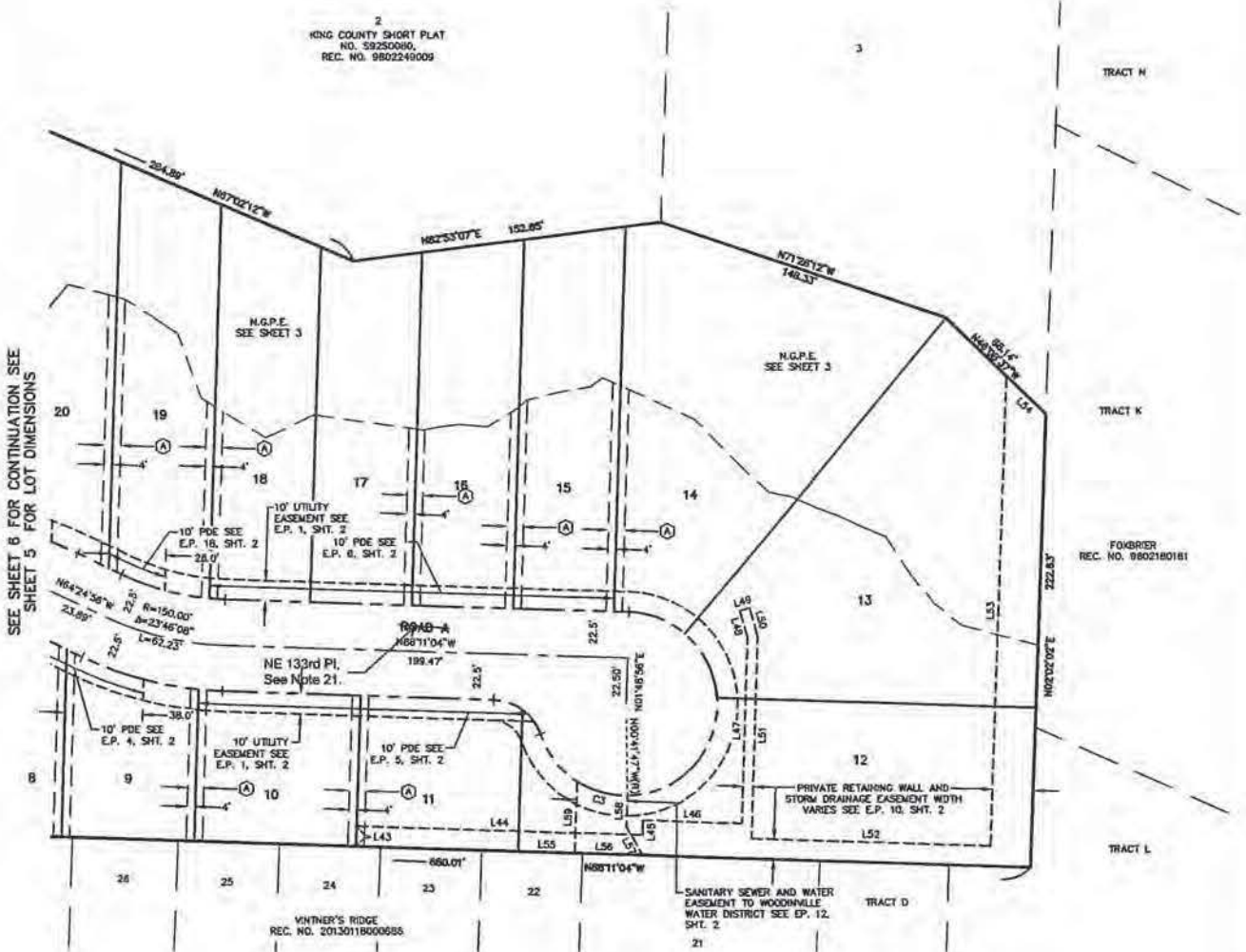
**D.R. STRONG**  
CONSULTING ENGINEERS  
ENGINEERS PLANNERS SURVEYORS  
500 - 79 AVENUE, KIRKLAND, WA 98033  
O-425.027.3013 F-425.027.3042

**WILDRIDGE**

A PORTION OF THE SE 1/4 OF THE SW 1/4,  
SECTION 22, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON  
FILE NO. SUB16-00921

2  
KING COUNTY SHORT PLAT  
NO. 98220000,  
REC. NO. 9802240009

3



SEE SHEET 6 FOR CONTINUATION SEE SHEET 5 FOR LOT DIMENSIONS

VINTNER'S RIDGE  
REC. NO. 20120118000688

SANITARY SEWER AND WATER  
EASEMENT TO WOODHURST  
WATER DISTRICT SEE EP. 12,  
SHT. 2

LINE	BEARING	DISTANCE
L43	N01°48'56\"	10.00
L44	N88°11'04\"	141.00
L45	N02°15'03\"	17.19
L46	N88°11'04\"	149.80
L47	N01°48'56\"	81.00
L48	N15°25'30\"	133.80
L49	N74°44'50\"	5.00
L50	N15°25'30\"	144.64
L51	N01°48'56\"	89.00
L52	N88°11'04\"	118.70
L53	N02°15'03\"	250.81
L54	N46°16'37\"	26.84
L55	N88°11'04\"	28.15
L56	N88°11'04\"	133.30
L57	N52°29'08\"	16.07
L58	N01°48'56\"	15.30
L59	N01°48'56\"	133.37

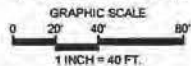
CURVE RADIUS 1261.4 ANGLE 122.14°  
L53 45.00 L57 17.15 L58 126.14

**LEGEND**

- E.P. EASEMENT PROVISION
- PDE PRIVATE STORM DRAIN EASEMENT
- (A) 8 FOOT PRIVATE WALL MAINTENANCE EASEMENT SEE EASEMENT NOTE 15, SHEET 2.



**NORTH**



**BASIS OF BEARINGS**

N02°07'16\"/>



**D.R. STRONG**  
CONSULTING ENGINEERS  
ENGINEERS PLANNERS SURVEYORS  
620 - 7th AVENUE KIRKLAND, WA 98033  
0 425.827.3083 F 425.827.2423



**CITY OF KIRKLAND**  
Planning and Building Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

**MEMORANDUM  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

**To:** Eric R. Shields, AICP, Planning Director  
**From:** Susan Lauinger, Associate Planner  
**Date:** October 2, 2017  
**File:** Wildridge (formerly Callan Ridge) Final Subdivision, File No. SUB16-00921

**I. RECOMMENDATION**

Approve the Final Subdivision application for the Wildridge Plat

**II. BACKGROUND**

- A. The applicant is Carol Rozday for GGM Investment, LLC and American Classic Homes.
- B. This is a final subdivision application to approve a 28-lot subdivision on a 7.35-acre site (see Attachment 3).
- C. The site is located at 13224, 13236, and 13240 136<sup>th</sup> Avenue NE and two adjacent parcels (see Attachment 4).

**III. HISTORY**

On December 13, 2016; the Kirkland City Council approved the Wildridge (then Callan Ridge) Preliminary Subdivision as part of the Preliminary Plat and final Planned Unit Development applications (see Attachment 5). A SEPA Determination of Non-significance was issued on August 10, 2016.

**IV. ANALYSIS**

A. Approval Criteria

- 1. Facts: Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
  - a. Consistency with the preliminary plat, except for minor modifications; and
  - b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
- 2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB16-00921) by the Hearing Examiner.

Prior to recording of the plat, the applicant will submit a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES


Attachments 3 through 5 are attached.

- 3. Final Plat
- 4. Vicinity Map
- 5. City Council Decision

Review by Planning Director:

I concur  I do not concur

Comments: \_\_\_\_\_


 October 3, 2017  
 \_\_\_\_\_  
 Eric R. Shields, AICP Date

cc: Applicant  
File: SUB16-00921



Attachment 2  
SUB16-00921

**RSA 1**

**P**

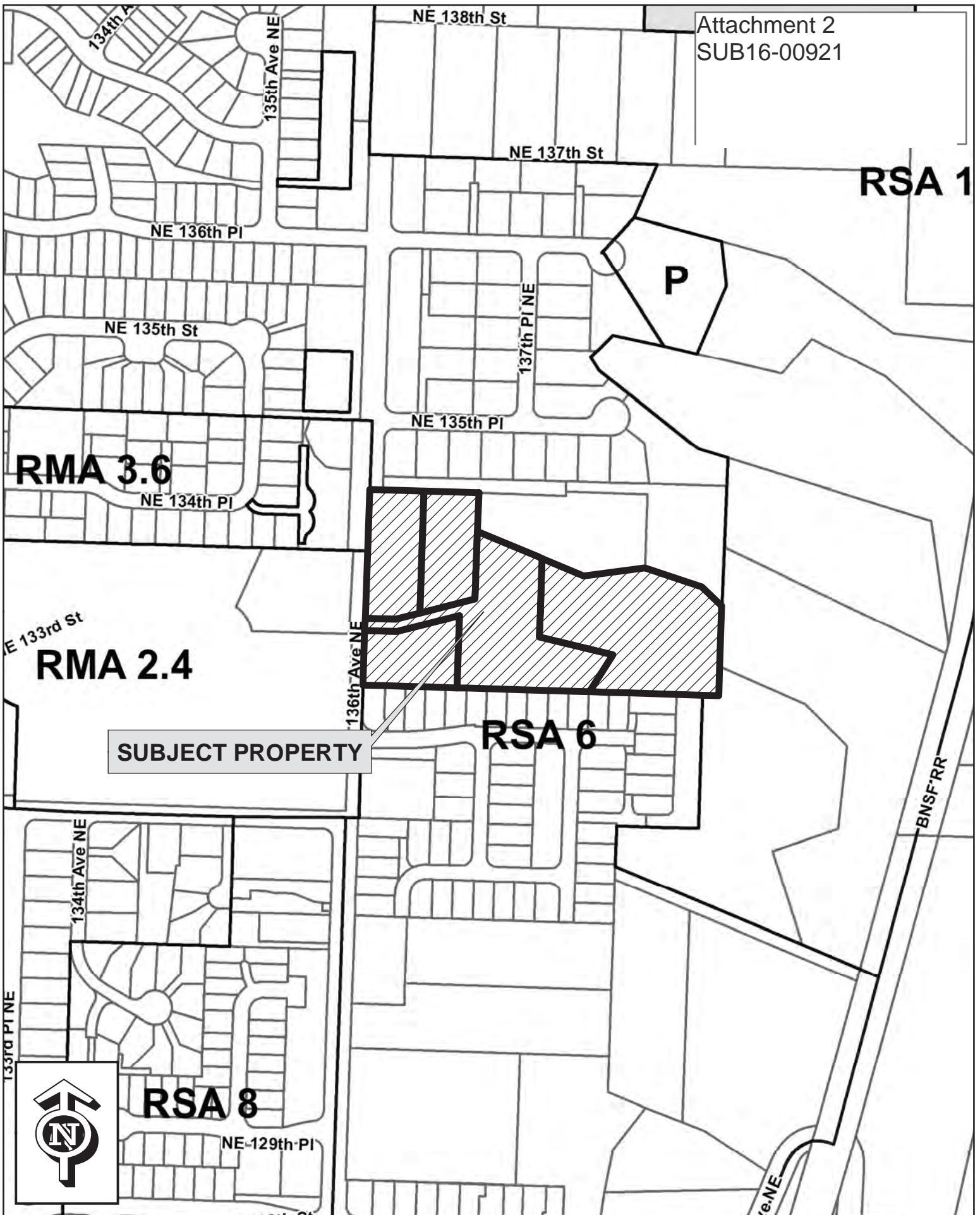
**RMA 3.6**

**RMA 2.4**

**SUBJECT PROPERTY**

**RSA 6**

**RSA 8**



**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Janice Coogan, Senior Planner  
Eric Shields, Planning Director

**Date:** November 28, 2016

**Subject:** CALLAN RIDGE SUBDIVISION AND PUD,  
FILE NO. SUB16-00921/ZON16-00927

**RECOMMENDATION**

Consider the Hearing Examiner recommendation for approval of the proposed Callan Ridge Subdivision and preliminary and final Planned Unit Development application by American Classic Homes. City Council policy is to direct staff to return on the January 3, 2017 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 applicant asks a special request for City Council to approve the enclosed Ordinance for the subdivision and PUD at this meeting in order to make a deadline to close on the property by mid December 2016.

If the City Council supports the special request, City Council may, by a vote of at least five members, suspend the rule that requires consideration of a Process IIB application at one meeting and a vote on the Ordinance at the next meeting. This would enable the Council to vote on the Ordinance at the December 13, 2016 meeting instead of the January 3, 2017 meeting. An Ordinance reflecting the recommendation of the Hearing Examiner for approval is enclosed with this agenda item. The Hearing Examiner Recommendation is enclosed (Enclosure 3).

In the alternative, pursuant to Kirkland Zoning Code 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.

**RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the Process IIB Zoning Permit for the preliminary and

final PUD and preliminary subdivision application based on the record before the Hearing Examiner and recommendation of the Hearing Examiner.

## **BACKGROUND DISCUSSION**

### **Proposal**

Carol Rozday with GGM Investments, representing American Classic Homes submitted an application for a preliminary and final Planned Unit Development and preliminary subdivision to subdivide five parcels (7.35 acres) into 28 lots. The subject property is located at 13224-13240 136<sup>th</sup> Avenue NE in an RSA 6 zone (see Enclosure 1). Enclosure 5, is a copy of the presentation by Ms. Rozday from the hearing summarizing the project.

The components of the development proposal are described below:

1. A preliminary subdivision to subdivide five parcels (320,097 square foot total) into 28 separate lots with access from 136<sup>th</sup> Avenue NE (see Enclosure 2, plat layout). The lots meet the minimum lot size for the RSA 6 zone of 5,100 sq. ft. but vary in size because of the presence of a streambed ravine on the north side of the property. A new 45 foot wide cul-de-sac public street with sidewalks and street trees on both sides will provide access to the lots. A 21 foot wide private access easement will provide access to two lots.

The ravine contains a Class C stream water course and steep high landslide hazard slopes. The ravine will be preserved in a natural open space tract or easement. As recommended by a geotechnical engineering study, the homes along the ravine will be setback a minimum of 15 feet from the top of the slope. The proposal includes an Integrated Development Plan (IDP) providing upfront grading and tree retention/protection plans.

2. A preliminary and final Planned Unit Development (PUD) is proposed to modify several Zoning Code requirements:
  - Calculate the 30 foot building height limit using finished grade rather than pre-development grade on twelve of the lots. This is proposed because of the varied slope of the property and extent of the cut and fill grading necessary to meet the elevation for the new road and detention vault.
  - Reduce the minimum required 20 foot front yard setback for homes to 10 feet. Garage setbacks would meet the minimum 20 foot front yard setback to enable cars to park in driveway.
  - Calculate the maximum lot coverage at 50% on a project wide basis, rather than on a per lot basis as required by Code.
  - Calculate the maximum floor area ratio (FAR) of 50% on a project wide basis, rather than on a per lot basis.
  - Exceed the maximum height of 4 feet for retaining rockeries within internal lot property lines and along the southeast portion of the south property line.

These PUD code modifications are similar to other recent subdivisions approved in the area (Vintners Ridge, Vintners West, Marinwood).

3. The Callan Ridge PUD proposal includes the following benefits to the City beyond the improvements that would typically be required:
  - Contribution of \$266,000 towards the design and construction of a compact roundabout at the intersection of NE 132<sup>nd</sup> Street and 136<sup>th</sup> Avenue NE.

Residents in the area expressed concern about the NE 132<sup>nd</sup> Street and 136<sup>th</sup> Avenue intersection regarding increased traffic flow, speed, safety and on street parking. City transportation staff explored options for addressing the public concerns about the intersection including installing a three way stop, and determined that the proposed roundabout would be the best option to slow down cars while allowing continued traffic flow.

The intersection project is included in the City's CIP (project TR-0127) and would be partially funded with contributions from the Callan Ridge project. If the PUD is approved, the CIP project could be constructed as early as 2017. For convenience, an illustration and cost estimate for the conceptual round-about design is included as Enclosure 6.

## Public Hearing

The Hearing Examiner held a public hearing on October 27, 2016. The staff advisory report and attachments are available for viewing on the [Hearing Examiner's webpage](#). Below are links to information contained in each part:

[Part 1](#)- staff report, preliminary subdivision plans

[Part 2](#)- civil plans, IDP plan, project narrative, benefit analysis

[Part 3](#)- grading plans, development standards, public comments, SEPA determination, geotechnical report

[Part 4](#)- traffic impact analysis, concurrency, critical area report, surface water analysis

[Part 5](#)- surface water analysis cont., house plans, arborist report, tree retention plan,

[Part 6](#)- vegetation restoration plans, sample NGPE easement, sample hold harmless agreements for stream and slopes

Public comments raised during the review of the project included development on the steep slopes, maintenance of the ravine area, aesthetic implications of reduced setbacks, increased traffic at the NE 132<sup>nd</sup> ST and 136<sup>th</sup> Avenue NE intersection. Comments received at the hearing after the staff report was distributed are in Exhibit B and included as Enclosure 4. One person commented that one of the homes on the subject property was built in 1943 and should not be demolished because of the age of the home. While the structure is 73 years old, the structure is not designated as a

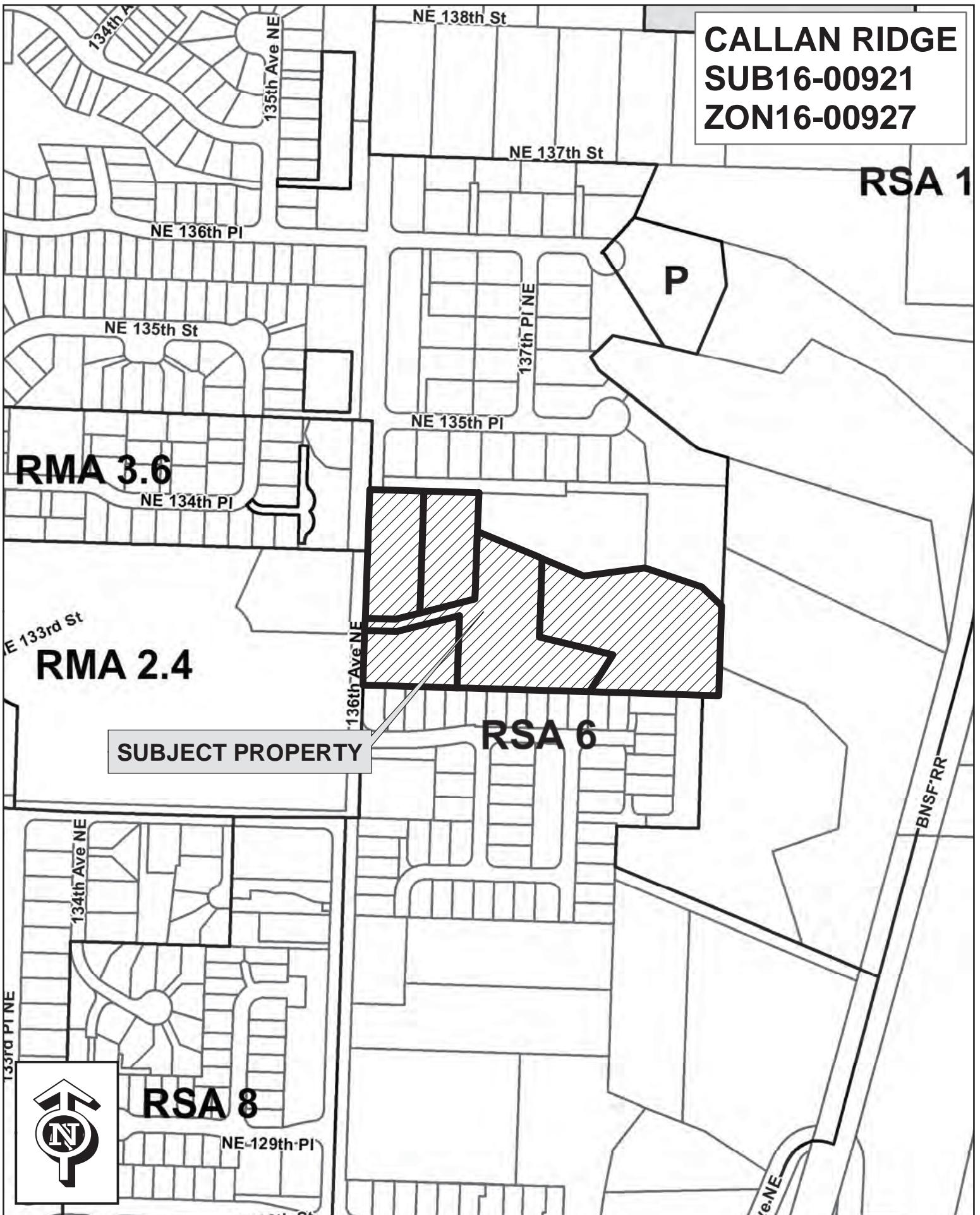
historic structure in the Table CC-1 of the Community Character within the Comprehensive Plan. The structure was included in an inventory of historic homes in the annexed area but is not considered of such a significant historic nature to be added to the above Table. Therefore, the City has no authority to prohibit demolition of the structure.

On November 1, 2016 the Hearing Examiner recommended approval of the application per the revised Staff's recommendation (see Enclosure 3). No challenge was filed to the Hearing Examiner's recommendation.

#### ENCLOSURES

1. Vicinity map
2. Preliminary plat layout
3. Exhibit A, Hearing Examiner Recommendation
4. Exhibit B, email comments received after staff report distribution
5. Exhibit C, Carol Rozday presentation at hearing
6. Conceptual roundabout









**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND RECOMMENDATION**

---

**APPLICANT:** Carol Rozday on behalf of American Classic Homes

**FILE NO:** SUB16-00921/ZON16-00927

**APPLICATION:**

1. Site Location: 13224, 13236 and 13240 136<sup>th</sup> Avenue NE, and two adjacent parcels
2. Requests: The applicant requests approval of a 28-lot preliminary subdivision and planned unit development (“PUD”) as follows:
  - a. Preliminary Subdivision - Proposal to subdivide five parcels totaling 320,097 gross square feet (7.35 acres) into 28 lots. Three homes and outbuildings would be demolished. Lots will range in size from the smallest at 5,113 sq. ft. (Lot 1) to largest at 33,589 sq. ft. (Lot 28).

Access to the lots will be from 136th Avenue NE to a new dedicated public right of way 45 feet in width, with 5-foot sidewalks and a landscape strip with street trees planted on both sides. A 21-foot-wide Tract A will provide private vehicular access to Lots 27 and 28. An underground storm water detention vault will be installed at the end of the cul-de-sac street. Net development area (gross minus access track and right-of-way) is 281,519 square feet.

The applicant is proposing an Integrated Development Plan (“IDP”) tree retention/removal plan rather than a phased tree retention plan. The IDP shows the location of proposed right-of-way improvements, grading plan, building footprints, utilities, and access tracks with the zoning permit.

- b. PUD - Request for a preliminary and final PUD and modification of the following Zoning Code requirements:
  - (1) Reduce minimum required 20-foot front yard setbacks for structures to 10 feet. Garages will be set back a minimum 20 feet from the front property line to allow for parking of vehicles.
  - (2) Calculate average building elevation for the houses based on finished grade rather than pre-development grade on Lots 1, 2, 10, 11, 12, 13, 14, 19, 20, 21, 22 and 28.
  - (3) Calculate maximum lot coverage at 50% on a net development area (total lot area minus public rights of way) rather than per lot.



- (4) Calculate maximum floor area ratio of 50% on a net development area (total lot area minus public rights of way) rather than per lot.
- (5) Retaining walls to exceed 4 feet height limit (KZC 115.115.g) to 6 foot tall along the south property line and along internal property lines due to the grading on site.

Pursuant to Chapter 125 KZC, the proposal includes the following improvements to address potential impacts or undesirable effects of the PUD and provide benefits to the community that would not typically be required for a subdivision under City Code and implementing regulations:

Contribution of \$266,000 toward public construction of a round-about traffic circle at the intersection of NE 132nd Street/136th Avenue NE. This transportation improvement is identified on the City's six-year Capital Improvement Program list as a high priority to improve safety and traffic operation in the Kingsgate neighborhood. Attachment 4 to the Staff Report is a conceptual design and cost estimate for the round-about.

Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

4. Key Issues:

- Compliance with subdivision criteria
- Compliance with PUD approval criteria
- Compliance with applicable development regulations
- Compliance with Process IIB Zoning Permit approval criteria

**SUMMARY OF RECOMMENDATIONS:**

Department	Approve with conditions
Hearing Examiner	Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the applications on October 27, 2016, in the Peter Kirk Room, 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 and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site following the hearing.

**TESTIMONY AND PUBLIC COMMENT:**

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (“KZC” or “Code”) unless otherwise indicated.

## **FINDINGS, CONCLUSIONS AND RECOMMENDATION**

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

### **Findings of Fact and Conclusions:**

#### **A. Site Description**

The Facts and Conclusions on this matter set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner’s Findings and Conclusions.

#### **B. Public Comment**

The Facts and Conclusions on this matter set forth at Subsections II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner’s Findings and Conclusions. (The omitted cross reference in the staff response to Mr. Hopwood’s letter is “Section II.D.2”.)

Five additional written public comments were submitted in advance of the public hearing. Exhibit B. The comment letter from Cascade Ridge Homeowner’s Association was withdrawn following the Applicant’s presentation at the hearing.

The written comments and many of the public comments at the hearing were similar to those raised in Mr. Hopwood’s June 2 comment letter found at Attachment 6 to the Staff Report. Most commenters were concerned that there would be too many residences constructed in the proposed subdivision, causing it to resemble “townhouses”. However, at 28 lots, the proposal is well within the Code’s density requirements, which would allow 43 lots.

Another common concern was the additional traffic that the development would contribute to 136<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street. As noted in Section II.C of the Staff Report, the proposal passed concurrency requirements, and neither the City’s concurrency determination nor the DNS issued pursuant to SEPA was appealed. Commenters frequently listed the vehicle parking along 136<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street as a problem. The Examiner has heard the same concern expressed in hearings on other subdivisions in the area. Regardless of the merits of the concern, existing parking is not an impact of a subdivision not yet constructed.

Some comments questioned the value of a round-about being constructed at the intersection of 136<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street and expressed a preference for a three-way stop. Mr. Miller, a resident of Vintners Ridge, explained in his



comment letter that those who live north of the intersection have difficulty merging into traffic at the intersection during commute times and believes that a traffic circle will not resolve that problem. This is not an issue for the Examiner to address in recommending a decision on a subdivision/PUD, but is included for informational purposes.

Some residents of Vintners Ridge, which is located south of the proposed development, expressed concern about the lower grade of their lots relative to the grade of adjoining lots in the new development. *See* Attachment 3 to Staff Report, p. 40, second full paragraph. The record shows that in most cases, grades will be the same or similar, but for one or two lots, the difference in grade is greater due to the need for the street that provides access to the subdivision to meet the grade of 136<sup>th</sup> Avenue NE. Although the grade difference is not a matter addressed in Code requirements, the developer's representatives agreed to meet with owners of the affected lots to review options.

### **C. State Environmental Policy Act and Concurrency**

The Facts and Conclusions on this matter set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

### **D. Approval Criteria**

The Facts and Conclusions on this matter set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

The proposed subdivision will create infill residential development and is consistent with the Comprehensive Plan's goals and density designation for the subject property.

The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the proposed PUD, and as conditioned, the subdivision is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

### **E. Development Regulations**

The Facts and Conclusions on this matter set forth at Subsection II.E of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

#### **F. Comprehensive Plan**

The Facts and Conclusions on this matter set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

#### **G. Development Standards**

The Facts and Conclusions on this matter set forth at Subsection II.G of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

#### **H. Process IIB Decisional Criteria**

The application for the subdivision and PUD is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan. As noted above, it is also consistent with the public health, safety and welfare.

#### **Recommendation:**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the Preliminary Subdivision and PUD subject to the conditions set forth at Section I.B of the Staff Report.

Entered this 1<sup>st</sup> day of November, 2016.



Sue A. Tanner  
Hearing Examiner

#### **EXHIBITS:**

The following exhibit was entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 14;
- Exhibit B Four public comment letters on the proposal. (A fifth letter, from Ross Woods on behalf of Cascade Ridge HOA, was withdrawn at the hearing.)

#### **PARTIES OF RECORD:**

Carol Rozday, Applicant  
Meher Joudi, Applicant  
Matthew Tillman  
Sarah Brophy  
Paul Topping  
Laura Boswell



Hearing Examiner Recommendation  
Files: SUB16-00921/ZON16-00927  
Page 6 of 7

Darrell Cox  
Joyce Romano  
Planning and Building Department  
Department of Public Works  
Fire Department

## **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., \_\_\_\_\_, 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 and Building 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**

### PUD

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 seven (7) years after the final approval on the matter, or the decision becomes void.

### Final Plat

Under KMC 22.16.010,, the owner must submit a final plat application to the Planning and Building Department that meets the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within seven years following the date the preliminary plat was approved, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

## **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.

**BEFORE THE HEARING EXAMINER  
CITY OF KIRKLAND**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Decision and Order** to each person listed below, or on the attached mailing list, in the matter of **American Classic Homes**, Hearing Examiner File: **SUB16-00921/ZON16-00927**, in the manner indicated.

Party	Method of Service
Janice Coogan City of Kirkland Planning and Building Dept 123 Fifth Ave Kirkland, WA 98033 jcoogan@kirklandwa.gov  Planning and Building Admin pbadmin@kirklandwa.gov	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: November 1, 2016

Tic  
Tiffany Ku  
Legal Assistant



**Janice Coogan**

---

**From:** Sara Bray <bray.sara@gmail.com>  
**Sent:** Thursday, October 20, 2016 4:10 PM  
**To:** Janice Coogan  
**Subject:** Callan Ridge

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Janice,

I am a resident in Vintners Ridge, which is near the intersection of NE 132nd St and 136th Ave. NE. My neighborhood is in the Evergreen Hill Neighborhood Association and is where there is a traffic circle being planned. I am supportive of the traffic circle being planned, but I am concerned about the funding.

It is my understanding that the proposed Callan Ridge development has requested a series of building code exceptions that would allow them to pack even more houses in to the property that is adjacent to Vintners Ridge. I'm sure the only way for them to pack enough houses in to reach their ROI is by making these exceptions to the code. There are reasons for these codes which I assume have to do with safety, and also community standards. These standards should not be compromised for one developer's bottom line.

It is also my understanding that this developer is proposing to pay for the traffic circle. This is essentially a bribe to allow for code violations and is completely inappropriate and unethical.

I am opposed to the development all together. This property is essentially a gulch, i.e., a steep hill which is a significant landslide risk. Building any number of homes there is dangerous, but the more homes, the more pressure on that hill. There are already water run off issues in Vintner's Ridge, this will only worsen the issue.

It is my understanding that about 30 years ago there was a proposed development south of the 132nd squared park. This development was scrapped once surveys and water tests were performed and it was realized that the landslide risks were too great. The slope in Callan Ridge will be even steeper, and there is precedent in the city.

My request is that the city a) pause, b) hire an independent firm (not one hired by the Callan Ridget developer) to perform the risk assessment, and only if the risk is deemed non existent, c) approve the development only under existing city code requirements.

As for the traffic circle, there are enough other new developments that the city can require any one, or group of them, to fund that project without them being bribes. I do believe these developers should be supporting community infrastructure, as they build to tax it further. But I also know that these community investments are not always adjacent to the specific development, so getting funding from other developers to solve that safety issue, and doing so without bribes, should not be a problem.

Thank you for your time and consideration.

Sara Bray  
13612 NE 132nd Pl  
Kirkland, WA 98034  
206-890-4349

**CITY OF KIRKLAND**  
**Hearing Examiner Exhibit**

Applicant	_____	<b>B</b>
Department	_____	
Public	<input checked="" type="checkbox"/>	

**FILE # 50 B16-00921/2016-00922**





**Janice Coogan**

---

**From:** Larry Miller <larry.m.miller@gmail.com>  
**Sent:** Thursday, October 27, 2016 4:27 PM  
**To:** Janice Coogan  
**Subject:** Callan Ridge Subdivision & PUD - FILE NO.: SUB16-00921 & ZON16-00927

Hello,

I would like to make a comment on this proposal.

The original application or request was to be for 21 homes. Now the builder wants to add an additional 8 homes. They have not provided any open space for this project unlike the 4 new communities build or under construction.

The fact they are going to contribute approximately \$300,000 for a traffic circle smacks of a quid pro quo to build the traffic circle for the opportunity to build an additional 7 homes.

I'm against the traffic circle for several reasons. I overlook the intersection where the traffic circle is to be built and live in Vintners Ridge. My main complaint is that the traffic circle will not mitigate the increasing amount of traffic on 136<sup>th</sup> Ave. NE. The residents who live north of the intersection during main commute times cannot merge into the main traffic due to the long line of cars. A traffic circle will not reduce the separation of cars to give us time to enter the thoroughfare.

Why spend approximately \$300,000 on a traffic circle when a 3 way stop sign will do the same thing at a miniscule cost. A 3 way stop will also allow pedestrians the opportunity to cross the street thus enabling pedestrian safety.

I don't buy any explanation on why a 3 way stop will not work. There is a 3 way stop 1 mile north at 132<sup>nd</sup> NE / NE 144<sup>th</sup> st that has 10x the volume of traffic then this intersection.

There is a direct connection between the additional homes being built and the developer cost to build the traffic circle.

If the city is really interested in allowing better traffic flow then fix NE 124<sup>th</sup> and 132<sup>nd</sup> NE so more cars can turn left on to NE 124<sup>th</sup>. Having a divider blocking traffic where there is no pedestrians is faulty logic. The corridor is not going to be built for years yet every day we commuters have to suffer at that intersection.

If a traffic circle MUST be built I would ask that the city look at putting in speed bumps approaching the traffic circle to provide a greater separation of vehicles so residents north of the traffic circle don't have to wait over several minutes during rush hour to enter the thoroughfare.

I request that the additional 7 homes also not be approved.

Sincerely,  
Larry Miller

**Janice Coogan**

---

**From:** Brian Kramp <Brian.Kramp@microsoft.com>  
**Sent:** Wednesday, October 26, 2016 1:01 PM  
**To:** Janice Coogan  
**Subject:** Callan Ridge comments

I can't attend the meeting tonight, but I have a few comments regarding the proposed subdivision. I couldn't find exactly where to submit them, so hopefully this works.

I'm concerned about the variances that the developer has requested for the new community. The area clearly has grading and drainage concerns, and I don't think that altering our city code to pack in more housing is appropriate for this area. Also, this area is on the walking path towards our local elementary schools, and this new subdivision will add to the concern I have over the safety and pleasantness of 136<sup>th</sup> Ave. There are already many cars parked on the street, and if the developer packs in even more homes in the region, cars will have to spill out on the main street, reducing visibility, and increasing traffic. Please stick within the existing code, rather than granting them exceptions to fit even more homes in the area.

Thanks,  
Brian Kramp  
Kirkland Resident, Vintner's Ridge community

**From:** L Boswell [<mailto:lfbpilot@gmail.com>]  
**Sent:** Monday, October 24, 2016 6:02 PM  
**To:** Scott, Todd <[Todd.Scott@kingcounty.gov](mailto:Todd.Scott@kingcounty.gov)>  
**Subject:** Question regarding a tear down of a Historic Structure

A 1943 Farmhouse at 13240 136<sup>th</sup> Ave NE, Kirkland, WA has been recognized by the Kirkland Historical Society as an Historic structure. American Classic Homes will be tearing this Farmhouse down to build a new neighborhood. Is this allowed?

Thank you,

Laura Boswell  
Kirkland Resident and Homeowner









# Proposed Callan Ridge PUD

Public Hearing October 27, 2016

*bake*

---

## American Classic Homes – Who We Are

-  One of Seattle's leading homebuilding companies
-  Family-run Washington based home builder has constructed thousands of new homes in communities across Seattle
-  Awarded Builders Partnership's 2016 Customer Satisfaction Award
-  High-end building materials and specialized floor plans are used in every home



## Callan Ridge Home Designs





# Key Features of Callan Ridge PUD

## Key Site Plan Data:

- **Total Site Area: 7.35 acres**
- **Density allowed under RSA-6 zoning: 44 Lots**
- **Density provided: 28 Lots**
- **Lot sizes range from 5,113 square feet to 33,589 square feet**
- **One access point from Callan Ridge to 136<sup>th</sup> Avenue NE**
- **Internal plat road allows parking on both sides**
- **Non fish-bearing stream and steep slope area placed in Native Growth Protection Area**
- **Tree Density Credits Required: 220.4**
- **Tree Density Credits Provided: 859**
- **Additional Tree Replacement Provided: 49**
- **Underground Storm Vault**
- **Proposed Construction Start: April, 2017**

## Key Planned Unit Development Data:

**PUD will provide additional flexibility to fit the site development plan to the existing, natural constraints such as topography and sensitive areas**

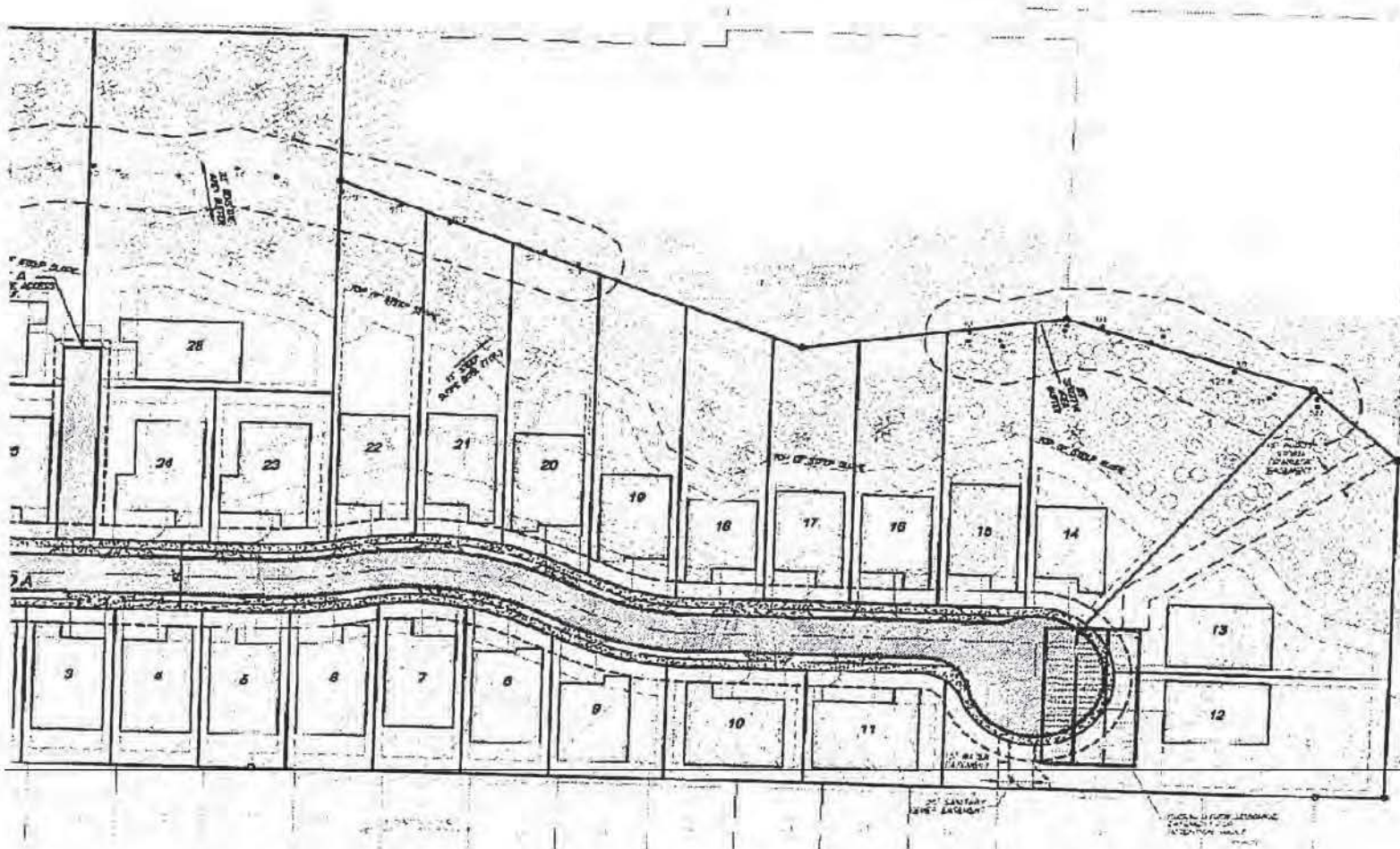
**PUD provides public benefits external to the plat**







SW 1/4 SECTION 22, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**CALLAN RIDGE PUD**



**PROJECT CONTACTS:**

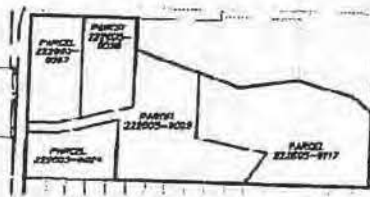
APPLICANT / AGENT	NEW PROJECTS
OWNER	5075 SE 30TH E
DESIGNER	PORTLAND, OREGON
SUPERVISOR	O.R. SPRING CO.
GEOTECHNICAL ENGINEER	CAROL COLLISON
ADDRESS	2017 20TH AVE
PHONE NUMBER	503-255-1111

**PROJECT DESCRIPTION:**

APPROXIMATE ACREAGE	12.00
PARCEL NUMBER	22800
COUNTY	CLATSOP
APPROXIMATE LOT AREA	1.33
APPROXIMATE PERCENTAGE	100%
SCHOOL DISTRICT	WOODS
PLANNING DISTRICT	WOODS
UTILITY SERVICE	WATER
SEWER SERVICE	SEWER

- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228000.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228001.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228002.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228003.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228004.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228005.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228006.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228007.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228008.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228009.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228010.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228011.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228012.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228013.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228014.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228015.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228016.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228017.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228018.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228019.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228020.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228021.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228022.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228023.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228024.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228025.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228026.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228027.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228028.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228029.
- THIS SITE IS SUBJECT TO THE TERMS AND CONDITIONS OF AN AGREEMENT RECORDING UNDER RECORD NUMBER 228030.

**VERTICAL DATUM:**  
 NAME AS PER CITY OF PORTLAND METRIC CONTROL  
**BENCHMARK:**  
 CITY OF PORTLAND CONTROL POINT NUMBER 03  
 0.7' IN HORIZONTAL CASE AT THE INTERSECTION OF 12TH AVENUE SE AND 40th STREET, AREA OF NORTHWEST CORNER OF SECTION 22-26-N-05-E, ELEVATION=3201.8 FEET  
**TYPICAL BUILDING SETBACKS**  
 UNLESS OTHERWISE NOTED, CALLING OUTLINES ARE AS FOLLOWS:  
 FRONT YARD SETBACK: 10 FEET  
 REAR YARD SETBACK: 5 FEET  
 SIDE YARD SETBACK: 5 FEET  
 REAR YARD SETBACK: 10 FEET



KEY MAP  
 SCALE 1"=100'  
 NORTH







## City of Kirkland Capital Improvement Program

**CITY OF KIRKLAND  
CAPITAL IMPROVEMENT PROGRAM  
2017 TO 2022**

<b>PROJECT #</b>	TR 0127 000
<b>DEPARTMENT</b>	Public Works
<b>DEPARTMENT CONTACT</b>	Dave Snider

<b>PROJECT TITLE</b>	NE 132ND STREET/136TH AVENUE NE ROUND-A-BOUT
<b>CRITERIA</b>	<b>PROJECT IMPACTS (RESPOND TO ALL SECTIONS WHICH APPLY)</b>
Amount of public disruption and inconvenience caused	<i>Temporary traffic and pedestrian delays during testing of installed system which is anticipated to last 1-2 months.</i>
Community economic impacts	<i>This project will allow the City to improve the transportation level of service and reduce intersection congestion.</i>
Health and safety, environmental, aesthetic, or social effects  Responds to an urgent need or opportunity	<i>Congestion resulting from inadequate transportation systems lead to poor air quality, driver frustration, and possible traffic accidents.  Development driven.</i>
Feasibility, including public support and project readiness	<i>Community support for traffic mitigation and improved mobility.</i>
Conforms to legal or contractual obligations  Responds to state and/or federal mandate	<i>Project will be designed and constructed to meet professional and legal requirements.  N/A</i>
Benefits to other capital projects	<i>N/A</i>
Implications of deferring the project	<i>Delays completion of the Transportation Network.</i>
<b>CONFORMANCE WITH ADOPTED COMPREHENSIVE PLAN</b>	Name of Neighborhood(s) in which located: <i>Totem Lake, North Rose Hill</i> Is there a specific reference to this project or land use in the immediate vicinity? How does the project conform to such references? Attachments (Specify)
<b>LEVEL OF SERVICE IMPACT</b>	<input type="checkbox"/> Project provides no new capacity (repair, replacement or renovation). <input checked="" type="checkbox"/> Project provides new capacity. Amount of new capacity provided: 25% <input type="checkbox"/> Project assists in meeting/maintaining adopted level of service. <input type="checkbox"/> Project required to meet concurrency standards.



# Callan Ridge PUD Public Benefit – Funds towards Traffic and Safety Improvements at 136<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street





# Callan Ridge PUD Public Benefit

In response to the neighbors concerns regarding traffic and safety issues along 136<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street, we asked the City of Kirkland to address these concerns. The City of Kirkland determined a three-legged round-about would be the best improvement at this intersection as a needed transportation improvement.

Our PUD Public Benefit is to contribute \$266,000 towards these traffic and safety improvements. This is a Public Benefit to the community which would not be required under City codes and regulations for a subdivision.

This Public Benefit is separate and apart from the traffic mitigation fees on each home required by City code for funding improvements identified in the City's Comprehensive Plans. The project meets the City's Traffic Concurrency and the Public Benefit is not replacing any improvements which would be required by the project.

## **PUD Modification Requests**

- **Front Building Setback**

Reduce minimum required 20 foot front yard setbacks for structures to 10 feet. Garages will be setback a minimum 20 feet from the front property line to allow for parking of vehicles. Will allow the homes on the north side of the project to be clustered away from the steep slopes. Also creates an opportunity to develop a streetscape with modulation and character.

Impact to Adjacent Properties - None

- **Floor Area Ratio (FAR) &**

- **Lot Coverage**

Averaging the lot coverage and floor area ratio on a subdivision wide basis instead of lot by lot basis.

Impact to Adjacent Properties – Benefits adjacent properties from having huge homes with significant impervious surfaces built on the large lots. Creates consistency of design throughout neighborhood. Will not exceed the 50% maximum FAR or Lot Coverage on a project wide basis.

- **Building Height Calculation**

Calculating average building elevation for the houses based on finished grade rather than pre-development grade on Lots 1, 2, 10, 11, 12, 13, 14, 19, 20, 21, 22 and 28 due to site constraints and topography.

Impact to Adjacent Properties – potential impact on difference between some roof peaks. Additional trees are being added to the rears of the lots along the southern property line of the project bordering the adjacent Vintner's Ridge subdivision.



## Mitigation of Project Impacts

- **Adding density to neighborhood:** Proposing 28 lots. 44 lots allowed under zoning.
- **Traffic/safety on 136<sup>th</sup>/132<sup>nd</sup>:** Contributing \$266,000 towards traffic/safety improvements at intersection. Paying required traffic mitigation fees to City.
- **Building Heights:** Requesting modification on less than one-half the lots in project. Potential impact on a few of those lots. Same calculation used in Vintner's Ridge and Marinwood plats. Adding trees to rear of backyards to add privacy.
- **FAR and Lot Coverage Calc:** Benefits adjoining properties by eliminating the building of huge homes on the larger lots.
- **Trees:** Providing 859 tree density credits; 220.4 are required. Additional tree replacement of 49 trees.
- **Parking:** Internal plat road allows parking on both sides.
- **Ravine Area:** Protected by Native Growth Protection Easement. Noxious weeds/plants to be removed with replantings.

## **PUD Compliance**

**PUD KZC Chapter 125 approval criteria has been satisfied (see Staff Report).**

**The proposal includes the following improvements to address potential impacts or undesirable effects of the PUD and provide benefits to the community that would not be required for a subdivision under City codes and regulations. Contribution of \$266,000 towards public construction of a round-about traffic circle at the intersection of NE 132<sup>nd</sup> Street/136<sup>th</sup> Avenue NE. The transportation improvement is identified on the City's Six Year Capital Improvement Program list as a high priority to improve safety and traffic operation in the Kingsgate neighborhood.**

**City staff has stated “the adverse impacts and undesirable effects of the proposed PUD are minimal when considered on a project basis. These impacts are clearly outweighed by the identified benefits..”**



# Building Height/Retaining Wall Exhibit

SW 1/4 SECTION 22, TOWNSHIP 26 N, RANGE 5 E, W.M.

## CALLAN RIDGE PUD



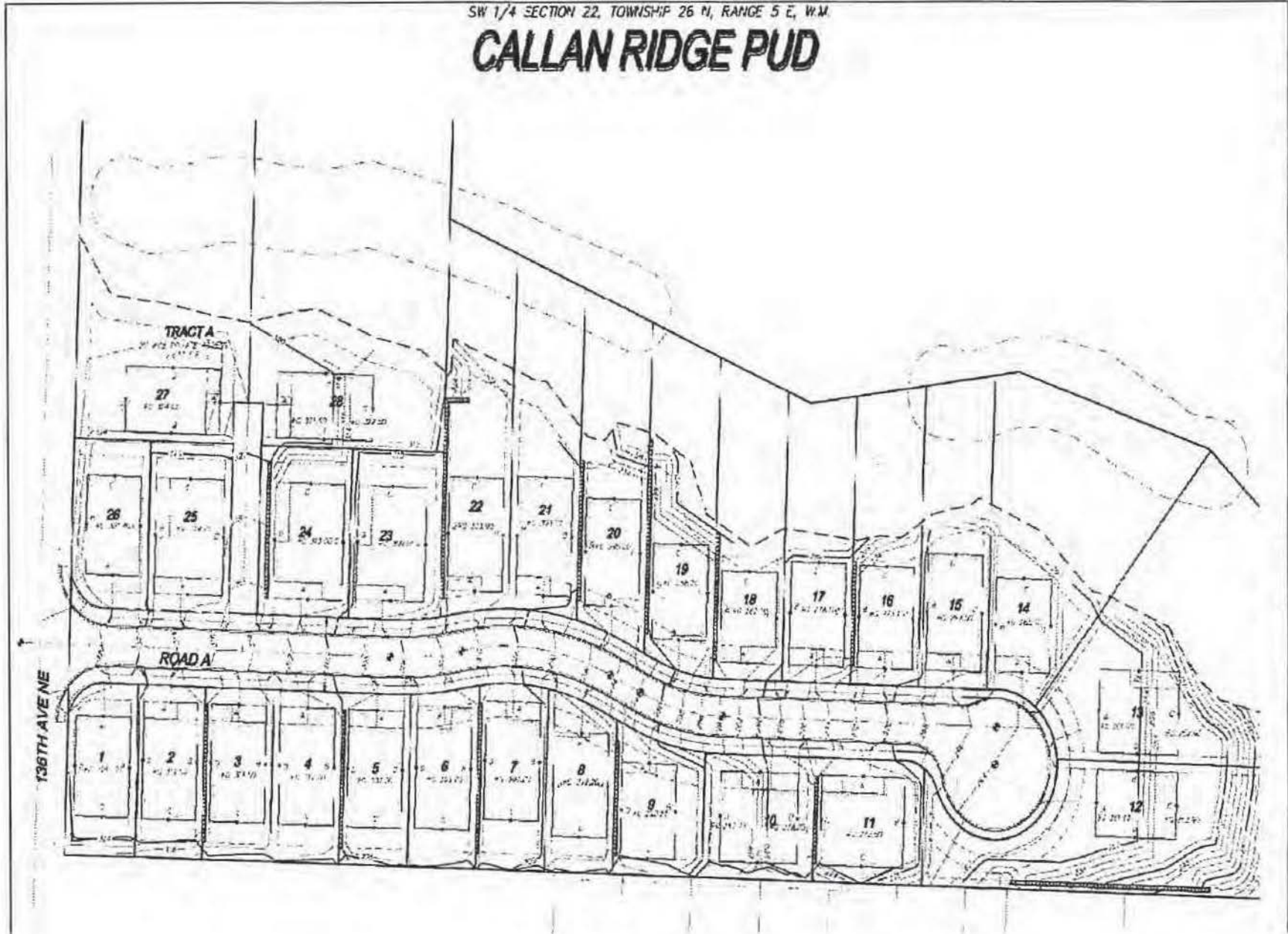
D.R. STRONG  
ENGINEERING ARCHITECTS  
1820 N. 10TH AVE. SUITE 100  
DENVER, CO 80202  
(303) 733-1100

CALLAN RIDGE PUD

GEORGE HENRY ENGINEERING  
1220 N. 10TH AVE. SUITE 100  
DENVER, CO 80202  
(303) 733-1100

GGM INVESTMENTS, LLC

9700 W. 38TH STREET, SUITE 100  
DENVER, CO 80201  
(303) 553-1100













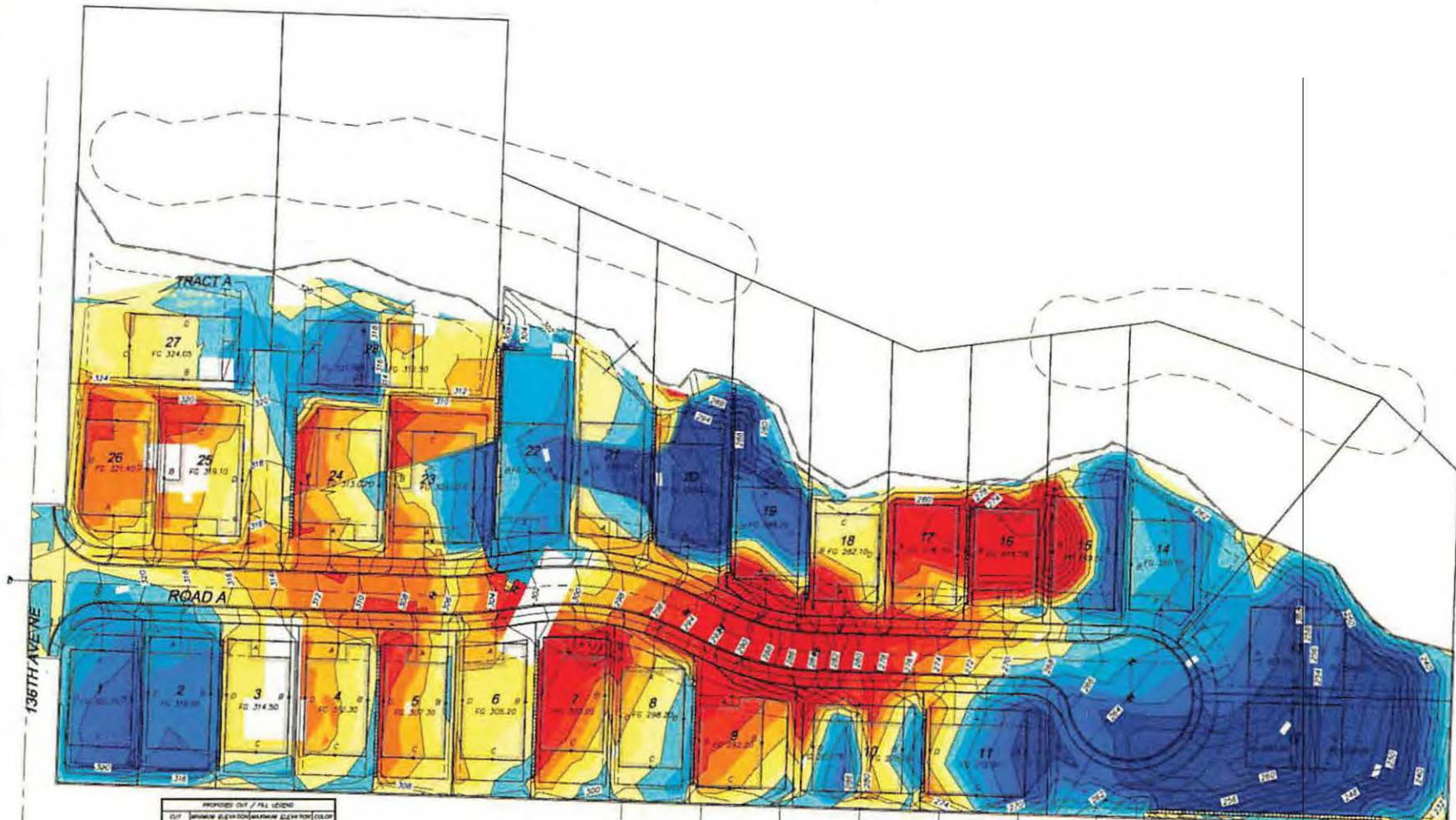




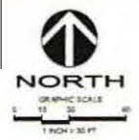
# Building Height Exhibit

SW 1/4 SECTION 22, TOWNSHIP 26 N, RANGE 5 E, W.M.

## CALLAN RIDGE PUD



PROPOSED CUT / FILL LEGEND			
CUT	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
-15.00	-4.00		Red
-8.00	-4.00		Orange
-5.00	-4.00		Yellow
-4.00	-3.00		Light Green
-3.00	-2.00		Green
-2.00	-1.00		Light Blue
-1.00	0.00		Blue
0.00	1.00		Dark Blue
1.00	2.00		Very Dark Blue
2.00	3.00		Black
3.00	4.00		Black
4.00	5.00		Black
5.00	6.00		Black
6.00	10.00		Black
FILL		10.00	Black



**DRS**  
 D. R. STRONG  
 CONSULTING ENGINEERS  
 ENGINEERING, PLANNING, ARCHITECTURE  
 500 7th Avenue, Suite 1000, Seattle, WA 98101  
 (206) 464-7400  
 www.drseng.com

**CALLAN RIDGE PUD**  
 BUILDING HEIGHT EXHIBIT  
 13224 137TH AVE. NE  
 KIRKLAND, WASHINGTON

**GGM INVESTMENTS, LLC**  
 9705 SE 30TH STREET, SUITE 100  
 MENAGER ISLAND, WA  
 (206) 898-1147

DATE: \_\_\_\_\_  
 REVISION: \_\_\_\_\_

DRAFTED BY: CVM  
 CHECKED BY: MAJ  
 PROJECT ENGINEER: MAJ  
 DATE: 10.12.18  
 PROJECT NO: 12057

DRAWING: P1  
 SHEET: 1 OF 1





**CITY OF KIRKLAND  
CAPITAL IMPROVEMENT PROGRAM  
2017 TO 2022**

<b>PROJECT #</b>	<b>TR 0127 000</b>
<b>DEPARTMENT</b>	Public Works
<b>DEPARTMENT CONTACT</b>	Dave Snider

<b>PROJECT TITLE</b>	NE 132ND STREET/136TH AVENUE NE ROUND-A-BOUT
<b>CRITERIA</b>	<b>PROJECT IMPACTS (RESPOND TO ALL SECTIONS WHICH APPLY)</b>
Amount of public disruption and inconvenience caused	<i>Temporary traffic and pedestrian delays during testing of installed system which is anticipated to last 1-2 months.</i>
Community economic impacts	<i>This project will allow the City to improve the transportation level of service and reduce intersection congestion.</i>
Health and safety, environmental, aesthetic, or social effects	<i>Congestion resulting from inadequate transportation systems lead to poor air quality, driver frustration, and possible traffic accidents.</i>
Responds to an urgent need or opportunity	<i>Development driven.</i>
Feasibility, including public support and project readiness	<i>Community support for traffic mitigation and improved mobility.</i>
Conforms to legal or contractual obligations	<i>Project will be designed and constructed to meet professional and legal requirements.</i>
Responds to state and/or federal mandate	<i>N/A</i>
Benefits to other capital projects	<i>N/A</i>
Implications of deferring the project	<i>Delays completion of the Transportation Network.</i>
<b>CONFORMANCE WITH ADOPTED COMPREHENSIVE PLAN</b>	Name of Neighborhood(s) in which located: <i>Totem Lake, North Rose Hill</i> Is there a specific reference to this project or land use in the immediate vicinity? How does the project conform to such references? Attachments <input type="checkbox"/> (Specify)
<b>LEVEL OF SERVICE IMPACT</b>	<input type="checkbox"/> Project provides no new capacity (repair, replacement or renovation). <input checked="" type="checkbox"/> Project provides new capacity. Amount of new capacity provided: 25% <input type="checkbox"/> Project assists in meeting/maintaining adopted level of service. <input type="checkbox"/> Project required to meet concurrency standards.



ORDINANCE O-4552

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR BY GGM INVESTMENT, LLC IN DEPARTMENT OF PLANNING AND BUILDING (FILE NO. ZON16-00927/SUB16-00921) AND SETTING FORTH CONDITIONS OF SAID 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) and filed by GGM INVESTMENT,  
4 LLC as Department of Planning and Community Development File No.  
5 ZON16-00927/SUB16-00921 to construct a 28 lot planned unit  
6 development and preliminary subdivision within a RSA 6 zone; and  
7

8 WHEREAS, pursuant to the City of Kirkland’s Concurrency  
9 Management System, KMC Title 25, a concurrency application has been  
10 submitted to the City of Kirkland, reviewed by the responsible Public  
11 Works official, the concurrency test has been passed, and a concurrency  
12 test notice issued; and  
13

14 WHEREAS, pursuant to the State Environmental Policy Act,  
15 RCW Chapter 43.21C, and the Administrative Guideline and local  
16 ordinance adopted to implement it, an environmental checklist was  
17 submitted to the City of Kirkland, reviewed by the responsible official of  
18 the City of Kirkland, and a Determination of Non-Significance (DNS) was  
19 issued; and  
20

21 WHEREAS, the DNS has not been appealed; and  
22

23 WHEREAS, said environmental checklist and DNS have been  
24 available and accompanied the application through the entire review  
25 process; and  
26

27 WHEREAS, the application was submitted to the Kirkland  
28 Hearing Examiner who held an open record hearing on October 27,  
29 2016; and  
30

31 WHEREAS, the Kirkland Hearing Examiner, after her public  
32 hearing and consideration of the recommendations of the Department  
33 of Planning and Building, did adopt certain Findings, Conclusions and  
34 Recommendations and did recommend approval of the Process IIB  
35 Permit subject to the specific conditions set forth in said  
36 recommendations; and  
37

38 WHEREAS, the City Council, in open meeting, did consider the  
39 entire matter on the record before the Hearing Examiner, including  
40 environmental documents received from the responsible official,  
41 together with the recommendation of the Hearing Examiner; and  
42

43 WHEREAS, the Kirkland Zoning Code requires approval of this  
44 application for PUD to be made by ordinance.



45 NOW, THEREFORE, the City Council of the City of Kirkland do  
46 ordain as follows:

47  
48 Section 1. The Findings, Conclusions, and Recommendations of the  
49 Kirkland Hearing Examiner as signed by her and filed in the Department  
50 of Planning and Building File No. ZON16-00927/SUB16-00921, a copy of  
51 which is attached hereto as Exhibit A and incorporated herein by  
52 reference, are adopted by the Kirkland City Council.

53  
54 Section 2. After completion of final review of the PUD, as  
55 established in Sections 125.50 through 125.75 (inclusive) of the Kirkland  
56 Zoning Code, Ordinance 3719, as amended, the Process IIB Permit shall  
57 be issued to the applicant subject to the conditions set forth in the  
58 Recommendations hereinabove adopted by the City Council.

59  
60 Section 3. Nothing in this ordinance shall be construed as  
61 excusing the applicant from compliance with any federal, state or local  
62 statutes, ordinances or regulations applicable to this project, other than  
63 expressly set forth herein.

64  
65 Section 4. Failure on the part of the holder of the permit to  
66 initially meet or maintain strict compliance with the standards and  
67 conditions to which the Process IIB Permit is subject shall be grounds  
68 for revocation in accordance with Ordinance No. 3719, as amended, the  
69 Kirkland Zoning Code.

70  
71 Section 5. This ordinance shall be in full force and effect five  
72 (5) days from and after its passage by the City Council and publication  
73 pursuant to Kirkland Municipal Code 1.08.017, in the summary form  
74 attached to the original of this ordinance and by this reference approved  
75 by the City Council as required by law.

76  
77 Section 6. A complete copy of this ordinance, including the  
78 Hearing Examiner's Findings, Conclusions and Recommendations  
79 adopted by reference in Section 1 above, shall be certified by the City  
80 Clerk, who shall then forward the certified copy to the King County  
81 Department of Assessments.

82  
83 Section 7. A certified copy of this ordinance, together with the  
84 Hearing Examiner's Findings, Conclusions, and Recommendations  
85 herein adopted by reference in Section 1 above, shall be attached to  
86 and become a part of the Process IIB Permit or evidence thereof  
87 delivered to the permittee.

88  
89 Passed by majority vote of the Kirkland City Council in open  
90 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

91  
92 Signed in authentication thereof on this \_\_\_\_\_ day of  
93 \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR



Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE O-4552

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE APPROVAL OF A PRELIMINARY AND FINAL PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR BY GGM INVESTMENT, LLC IN DEPARTMENT OF PLANNING AND BUILDING (FILE NO. ZON16-00927/SUB16-00921) AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Provides that after completion of final review of the preliminary PUD the Process IIB Permit shall be issued and subject to the adopted Recommendations in Section 1 of the Ordinance.

SECTION 3. The applicant must comply with any federal, state or local statutes, ordinance or regulations applicable to the project.

SECTION 4. Provides that failure to comply with the conditions of approval for the Process IIB permit shall be grounds for revocation in accordance with Kirkland Zoning Ordinance, as amended.

SECTION 5. Provides that the ordinance shall be in full force and in effect five (5) days from and after its passage by the City Council and publication.

SECTION 6. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

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

## RESOLUTION R-5274

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF WILDRIDGE BEING PLANNING AND BUILDING DEPARTMENT FILE NO. SUB16-00921 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

1 WHEREAS, a subdivision and preliminary plat previously called  
2 Callan Ridge (28 lots), re-named to Wildridge Plat, was approved by the  
3 Hearing Examiner on October 27, 2016; and  
4

5 WHEREAS, thereafter the Planning and Building Department  
6 received an application for approval of subdivision and final plat, said  
7 application having been made by GGM Investments, LLC, the owner of  
8 the real property described in said application, which property is within  
9 a Residential Single Family RSA 6 zone; and  
10

11 WHEREAS, pursuant to the City of Kirkland's Concurrency  
12 Management System, KMC Title 25, a concurrency application has been  
13 submitted to the City of Kirkland, reviewed by the responsible Public  
14 Works official, the concurrency test has been passed, and a concurrency  
15 test notice issued; and  
16

17 WHEREAS, pursuant to the State Environmental Policy Act, RCW  
18 43.21C and the Administrative Guideline and local ordinance adopted to  
19 implement it, an environmental checklist has been submitted to the City  
20 of Kirkland, reviewed by the responsible official of the City of Kirkland,  
21 and a determination of non-significance reached; and  
22

23 WHEREAS, said environmental checklist and determination have  
24 been made available and accompanied the application throughout the  
25 entire review process; and  
26

27 WHEREAS, the Director of the Planning and Building Department  
28 did make certain Findings, Conclusions and Recommendations and did  
29 recommend approval of the subdivision and the final plat, subject to  
30 specific conditions set forth in said recommendation.  
31

32 WHEREAS, the City Council, in an open meeting, did consider the  
33 environmental documents received from the responsible official,  
34 together with the recommendation of the Planning Commission.  
35

36 NOW, THEREFORE, be it resolved by the City Council of the City of  
37 Kirkland as follows:  
38

39 Section 1. The Findings, Conclusions and Recommendations of  
40 the Director of the Planning and Building Department, filed in Planning  
41 and Building Department File No. SUB16-00921, are hereby adopted by  
42 the Kirkland City Council as though fully set forth herein.  
43

44 Section 2. Approval of the subdivision and the final plat of  
45 Wildridge Plat is subject to the applicant's compliance with the

46 conditions set forth in the recommendations hereinabove adopted by  
47 the City Council and further conditioned upon the following:

48  
49 (a) A Plat Bond or other approved security performance  
50 undertaking in an amount determined by the Director of  
51 Public Works in accordance with the requirements therefor  
52 in Ordinance No. 2178 shall be deposited with the City of  
53 Kirkland and be conditioned upon the completion and  
54 acceptance by the City of all conditions of approval,  
55 including public improvements, within one year from the  
56 date of passage of this Resolution. No City official,  
57 including the Chairperson of the Planning Commission, the  
58 Mayor, or the City Engineer, shall affix his signature to the  
59 final plat drawing until such time as the plat bond or other  
60 approved performance security undertaking herein  
61 required has been deposited with the City and approved  
62 by the Director of Public Works as to amount and form.  
63

64 Section 3. Nothing in this resolution shall be construed as  
65 excusing the applicant from compliance with all federal, state or local  
66 statutes, ordinances or regulations applicable to this subdivision, other  
67 than as expressly set forth herein.

68  
69 Section 4. A copy of this resolution, along with the Findings,  
70 Conclusions and Recommendations hereinabove adopted shall be  
71 delivered to the applicant.

72  
73 Section 5. A completed copy of this resolution, including Findings,  
74 Conclusions and Recommendations adopted by reference, shall be  
75 certified by the City Clerk who shall then forward the certified copy to  
76 the King County Department of Assessments.

77  
78 Passed by majority vote of the Kirkland City Council in open  
79 meeting this \_\_\_\_ day of November, 2017.

80  
81 Signed in authentication thereof this \_\_\_\_ day of November,  
82 2017.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk





CITY OF KIRKLAND  
Planning and Building Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

---

MEMORANDUM  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director  
From: Susan Lauinger, Associate Planner  
Date: October 2, 2017  
File: Wildridge (formerly Callan Ridge) Final Subdivision, File No. SUB16-00921

I. RECOMMENDATION

Approve the Final Subdivision application for the Wildridge Plat

II. BACKGROUND

- A. The applicant is Carol Rozday for GGM Investment, LLC and American Classic Homes.
- B. This is a final subdivision application to approve a 28-lot subdivision on a 7.35-acre site (see Attachment 3).
- C. The site is located at 13224, 13236, and 13240 136<sup>th</sup> Avenue NE and two adjacent parcels (see Attachment 4).

III. HISTORY

On December 13, 2016; the Kirkland City Council approved the Wildridge (then Callan Ridge) Preliminary Subdivision as part of the Preliminary Plat and final Planned Unit Development applications (see Attachment 5). A SEPA Determination of Non-significance was issued on August 10, 2016.

IV. ANALYSIS

A. Approval Criteria

- 1. Facts: Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
  - a. Consistency with the preliminary plat, except for minor modifications; and
  - b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
- 2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB16-00921) by the Hearing Examiner.

Prior to recording of the plat, the applicant will submit a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 3 through 5 are attached.

- 3. Final Plat
- 4. Vicinity Map
- 5. City Council Decision

Review by Planning Director:

I concur  I do not concur

Comments: \_\_\_\_\_



October 3, 2017

Eric R. Shields, AICP

Date

cc: Applicant  
File: SUB16-00921



**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:** Marilynne Beard, Deputy City Manager  
**Date:** October 10, 2017  
**Subject:** STUDIO EAST FUNDING REQUEST

**RECOMMENDATION:**

City Council approves Studio East's request of \$40,000 for funding to assist with their community education outreach program. By approving this item as part of the Consent Calendar, the City Council is authorizing the funding request.

**BACKGROUND DISCUSSION:**

In July of this year, the City Council received a request from Studio East for funding assistance to allow them to expand their outreach program to schools (attached). The request was for \$20,000 each year for two years to allow them to increase the part time Education Assistant to a full-time Education Outreach Coordinator. The staffing increase will allow them to better meet the programming needs of Kirkland schools.

The funding request was referred by the City Council to the Planning and Economic Development Committee. The Committee reviewed the request at their September 11, 2017 meeting and recommended Council approval. At the September 19, 2017 Council meeting, the full Council directed staff to bring back a fiscal note funding the request from the Council Special Project Reserve. That fiscal note is attached. If the Council approves the request, a contract specifying measurable outcomes will be executed with Studio East prior to disbursement of the funds.



**Executive Artistic Director**  
Lani Brockman

**Managing Director**  
Nikki Parish

**Board of Directors**

Chris Caile  
*President*

Cari Schutzler  
*Vice-President*

Elaina Dulaney  
*Secretary*

Fred Romano  
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Adam Barr  
Sara Corley  
Shiraz Cupala  
Beth Gale  
Karen Getzinger  
Becky Henchman  
Geoff Knutzen  
Alice Ormsby

CREATING  
OPPORTUNITIES  
FOR YOUNG  
PEOPLE TO  
DISCOVER AND  
EXPLORE THE  
PERFORMING  
ARTS.

Studio East is a 501(c)(3)  
non-profit organization  
EIN# 94-3213270

11730 118th Ave NE  
Suite 100  
Kirkland, WA 98034  
(425) 820-1800  
www.studio-east.org

July 20, 2017

Dear Council Members,

Thank you for providing us the opportunity to present an overview of Studio East's impact in Kirkland over the past 25 years. We had a wonderful time creating the presentation and truly enjoyed seeing your collective smiles as we shared all the ways we have worked together over the past 25 years to enhance the City of Kirkland. At the end of our 'production' we promised you a letter of intent elaborating on how the City of Kirkland can support Studio East's important and necessary work with the youth in our community.

Two years ago the Studio hired a part time Education Assistant to help administer and grow our after-school and in-school residency programs. Over the past year we have seen exponential growth in both programs, and consequently we have not been able to keep up with the demand. This has resulted in us having to turn away schools in the Kirkland area simply due to lack of administrative time. In order to continue offering our current programs and to meet the growing demand, we need full time administrative support for our Outreach programs.

We are requesting \$20,000 for the next two years from the City of Kirkland to allow us to promote our part-time Education Assistant to a full-time Education Outreach Coordinator. Two years of funding will allow us to build this program so it can sustain itself. Having a full-time staff member dedicated to Outreach will give us the ability to fulfill all the requests we are receiving from the Kirkland community and to enhance and expand our much-needed Outreach efforts.

Our current lease expires in 2020, and our goal is to find a permanent home that allows us to stay in Kirkland. Growing our in-demand programming is a key part of Studio East's strategic plan for securing that permanent home. The strategic planning effort will also include identifying initiatives that will make our programs, including the outreach to schools, financially sustainable. Interim support from the City of Kirkland for the Outreach Coordinator position would be a meaningful contribution to our efforts."

Thank you for considering our request and for being so supportive and accessible.

Lani Brockman  
Executive Artistic Director



**FISCAL NOTE***CITY OF KIRKLAND*

<b>Source of Request</b>							
Marilynne Beard, Deputy City Manager							
<b>Description of Request</b>							
Use of \$40,000 from the Council Special Projects Reserve to provide Studio East with \$20,000 in 2017 and \$20,000 in 2018. The funds will be used to promote a part time Education Assistant to a full time position.							
<b>Legality/City Policy Basis</b>							
<b>Fiscal Impact</b>							
<b>One-time use of \$40,000 of the Council Special Projects Reserve.</b> The reserve is able to fully fund this request.							
<b>Recommended Funding Source(s)</b>							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
<b>Reserve</b>	Council Special Projects Rsv.	381,927	(91,000)	0	(40,000)	250,927	250,000
	Prior use of \$50,000 for Peter Kirk Building Seismic Upgrades Prior use of \$15,000 for Peter Kirk Park Conceptualization Prior use of \$9,000 for Eastside Rail Corridor Branding Prior use of \$10,000 for Transit Oriented Development (TOD) study Prior use of \$7,000 for the Downtown Holiday Tree Extension						
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
<b>Other Information</b>							
Council approved adding unallocated resources of \$131,927 to the Council Special Projects reserve in the adopted 2017-2018 Budget. This additional funding is set aside for Human Services Projects.							

Prepared By	George Dugdale, Senior Financial Analyst	Date	October 10, 2017
-------------	--	------	------------------



**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:** Kathy Brown, Public Works Director  
Rosalie Wessels, Administrative Assistant

**Date:** October 5, 2017

**Subject:** HOLIDAY TREE EXTENSION PURCHASE

### **RECOMMENDATION:**

Following direction provided by the City Council in its September 19, 2017 meeting, staff is recommending that the City Council approve the purchase of a 3-foot extension for the holiday tree at a cost of approximately \$7,000, funded from the Council Special Projects Reserve.

Approval of this memo by the City Council by adopting the Consent Calendar will authorize the purchase of a new extension for the holiday tree.

### **BACKGROUND DISCUSSION:**

Each winter, between Thanksgiving and early December, maintenance crews from Public Works and Parks work together to set up the holiday tree in downtown Kirkland. Purchased in 2015, the current holiday tree is 29 feet tall. The tree height can be increased by adding 3-foot extension rings that can be purchased at any time, as long as supplies last.

After receiving Council direction in the September 19, 2017 Council meeting, Public Works staff contacted Wintergreen Corporation for an updated quote on a new tree extension ring, and learned that they were sold out of the particular extension ring that would fit the City's holiday tree for the 2017 holiday season. Given the timing necessary for purchase, staff are requesting Council approval of this purchase now, so that a new tree extension ring can be purchased when available next year, well in advance of the 2018 holiday season.

Attachment A – Fiscal Note

**FISCAL NOTE**

CITY OF KIRKLAND

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Use of up to \$7,000 from the Council Special Projects Reserve for the purchase of a tree extension ring for the Downtown Holiday Tree.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$7,000 of the Council Special Projects Reserve.</b> The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
	Council Special Projects Rsv.	381,927	(84,000)	0	(7,000)	290,927	250,000
	Council approved adding unallocated resources of \$131,927 to the Council Special Projects reserve in the adopted 2017-2018 Budget. This additional funding is set aside for Human Services Projects. Prior use of \$50,000 for Peter Kirk Building Seismic Upgrades Prior use of \$15,000 for Peter Kirk Park Conceptualization Prior use of \$9,000 for Eastside Rail Corridor Branding Prior use of \$10,000 for Transit Oriented Development (TOD) study						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							

Prepared By	George Dugdale, Senior Financial Analyst	Date	October 6, 2017
-------------	--	------	-----------------



**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:** Archie Ferguson, Fleet Manager  
Kathy Brown, Public Works Director

**Date:** October 5, 2017

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

### **RECOMMENDATION:**

City Council approves 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.

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 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. The accounting life is 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, 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/Serial Number</u>	<u>License #</u>	<u>Hours</u>
<u>S-06</u>	<u>2011</u>	International/ TYMCO Sweeper	1HTJTSKN0CJ550946	53458D	4418
<u>S-07</u>	<u>2011</u>	International/ TYMCO Sweeper	1HTJTSKN9CJ550945	53459D	4686
<u>S-08</u>	<u>2011</u>	International/ TYMCO Sweeper	1HTJTSKN9CJ550947	54016D	4774

S-06 is a 2011 International/ TYMCO 600 Sweeper. The unit was assigned to the PW Storm Sewer/ Street Division for the last seven years. The unit has 4,418 hours on the engine, body, and ancillary equipment.

S-07 is a 2011 International/ TYMCO 600 Sweeper. The unit was assigned to the PW Storm Sewer/ Street Division for the last seven years. The unit has 4,686 hours on the engine, body, and ancillary equipment.

S-08 is a 2011 International/ TYMCO 600 Sweeper. The unit was assigned to the PW Storm Sewer/ Street Division for the last seven years. The unit has 4,774 hours on the engine, body, and ancillary equipment.

The surplus sweepers are being used as trade-in vehicles to help offset the purchase of new sweepers. Three new replacement sweepers have been received by the City and began service to the community in October.

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:** Greg Piland, Purchasing Agent

**Date:** October 5, 2017

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR THE COUNCIL MEETING OF October 17, 2017.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report dated September 7, 2017 are as follows:

	Project	Process	Estimate/Price	Status
1.	Totem Lake Non-Motorized Bridge	Architect and Engineer Roster	\$1,177,595.44	Supplemental agreement awarded to COWI of Seattle, WA based on qualifications per RCW 39.80.
2.	IT Strategic Plan	Request for Proposals	\$247,000.00	Contract awarded to Point B, Inc. of Seattle, WA.
3.	Fire Station 25 Renovation	Invitation for Bids	\$2,746,700.00	Contract awarded to Western Ventures of Mountlake Terrace, WA.

Please contact me if you have any questions regarding this report.



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

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Joe Sanford, Fire Chief  
Heather Kelly, Emergency Preparedness Coordinator

**Date:** September 22, 2017

**Subject:** CONTINUITY OF OPERATIONS AND GOVERNMENT PLAN PRESENTED FOR REVIEW

### **RECOMMENDATION:**

It is recommended that City Council review the Draft Continuity of Operations and Continuity of Government Plan ("Plan") in preparation for approval and ratification of the document at the November 8 Council Meeting. This item was deferred from the October 3, 2017 Council meeting. It is recommended that any suggested changes be provided to the Emergency Preparedness Coordinator at the October 17 Council meeting or via email by October 20.

### **BACKGROUND DISCUSSION:**

On May 18, 2017, the City contracted for the services of Heather Kelly, a Continuity Planner, to facilitate a coordinated, inclusive planning effort focused on the continuity of City operations and government during and following a major emergency or disaster. The ability of a jurisdiction to maintain its delivery of essential functions to the community during and following an emergency or disaster is critical to the protection of life, property, and the environment. A documented, holistic approach to service delivery, decision making, and resource management will facilitate the ability of the City to best serve the community and businesses of the city Kirkland.

Ms. Kelly has since been hired as the City of Kirkland Emergency Preparedness Coordinator and has worked with City departments, the Municipal Court, and met with the Public Safety Committee Council Representatives to develop a Plan based on current capability and resources. The process of planning has enlightened departments on the interdependencies of city operations, the coordination efforts associated with continuity, and the need for continued training and exercising of all emergency plans.

Specific areas of the plan that are brought to the attention of Council include the Concept of Operations (CONOPS) (page 11), Essential Functions (page 18), Order of Succession (page 22), and the Council Appendix. The CONOPS identifies the activities and organization to be used in a continuity situation. The Essential Functions list the initial priorities of service delivery for the first 24 to 48 hours following an incident. The Order of Succession lists, by position, the

decision making authority for each department. The Council Appendix speaks directly to the essential functions and support requirements of the Council during a continuity condition.

The Continuity Plan is considered a component of the overall suite of Emergency Management plans which includes at a minimum the Comprehensive Emergency Management Plan (CEMP), the Emergency Operations Plan (EOP), the Hazard Mitigation Plan, and a Recovery Framework. All of these documents are in various stages of development, updates, and implementation with the understanding that plans are constantly changing and improving based on best practices and operational experience.

A comprehensive Emergency Management program extends beyond documentation to training, exercising, and routine outreach to employees and the public on matters of preparedness, response, and recovery. The goal moving forward into 2018, 2019, and beyond is to build the city's capability to respond to and recover from an emergency or disaster through testing of systems such as CODE RED, continued development and use of the Emergency Management Action Team (EMAT), personal action awareness campaigns such as the recent National Preparedness Month, and facilitation of drills and exercises engaging staff, partners, and the community.

The first of these drills is participation in the Great Shakeout 2017 on October 19 at 10:19 am. The Great Shakeout is a national campaign designed to bring awareness to preparedness and initial response actions during a major earthquake. Emergency Management will be facilitating a field test of the Damage Assessment Windshield Survey process in partnership with Fire, Police, and Public Works. The field test will cross into the Emergency Operations Center by practicing the transfer of information and documentation for situational awareness that will be provided to leadership as part of the exercise.

This exercise is one of many opportunities that Emergency Management plans to leverage in the ongoing effort to increase capability and preparedness of the City. Based on feedback from Council on this draft Plan, it is anticipated that Emergency Management staff will return to Council at the November 8 meeting with a proposal for adoption of the Plan by resolution by Council.

Attachment A: Continuity Plan Draft

# **Continuity of Operations (COOP) Continuity of Government (COG) Plan**

September XX 2017





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# Confidential for Internal Use Only

**This document contains confidential information which, if made public or disclosed, could violate the personal or privacy interests of others or compromise the security of essential equipment, services or systems of the City of Kirkland. The document is intended for internal**

**City of Kirkland use only. All or some portions of this document may be exempt from disclosure under the Washington Public Records Act, Chapter 42.56 RCW, or the Freedom of Information Act, United States Code §552, 41 Code of Federal Regulations Part 105-60.**

**The City Attorney must be consulted prior to the release of any or all of this document.**

## Promulgation Statement

Date 09/XX/2017

Transmitted here is the City of Kirkland's Continuity of Operations (COOP) Continuity of Government (COG) plan (Plan). This Plan provides a guide from which the City of Kirkland departments can implement actions to support the delivery of essential functions during and after a disaster or emergency.

This Plan supersedes any previous COOP and/or COG documents and has been approved by the City Council through Resolution R-XXX dated XXXX. This Plan will be reviewed annually and updated, as appropriate, by the Office of Emergency Management (OEM). Recipients are requested to advise OEM of any changes or suggestions that may result in Plan improvement.

Kurt Triplett  
City Manager  
City of Kirkland

## RECORD OF DISTRIBUTION

The record of distribution will be used to verify that department leadership have acknowledged acceptance of this Plan. An electronic version of this Plan can be accessed by City employees with COOP responsibilities on the Office of Emergency Management SharePoint site.

Date of Delivery	Number of Copies Delivered	Method of Delivery	Name, Title, and Department of Receiver
	1	Hard Copy	Kevin Raymond, City Attorney, CAO
	3	Hard Copy	Kurt Triplett, City Manager, CMO Tracey Dunlap, Deputy City Manager, CMO Marilynne Beard, Deputy City Manager, CMO
	7	Hard Copy	One for each member of the City Council
	2	Hard Copy	Judge Lambo, Presiding Judge, Municipal Court Tracy Jeffries, Court Administrator, Municipal Court
	2	Hard Copy	Michael Olson, Director, Finance & Administration Greg Piland, Purchasing Agent, Finance & Administration
	4	Hard Copy	Joe Sanford, Fire Chief, Fire Helen Ahrens-Byington, Emergency Manager, Fire Heather Kelly, COOP Program Manager, Fire Emergency Operations Center
	2	Hard Copy	Jim Lopez, Director, Human Resources Shawn Friang, HR Analyst, Human Resources
	2	Hard Copy	Brenda Cooper, Director, Information Technology Donna Gaw, Division Manager, Information Technology
	2	Hard Copy	Lynn Zwaagstra, Director, Parks & Community Services Linda Murphy, Recreation Manager, Parks & Community Services
	2	Hard Copy	Eric Shields, Director, Planning & Building Stephanie Day, Business Analyst, Planning & Building
	2	Hard Copy	Cherie Harris, Chief, Police Robert Saloum, Lieutenant, Police
	2	Hard Copy	Kathy Brown, Director, Public Works Erin Devoto, Deputy Director, Public Works

**RECORD OF CHANGES**

From the date of promulgation of this Plan, the Office of Emergency Management (OEM) will track and record changes made to the document. The record of changes should contain, at a minimum, a change number, the date of the change, the name of the person who made the change, and a description of the change.

Change Number	Section	Date of Change	Individual Making Change	Description of Change
0	All	08/25/2017	OEM – H Kelly	Creation of Plan



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  - Facilities
  - Technology
- Department Appendices
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  - City Manager’s Office
  - City Council
  - Municipal Court
  - Facilities
  - Finance and Administration
  - Fire

Human Resources and Performance Management

Information Technology

Parks and Community Services

Planning and Building

Police

Public Works

Training and Exercise

Training Course List

Exercise Design

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City Manager's Office

City Attorney's Office

Finance Authorized Agent

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City Policies related to COOP

Telework Policy

Telework Agreement

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Department COOP Go Kit

Employee COOP Go Kit

Home Emergency Kit

Staff Support

Glossary of COOP Terms

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## Introduction

The City of Kirkland ("City") has essential operations that need to be performed or rapidly resumed in a disaster or emergency situation. While the impact of an incident cannot be predicted, planning for operations under such conditions may mitigate the effects of the disaster or emergency on people, facilities, and City services. To that end, the City has prepared a Continuity of Operations (COOP) Continuity of Government (COG) Plan ("Plan") to serve as a guide for sustainment or resumption of essential services affected by a disaster.

The City intends to provide the highest level of response and recovery to an incident as possible; however, there is no guarantee that the City will have the capability or resources to meet the needs of every resident, visitor, or business before, during, or after a disaster or emergency.

This Plan establishes guidance to support City essential functions when a disaster or emergency threatens or impacts City operations to the point that requires changes to the delivery of City services or the relocation of City personnel or operations. The Plan provides guidance for when the City may need to implement COOP activities related to an incident that impacts essential functions, roles of staff, facilities, or delivery of services to City residents, visitors, or businesses. Emergency Response actions initiate based on the incident and standing protocols and are not addressed in this Plan.

City employees may have identified responsibilities in an emergency that requires COOP and/or COG activities to sustain essential City functions. Such employees are expected to fill their COOP and/or COG role(s) to the extent practicable under the circumstances and consistent with relevant job descriptions, City personnel policies and any relevant collective bargaining agreement provisions.

### Purpose

The ability of the City to support essential functions during times of disaster or emergency and to provide for the needs of the residents, visitors, and businesses within the City limits is a priority of City government. To facilitate implementation of this ability the City has coordinated the development of this Plan.

This Plan describes how the City will endeavor to perform essential functions during and after a disaster or emergency that disrupts normal City operations. This Plan is intended to guide the City during an actual incident; however, specific actions will depend on the situation. This Plan serves a consolidated location for critical information related to the delivery of essential functions and the resources that facilitate services.

This Plan supports the performance of essential functions from alternate locations, due to the primary facility becoming unusable for a period of time, and also provides for continuity of government and decision-making if senior management or elected officials are unavailable, inaccessible, or victims of the incident.



## Authorities and References

This Plan has been developed to support implementation of the City:

- Municipal Code Chapter 3.20 Emergency Management
- Administrative Policy Chapter 1 Policy 1-2 Severe Weather/Emergency Conditions

In addition, this Plan supports implementation of the following Washington State laws and regulations:

- Chapter 38.52 RCW
- Chapter 42.14 RCW
- Title 118-30 WAC

References that have supported the development of this Plan include:

- Kirkland Municipal Code
- Kirkland Administrative Policy Manual
- City of Kirkland Comprehensive Emergency Management Plan (CEMP)
- City of Kirkland City Council Policies and Procedures
- Homeland Security Presidential Directive 20, National Continuity Policy
- Presidential Policy Directive 40
- Presidential Policy Directive 51
- Federal Continuity Guidance Circular 1 and 2

## Scope and Applicability

This Plan applies to all City departments and personnel. COOP activities may be initiated at any time as determined necessary by City leadership. COOP activities may be in coordination with an Emergency Operations Center (EOC) activation or may occur independent of EOC activities.

COOP activities may be executed for site specific, Citywide, or regional disruptions to City operations, typically due to a natural, technological, or human-caused disaster or emergency; but not limited to these situations.

The scope of this Plan is focused on the critical services that should not be disrupted for more than twelve hours following an incident. The intent of this document is to provide a framework to support delivery of essential services that are identified as critical to the continuation of government; protection of life safety, property, and the environment; and incident response and recovery operations that care for the residents, visitors, and businesses of Kirkland.

City Departments identified a major earthquake as the type of incident with the highest potential to cause a COOP situation; followed by a significant health crisis, such as a pandemic or epidemic. Departments acknowledged several other risks that could create the need for COOP activities as well.

The outcome of the department threat assessment resulted from a calculation of two factors, probability and severity. These factors were multiplied together and averaged based on the number of completed assessments returned during the planning process.

Probability is the likelihood of a specific type of incident occurring; rated on a scale of 1 – 3, with one representing low probability, two medium, and three a high probability of occurrence.

Severity is measured by the actual or potential impacts resulting from the type of incident. The following is the guidance used to assign a numerical value to severity.

- Catastrophic Incident = 4 = Multiple deaths, shutdown of operations for 30 days or more, more than 50% of property is severely damaged.
- Major Incident = 3 = Injuries or illness requires major professional medical care, shutdown of operations for at least 2 weeks, more than 25% of property is severely damaged.
- Moderate Incident = 2 = Injuries or illness requires professional medical care, shutdown of operations for more than 1 week, more than 10% of property is severely damaged.
- Minor Incident = 1 = Injuries or illness are treatable with basic first aid, shutdown of operations for less than a week, less than 10% of property is severely damaged.

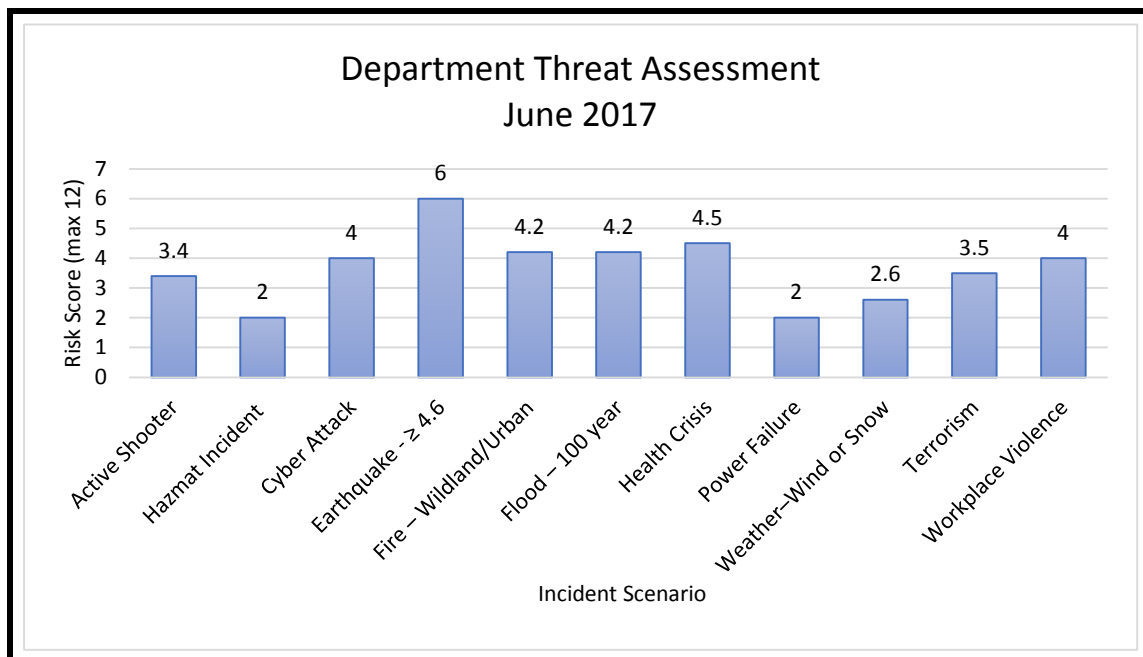


Figure 1 – Threat Assessment Results June 2017

The planning approach for development of this Plan was focused on a resource that is both flexible and scalable, to address high-frequency low impact situations, low-frequency high impact situations, and combinations in between.

When confronting disruption of normal operations, the City will endeavor, to the best of its ability, to provide essential functions even under the most challenging emergency

circumstances. The City has identified essential functions as activities required by local, regional, state, or federal laws or regulations necessary to support the safety and security of City employees, systems, services, and the public, support the restoration of City operations, and facilitate emergency response actions.

## Planning

### Plan Objectives

The objectives of this Plan are to:

- facilitate decision-making during COOP activities
- reduce disruptions to essential functions
- document the order of succession of critical management positions
- identify vital facilities, equipment, records, and other assets
- guide an orderly transition to COOP activities and return to operations

### Planning Assumptions

Assumptions used to support the City's development of this Plan include but are not limited to:

- Disasters, emergencies or threatened emergencies can adversely impact the City's ability to continue to support essential functions.
- When COOP activities are initiated, the City will implement a predetermined plan using trained and equipped personnel whenever possible.
- Personnel and resources located outside the area affected by the disaster or emergency may or may not be available to support City essential functions.
- Some City services may be limited or suspended to enable the City to concentrate on essential functions.
- The timeline for establishment of some essential functions may exceed 12 hours of the incident onset.
- Alternate support or delivery of essential functions may extend beyond the response phase of an incident and extend into long-term recovery.
- City staff may implement telecommuting practices to support delivery of essential services.
- Recovery from an incident may result in the decision to not restore certain City services, facilities, or positions.
- Staff members may be unavailable during or after a disaster or emergency and thus may be unable to support COOP activities.
- It may take days to weeks to reestablish city services and months to years to recover from an incident.

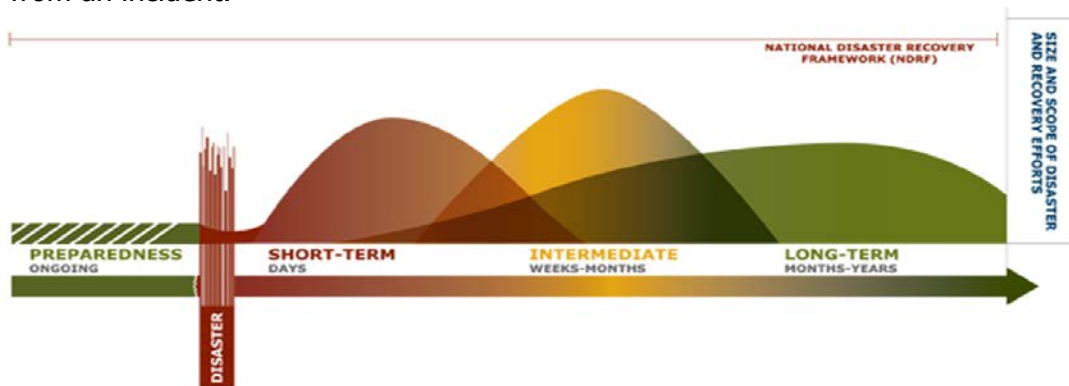


Figure 2 - Disaster Timeline – FEMA Disaster Recovery Framework

## Planning Scenarios

This Plan was developed around a set of scenarios which reflect the City's department threat assessment regarding the types of impacts which may result in COOP activities. Any or all scenarios may result in the injury, death, or inability to account for City staff, elected officials, or the public at a City facility. In addition, any or all scenarios may affect critical infrastructure systems that the City relies on for normal business operations and service delivery.

The City has identified the following types of scenarios as the most likely to trigger COOP activities:

- **Department, Essential Function, or Facility Affected.** Under this scenario, one or more departments, essential functions, or key facilities is unable to perform normal business activities. The most likely causes of such disruption are fire, system/mechanical failure, loss of utilities such as electricity, telephone, or water, explosion, active shooter, terrorism, or a biological outbreak. Other scenarios that produce limited or no physical damage to City facilities may also interrupt service delivery.
- **City of Kirkland Local Area Affected.** Under this scenario, City facilities are limited or closed to normal business activities as a result of the localized impact. The most likely causes of such disruption are utility failure, civil disturbance, technology network disruption, terrorism, biological outbreak, credible threats of action, or other scenarios that would limit access to or use of City facilities. This type of incident could significantly impact the City's operational capability. Facilities may be unavailable or damaged due to the incident.
- **Regional Area Affected.** Under this scenario, the City facilities and possibly the local area would be inaccessible, inoperable, or unavailable for normal business activities. The most likely causes of such disruption are major disaster such as an earthquake, severe weather for example snow or wind, terrorism, cyber-attack, major health outbreak, an actual or threatened use of a weapon of mass destruction, or other scenarios that would limit access to or use of City facilities.

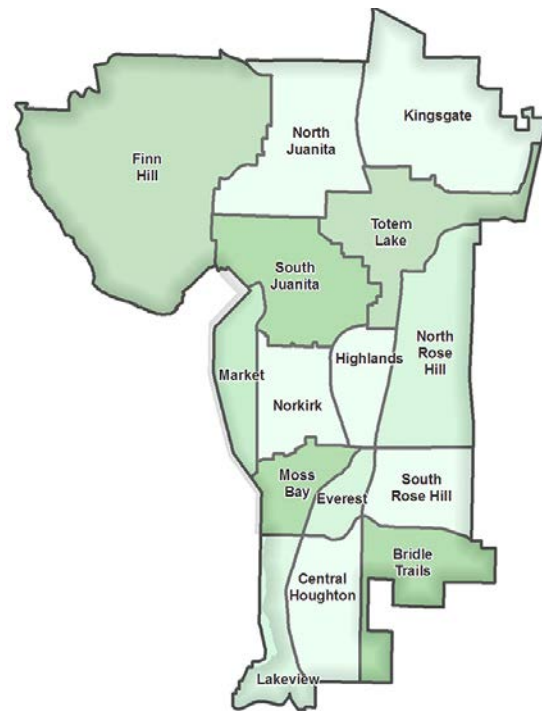


Figure 3 – City Map

This type of incident could render the City or specific departments inoperable for a significant period. Facilities will most likely be unavailable or have major damage due to the incident. Senior management, technical and supporting personnel may be deceased, injured, unable to reach a City facility, or unaccounted for.



## Concept of Operations (CONOPS)

To implement COOP activities, the City has developed a concept of operations (CONOPS), which describes the approach. The CONOPS guides how the City will facilitate COOP activities including notification, implementation, service delivery, and return to operations.

COOP activities may involve, but are not limited to:

- assignment of a COOP team to perform specific activities necessary to facilitate COOP activities;
- purposeful movement of selected staff or technical personnel to an alternate operating facility;
- the implementation of temporary work procedures;
- and the delegation of authorities to successors.

### COOP Implementation

The City Manager or their designee, may direct the implementation of COOP activities. COOP activities are implemented based on known or anticipated threats and emergencies that may occur with or without warning. The City will use a phased approach for implementation, whereby essential functions are sustained or established early and additional services will follow as needed and available.

- **Notice threats or emergencies:** There are some threats that may provide advance warning that will allow notification of, direction to, and if necessary, the relocation of employees. Situations that may provide such warning include inclement weather or a threat of violence.
- **No notice threats and emergencies during business hours:** Incidents may not be preceded by warning, for example earthquakes, fire, or terrorist attacks. In these circumstances employees should follow their emergency procedures to stay safe and resolve the issue if possible. COOP activities will be initiated, if appropriate, and employees will be provided direction by their department leader or the City Manager's Office.
- **No notice threats and emergencies during non-business hours:** Incidents may also occur with no warning outside of business hours. In these circumstances, COOP activities will be initiated, if appropriate, and employees will be notified of any changes to working conditions as soon as possible through various communications methods.

The City has developed a guide, Appendix Decision Guide, to assist the City Manager or designee in assessing the impacts of a situation and determining the need to initiate COOP activities. Use of this guide may help to reduce inappropriate or unnecessary COOP activities.

## Delegations of Authority

Formal signed delegation of authority documents, Annex Delegation of Authority, have proactively been completed for critical duties and City leadership positions. Additional delegation of authority are established in documented department policy. Should a primary position incumbent be unable to serve, a delegation may be implemented. The delegation will specify what the authority covers, what limits may be placed upon exercising it, who (by title) will have the authority, and under what circumstances the delegation applies.

## COOP Teams

When COOP activities are necessary, a COOP Team and sub teams may be established to coordinate support for delivery of essential functions. The City has identified key positions to perform critical activities on the COOP Teams. COOP resources not available within City supplies or through mutual aid agreements will be procured either through normal department procurement procedures or if the EOC is activated, through the EOC logistics section.

The identification of COOP Teams and roles reinforces that COOP requires coordination and participation from many departments to achieve success.

- **Policy Group**, provides policy decisions related to COOP activities and strategic direction and communication to City staff and the public.
  - This group is led by the City Manager and consists of Department Directors, the City Attorney, technical experts, and representatives from Municipal Court and City Council as appropriate.
- **COOP Team** is a combination of the Facility Team and Operations Team, guided by the Policy Group, and supported by legal and communications staff.
  - The COOP Team Lead will be designated by the City Manager at the time of an incident.
- **Facility Team** will perform activities necessary to ready a facility for the performance of essential functions. This may include the site inspection and security assessment, establishment of telecommunications or information technology systems, alternate site workspace creation, and the movement of vital records.
  - The Facility Team will be staffed by representatives from facilities, police, fire, building inspection, information technology, and public works as appropriate and available.
- **Operations Team** coordinates support for essential functions, develops strategies and plans addressing contingencies and recovery operations. The Operations Team will coordinate with the Facility Team to synchronize operations and to successfully bring up services and systems using alternate locations, back-up systems, mobilized resources, temporary work procedures, and pre-determined or impromptu work around plans.
  - The Operations Team will be staffed by representatives from City departments with departmental knowledge, basic administrative skills, or technical expertise.

COOP Team organizational structure is planned to reflect the following organizational chart; however, the incident will dictate which departments will be involved, as well as the activities that need to be support or planned.

### COOP Organizational Chart

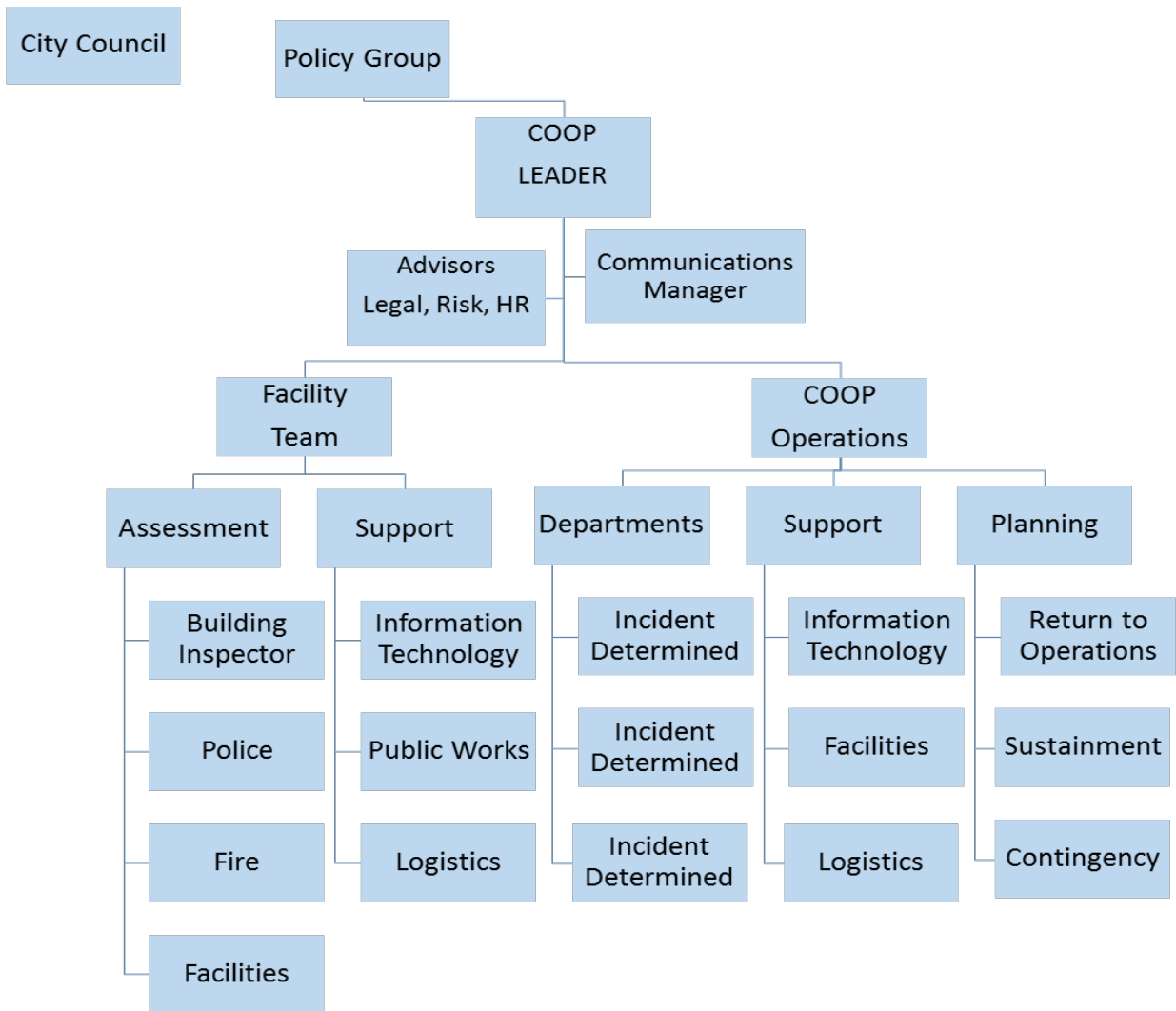


Figure 4 - COOP Team Organizational Chart

The following table describes the COOP teams, team members, and typical responsibilities.

### COOP Roles and Responsibilities

Title	Team Members	Typical Responsibilities
<b>Policy Group</b>	City Manager, Directors, Human Resource advisor, Legal advisor, Communications Manager, and Council representation.	<ul style="list-style-type: none"> <li>• Authorize COOP activities.</li> <li>• Provide policy decisions and direction.</li> <li>• Coordinate inter-agency and media communications.</li> <li>• Promote coordination among departments.</li> </ul>
<b>COOP Team</b>	COOP Leader, Facility Team, Operations Team, Advisors, and Communications Manager.	<ul style="list-style-type: none"> <li>• Coordinate COOP activities including planning, technical, and facility support.</li> <li>• Implement policy directives related to COOP</li> <li>• Oversee safety and security of COOP personnel and activities.</li> <li>• Manage COOP related public information</li> <li>• Coordinate COOP procurement and contracts when beyond department level.</li> <li>• Assess and report on status of delivery of essential functions to Policy Group.</li> </ul>
<b>Facility Team</b>	Personnel with technical expertise to support critical services, systems, or resources necessary to operationalize facilities to support department delivery of essential functions.	<ul style="list-style-type: none"> <li>• Support alternate site selection through assessments.</li> <li>• Ready critical processes, systems, resources, and locations necessary to support essential functions.</li> <li>• Coordination with the operations team for site occupation.</li> <li>• Coordinate locating/contracting for non-City owned alternate facility options.</li> </ul>
<b>Operations Team</b>	Personnel with department knowledge, administrative skills, and technical expertise.	<ul style="list-style-type: none"> <li>• Provide department level situational awareness and requests for support for delivery of essential functions.</li> <li>• Perform planning for return to operations, COOP activity sustainment, and contingency requirements.</li> <li>• Provide logistical and technical support to departments to facilitate essential function delivery.</li> </ul>

Figure 5 – COOP Roles and Responsibilities

## Phases of COOP

The City will use a phased approach to the initiation, management, and eventual de-escalation of COOP activities.

### Phase 1: Initiation

- **Notification.** The City intends to use the City's mass notification system to inform leadership of an incident. The Policy Group will assess the situation and determine if COOP activities are necessary. If it is determined that COOP activities are necessary a COOP Leader will be assigned, and the COOP Team will be notified and directed to respond to a designated location. City employees, partners, and the public will be notified of COOP activities, as able and appropriate, using any or all of the communication resources available.
- **Initial Actions.** The Policy Group including the COOP Team Leader will meet, in person or via teleconference, to determine what COOP activities are necessary and what direction will be given to the COOP Team for implementation. The Communication Manager will initiate public messaging and manage media interest. Key COOP department staff will be notified to initiate COOP activities to support delivery of essential services at the primary site or a designated alternate site if necessary.
- **Establish Operations.** The COOP Team will inform the Policy Group when facilities, systems, or resources are prepared to support delivery of essential services. Departments will provide essential services to the best of their ability with the capability available.

### Phase 2: Alternate Operations

- **Delivery of Essential Functions.** The department(s) will deliver essential functions using temporary work procedures or from an alternate facility, if needed and able based on incident impact and resource availability.
- **Establishment of Communications.** The department(s) will establish communication internally, to external agencies, and to the public, as able and appropriate.
- **Augmentation of Staff.** As the situation progresses, additional staff will be activated to provide services and functions, as able.
- **Development of Plans for a Return to Operations.** As soon as feasible, the COOP Operations Team will begin planning and preparation of activities to return to normal operations based on resources, staffing, and facility availability.

### Phase 3: Return to Operations

- **Ending Alternate Process.** The Policy Group and COOP Team Leader will meet to identify the timeline of concluding COOP activities. Based on their decision the COOP



Team will develop guidance for ending alternate operations and returning to a non-emergency status at the designated facility.

- **COOP Team Conclusion.** The COOP Team will demobilize the site they have been working from, including the delivery of all documentation related to COOP activities performed to Emergency Management. The Communications Manager will provide public information regarding resumption of services and manage media interest.

The table below highlights the key COOP activities to be accomplished by phase. All activities are the responsibility of the COOP Team Lead until delegated to sub teams or staff.

Phase	Key COOP Activities
Phase 1- Initiation	<ul style="list-style-type: none"> <li>• Instruct Facility Team to ready alternate facility, if needed.</li> <li>• Notify impacted local, regional, and State agencies.</li> <li>• Activate plans to transfer to alternate facility.</li> <li>• Notify agency employees and contractors regarding activation of COOP plan and their status.</li> <li>• Assemble documents/equipment required for essential functions at alternate facility.</li> <li>• Continue essential functions at regular facility, if available, until alternate facility is ready.</li> <li>• Activate Facilities and Operations Teams as necessary.</li> </ul>
Phase 2 - Alternate Operations	<ul style="list-style-type: none"> <li>• Provide guidance to Contingency group personnel and information to the public.</li> <li>• Identify replacements for missing personnel (delegation of authority and orders of succession).</li> <li>• Commence full execution of operations supporting essential functions at the alternate facility.</li> </ul>
Phase 3 - Return to Operations	<ul style="list-style-type: none"> <li>• Supervise return to operations.</li> <li>• Demobilize COOP Team site.</li> <li>• Arrange employee emotional support, if needed.</li> <li>• Deliver public information of status.</li> </ul>

Figure 6 - Key COOP Activities

### Department COOP Responsibilities

Each City department should have an organizational structure identified to support delivery of essential functions. Department activities are unique; however, at a minimum department's should be prepared to:

- facilitate department COOP activities;
- support activation of alternate facilities, supporting communications, and information technology systems;
- support COG activities as appropriate;
- provide public information content to the Communication Manager for dissemination;
- assess and report situational status for department responsibility;

- develop or implement temporary service plans;
- coordinate resource support for employees emotional and physical wellbeing; and
- lead department recovery activities.

## Notification

The City recognizes that the COOP activities could be initiated under a variety of conditions; therefore multiple notification systems may be used for contacting COOP Team members and employees, as appropriate to the situation. Systems include but are not limited to telephone networks, technology-based mass notification tools, such as Code Red or Outlook email, the employee recorded information hotline, or public safety radio systems. The appropriate authorized user of each system will be responsible for making notifications when directed by the Policy Group to do so.

Notification of operational changes will be provided to the public through as many available communication channels as possible, including but not limited to social media, the public recorded information hotline, reader boards, City cable TV channels, local media, City webpage, and postings at City facilities. The City recognizes that many people leverage social media for informational updates, below is a list of City managed digital media communication accounts that may be used to communicate changes to City services delivery or location.

Department	Focus of Communication and address	Communication Channel
City Manager's Office		
	Citywide (www.kirklandwa.gov)	Website
	Citywide (@kirklandwa.gov)	Facebook
	Citywide (@KirklandGov)	Twitter
	KGOV Kirkland (Comcast 21, Frontier 31)	Cable TV
	KLIFE Kirkland (Comcast 75, Frontier 32)	Cable TV
Fire Department		
	Emergency Management (@KirklandOEM)	Facebook
	Emergency Management (@OEMKirkland)	Twitter
Police Department		
	Patrol (@KirklandWAPD)	Twitter

Figure 7 – Digital Media Communication Accounts

## Essential Functions

The City has identified essential functions and continuity of government priorities. The City also identified critical processes, services, systems, and equipment necessary to support each essential function, as well as key personnel required. A detailed list of essential functions and dependencies can be found in each department specific appendix.

The following table provides a high-level summary of department specific areas of essential functions including the Continuity of Government (COG) status and Return to Operations (RTO) target for each function.

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
City Attorney	Legal Advice	Provide direct legal advice to city leadership, departments, and for documentation.	No	4 hours
City Council	Leadership	Maintain City Seat of Government, facilitate policy actions.	Yes	2 hours
City Council	Legislation	Support incident and COOP operations through actions and funding allocation.	Yes	4 hours
City Council	Outreach	Liaise with other jurisdictions and elected officials and staff, and connect with the public.	Yes	2 hours
City Manager's Office	City Leadership	Provide leadership for the incident, the city, and the public.	Yes	2 hours
City Manager's Office	Communications	Facilitate internal and external messaging.	Yes	2 hours
City Manager's Office	Intergovernmental Relations	Coordinate political official involvement.	No	6 hours
Courts	Court Hearings	Court proceedings that implement public law.	Yes	12 hours
Courts	In Custody Hearings	Court proceedings that address in custody status.	Yes	72 hours

<b>Responsible Department</b>	<b>Essential Function</b>	<b>Function Description</b>	<b>Continuity of Government</b>	<b>Recovery Time Objective (RTO)</b>
Facilities	Safety Assessment	Analyze and monitor the status of the safety condition of city facilities.	No	6 hours
Facilities	Repair and Support	Fix, mend, and service city facilities.	No	12 hours
Facilities	COOP Facility Team	Identify and coordinate readiness of COOP sites.	No	4 hours
Finance & Administration	Employee payroll and benefits	Maintain continuity of payroll for city employees.	Yes	12 hours
Finance & Administration	Purchasing	Procure materials and professional services for incident needs.	No	12 hours
Finance & Administration	Manage Money	Monitor and track cash available for city operations.	No	24 hours
Finance & Administration	Record Preservation	Protect vital records.	Yes	12 hours
Fire	Response	Fire, medical, rescue, and hazmat response services.	Yes	2 hours
Fire	Emergency Operations (EOC)	Support and/or coordinate City response to the incident.	Yes	2 hours
Fire	Alert and Warning	Provide public notice of life safety situations and actions.	Yes	2 hours
Fire	Operations Support	Maintain equipment and gear for response efforts.	No	4 hours
Human Resources	Risk Management	Identification, evaluation, and mitigation of risk.	Yes	4 hours
Human Resources	Internal Recruitment	Fulfill requests for personnel for incident response.	No	6 hours
Human Resources	Injury and fatality management	Support the identification and family notification of injured or deceased employees.	No	2 hours

<b>Responsible Department</b>	<b>Essential Function</b>	<b>Function Description</b>	<b>Continuity of Government</b>	<b>Recovery Time Objective (RTO)</b>
Human Resources	Enforcement	Enforce compliance with laws, union contracts, and ADA requirements.	Yes	4 hours
Human Resources	Safety Training	Conduct just in time safety training for employees and volunteers for the incident.	Yes	4 hours
Human Resources	Workforce Management	Manage safety concerns and support and retain employees.	No	12 hours
Human Resources	Compensation	Manage and maintain pay and benefit system.	Yes	12 hours
Information Technology	Technology Support	Support access to and use of telecom, internet, and computer hardware and software.	No	2 hours
Information Technology	Geographic Information System (GIS)	Support access and implementation of GIS systems.	No	2 hours
Information Technology	Data Maintenance	Maintain data system security and availability.	No	2 hours
Parks & Community Services	Mass Care	Support care, feeding, and shelter operations for city staff performing COOP activities.	No	24 hours
Parks & Community Services	COOP Support	Participate on COOP Facilities Team.	No	6 hours
Planning and Building	Building Inspection	Perform emergency building inspections.	Yes	12 hours
Police	Patrol	Respond to emergency calls and support traffic operations.	Yes	2 hours



<b>Responsible Department</b>	<b>Essential Function</b>	<b>Function Description</b>	<b>Continuity of Government</b>	<b>Recovery Time Objective (RTO)</b>
Police	Corrections	Maintain operations of the correction facility providing for clients.	Yes	2 hours
Police	Investigations	Investigate felony crimes.	Yes	24 hours
Police	Incident Support	Provide security assistance for incident response.	Yes	6 hours
Public Works	Water	Facilitate water distribution to fire hydrants and COOP facilities.	No	2 hours
Public Works	Fleets and Equipment	Vehicle and fuel service for City personnel.	No	2 hours
Public Works	Incident Support	Support Department and COOP activities with staff and logistics.	No	4 hours
Public Works	Streets	Clear priority routes for incident and COOP activities.	No	12 hours
Public Works	Sewer	Facilitate sewer services for COOP facilities.	No	12 hours

Figure 8 – Essential Functions by Department

### Order of Succession

If the City Manager, Council Members, or Directors are unavailable during an emergency, the City has established Orders of Succession and when appropriate Delegations of Authority to support continuation of City government.

The City recognizes the importance of leadership in the delivery of essential functions and thus has identified the following Order of Succession, based on position, to support operations during an emergency or disaster.

Department	Order of Succession by position
City Council	<ol style="list-style-type: none"> <li>1. Mayor</li> <li>2. Deputy Mayor</li> <li>3. Councilmember chosen by Council in absence of Mayor or Deputy Mayor</li> </ol>
City Manager's Office	<ol style="list-style-type: none"> <li>1. City Manager</li> <li>2. Deputy City Manager</li> <li>3. Deputy City Manager</li> <li>4. City Attorney</li> </ol>
City Attorney's Office	<ol style="list-style-type: none"> <li>1. City Attorney</li> <li>2. Senior Assistant City Attorney</li> <li>3. Assistant City Attorney</li> </ol>
Court	<ol style="list-style-type: none"> <li>1. Judge</li> <li>2. Court Administrator</li> <li>3. Court Supervisor</li> <li>4. Probation Supervisor</li> </ol>
Facilities	<ol style="list-style-type: none"> <li>1. Facilities Services Manager</li> <li>2. Facilities Lead</li> <li>3. Facilities Tech III</li> </ol>
Finance and Administration Department	<ol style="list-style-type: none"> <li>1. Finance Director</li> <li>2. Accounting Manager</li> <li>3. Financial Planning Manager</li> <li>4. Customer Service Supervisor</li> <li>5. City Clerk</li> </ol>
Fire Department	<ol style="list-style-type: none"> <li>1. Fire Chief</li> <li>2. Deputy Fire Chief</li> <li>3. Battalion Chief</li> <li>4. Ranking Officer</li> </ol>
Human Resources Department	<ol style="list-style-type: none"> <li>1. Human Resources Director</li> <li>2. Senior Human Resources Analyst</li> <li>3. Safety and Risk Analyst</li> </ol>
Information Technology	<ol style="list-style-type: none"> <li>1. Information Technology Director</li> <li>2. Information Technology Manger Network and Operations</li> <li>3. Information Technology Manager Enterprise Applications</li> <li>4. Information Technology Manager Spatial Systems</li> </ol>
Parks & Community Services	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director, Planning &amp; Community Services</li> <li>3. Deputy Director, Operations</li> <li>4. Parks Operation Manager</li> <li>5. Recreation Services Manager</li> </ol>
Planning and Building Department	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director</li> <li>3. Building Official</li> <li>4. Development Review Manager</li> </ol>
Police Department	<ol style="list-style-type: none"> <li>1. Police Chief</li> <li>2. Captain</li> <li>3. Lieutenant</li> <li>1. Sergeant</li> </ol>

Department	Order of Succession by position
Public Works	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director</li> <li>3. Streets Division Manager</li> <li>4. Development Engineering Manager</li> <li>5. Transportation Manager</li> <li>6. Capital Projects Manager</li> <li>7. Surface &amp; Wastewater Manager</li> <li>8. Water Manager</li> </ol>

Figure 9 – Order of Succession by Position

### Alternate Facilities

The City recognizes that normal operations may be disrupted and that there may be a need to perform essential functions at alternate locations. A list of City owned facilities can be found in the City Facilities Annex of this Plan. It is understood that although preferred alternate sites have been identified by some departments, the ultimate decision as to which site to use will be dependent upon the situation, condition of the alternate site, and potential duration of need. For specific details of relocation site requirements by department see the Support Requirements Appendix of this Plan.

If relocation is necessary, the Facility Team will perform a site evaluation to confirm the facility is safe for use and to identify resources necessary to make the site operational for the designated department.

The department will prepare to relocate by informing employees of the need to relocate and of their role in the transition. The department will retrieve their Go-Kit, if able, and initiate establishment of essential functions at the designated alternate site. Once the alternate site is established, staffed, and ready for operations, and if appropriate, public messaging will be provided via all methods available to inform the community of where and how to reach the services of the department.

The department will operate from the alternate location until such a time that the original facility is available for reoccupation, or a new location has been identified and prepared for operations. Transition to the original or new facility will initiate with establishment of the work area, followed by movement of personnel, notification of relocation, and implementation of service.

### Communications

Communications is a critical capability for City government as communication systems support connectivity to internal organizations, external partners, critical vendors and customers, and the public. To support communications during COOP activities, the City has identified primary and alternate communication resources. The Operations Team Support Group will coordinate with the Facilities Team and departments to provide as many normal communication methods as possible, based on operational status, during a COOP scenario.

Systems may be limited due to infrastructure failures caused by the emergency or disaster, thus prioritization of capability may need to occur based on life safety, COG requirements, and incident management demands.

The majority of City operations desire the ability to use telephone, email, and text messaging communication systems. Some field based departments, such as fire and police, rely on the public safety 800 MHz radio system for tactical communications. The Support Requirements Appendix of this Plan provides an overview of communication systems used in the City. For departments that leverage unique communication capabilities for delivery of essential services, that information can be found in their department specific Appendix.

## **Vital Records and Databases**

The City has identified vital records and databases, which facilitate the performance of essential functions. Although most functions can be performed by using hard copy forms, departments benefit greatly by having access to electronic databases for research and verification purposes.

Departments that rely on electronic documents and forms are encouraged to produce at least master hard copy versions for inclusion in their Go-Kit. Most hard copy documents will require data entry or electronic retention if used during COOP activities.

One key database several departments referenced as a key resource for operations is access to Geographical Information Services (GIS) systems, files, and resources.

The Information Technology Department maintains contact information for vendors and contractors available to support the restoration of vital records, systems, and processes.

Detailed listing of vital records and database requirements can be found in the department specific appendices Attachment A: Essential Functions Worksheet of this Plan.

## **Critical Systems and Equipment**

The City has identified critical systems and equipment necessary to support a COOP incident. The primary equipment needed by all departments include technology based solutions such as cell phones, computers, printers, and Microsoft Office and department specific operations software programs.

In addition to technology resources many departments identified City vehicles as critical equipment to their operations.

Field based departments, such as Public Works, also identified personal protective equipment as a requirement of safe operations. Specific department systems and equipment requirements can be viewed in the department specific appendices Attachment A: Essential Functions Worksheet.

Technology based systems can be viewed in the Appendix to this Plan under the Support Requirements section.

## External Contacts

The City contracts with numerous vendors for support and delivery of essential functions. The expectation is that contracted vendors will have continuity plans to facilitate service delivery to the City.

The City is a local, regional, and State partner in the support and delivery of services to the public and business communities. The City values the partnership and agreements that have been established and intends to leverage those relationships as able for the support and delivery of essential functions during a COOP incident.

## Go-Kits

Departments are expected to develop and maintain, at least quarterly, a "go-kit" comprised of critical documents (electronic and hard copy) including forms and files, staff rosters and contact information, key partner, customer, and vendor contact lists, and appropriate supplies to support initial COOP activities and establishment of service delivery from an alternate site.

The department go-kit should be mobile and easily accessible by staff. All department staff should know the location of the go-kit, particularly personnel with a COOP department assignment.

Each employee with a COOP designated role is expected to create a "go-kit" to enhance preparedness for responding to an incident. A go-kit should contain those items considered essential to supporting operations at an alternate site. Each kit may be somewhat unique, but most should include such items as COOP checklists, key contact lists (names, phones, addresses, etc.), files specific to positions, specialized tools routinely used, and maps of the local area and potential alternate sites.

Recommended go-kit items and a list of personal preparedness items all staff are encouraged to keep at their desk can be found in the Annex of this Plan.

For home, family, and car preparedness kit recommendations visit the City Emergency Management website at [http://www.kirklandwa.gov/depart/Fire\\_Services/prepare.htm](http://www.kirklandwa.gov/depart/Fire_Services/prepare.htm).

## Employee Support

A situation that requires the implementation of COOP activities can be stressful and physically or emotionally upsetting to employees and volunteers. The City will endeavor to support and provide the appropriate resources to assist personnel with managing crisis stress management. Resources may include increase awareness or access to the Employee Assistance Program (EAP), formal Critical Incident Stress Management (CISM) sessions, on site mental, emotional, or spiritual support staff, or referral to professional mental health providers.



## COOP Plan Maintenance

The City intends to maintain a viable COOP capability through the review and update of this Plan partnered with training and exercising on COOP activities.

The Office of Emergency Management will coordinate the maintenance of this Plan.

Activity	Tasks	Frequency	Responsibility
Plan update	Review entire plan for accuracy Incorporate lessons observed and improvement adjustments Manage distribution of plan updates	Annually	OEM
Update Order of Succession	Obtain names of current incumbents and designated successors Confirm or update Delegation of Authorities	As-needed and at least Annually	OEM with department support
Checklists	Update and revise checklists	As needed	OEM
Orient elected officials and senior management	Brief on Plan, COOP concepts, and their responsibilities related to COOP activities	Annually for all and within 30 days of new appointment or hire	OEM with City Manager support
Plan and conduct COOP activity exercise	Conduct at least one drill, table-top, or functional internal exercise testing part or all COOP activities Conduct joint exercise with local, regional, and/or state agencies	Annually  As available	OEM with department support  OEM with department support

Figure 10 – COOP Plan Maintenance



# City of Kirkland Continuity of Operations Continuity of Government Appendix List

## Decision Guide

## Check Lists

- Activation of COOP
- Deactivation of COOP

## COOP Support

- Communications
- Facilities
- Information Technology

## Departments

- City Attorney's Office
- City Manager's Office
- City Council
- City Court
- Facilities
- Finance & Administration
- Fire
- Human Resources and Performance Management
- Information Technology
- Parks and Community Services
- Planning and Building
- Police
- Public Works

## Training and Exercise

- Training Course List
- Exercise Design Guide
- Exercise Scenarios
- Department COOP Plan Orientation PowerPoint Template

## COOP Activity Decision Guide

<p><b>NOTE:</b> Implement COOP activities as needed based on the incident. Not all criteria needs to be met to initiate COOP activities. Decisions should be made based on the actual situation and impacts. This matrix is intended to offer guidance, and is in no way definitive direction.</p>					
	<b>Inconvenience</b>	<b>Limited COOP</b>	<b>Full COOP</b>	<b>Catastrophic</b>	<b>Notes</b>
<b>OVERVIEW</b>	Can be addressed with available resources and routine actions.	Requires a change to resource use or allocation with some form of impact to services, COG, facility use, or essential functions.	Requires changes in resource allocation, staff roles, facility use, and operations to meet COG and essential function requirements.	Major incident that has impacted the city’s ability to perform essential functions or COG. Requires extensive change to staffing and operations for an extended period of time.	
<b>Services</b>	<p>Minimal effect on services or impact to essential functions.</p> <p>No disruption to COG.</p>	<p>Limited department(s) affected requiring action.</p> <p>Impact to services provided by affected departments – able to provide essential functions with support.</p> <p>Limited or no disruption to COG. Order of Succession may be required for a limited number of positions.</p> <p>Minimal budget impact.</p>	<p>Multiple departments affected requiring action.</p> <p>Services limited to essential functions for most or all departments affected.</p> <p>May include some impacts to COG. Order of Succession may be required for more several positions.</p> <p>Moderate to major budget impacts.</p>	<p>Affects all departments and essential functions requiring action.</p> <p>Services limited to essential functions, may not be able to support all essential functions.</p> <p>May include substantial impacts to COG. Order of Succession may be required for numerous positions.</p> <p>Significant financial impacts that exceed budget capability.</p>	

## COOP Activity Decision Guide

	Inconvenience	Limited COOP	Full COOP	Catastrophic	NOTES
<b>People</b>	Minimal or no impact to public.  Minimal impact to employees.	Disruption to some employees and limited public.  Able to coordinate with impacted departments and staff directly.	Hazard to employees or public.  Disruption to multiple employee groups and the general public.  Increased need to closely coordinate actions with all departments.  Potentially requires some level of coordination with regional partners.	Hazards to employees and public.  Significant interruption to employees and public.  Requires planned coordinated action across city.  Requires coordination of actions with regional partners.	
<b>Facilities</b>	Minimal to no impacts to facilities.	Direct impact to at least one facility making it unavailable or unable to meet operational needs.	Impact to multiple or critical facility requiring relocation for support of essential functions.	Major damage to multiple facilities requiring relocation for essential functions.	
<b>Estimated Recovery of full operations</b>	≤ 36 hours	3 - 6 weeks	3 – 6 months	3 – 6 years	
<b>DECISION</b>	No COOP required.  Manage with available resources at the department level.	Implement COOP activities for departments/facilities directly affected.  Manage at the department level.	Implement COOP activities for all affected departments/facilities.  Manage with the COOP Team.	Implement all COOP activities as able and required.  Manage with the COOP Team.	

Implement COOP activities as needed based on the incident. Not all criteria needs to be met to initiate COOP activities. Decisions should be made based on the actual situation and impacts. This matrix is intended to offer guidance, and is in no way definitive direction.

<b>DEPARTMENT COOP ACTIVATION CHECKLIST</b>
---

Check When Done	Task	Completed by Print/ Initial	Completed at Date/time	Delegated to
<input type="checkbox"/>	Notify department leadership of incident and need for COOP activity			
<input type="checkbox"/>	Identify alternate facility if needed Contact COOP Facilities team			
<input type="checkbox"/>	Obtain Department Go-Kit			
<input type="checkbox"/>	Notify Staff of COOP activity and direct who is to do what, when, and where			
<input type="checkbox"/>	Establish work area at alternate site, if needed. Establish capability for essential function delivery.			
<input type="checkbox"/>	Implement alternate work process for - _____ - _____ - _____			
<input type="checkbox"/>	Hold in person (if possible) staff brief to inform all as to essential functions, priorities, capabilities, and any safety messaging.			
<input type="checkbox"/>	Update Public Phone lines – if appropriate			
<input type="checkbox"/>	Update or request update to digital media – if appropriate			
<input type="checkbox"/>				
<input type="checkbox"/>	Establish contact with critical partners.			
<input type="checkbox"/>				
<input type="checkbox"/>	Monitor COOP activities – inform leadership if essential functions cannot be delivered.			
<input type="checkbox"/>	Plan for staff relief, support, and stress management.			



**DEPARTMENT COOP ACTIVATION CHECKLIST**

**Important Numbers:**

XXXX Facility

XXXX Vendor

XXXX Supplier

<b>COOP Communication Resources</b>						
<b>Resource</b>	<b>Provider</b>	<b>Service(s) Provided</b>	<b>Alternate Resource</b>	<b>Alternate Capability</b>	<b>Notes</b>	<b>Managing Department</b>
Email	Microsoft Exchange (Outlook)	Sending and receiving of messages and files, Calendaring, contact lists.	None	N/A	Requires intra and internet access. Is accessible remotely if capability is turned on. Requires computer or smart phone with data connection.	IT
Cisco Office Phones	Frontier	Voice calls, voicemail	City or personnel cell phones	Same plus text and data	Requires VOIP connection.	IT
Cell Phones	Various	Voice call, text messaging, data, hot spot	Personal cell phones	Same	Not all employees have city issued or subsidized cell phones.	IT and departments for personnel phones
Radios	Puget Sound Emergency Radio Network (PSERN)	800 MHz first response 2 way communications	None	N/A	Assigned to fire and law enforcement only. Hardware cache available through HLS Region 6 (King County).	Public Works Fleets
Digital Media	Various	Webpages, Twitter, Facebook, cable broadcast	Partner accounts	Same	Joint Information Center is Coordination point for messaging.	CMO for coordination By department for posting
Reader boards	City	Text message	Mobile boards	Text message	Fire Stations, Community Centers, PW	By Department
GETS WPS	Federal Government	Priority phone calls	None	None	Fire, Police, CMO, and most directors have cards.	Emergency Management
HAM	Volunteers	Radio communications, Packet radio via Winlink	None	None	Emergency transmissions ONLY not secure, relies on volunteers Not allowable for COOP/recovery efforts per FCC	Fire
Hotlines	Frontier	Recorded public and employee messaging	None	None	Requires phone system/VOIP connection.	Emergency Management

<b>XXXX DEPARTMENT COOP DEACTIVATION CHECKLIST</b>
--

Check When Done	Task	Completed by Print/ Initial	Completed at Date/time	Delegated to
<input type="checkbox"/>	Notify department leadership of estimated time for ending COOP activities.			
<input type="checkbox"/>	Confirm original or new facility is ready for occupation. Contact COOP Facilities team			
<input type="checkbox"/>	Develop transition plan for relocation or return to full operations.			
<input type="checkbox"/>	Notify Staff of COOP activity status and direct who is to do what, when, where			
<input type="checkbox"/>	Establish work area at designated site.			
<input type="checkbox"/>	Wrap up alternate work processes for - _____ - _____ - _____			
<input type="checkbox"/>				
<input type="checkbox"/>	Hold staff brief to inform all as to current conditions, priorities, and any safety messaging.			
<input type="checkbox"/>	Update or request update to digital media – if appropriate			
<input type="checkbox"/>	Update Public Phone lines – if appropriate			
<input type="checkbox"/>	Inform critical partners of change in operations.			
<input type="checkbox"/>				
<input type="checkbox"/>	Monitor transition of COOP activities, gather documentation, and lessons observed for after action review.			
<input type="checkbox"/>	Plan for staff relief, support, and stress management.			

**XXXX DEPARTMENT COOP DEACTIVATION CHECKLIST**

**Important Numbers:**

XXXX Facility

XXXX Vendor

XXXX Supplier

<b>COOP Essential Function Alternate Facility Requirements</b>							
<b>Department</b>	<b>Physical size</b>	<b>Location Proximity</b>	<b>Infrastructure*</b>	<b>Technology**</b>	<b>Public Access</b>	<b>Parking/Staging</b>	<b>Comments</b>
City Manager Office	Work space for 4 people Conference space for 15	Near Council, EOC, and COOP Team	Basics Needs	Basic Needs	Not required	Parking for 4 staff and for 15 limited length staff visitors	Security may be necessary depending on the incident.
City Attorney Office	Work space for 3 people	Near Council, EOC, CMO, and COOP Team	Basic Needs	Basic Needs	Not required	Parking for 3	
City Council	Work space for 8 people Public Meeting area	In the City boundaries. Near CMO.	Basic Needs	Basic Needs If possible ability to broadcast meeting space.	Not for work space. Required for meeting space.	Parking for 8 staff. Parking for public meeting space.	Security may be necessary depending on the incident
Municipal Court	Separate work space for 4 staff. Courtroom space for at least 6 people.	Very near or at Jail. If not at Jail transportation will be required.	Basic Needs	Basic Needs Recorder. Can function without computer if must.	Required for courtroom space.	At least space for 4 staff, plus a few limited length public visitors.	Courtroom space will require security measures.
Facilities	Work space for 3 staff	Anywhere	Basic Needs	Basic Needs	Not Required	Access to City facilities vehicles	
Finance & Administration	Work space for 6 staff.	Close to operations. Centrally located for staff and public.	Basic Needs	Basic Needs	Required	Parking for 6 staff, plus a few limited length public visitors.	Security measures may be required due to payment processing component.



COOP Essential Function Alternate Facility Requirements							
Department	Physical size	Location Proximity	Infrastructure*	Technology**	Public Access	Parking/Staging	Comments
Fire	Work space for 6 admin staff. 24 hour operations for 5 “fire stations” and EOC space for 20 staff	Admin anywhere. Stations strategically placed across city. EOC near CMO	Basic Needs Fire Stations need sleeping and shower capability. EOC needs back up power/lighting.	Basic Needs Fire stations and EOC need radio capability.	Admin and EOC space not required. Fire Stations require public access.	Admin parking for 6 staff. Fire Stations parking for 3-5 staff and response units (varies by site) EOC parking for 20	Security measures may be required for fire stations and EOC depending on incident. Fire apparatus parked outside may require 24/7 security.
Human Resources	Work space for 3 staff	Anywhere, ideally near CMO	Basic Needs	Basic Needs	Not required.	Parking for 3 staff.	
Information Technology	Work space for up to 31 staff	Anywhere. Ideally located together.	Basic Needs White Boards	Basic Needs High Speed internet	Not required.	Parking for up to 30 staff.	Some staff may be able to work from home if the network infrastructure is adequate.
Parks & Community Services	Work space for 20 staff	Anywhere	Basic Needs	Basic needs	Not required.	Parking for up to 20 staff.	Depending on incident, may need community center structures.
Planning & Building	Work space for 10 inspectors plus file storage.	Anywhere	Basic Needs	Basic Needs	Not required.	Parking for 10 staff.	Secure file storage.

COOP Essential Function Alternate Facility Requirements							
Department	Physical size	Location Proximity	Infrastructure*	Technology**	Public Access	Parking/Staging	Comments
Police Operations	Workplace for 7, workstations for 5 officers, conference room for 20, secured storage for uniforms and gear	Within City  Operations, administration, records, and investigations would work smoother if in close relation to each other.	Power, cell coverage, ac/heat  Possibly need shower facilities and temporary lockers.	Computers, intra and internet access, printer	Restricted	Parking for 50 vehicles (patrol cars and officers vehicles)	
Police Investigations	Workplace for 10, conference room	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	No.	Parking for 25 vehicles (investigation vehicles and detective vehicles)	
Police Administration	Workplace for 12, conference room	Near EOC and Policy Group	Power, cell coverage, vehicles	Computers, intra and internet access, printer	No.	Parking for 15 vehicles	
Police Records	Workplace for 10	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	Yes.	Parking for 10 vehicles	
Police Traffic Training	Workplace for 10	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	No.	Parking for 15 vehicles	
Police Evidence	Workplace for 2, secured facility for storage of evidence (approximate 500 sq. ft.)	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	Restricted	Parking for 4 vehicles	

COOP Essential Function Alternate Facility Requirements							
Department	Physical size	Location Proximity	Infrastructure*	Technology**	Public Access	Parking/Staging	Comments
	secured vehicle storage for 4						
Corrections	Workplace for 4, Area to house 12 inmates temporarily	Within City	Power, cell coverage, ac/heat, Showers, toilets	Computers, intra and internet access, printer	Yes. Secured	Parking for 15 vehicles	
Police Quartermaster	Workplace for 1, area to store police gear uniforms	Within City(near Ops)	Power, cell coverage, ac/heat		No.	Parking for 3 vehicles	
Public Works Annex	Office space for 27 people	Near City Hall PW employees	Power, water, network, restrooms	Network Access, Computers, Phone	No	Parking for staff;	Can be split up;
Public Works at City Hall	Office space for 38 people	Near other City Hall Employees	Power, Water, restrooms	Network Access, Computers	Yes	Parking for staff	Can be split up
Public Works Maintenance Center	Office space for 19 people, storage containers (2)	Within City Limits	Power, water, network, restrooms	Network Access Computers, Handheld Radios (12), Radio connected to Seattle Public Utilities Phones	No	Parking for 80 vehicles	
Public Works Shops	6 work areas, including small tool	Near 405, within City limits, 1 mile from City Hall	Power, water, network, Restrooms	Network Access, Computers Phones	No	Approximately 2.5 acres for equipment parking	Access to fuel, ability to clean vehicles, dispose of decant/spoils

COOP Essential Function Alternate Facility Requirements							
Department	Physical size	Location Proximity	Infrastructure*	Technology**	Public Access	Parking/Staging	Comments
	and gear storage						
Public Works Fleet Office and shop	Office space for 6 people	Within City Limits	Power, water, network	Network Access, Computers	Deliveries	Approximately 2500 sf for shop space	Locked storage, equipment lift, repair tools, generators
Public Works Fleet Area at KJC	Small office	Close proximity to PD and Fire	Power, water, network, heat,	Network Access, Computers, Phones	Limited; deliveries	2 bays and some off street parking can be shared with KJC	
Public Works Warehouse	Office space for 2 people	Close proximity to shops	Power, water,	Network access, Computers, Phones	Deliveries	As much storage as possible Locked storage Equipment lift	Deicer containers may need to be stored.
PW Storage Containers	2 at the MC	Close proximity to staff	N/a	N/A	N/A	N/A	N/A

\*Infrastructure – Basic needs is defined as power with lighting, climate control, sanitation facilities, cooking or meal delivery capability, telecommunications, and network connection.

\*\* Technology – Basic needs is defined as computer (desktop or laptop), phone, network access (intranet and internet), and printing capability.

<b>COOP Critical Systems and Equipment</b>		
<b>Department</b>	<b>Systems *</b>	<b>Equipment**</b>
City Attorney	Municipal Listserve	Nothing Unique
City Council	Nothing Unique	Audio Recorder
City Manager's Office	Facebook, Twitter, SharePoint	Nothing Unique
Courts	LUMIS, Law Base JIS, FTR, TRIM, ENCOURT, JABS, 1.Lingua	Audio Recorder
Facilities	Lucity	Nothing Unique
Finance & Administration	IFAS, Telestaff, Springbrook, TRIM	Receipt Printer, Check Printer
Fire	GIS, DOT Online, MSDS Online, WebEOC, Office Word and Excel, CODE RED	800 MHz radios, Mobile computers in vehicles
Human Resources	IFAS	Nothing Unique
Information Technology	NETAPP, Simpana	Servers, firewalls, IDS/IPS Endpoint AV, routers, switches, voice server
Parks & Community Services	Nothing Unique	Nothing Unique
Planning and Building	EnerGov	Nothing Unique
Police	DOL database, New World, NCIC, WACIC, GIS	800 MHz radios, mobile computers in vehicles
Public Works	Lucity, GIS	Generators, radios, vehicles

\* Systems - All departments identified the intranet, internet, voicemail, text messaging, and Outlook as critical systems needed for essential functions.

\*\* Equipment – All departments identified desk phones, computers, printers, and cell phones with data service as critical technology equipment for essential services.

This information is not intended to be an exhausted list and is subject to change at any time.



## City of Kirkland Continuity of Operations Continuity of Government City Attorney's Office Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the City Attorney's Office (CAO) is responsible for advising City of Kirkland ("City") leadership on legal issues and developing legal documents related to the incident. The CAO is flexible and adaptable and has limited resource requirements for the delivery of essential function tasks.

### Essential Function

The CAO has identified its essential function during COOP activities as guidance and advice. Detailed information about the delivery of this service is available in Attachment A Essential Function Worksheet of this appendix. Below is a high-level summary of support including the Continuity of Government (COG) status of the function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Legal Advice	Provide direct legal advice to City leadership, departments, and staff. Prepare relevant documents in response to incident.	No	4 hours

### Key Personnel

The CAO has identified key roles supporting the essential function of the office. The CAO has established the following order of succession.

Essential Function	Order of Succession by position
Legal Advice	<ol style="list-style-type: none"> <li>1. City Attorney</li> <li>2. Senior Assistant City Attorney</li> <li>3. Assistant City Attorney</li> </ol>



## Delegations of Authority

There is no requirement for formal documented delegations of authority for the CAO. Order of succession is based on Delegation of Authority from City Attorney dated July 27, 2017. See Attachment B Delegation of Authority for details.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore, the CAO does not have a designated alternate location. Whenever possible, the CAO will relocate within the city limits and near the City Manager's Office and City Council locations.

Possible alternate locations for the CAO include Fire Station 26 (9930 124<sup>th</sup> Ave NE) or the Kirkland Justice Center (11740 NE 118<sup>th</sup> St).

## Communications

The CAO does not have any unique communication requirements, but does rely heavily on internet connectivity, computers and other normal operational systems. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk phones, cell phones, Outlook email, and text messaging for communication during a COOP scenario.

## Vital Records, Files, and Databases

The CAO has identified vital records to include copies of or access to the Municipal Attorney Listserve, the Washington State Municipal Research & Services Center, and local, state, and federal legal file databases. In addition, vital files include City Council documents and the City Municipal Codes.

## Critical Systems

The CAO identified the need to access the internet as a critical system for research and development of essential function tasks.

## Critical Equipment

The CAO has identified technology resources as critical to support essential function tasks. These resources include but are not limited to telephones, computers, and printers.

## External Contacts

The CAO has identified the Municipal Attorney's Listserve, Washington State Municipal Research & Services Center (MRSC), and legal advisors at state and federal levels of government as external contacts during COOP activities.

## Return to Operations

The CAO will have continual, but possibly limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if the CAO is working from an alternate site. The CAO will resume normal business activities, in addition to incident, COOP, or recovery activities, as able based on resources.

## Department Resource Documents

The attached documents provide information regarding the CAO support for delivery of its essential function.

- Attachment A:       Essential Function Worksheet
- Attachment B:       Delegation of Authority

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## ATTACHMENT A

### City Attorney's Office Essential Function Worksheet

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
<b>Legal Advice</b>	Drafts, writes, or reviews documents, agreements, contracts or proclamations and provides direct legal advice to city leadership and departments	City Attorney  Assistant City Attorney	Municipal Attorney Listserve  WA Municipal Research & Services Center	Municipal Attorney Listserve  Kirkland Municipal Code	Computer Telephone	Internet access  WA Municipal Research & Services Center	4 hours

**CITY OF KIRKLAND, WASHINGTON  
KIRKLAND CITY ATTORNEY  
DELEGATION OF AUTHORITY**

The undersigned, Kevin Raymond, is the duly appointed City Attorney for the City of Kirkland, Washington ("City"). The undersigned hereby authorizes and delegates to the individuals identified below, in the order identified, the authority to serve as Acting City Attorney in the absence of the City Attorney, and in connection therewith to execute any contract, certificate, pleading or other document that the City Attorney is authorized to execute and deliver on behalf of the City. The signatures of the individuals identified below shall be as binding on the City as if the document had been executed by the City Attorney:

1. Stephanie E. Croll, Sr. Assistant City Attorney
2. Wm. R. Evans, Assistant City Attorney

This authorization shall be effective immediately and shall remain in effect for so long as we continue to hold our respective offices.

DATED this 27<sup>th</sup> day of July, 2017.

CITY OF KIRKLAND, WASHINGTON


  
 \_\_\_\_\_  
 Kevin Raymond, City Attorney

STATE OF WASHINGTON    )  
   )ss:  
 COUNTY OF KING         )

On this 27<sup>th</sup> day of July, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kevin Raymond, to me known to be the City Attorney of the City of Kirkland, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein set forth, and on oath stated that he was authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



  
 \_\_\_\_\_  
 Print Name: Leta B. Santangelo  
 NOTARY PUBLIC in and for the State  
 Washington, residing Kirkland  
 Commission expires: 12-19-2017



## City of Kirkland Continuity of Operations Continuity of Government City Manager's Office Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the City Manager's Office (CMO) is responsible for the overall incident management, City of Kirkland ("City") leadership, public information, and intergovernmental relations. The CMO operations provide direction and guidance and thus is flexible and adaptable and has limited resource requirements to perform essential functions.

### Essential Functions

Essential functions of the CMO during a COOP incident include leadership, communications, and intergovernmental relations. Detailed information about the delivery of these services is available in Attachment A Essential Function Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
City Leadership	Provide leadership for the incident, the city, and the public.	Yes	2 hours
Communications	Facilitate internal and external messaging.	Yes	2 hours
Intergovernmental Relations	Coordinate political official involvement.	No	6 hours



## Key Personnel

The CMO has identified the City Manager, Intergovernmental Relations, and Communications Manager as key roles supporting the essential functions of the office. The CMO has established the following order of succession for sustainment of these positions.

Essential Function	Order of Succession by position
City Leadership	<ol style="list-style-type: none"> <li>1. City Manager</li> <li>2. Deputy City Manager</li> <li>3. Deputy City Manager</li> <li>4. City Attorney</li> </ol>
Intergovernmental Relations	<ol style="list-style-type: none"> <li>1. Intergovernmental Relations Manager</li> <li>2. City Manager</li> <li>3. Deputy City Manager</li> <li>4. Deputy City Manager</li> </ol>
Communications	<ol style="list-style-type: none"> <li>1. Communications Manager</li> <li>2. Web and Media Content Specialist</li> <li>3. Intergovernmental Relations Manager</li> </ol>

## Delegations of Authority

Delegations of authority for specific CMO responsibilities are on file with the City Clerk's Office. Copies of the CMO delegation of authority are available in Attachment B and C Delegation of Authority of this appendix.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore, the CMO does not have a designated alternate location. Whenever possible, the CMO will relocate within the city limits and near the Emergency Operations Center and City Council.

Possible alternate locations for the CMO include Fire Station 26 (9930 124<sup>th</sup> Ave NE) or the Kirkland Justice Center (11740 NE 118<sup>th</sup> St).

## Communications

The CMO does not have any unique communication requirements, but does rely heavily on internet connectivity, computers and normal operational systems. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

The CMO has access to the employee and public information hotline resources for mass recorded information dissemination.

The CMO staff have Government Emergency Telephone System (GETS) and Wireless Priority System (WPS) capability as well.

The CMO also has one 800 MHz handheld radio, at the City Manager's desk, for use when other communication systems are not operational.

## Vital Records, Files, and Databases

The CMO has identified vital records to include contact lists for internal and external leaders and documents generated by City Council actions.

## Critical Systems

The CMO identified critical systems to support essential functions as the intranet and internet specifically those related to public information digital media tools, such as website content management, Facebook, and Twitter.

## Critical Equipment

The CMO has identified communication resources as critical to support essential functions. These resources include but are not limited to mobile phones, computers, and printers.

## External Contacts

The CMO is not dependent on external agencies for delivery of essential functions. However, the CMO does acknowledge the support partners at local, state, and federal levels of government can provide and intends to engage with these agencies, as appropriate.

## Return to Operations

The CMO will have continual, but possibly limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if the CMO is working from an alternate location. The CMO will resume normal business activities, in addition to any incident or COOP activities, as able based on resources available.

## Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A:	Essential Function Worksheet
Attachment B:	Delegation of Authority
Attachment C:	Delegation of Authority
Attachment D:	Succession and Delegation Order

## ATTACHMENT A

### City Manager's Office Essential Functions Worksheet

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
<b>Incident Leadership</b>	Provides overall direction and control of COOP COG activities. Implement Council decisions and directives.	City Manager Deputy City Manager(s) City Attorney	N/A	Council meeting records	Computer Telephone - desk	Internet, intranet, SharePoint	2 hours
<b>Inter-governmental Relations</b>	Coordinates political leadership interaction at city, county, state, and federal levels.	Intergovernmental Relations Manager City Manager Deputy City Manager(s)	KC Exec Office WA State Governor's Office State Legislators Congressional Delegation	Contact list for elected officials	Computer Telephone (desk and cell)	Email Voicemail	6 hours
<b>Public Information</b>	Manage oversight of all incident internal and external public messaging.	Communication Program Mgr. Communication Program Spec.	King County Public Information Network	Media Contact List	Computer Telephone - cell	Internet Twitter Facebook	2 hours

**ATTACHMENT A**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
		Intergovernmental Relations Manager					
<b>City Leadership</b>	Direct, lead, and inform city staff on situation, needs, decisions, actions, and directives. Serve as face of incident to staff and public.	City Manager Deputy City Manager(s) City Attorney	N/A	Contact list	Computer	Outlook, SharePoint	2 hours









## CITY MANAGER SUCCESSION AND DELEGATION ORDER

**AN ORDER** dated September, \_\_ 2017, delegating authority when the City Manager is absent and designating a line of succession in the event of a vacancy in the position of City Manager.

WHEREAS, I, Kurt Triplett, and the duly appointed City Manager for the City of Kirkland ("City"), having assumed such position on June 28, 2010; and

WHEREAS, from time to time the City Manager may be absent from the city of Kirkland or otherwise unavailable to sign official documents or take other official actions; and

WHEREAS, it sometimes will be necessary during those occasions for various official documents to be signed to carry on the City's business and for various orders and directions to be given on behalf of the City Manager; and

WHEREAS, the City Manager may be unavailable to direct implementation of the City's Comprehensive Emergency Management Plan, as well as its Continuity of Operations ("COOP") and Continuity of Government ("COG") plans, in response to a natural, human-made or technological disaster or other emergency affecting the city of Kirkland; and

WHEREAS, it is necessary to satisfy federal and state law requirements directing that the City designate the names of those responsible for implementing such plans in the event of a such a disaster or other emergency; and

WHEREAS, in the event of an emergency Chapter 3.20 Kirkland Municipal Code delineates the role of the City Manager in the event of a disaster or other emergency affecting the city of Kirkland; and

WHEREAS, in the event of an emergency the Fire Chief and the Police Chief will be needed in the field; and

WHEREAS, this Order will be updated and revised from time to time as necessary.

**NOW, THEREFORE**, I, Kurt Triplett, City Manager, do hereby order and direct that the following individuals are designated to act on my behalf and in my absence and delegate to each my powers and duties to be assumed and carried out, in the following order, by:

- (1) Deputy City Manager: Tracey Dunlap
- (2) Deputy City Manager: Marilynne Beard
- (3) City Attorney: Kevin Raymond
- (4) Public Works Director: Kathy Brown
- (5) Planning and Building Director: Eric Shields
- (6) Finance and Administration Director: Michael Olson

**FURTHERMORE**, I officially designate the following individuals, in the order listed, to serve as interim City Manager in the event of a vacancy in the position of City Manager until such position is filled by the City Council:

- (1) Deputy City Manager: Tracey Dunlap
- (2) Deputy City Manager: Marilynne Beard
- (3) City Attorney: Kevin Raymond
- (4) Public Works Director: Kathy Brown
- (5) Planning and Building Director: Eric Shields
- (6) Finance and Administration Director: Michael Olson

**NOW, THEREFORE**, I, Kurt Triplett, City Manager, do hereby order and direct:

Dated and effective this \_\_\_ day of September, 2017.

---

Kurt Triplett  
City Manager

Attest:

---

Kathi Anderson  
City Clerk



## City of Kirkland Continuity of Operations Continuity of Government City Council Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Kirkland City Council (City Council) has a role in the City of Kirkland (City) leadership, legislation, and outreach. The City Council provides direction and support to the incident through legislative actions and interjurisdictional interactions. The City Council is flexible and adaptable and has limited resource requirements to perform essential functions.

### Essential Functions

Essential functions for the City Council during a COOP incident include leadership, legislation, and outreach to other jurisdictions and the public. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Leadership	Maintain City Seat of Government, facilitate policy actions.	Yes	2 hours
Legislation	Support incident and COOP operations through actions and funding allocation.	Yes	4 hours
Outreach	Liaise with other jurisdictions, elected officials and staff, and connect with the public.	Yes	2 hours

## Key Personnel

In the event of a COOP and/or COG scenario, the City Council performs essential leadership, legislative and outreach functions. The City Council performs such essential functions in part by taking formal action through the affirmative vote of a majority of the entire membership of the City Council. In matters not requiring formal action, the City Council is represented by its Mayor or, in the absence of the Mayor, by its Deputy Mayor. In the absence of both the Mayor and the Deputy Mayor, the City Council is represented by a Councilmember chosen by the affirmative vote of the entire membership of the City Council or, in the absence of a quorum consisting of at least four Councilmembers, a simple majority vote of those members present. See City Council Policies and Procedures.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore, the City Council does not have a designated alternate location. The City Council location serves as the seat of government so whenever possible, the City Council will remain at City Hall. If there is a requirement to relocate, efforts will be made to remain within the city limits and near the City Manager's Office, wherever then located, and the Emergency Operations Center. Possible alternate locations for the City Council include Fire Station 26 (9930 124<sup>th</sup> Ave NE) or the Kirkland Justice Center (11740 NE 118<sup>th</sup> St).

## Communications

The City Council does not have any unique communication requirements, but does rely heavily on internet connectivity, computers and other normal operational systems. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk phones, cell phones, Outlook email, and text messaging for communication during a COOP scenario.

## Vital Records, Files, and Databases

The City Council has identified vital records to include documents representing Council procedures, decisions, and actions related to City operations. Council files are maintained by the City Clerk.

## Critical Systems

Access to the intranet and internet is not necessary but desired to support the City Council essential functions.

## Critical Equipment

The City Council does not have any specific critical equipment requirements for the delivery of essential functions. It is preferred that access to computer resources and the internet are available but are not required.

## External Contacts

The City Council is not dependent on external agencies for delivery of essential functions. However, the City Council does acknowledge the support jurisdictional partners at local, state, and federal levels of government and private entities can provide and intends to engage with these agencies and entities as appropriate.

## Return to Operations

The City Council will have continual, but possibly limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility in the City Council is working from an alternate location. The City Council will resume normal business activities, in addition to any incident or COOP activities, as able based on resource availability.

## Department Resource Document

The attached document serves as a resource that supports COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Functions Worksheet

## ATTACHMENT A

### Council Essential Functions Worksheet

Essential Function	Essential Function Description	Key Positions and Back-Ups	Vendors or External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Leadership	Maintain City Seat of Government Advise City Manager's Office on policy issues Enact Proclamation of Emergency for COOP activities, if needed	Council Members	N/A	Contact list City ordinances, codes, resolutions, rules	Phones (desk and cell) Computer	Outlook Voicemail Text	2 hours
Legislation	Facilitate COOP – Issue moratoria, suspension of operations, etc. Establish funding source(s) for COOP activities	Council Members	N/A	Official decision documentation	Paper and pen or computer, electronic recording device	None Or Word	4 hours
Outreach	Liaise with partner jurisdictions, County, State, and Federal elected officials Participate in public messaging and meetings	Council Members	Partner Jurisdictions County, State, and Federal elected officials and staff	Contact List	Phone (desk and cell) Computer	Outlook Voicemail Text	2 hours





## City of Kirkland Continuity of Operations Continuity of Government Municipal Court Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Kirkland Municipal Court (KMC) is responsible for holding court proceedings related to misdemeanor, infraction and parking violations. For individuals that are being held in-custody there is an expedited hearing requirement. Court proceedings are required by law and in support of the rights of individuals. The KMC recognizes that during a significant emergency or disaster situation some or all court proceedings may need to be adjusted or delayed until such a time that resources are available to support the delivery of identified essential functions.

### Essential Functions

The essential function of the KMC during a COOP incident is to hold court proceedings. Detailed information about the delivery of this service is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Court Hearings	Court proceedings that implement public law.	Yes	72 hours
In custody Hearings	Court proceedings that address in custody status.	Yes	72 hours

### Key Personnel

The KMC has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Court	<ol style="list-style-type: none"> <li>1. Judge</li> <li>2. Court Administrator</li> <li>3. Court Supervisor</li> <li>4. Probation Supervisor</li> </ol>

The KMC has further identified the key personnel and backups needed to perform the essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Court Hearings	<ol style="list-style-type: none"> <li>1. Presiding Judge               <ol style="list-style-type: none"> <li>1a Court Commissioner</li> <li>1b Judge Pro Tem</li> </ol> </li> <li>2. In Court Clerk               <ol style="list-style-type: none"> <li>2a In Court Clerk(s)</li> <li>2b Court Clerk(s)</li> </ol> </li> <li>3. Contract Security               <ol style="list-style-type: none"> <li>3a Law Enforcement Officer(s)</li> </ol> </li> </ol>
In Custody Hearings	<ol style="list-style-type: none"> <li>1. Presiding Judge               <ol style="list-style-type: none"> <li>1a Court Commissioner</li> <li>1b Judge Pro Tem</li> </ol> </li> <li>2. In Court Clerk               <ol style="list-style-type: none"> <li>2a In Court Clerk(s)</li> <li>2b Court Clerk(s)</li> </ol> </li> <li>3. Jail Transport Officer               <ol style="list-style-type: none"> <li>3a Law Enforcement Officer(s)</li> </ol> </li> </ol>

## Delegations of Authority

In accordance with Kirkland Municipal Code Chapter 3.49 Municipal Court, Attachment C, the Presiding Judge has the authority to appoint one or more Court Commissioners and in so doing grants them the authority to act in the absence of the Presiding Judge. In addition, the Code provides for the appointed and authorities of one or more Judge Pro Tem positions that may act in the absence of the Presiding Judge.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of the KMC do require some unique aspects of location, thus if relocation is required, attention will be given to proximity to the jail location and public access to the site. Although most conference rooms could support a court proceeding, preference will be given to a location with security measures in place (secure doors, metal detectors), private side room availability for counsel and client holding, and ease of ingress and egress for transportation of clients.

## Communications

The KMC does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

The KMC has identified case files as being vital records for the support of court proceedings. The partner contact information list is also a critical record for communication with attorneys,

advocates, and supporting agencies to operations. In addition to hard copy and electronic case files, the KMC uses the Washington State Judicial Information System (JIS) database to support operations.

## Critical Systems

The KMC has identified critical systems to support court proceedings as access to the intranet and internet for access to the JIS database.

## Critical Equipment

The KMC has identified technology and communication equipment as key for the delivery of court hearings. In addition to phones, computers, and printers the ability to capture audio recordings of the proceeding is required.

## External Contacts

The KMC partners with several external individuals and organizations for support of court proceedings. Partners include roles such as Prosecutor, Defense Attorney, Victim Advocate, Probation Officer and others as determined by the proceeding.

## Return to Operations

The KMC may have limited operations during a COOP incident, or may suspend some or all court operations depending on the extent and impacts of the incident.

If the court proceedings have been relocated, return to operations will involve the return to the original facility or a new facility.

If operations were suspended return to operations will involve the planning and reestablishment of proceedings at the designated facility. It is expected that if suspension occurred, return to operations may involve scheduling of resources and participants, as well as notification to the public, which could extend the timeline for resumption of hearings.

## Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Function Worksheet

Attachment B: Kirkland Municipal Code Chapter 3.49 Municipal Court

## ATTACHMENT A

### Kirkland Municipal Court Office Essential Functions Worksheet

Essential Function	Essential Function Description	Key positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Court Hearings	A proceeding before the court such as arraignments and sentencing that implement public law	Judge Clerk Security	Audio Recording Attorneys Victim Advocate Probation Officer Youth Council	Case Files	Computer Telephone	LUMIS Law Base JIS FTR Trim ENCOURT JABS 1.Lingua  Internet access	72 hours
In custody Hearings	A proceeding before the court that transpires after an individual is arrested	Judge Clerk Jail Transport Officer	Audio Recording Attorneys	Case Files	Computer		72 hours

## Chapter 3.49 MUNICIPAL COURT

### Sections:

- [3.49.010](#) Creation.
- [3.49.020](#) Jurisdiction.
- [3.49.030](#) Violations bureau.
- [3.49.040](#) Municipal judge.
- [3.49.080](#) Court operation.
- [3.49.100](#) Disposition of revenue.
- [3.49.110](#) Witness fees.
- [3.49.120](#) Fees for services.
- [3.49.130](#) Sessions.
- [3.49.140](#) Municipal court seal.
- [3.49.150](#) Case transfers.
- [3.49.160](#) Jury trial and fee.
- [3.49.180](#) Sentencing.
- [3.49.200](#) Criminal process.
- [3.49.210](#) Complaints.
- [3.49.220](#) Pleadings, practice and procedure.
- [3.49.300](#) Appointment of commissioners.
- [3.49.310](#) Commissioner qualifications.
- [3.49.320](#) Authority of court commissioner.
- [3.49.330](#) Magistrate.
- [3.49.340](#) Compensation of court commissioner.

\* For statutory provisions authorizing cities to create and operate a municipal court, see Chapter [3.50](#) RCW.

### **3.49.010 Creation.**

The municipal court of Kirkland is created, which shall have jurisdiction and exercise all powers vested in the court by Chapter [3.50](#) RCW as it now exists or may hereafter be amended, together with such other powers and jurisdiction as are generally conferred on such courts in Washington, either by common law or express statute. The municipal court shall commence operation January 1, 1995. (Ord. 3439 § 2 (part), 1994)

### **3.49.020 Jurisdiction.**

The Kirkland municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances, and exclusive original criminal jurisdiction of all violations of city ordinances. The court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared by city ordinance or state statute. The court is also empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such city ordinances, and to

pronounce judgment in accordance therewith. Finally, the court shall have the jurisdiction as conferred on it by statute. Notwithstanding the foregoing, the district court for King County, Northeast Division, shall continue to have jurisdiction over a matter filed with such court by the city of Kirkland and which matter is not transferred by order of the Kirkland municipal court. (Ord. 3439 § 2 (part), 1994)

#### **3.49.030 Violations bureau.**

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A. Creation. The Kirkland violations bureau is created to operate under the supervision of the municipal court to assist the court in processing traffic cases. The violations bureau created by this section shall commence operation January 1, 1995, and, shall take over processing of all matters which were being processed as of December 31, 1994 by the violations bureau which operated under KMC Chapter [3.48](#). Day to day operations of the violations bureau shall be supervised by the court administrator.

B. Processing. The violations bureau is authorized to perform all of the functions which a city may authorize a violations bureau to perform under Chapter [3.50](#) RCW. The violations bureau shall operate in conformity with state statutes such as Chapter [46.63](#) RCW and RCW [3.50.030](#). All penalties and forfeitures paid to the violations bureau shall be handled in the same manner as municipal court revenue. (Ord. 3439 § 2 (part), 1994)

#### **3.49.040 Municipal judge.**

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(a) Appointment. Within thirty days after the effective date of this ordinance, the city manager shall appoint a municipal judge. Pursuant to RCW [35A.13.080](#), this appointment is subject to confirmation by the city council.

(b) Term. The Municipal Court judge shall serve a term of four years. The initial appointment of a judge under this chapter shall expire December 31, 1997. Until January 1, 1995, municipal judge shall be an administrative position only. On or before December 1, 1997, the city manager shall make an appointment of a judge for a term commencing January 1, 1998 and expiring December 31, 2001. Appointments for each term thereafter shall be made on or before December 1 of the year next preceding the year in which the judicial term commences. At the time of the appointment, the person appointed shall be qualified for the position of municipal judge under city rules and state statutes, such as RCW [3.50.040](#).

(c) Additional Judges. Additional full or part-time municipal judge positions may be filled as provided in paragraphs (a) and (b) of this section, when the public interest and the administration of justice makes such additional judge or judges necessary, and so long as that procedure is in compliance with state statutes, such as RCW [3.50.055](#).

(d) Judges Pro Tem. The presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence, disability or disqualification of a municipal court judge, or, in addition to a municipal court judge when the administration of justice and the accomplishment of the work of the court make it necessary. A judge pro tem shall be qualified to hold the position of judge of the municipal court as described in this section, except that a judge pro tem need not be a resident of



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King County. A judge pro tem shall have all the powers of a municipal court judge when serving as a pro tem judge. Before entering on his or her duties, each judge pro tem shall take, subscribe, and file an oath as is taken by a municipal court judge. The judges pro tem shall receive such compensation from the city as shall be fixed by the ordinances of the city. When deemed necessary by the city manager or designee, the city manager or designee may make a temporary appointment of a judge pro tem, to preserve an individual's rights according to law, or to respond to emergency circumstances, effective for up to one week. Such temporary appointee shall have the same powers as other judges pro tem. The temporary appointment and the term thereof do not need to be in writing and the oath of office of the temporary appointee may be orally sworn to or affirmed before the court administrator or court clerk.

(e) **Vacancy.** Any vacancy in the municipal court due to death, disability or resignation of a judge shall be filled by the city manager, for the remainder of the unexpired term. The appointment shall be subject to the confirmation of the city council. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this section.

(f) **Removal.** A municipal court judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office; provided, that a municipal court judge is also subject to disciplinary actions by the Commission on Judicial Conduct and the supreme court, as described in Chapter [2.64](#) RCW.

(g) **Oath.** Every judge of the municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the City of Kirkland, according to the best of my ability."

The oath shall be filed in the office of the King County recorder and with the Kirkland city clerk.

(h) **Bonds.** Every municipal court judge shall give such bonds to the state and city for the faithful performance of the judge's duties as may be required by law or city ordinance.

(i) **Compensation.** Pursuant to RCW [3.50.080](#), the compensation for municipal court judges shall be set by the city council by ordinance. The city shall enter into a contract with the appointed judge for professional services.

(j) **Duties and Authority.** The municipal court judge shall have the duties and authority outlined in ARLJ5 of the Administrative Rules for Courts of Limited Jurisdiction of Washington State. (Ord. 3769 § 1, 2000; Ord. 3750 § 1, 2000; Ord. 3439 § 2 (part), 1994)

### **3.49.080 Court operation.**

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As part of the preliminary biennial budget presentation, the finance and administration department will assist the municipal court judge in the creation of a budget for the court and the city manager will make a recommendation to the city council. The biennial budget for the municipal court shall be as

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approved by the city council. All employees of the municipal court shall, for all purposes, be deemed employees of the city. They shall be subject to applicable provisions of city personnel rules, collective bargaining agreements, and state laws, such as RCW [3.50.080](#). (Ord. 4566 § 2, 2017; Ord. 4491 § 10 (part), 2015; Ord. 3769 § 2, 2000; Ord. 3573 § 5, 1997; Ord. 3439 § 2 (part), 1994)

### **3.49.100 Disposition of revenue.**

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Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by the municipal court for the violation of any city ordinances shall be collected by the court clerk, and, together with any revenues received by the clerk, shall be deposited with the city treasurer, as provided by city procedures or state law. These funds shall be retained or disbursed pursuant to city ordinances or policies and state law, such as RCW [3.50.100](#). (Ord. 3439 § 2 (part), 1994)

### **3.49.110 Witness fees.**

---

Each witness subpoenaed for city cases who appears as directed shall receive a witness fee of \$10.00 plus mileage for each day's attendance at the Kirkland municipal court. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 3439 § 2 (part), 1994)

### **3.49.120 Fees for services.**

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(a) The clerk shall collect the following fees for court services:

- (1) The filing fee for any case or matter to be filed or commenced (other than by the city of Kirkland) is \$20.00.
- (2) The fee for preparing a transcript of a judgment is \$6.00.
- (3) The fee for certifying any document on file or of record is \$5.00.
- (4) The fee for preparing the record of a case for appeal to superior court is \$40.00 including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).
- (5) The fee for duplication of part or all of the electronic tape or tapes of a proceeding is \$10.00 per tape.

(b) The fees or charges imposed under this section may be included in the costs that are imposed by the court upon a defendant or other person. (Ord. 3439 § 2 (part), 1994)

### **3.49.130 Sessions.**

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The municipal court shall be open for regular session Monday through Friday of each week. The time for operation of court on those days shall be established by the judge. The municipal judge shall have the authority to establish additional court dates, by order of the municipal court, to provide effective and efficient administration of justice. However, court shall not be open on nonjudicial days, as established by state law. This section shall not act as a limitation of actions of the municipal judge

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regarding items such as telephonic approval of search warrants, issuance of no contact orders, or determinations as to probable cause. (Ord. 4565 § 1, 2017; Ord. 3439 § 2 (part), 1994)

#### **3.49.140 Municipal court seal.**

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of Kirkland, State of Washington" surrounding the vignette. (Ord. 3439 § 2 (part), 1994)

#### **3.49.150 Case transfers.**

A transfer of a case from the municipal court to either another municipal judge of the city of Kirkland or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed as provided in RCW [3.50.125](#). (Ord. 3439 § 2 (part), 1994)

#### **3.49.160 Jury trial and fee.**

Jury trials shall be allowed as specifically provided for municipal courts or in accordance with state law applicable to a particular matter. In accordance with RCW [3.50.125](#), each juror shall receive \$10.00 plus mileage for each day in attendance upon the Kirkland municipal court. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 3439 § 2 (part), 1994)

#### **3.49.180 Sentencing.**

The municipal judge shall have the broadest authority and greatest discretion consistent with the Kirkland Municipal Code and state law with respect to sentencing and probation. In matters of execution of sentence, deferral of sentence, continuing jurisdiction after sentencing, and termination of probation, the municipal judge shall be guided by applicable state law, such as RCW [3.50.300](#) through [3.50.340](#), and [3.50.440](#). (Ord. 3439 § 2 (part), 1994)

#### **3.49.200 Criminal process.**

All criminal process issued by the municipal court shall be in the name of the state of Washington and run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any city or to any sheriff in the state. (Ord. 3439 § 2 (part), 1994)

#### **3.49.210 Complaints.**

All criminal prosecutions for the violation of a city ordinance shall be conducted in the name of the city and may be upon the complaint of any person, subject to the procedures set forth in all applicable ordinances or statutes. (Ord. 3439 § 2 (part), 1994)

#### **3.49.220 Pleadings, practice and procedure.**

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or

hereafter adopted governing pleadings, practice and procedure applicable to district courts, particularly the Washington Rules of Court Criminal Rules for Courts of Limited Jurisdiction, Infraction Rules for Courts of Limited Jurisdiction, and Local Rules of the District Court for King County. (Ord. 3439 § 2 (part), 1994)

### **3.49.300 Appointment of commissioners.**

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The provisions of this chapter shall define the position of court commissioner for the Kirkland municipal court pursuant to the provisions of Chapter [3.50](#) RCW. The Kirkland municipal judge may appoint up to five part-time municipal court commissioners. Each commissioner shall hold office at the pleasure of the municipal judge. (Ord. 3611 § 1 (part), 1997)

### **3.49.310 Commissioner qualifications.**

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A commissioner authorized to hear or dispose of a case must be a lawyer, who is admitted to practice in the state of Washington, or a nonlawyer who has passed the qualifying examination for lay judges for courts of limited jurisdiction under RCW [3.34.060](#). A commissioner need not be a resident of Kirkland or of King County. (Ord. 3611 § 1 (part), 1997)

### **3.49.320 Authority of court commissioner.**

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The municipal judge shall, by order filed with the municipal court administrator and the city clerk, designate the authority of a commissioner to hear, decide, or dispose of cases within the jurisdiction of the municipal court. Such authorization may be limited to specific types of cases and calendars. A court commissioner may not preside over jury trials or bench trials in criminal cases. (Ord. 3611 § 1 (part), 1997)

### **3.49.330 Magistrate.**

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A commissioner whose authority is limited to hearing and disposing of infractions, noncontested or arraignment calendar matters, or the issuance of warrants may, but need not be, referred to as “magistrate”. (Ord. 3611 § 1 (part), 1997)

### **3.49.340 Compensation of court commissioner.**

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The compensation for a municipal court commissioner shall not exceed a rate of fifty dollars per hour. (Ord. 3731 § 1, 1999; Ord. 3611 § 1 (part), 1997)

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**The Kirkland Municipal Code is current through Ordinance 4582, passed June 20, 2017.**

Disclaimer: The City Clerk's Office has the official version of the Kirkland Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.





## City of Kirkland Continuity of Operations Continuity of Government Facilities Department Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Facilities Department (Facilities) is responsible for maintaining, establishing, assessing, and if needed repairing or identifying alternate locations for the continuation of essential functions for the City of Kirkland ("City"). Facilities requires coordination and support from other City departments, as well as outside resources to perform essential functions.

### Essential Functions

Essential functions for Facilities during a COOP incident include assessing, repairing or making safe, and monitoring the condition of City owned and used facilities. In addition, Facilities is lead for identifying, establishing, and coordinating COOP alternate locations for City departments. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Safety Assessment	Analyze and monitor the status of the safety condition of city facilities.	No	6 hours
Repair and Support	Fix, mend, and service city facilities.	No	12 hours
COOP Facility Team	Identify and coordinate readiness of COOP sites.	No	4 hours



## Key Personnel

Facilities has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Facilities	<ol style="list-style-type: none"> <li>1. Facilities Services Manager</li> <li>2. Facilities Lead</li> <li>3. Facilities Tech III</li> </ol>

Facilities has further identified the key personnel needed to perform the essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Safety Assessment	<ol style="list-style-type: none"> <li>1. Facilities Services Manager</li> <li>2. Facilities Lead Technician</li> <li>3. Facilities Technician(s)</li> </ol>
Repair and Support	<ol style="list-style-type: none"> <li>1. Facilities Services Manager</li> <li>2. Facilities Technician(s)</li> <li>3. Maintenance and Inventory Control</li> <li>4. Purchasing Agent</li> </ol>
COOP Facility Team	<ol style="list-style-type: none"> <li>1. Facilities Services Manager</li> <li>2. Facilities Technician(s)</li> <li>3. Maintenance and Inventory Control</li> <li>4. Purchasing Agent</li> </ol>

## Delegations of Authority

Facilities does not have formal documented delegation of authorities, the order of succession and key personnel provide for continued operations during a COOP incident.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of Facilities are not dependent on any specific location or facility. Functions can be performed at any site with adequate infrastructure, thus Facilities does not have a designated alternate site. Ideally an alternate location would be near to most City facilities to allow for quick and easy access to COOP facility options.

## Communications

Facilities does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

Facilities has identified vital records as lists of contractors and facility drawings as these documents directly support delivery of essential functions.

## Critical Systems

Access to the intranet and internet is not necessary but desired to support Facilities in the delivery of essential functions.

## Critical Equipment

Facilities has identified personal protective equipment, duty specific tools, vehicles, and phones as critical equipment. If available, computers would assist Facilities as well, but are not required.

## External Contacts

Facilities coordinates and depends on several external vendors and contacts for infrastructure, intelligence, and support in the delivery of essential functions. There is no one specific key external contact, but rather several lists of contractors and utility providers.

## Return to Operations

Facilities may have continual operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if Facilities is working from an alternate location. Facilities will resume normal business as able based on available resources, priorities of City leadership, recovery priorities, and the status of infrastructure systems supporting City facilities.

## Department Resource Document

The attached document serves as resource that supports COOP activities related to essential functions and staff.

Attachment A          Essential Functions Worksheet

## ATTACHMENT A

### Facilities Office Essential Functions

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Conduct city site safety assessment	Analyze the condition, monitor and maintain safe city facilities	Facilities Manager Lead Technician Facilities Technician(s)	Small Works Roster  State Contracts  JOC Contractors  All Utilities	Contact list for contactors and utilities	Flashlight  Hardhat  Safety Vest  Proper Footwear  Safety Glasses	Phone Computer	6 hours
Immediate response and repair	Fix, mend, or service items owned or used by the city.	Facilities Manager Facilities Technicians Maintenance and Inventory Control Purchasing Agent	Small Works Roster State Contracts  JOC Contractors  All Utilities	Facility Construction Drawings	Tools  City Facilities Vehicles	Phone Computer	12 hours
COOP Facility Team	Identify and coordinate readiness of COOP alternate sites	Facilities Manager Facilities Technicians Maintenance and Inventory Control Purchasing Agent	Small Works Roster  State Contracts  JOC Contractors  All Utilities	Facility Construction Drawings	Tools  City Facilities Vehicles	Phone Computer	4 hours



## City of Kirkland Continuity of Operations Continuity of Government Finance and Administration Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Finance and Administration Department (F&A) is responsible for the accounting, tracking, and facilitation of the financial operations of the City of Kirkland ("City"). In addition, the F&A is responsible for the protection and preservation of official city records. The F&A requires coordination with city departments and of resources to perform essential functions.

### Essential Functions

Essential functions for the F&A during a COOP incident include financial management, procurement, and record preservation. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Employee payroll and benefits	Maintain continuity of payroll for city employees.	Yes	12 hours
Purchasing	Procure materials and professional services for incident needs.	No	12 hours
Manage Money	Monitor and track cash available for city operations.	No	24 hours
Record Preservation	Protect vital records.	Yes	12 hours

## Key Personnel

The F&A has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Finance and Administration	<ol style="list-style-type: none"> <li>1. Finance Director</li> <li>2. Accounting Manager</li> <li>3. Financial Planning Manager</li> </ol>

The F&A has further identified the key personnel needed to perform the essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Employee Payroll and benefits	<ol style="list-style-type: none"> <li>1. Payroll Coordinator               <ol style="list-style-type: none"> <li>1a: Senior Accounting Associate</li> <li>1b: Accounting Manager</li> </ol> </li> <li>2. Senior Accounting Associate               <ol style="list-style-type: none"> <li>2a: Payroll Coordinator</li> <li>2b: Senior Accounting Associate</li> </ol> </li> </ol>
Purchasing	<ol style="list-style-type: none"> <li>1. Purchasing Agent               <ol style="list-style-type: none"> <li>1a: Buyer</li> <li>1b: Accounting Manager</li> </ol> </li> <li>2. Buyer               <ol style="list-style-type: none"> <li>2a: Purchasing Agent</li> <li>2b: Administrative Assistant</li> </ol> </li> </ol>
Money Management	<ol style="list-style-type: none"> <li>1. Treasurer               <ol style="list-style-type: none"> <li>1a: Accounting Manager</li> <li>1b: Senior Accountant</li> </ol> </li> <li>2. Senior Accountant               <ol style="list-style-type: none"> <li>2a: Senior Accounting Associate</li> <li>2b: Senior Accounting Associate</li> </ol> </li> <li>3. Cashier               <ol style="list-style-type: none"> <li>3a: Customer Accounts Associate – Utility Billing</li> <li>3b: Customer Accounts Associate – Utility Billing</li> </ol> </li> </ol>
Record Preservation	<ol style="list-style-type: none"> <li>1. City Clerk</li> <li>2. Deputy City Clerk(s)</li> </ol>

## Delegations of Authority

The Director of Finance has delegated the ability for two positions, Purchasing Agent and Buyer, to serve as an authorized agent enabling them to sign purchase orders for the City. See Attachment B and C Delegation of Authority for details.

In addition, the city has established spending authorities as defined in the Kirkland Municipal Code (KMC) Chapter 3.85, Attachment D. Clarification of KMC Chapter 3.85, based on position and dollar amount, can be found in Attachment E Clarification of Approval Authority dated November 2016.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of the F&A are not dependent on any specific location or facility. Functions can be performed at any site with adequate infrastructure, thus the F&A does not have a designated alternate site. The COOP Facilities Team will identify a safe location for the F&A to work, if relocation is needed.

## Communications

The F&A does not have any unique communication requirements, but does rely heavily on internet connectivity, computers, and other normal operational systems. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

The F&A has identified vital records to include the contents of the records room managed by the City Clerk as well as financial tracking and distribution documents. Essential functions require the use of the Information Financial Accounting System (IFAS) along with other task specific software.

There is a significant quantity of hard copy and electronic records that the F&A is tasked with protecting and retaining for COG. Therefore, the department has identified unique resources needed to support this function. See Attachment A Essential Functions Worksheet for details of requirements.

## Critical Systems

Access to the intranet and internet is necessary for the F&A to perform most essential functions. The use of IFAS along with other task specific software, such as Total Records and Information Management (TRIM) and telestaff, facilitates the delivery of F&A services.

## Critical Equipment

The F&A has identified technology and communication equipment as key for delivery of essential functions. In addition to telephones, computers, and basic printers the F&A also requires specialized printers, purchase cards, a safe, hand receipts, and cold storage trucks to support COOP tasks.

## External Contacts

The F&A partners with several vendors for the delivery of essential functions. Most of the vendors are financial institutions that are required to have COOP programs and capabilities, thus reducing the risk of failure to support City essential functions. For a full list of partners see Attachment A Essential Functions Worksheet.



## Return to Operations

The F&A will have continual, but possibly limited, operations during a COOP incident. Return to operations includes relocation to the original facility or a new facility if the F&A is working from an alternate location. The F&A will resume normal business activities based on available resources, priorities of city leadership, and timelines of financial activities. Priority will be given to delivery of services that reduce the risk of financial penalties, undue hardship to employees or the public, and requirements for maintaining a positive financial standing for the city.

## Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

- Attachment A: Essential Functions Worksheet
- Attachment B: Delegation of Authority Authorized Agent
- Attachment C: Delegation of Authority Authorized Agent
- Attachment D: Kirkland Municipal Code Chapter 3.85
- Attachment E: Clarification of Approval Authority, November 2016
- Attachment F: How to Buy Chart
- Attachment G: Daily Receipting Report
- Attachment H: Safe Log

## ATTACHMENT A

### Finance and Administration Department Essential Functions Worksheet

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Employee Payroll and Benefits	Maintain continuity of payroll for city employees	Payroll Coordinator  Senior Accounting Associates	US Bank  Superion	US Bank  Superion	Compatible Payroll Check Printer  Computer  Phone	IFAS  Telestaff  Internet Access	12 hours
Pay Vendors	Cost accounting procedures for settling bills due merchants who have provided goods and services to the city	Accounting Support Associate IV	Superion US Bank	Current Invoices in AP.	Computer  Phone	Internet Access  IFAS	5 days
Purchasing	Procuring materials and professional services for the city	Purchasing Agent  Buyer	Bank of America  US Bank  Superion	Purchasing procedures, delegation of authority.	Computer  Phone  Purchase Cards	Internet Access  IFAS	12 hours

## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Manage Money	Monitor cash available for the functioning of the city	Treasurer Senior Accountant Cashier	US Bank Superion Springbrook EnerGov Loomis	Cashier Spreadsheet	Computer Phone Receipt printer Safe Hand receipt book	Internet Access IFAS Springbrook	24 hours
Record Keeping	Management and reporting of the city's official information	City Clerk Deputy City Clerk(s)	N/A	Ordinances resolutions Land use drawings	Computer Phone	TRIM Outlook Internet Access	2 weeks
Record Preservation	Protect vital paper records from damage due to facility issues	City Clerk Deputy City Clerk(s)	ServePro Access Information Management	Records room contents	Cold truck for records storage	Telephone	12 hours

CITY OF KIRKLAND, WASHINGTON

DELEGATION OF AUTHORITY

The purpose of this delegation of authority is to recognize Greg Piland as an authorized agent for the City of Kirkland when signing Purchase Orders and Purchase Agreements for the procurement of the materials, equipment, supplies and services required by the City and for all the allied transactions involved herein. The delegate's signature will serve as confirmation that purchasing authority had previously been granted through the City financial system, IFAS.

The dollar limited associated with this authority has been set at \$50,000.00.

The signature below will serve as Greg Piland's acceptance of this responsibility that all transactions, when performing in this capacity, will be carried out in consideration of the employee code of ethics outlined in Chapter 3.82 of the Kirkland Municipal Code and other applicable law.

DATED this 22<sup>nd</sup> day of December, 2016.

CITY OF KIRKLAND, WASHINGTON

  
MICHAEL OLSON, DIRECTOR OF FINANCE AND ADMINISTRATION

  
GREG PILAND, PURCHASING AGENT

CITY OF KIRKLAND, WASHINGTON

DELEGATION OF AUTHORITY

The purpose of this delegation of authority is to recognize Sheila Sigmond as an authorized agent for the City of Kirkland when signing Purchase Orders and Purchase Agreements for the procurement of the materials, equipment, supplies and services required by the City and for all the allied transactions involved herein. The delegate's signature will serve as confirmation that purchasing authority had previously been granted through the City financial system, IFAS.

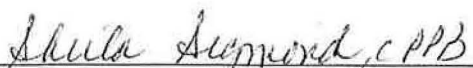
The dollar limited associated with this authority has been set at \$50,000.00.

The signature below will serve as Sheila Sigmond's acceptance of this responsibility that all transactions, when performing in this capacity, will be carried out in consideration of the employee code of ethics outlined in Chapter 3.82 of the Kirkland Municipal Code and other applicable law.

DATED this 22 day of December, 2016.

CITY OF KIRKLAND, WASHINGTON

  
MICHAEL OLSON, DIRECTOR OF FINANCE AND ADMINISTRATION

  
SHEILA SIGMOND, BUYER

## **Chapter 3.85 PURCHASING**

Sections:

<a href="#"><u>3.85.010</u></a>	Purpose.
<a href="#"><u>3.85.020</u></a>	Definitions.
<a href="#"><u>3.85.030</u></a>	Administrative responsibility.
<a href="#"><u>3.85.040</u></a>	Procurement standards.
<a href="#"><u>3.85.050</u></a>	Ethical standards of conduct.
<a href="#"><u>3.85.060</u></a>	Personal responsibility for unauthorized purchases.
<a href="#"><u>3.85.070</u></a>	Methods of procurement.
<a href="#"><u>3.85.080</u></a>	Small purchase.
<a href="#"><u>3.85.090</u></a>	Invitation for bids/requests for proposals.
<a href="#"><u>3.85.100</u></a>	Invitation for bids.
<a href="#"><u>3.85.110</u></a>	Request for proposal/request for qualifications.
<a href="#"><u>3.85.120</u></a>	Public notice advertising.
<a href="#"><u>3.85.130</u></a>	Bid/proposal acceptance and evaluation.
<a href="#"><u>3.85.140</u></a>	Bid/proposal correction.
<a href="#"><u>3.85.150</u></a>	Bid/proposal protest—Procedure.
<a href="#"><u>3.85.160</u></a>	Application.
<a href="#"><u>3.85.170</u></a>	Small works roster process.
<a href="#"><u>3.85.180</u></a>	Cooperative purchasing.
<a href="#"><u>3.85.190</u></a>	Purchases from/through the United States government.
<a href="#"><u>3.85.200</u></a>	Electronic data processing and telecommunications systems.
<a href="#"><u>3.85.210</u></a>	Waiver of competitive bidding requirements.
<a href="#"><u>3.85.220</u></a>	Contract amendments/change orders.
<a href="#"><u>3.85.230</u></a>	Bonding policy.
<a href="#"><u>3.85.240</u></a>	Environmentally preferable purchasing practices.
<a href="#"><u>3.85.250</u></a>	Purchase record maintenance.

### **3.85.010 Purpose.**

It is the purpose of this chapter to provide procedures governing the purchase of all goods, services and public works by the city in compliance with all state and federal laws applicable to such purchases. (Ord. 4105 § 1 (part), 2007)

### **3.85.020 Definitions.**

- (a) “Director” means the director of finance and administration or his/her designee.
- (b) “Emergency” means unforeseen circumstances beyond the control of the city that either presents a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.
- (c) “Electronic data processing systems” and “telecommunications systems” means as defined in RCW 36.92.020 and 19.28.400, respectively, or as otherwise defined for the purposes of RCW 39.04.270.
- (d) “Goods” means all materials, supplies, equipment or other tangibles not purchased for use in a public works project.



(e) "Lowest responsible bidder" is as defined in RCW 43.19.1911 and means, in addition to price, that the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract.

(f) "Public works" as defined in RCW 39.04.010 means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the city or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract, shall comply with the provisions of RCW 39.12.020. (Ord. 4105 § 1 (part), 2007)

### **3.85.030 Administrative responsibility.**

(a) The director is responsible for oversight and administration of city purchasing. The director has the authority to appoint a purchasing agent to undertake administrative responsibility for the efficient and economical procurement of goods, services and public works as provided in this chapter.

(b) The director may delegate purchasing authority to other department directors for direct, nonrecurring, non-public works purchases under seven thousand five hundred dollars, which shall be exercised as a small purchase. (Ord. 4105 § 1 (part), 2007)

### **3.85.040 Procurement standards.**

The following standards shall be applicable to city procurements:

(a) A review of all proposed procurements shall be done by purchasing staff and/or the appropriate budget authority for the purpose of, including but not limited to, avoiding the purchase of unnecessary or duplicative items and for consolidating procurements when appropriate to obtain a more economical purchase.

(b) The purchasing agent or designee shall be responsible for analyzing procurements to determine whether or not a lease arrangement may be more economically practical than the purchase alternative. All lease agreements must be approved by the director.

(c) Time and material type contracts shall be used only after a determination that no other type of contract is suitable and when the contract includes a ceiling price, which the contractor shall not exceed, except at its own risk.

(d) When using a liquidated damages provision in a contract, the project manager shall document the derivation of the rate of assessment and ensure it is reasonable, proper, and not arbitrary and capricious. The rate should be enough to reasonably compensate the city for damages suffered, but not so large as to be construed as a penalty.

(e) When contracting for professional services, the contract shall limit the total of the base and option time periods to not more than five years, unless otherwise approved by

the city council. Prices for each base and option time period shall be firm and fixed wherever possible and shall be established in the initial contract negotiation and execution. If it is not possible to establish firm, fixed prices, changes in the option period prices shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index.

(f) Generally goods and services are not to be prepaid (paid for before receiving) unless expressly allowed by statute, the Kirkland Municipal Code or city administrative policy; provided, prepayment may be made if the terms of the prepayment are included in a contract executed prior to the payment. Progress or percentage of completion payments made to a contractor while work is being performed by the contractor may be allowed if deemed appropriate for the project.

(g) Project managers and purchasing staff shall work together to ensure contractors perform in accordance with the terms and conditions, and specifications of their contract or purchase order.

(h) All contracts must contain a provision allowing the city to terminate the contract. Ideally, the provision will authorize such termination without cause but, in lieu of this ideal, a provision allowing termination for cause is acceptable if approved by the city attorney's office. A provision in a single contract authorizing termination without cause in certain circumstances and termination only for cause in others is also acceptable upon approval by the city attorney's office. (Ord. 4256 § 1, 2010: Ord. 4105 § 1 (part), 2007)

### **3.85.050 Ethical standards of conduct.**

(a) All purchasing shall be conducted in compliance with the code of ethics set forth in Chapter [3.82](#) of the Kirkland Municipal Code and other applicable law.

(b) Organizational conflicts of interest shall be avoided. An organizational conflict of interest exists when a supplier, consultant or contractor provides the specifications to be used in a planned procurement and is then allowed to compete in the procurement process. (Ord. 4105 § 1 (part), 2007)

### **3.85.060 Personal responsibility for unauthorized purchases.**

City employees who exceed their designated purchasing authority and obligate the city to a financial commitment which results in a financial loss to the city may be held personally responsible. The city shall be entitled to recover the full amount of such a loss from the employee. (Ord. 4105 § 1 (part), 2007)

### **3.85.070 Methods of procurement.\***

Procurement shall be achieved by one of the following methods:

(a) Small purchase;  
(b) Invitation for bids (IFB);  
(c) Request for proposals (RFP) and request for qualifications (RFQ) for competitive negotiations;

(d) Small works roster option for public works projects less than three hundred thousand dollars authorized by RCW 39.04.155, including the limited public works option for projects under thirty-five thousand dollars;

(e) Cooperative purchasing;  
(f) Electronic data processing and telecommunications systems as provided by RCW 39.04.270;

- (g) Waiver of competitive bidding requirements as provided by RCW 39.04.280;
- (h) By the city manager as allowed under Sections [3.16.040](#) and [3.16.050](#);
- (i) As otherwise allowed by law and approved by the director. (Ord. 4105 § 1 (part), 2007)

\* Code reviser's note: The reference to "two hundred thousand dollars" in subsection (d) of this section has been changed to "three hundred thousand dollars" to comply with the provisions of Ordinance 4256 codified in Section 3.85.170, as well as the provisions of RCW 39.04.155.

### **3.85.080 Small purchase.**

(a) Small purchase procedures shall be used for purchases of goods, services and multiple craft or trade public works when it is expected the total price will not exceed fifty thousand dollars (thirty thousand dollars for single craft or trade public works), including sales tax and freight, except as otherwise allowed in Sections [3.85.190](#) and [3.85.200](#). Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section. The director of the department making these purchases is authorized to make such purchases without further approval if the total price will not exceed fifty thousand dollars so long as done in compliance with the procedures herein outlined. All purchases of fifty thousand dollars or more shall be signed by the city manager or designee.

(b) For goods and services, price quotations shall be obtained and documented from at least three sources, where possible, if the total price is expected to be between seven thousand five hundred dollars and fifty thousand dollars including sales tax and freight, except as otherwise allowed in this chapter. All awards to other than the lowest responsible bidder must be documented on the quote sheet with selection rationale clearly defined. For goods and non-public work services under seven thousand five hundred dollars, formally documented price quotations shall be unnecessary, but it is expected that competitive pricing shall be sought in the best interests of the city.

(c) For public works projects that are street signalization or street lighting, under thirty thousand dollars involving a single craft or trade, or under fifty thousand dollars if involving multiple crafts or trades, three written quotations must generally be obtained. The small works/limited public works process is recommended for obtaining quotes.

(1) If it is necessary or advisable that public works projects that are street signalization, street lighting, under thirty thousand dollars for a single craft or trade or under fifty thousand dollars for multiple crafts or trades, should be done without obtaining competitive quotes, the appropriate director or designee may waive in writing the requirement of obtaining quotes.

(2) For any public work which is not competitively bid and where the cost is estimated to exceed twenty-five thousand dollars, notice providing the estimated cost and a description of the work will be published at least once in a legal newspaper of general circulation in the area where the work will be performed and at least fifteen days before beginning work.

(d) The purchasing agent shall be responsible for determining the adequacy of quotations for small purchases. So long as the authorization exists within the budget appropriation for the small purchase, the manager or director with the appropriate budget authority shall not be required to obtain further approval by the city council prior to the commitment and expenditure of funds.

(e) Price quotations for repetitively purchased items that are purchased within one year of the last procurement of that exact item(s) shall be unnecessary provided the prior competitively quoted purchase price has not changed.

(f) In accordance with RCW 39.04.190, the purchasing agent will publish a notice twice per year in the city's designated official newspaper advising potential bidders of the existence of the vendor list used by the city. The vendor list is to be used for the purpose of identifying suppliers interested in being provided the opportunity to quote on small purchases for materials, equipment, supplies and routine services. (Ord. 4256 § 1, 2010: Ord. 4111 § 2, 2007: Ord. 4105 § 1 (part), 2007)

### **3.85.090 Invitation for bids/requests for proposals.**

(a) Unless another method of procurement is authorized in this chapter or by other law, IFB/RFP/RFQ procedures shall be used for the purchase of goods and services when it is estimated the total price will exceed fifty thousand dollars, including any applicable sales tax and freight charges. The IFB process shall also be used for public works projects in excess of thirty thousand dollars that involve only a single craft or trade and in excess of fifty thousand dollars for those involving multiple crafts or trades.

(b) A pre-submission conference may be held when conducting the IFB, RFP or RFQ process. The pre-submission conference is for the purpose of answering questions and clarifying the requirements and specifications relevant to the procurement. Notice for such pre-submission conference shall be advertised and stated in the public notice and the general requirements for the invitation for bids, request for proposals or request for qualifications. (Ord. 4105 § 1 (part), 2007)

### **3.85.100 Invitation for bids.**

(a) An invitation for bids (IFB) shall be used in all cases where adequate information exists to form a complete and realistic bid specification, where the procurement lends itself to a firm, fixed-price dollar amount, and where award can be made principally on the basis of selecting the lowest responsible bidder. All awards to other than the low bidder must be authorized by law, documented on the bid sheet or where appropriate and with the selection rationale clearly set forth.

(b) The city manager may request that the city council authorize a call for bids for goods, services or public works estimated to have a total cost of more than fifty thousand dollars, which must be executed by the city manager or his/her designee.

(c) Bids shall be opened and read publicly at the time and place designated in the IFB notice.

(d) The name and address of each bidder, the bid price and any other relevant information as may be specified in the IFB shall be read aloud and recorded in the minutes of the bid opening.

(e) It shall also be announced that the bid review will be completed by city staff and the expected date given when the city council shall meet to award the contract.

(f) The IFB shall specify the city's right to postpone the award of the contract or to reject any or all bids.

(g) The city council will award all contracts for goods, routine services or public works determined to be more than fifty thousand dollars.

(h) The purchase record, bid sheet, minutes of the bid opening and each bid, to the extent allowed by law, shall be open to public inspection following contract award. (Ord. 4105 § 1 (part), 2007)

**3.85.110 Request for proposal/request for qualifications.**

(a) A request for proposal (RFP) or request for qualifications (RFQ) shall be used when the procurement lacks definite specifications, when proposals are sought for the purpose of establishing a bid specification, when the goods or services being procured involve creative design or professional administration, and/or when subjective criteria is considered in the contract award, which is made in the best interests of the city.

(b) When proposals are sought for the purpose of establishing a bid specification, it shall so state in both the public notice and in the RFP or RFQ.

(c) The RFP or RFQ shall identify all significant evaluation factors and their relative weighted importance.

(d) Verbal interviews with any proposer who has submitted a proposal may be conducted to determine the capabilities of the proposer and their understanding of the city's needs.

(e) Contracts in excess of fifty thousand dollars resulting from the RFP or RFQ process may be awarded by and executed by the city manager or his/her designee. The city manager/designee may elect to recommend award of the contract by the city council.

(f) Except where prohibited by law, proposals shall be reviewed privately with strict confidentiality regarding all evaluative factors maintained throughout the review process. The evaluation committee will grade all factors, with their consensus recorded on the proposal tabulation worksheet.

(g) The purchase record, proposal tabulation worksheet and each proposal, to the extent allowed by law, shall be open to public inspection following contract award. (Ord. 4105 § 1 (part), 2007)

**3.85.120 Public notice advertising.**

(a) With all procurements using the IFB/RFP/RFQ process, the purchasing agent shall cause a public notice inviting bids or requesting proposals or qualifications to be posted on the city's website and published in the appropriate publication(s) at least once, and at least fourteen calendar days prior to the bid/proposal opening.

(b) The notice shall state generally the item to be purchased and/or the service to be performed, the location of the plans and specifications, if any, the pre-bid conference date and location (if one is held), the bid/proposal opening date and time, and to whom the bid/proposal is to be submitted. (Ord. 4105 § 1 (part), 2007)

**3.85.130 Bid/proposal acceptance and evaluation.**

(a) Bids received by the published due date and time shall be unconditionally accepted without alteration or correction. Award shall be made to the lowest responsible bidder based on the requirements set forth in the IFB.

(b) Proposals received by the published due date and time shall be unconditionally accepted without alteration or correction. Submissions shall be evaluated based on the requirements set forth in the RFP/RFQ, which may include but are not limited to criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery,

suitability for a particular purpose, and pre-award survey of the proposer's facilities. Those criteria that will affect the price and will be considered in evaluation for award as determined by the city shall be objectively measurable, including but not limited to discounts, sales tax, transportation costs, installation costs, and total project or life cycle costs.

(c) In addition to the foregoing, the following elements may be considered in the evaluation of proposals:

(1) The ability, capacity and skill of the proposer to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the proposer;

(3) The proposer's proposed method for assuring timely and acceptable performance of the work;

(4) The quality of performance by the proposer on previous contracts with the city or another public agency, including but not limited to the relative costs, burdens, time and effort necessarily expended by the city or another public agency in securing satisfactory performance;

(5) The previous and existing compliance by the proposer with laws relating to the contract or services;

(6) The proposer's management system to be applied in performing the work and the reasonableness of the resources to be applied;

(7) Such other information as may be secured having a bearing on the decision to award the contract.

(d) A committee may be selected to conduct the technical evaluation of the proposals received and shall make a recommendation for contract award to the city council based upon each of the evaluation elements in accordance with the weighted importance of each element as determined by the project manager and purchasing agent prior to the solicitation. The relative positions and evaluation points are totaled for each evaluation element or category, and the proposer with the highest overall total of evaluation points shall be recommended for contract award.

(e) After the initial tabulation of evaluated proposals, the most qualified competitor may be selected subject to negotiation of fair and reasonable compensation. (When evaluating RFQs, price shall not be considered as an evaluation factor in determining the most qualified proposer.) Price negotiation shall be conducted with only the most qualified proposer. Failing agreement on price, negotiations with the next most qualified proposer may be conducted until a contract award can be made to the most qualified proposer whose price is fair and reasonable to the city. (Ord. 4105 § 1 (part), 2007)

### **3.85.140 Bid/proposal correction.**

(a) Except in the case of competitive negotiation, no changes in price or other provisions of bids or proposals shall be permitted after opening unless an error is obvious. An obvious error is one which can be clearly established from mathematical extension or tabulation shown in the bid documents submitted with the bid. An error in a mathematical extension, reported by a bidder but not shown in the bid documents, does not constitute an obvious error. Bidders are presumed to submit correct tabulations and specifications.



(b) Minor informalities and irregularities in the bid/proposal may be waived by the city. (Ord. 4105 § 1 (part), 2007)

### **3.85.150 Bid/proposal protest—Procedure.**

(a) Types of protests include:

(1) Protests based on specifications or other requirements of the bidding/proposal process that are made by any prospective bidder/proposer prior to opening the bids/proposals.

(2) Protests following the bid/proposal opening that are made by any bidder or proposer who has made a submittal and has a substantial financial interest in the solicitation or award of the contract.

(b) In order to be considered, a protest shall be in writing, addressed to the purchasing agent, and include:

(1) The name, address and phone number of the bidder or proposer protesting, or the authorized representative of the bidder or proposer;

(2) The invitation for bid or request for proposals/qualifications number and/or title under which the protest is submitted;

(3) A detailed description of the specific grounds for protest and any supporting documentation. It is the responsibility of the protesting bidder/proposer to supplement its protest with any subsequently discovered documents prior to the purchasing agent's decision;

(4) The specific ruling or relief requested; and

(5) Evidence that all persons with a financial interest in the procurement have been given notice of the protest or if such persons are unknown, a statement to that effect.

(c) Protests based on specifications or other terms in the RFP, RFQ or IFB documents which are apparent on the face of said documents must be received by the city no later than ten calendar days prior to the date established for submittal of bids/proposals. Protests based on other circumstances must be received by the city within five calendar days after the protesting bidder/proposer knows or should have known of the facts and circumstances upon which the protest is based. In no event shall a protest be considered if all bids/proposals are rejected or after award of the contract.

(d) Upon receipt of a timely written protest, the purchasing agent shall investigate the protest and shall respond in writing to the protest prior to the award of contract. The decision of the purchasing agent shall be final.

(e) In the event the protest is from a bidder for a public works project which is the subject of competitive bids, the city shall not execute the contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute the contract for the project; provided, that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(f) Failure to comply with the protest procedures set forth herein may render a protest untimely or inadequate and may result in rejection thereof by the city. (Ord. 4105 § 1 (part), 2007)

### **3.85.160 Application.**

Consistent with RCW 35.21.120, this chapter does not apply to solid waste collection or recycling services. (Ord. 4164 § 1, 2008)

**3.85.170 Small works roster process.**

(a) In accordance with the procedures set forth in RCW 39.04.155, contracts for public works projects with a total cost, including applicable taxes, between seven thousand five hundred dollars and three hundred thousand dollars may be awarded using the small works roster process.

(b) The limited public works process as defined in RCW 39.04.155(3) may also be used for projects estimated to cost less than thirty-five thousand dollars. Using this process, quotes are solicited from a minimum of three contractors found in the appropriate category of work in the small works roster. The performance and payment bond requirements and retainage requirements may be waived by the city.

(c) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if only five quotations are sought and the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, the city must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. Such notice must be published in a legal newspaper of general circulation, mailed to these other contractors or sent by facsimile or other electronic means.

(d) At least once a year, the city shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records.

(e) The city is authorized to participate with other local governments in the use of a multijurisdictional small works roster. The lead entity for the multijurisdictional small works roster must be clearly identified in the interlocal agreement as being responsible for implementing the provisions of RCW 39.04.155(2).

(f) A formal public bid opening is not required when using the small works roster process. However, no interested party shall be unreasonably denied the opportunity to be present when bids are opened.

(g) Contracts for small works roster bids between fifty thousand dollars and two hundred thousand dollars will be awarded by the city council at the next scheduled council meeting following staff recommendation, unless continued by the city council.

(h) In accordance with RCW 39.04.200, the purchasing agent will, at least once every year, make available to the public a list of the contracts awarded using the small works roster process during the previous year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection. (Ord. 4256 § 2, 2010; Ord. 4105 § 1 (part), 2007)

**3.85.180 Cooperative purchasing.**

(a) With the approval of the city council, the purchasing agent may enter into interlocal cooperative purchasing agreements with other public agencies. The interlocal cooperative purchasing agreements must be in accordance with the provisions set forth in Chapter 39.34 RCW as currently written or hereafter amended.

(b) When purchasing off of a contract awarded by another public agency where an interlocal cooperative purchasing agreement is in place, any statutory obligation to provide notice for bids or proposals that applies to the city is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own legal requirements and either posted the bid or solicitation notice on a website established and maintained by the public agency for purposes of posting public notice of bid or proposal solicitations or provided an access link on the state's web portal to the notice.

(c) Invitations for bids for goods and services and requests for proposals issued by the city may include notice that the city participates in cooperative purchasing and that other public agencies may desire to place orders against the awarded contract. Bidders/proposers may be asked to indicate if they agree to allow orders from other public agencies that have an interlocal cooperative purchasing agreement with the city.

(d) Contracts/purchase orders in excess of fifty thousand dollars resulting from the cooperative purchasing process will be awarded by the purchasing agent. (Ord. 4105 § 1 (part), 2007)

**3.85.190 Purchases from/through the United States government.**

(a) In accordance with RCW 39.32.090, this chapter allows for the purchase of supplies, materials and/or equipment from or through the United States government without calling for competitive bids.

(b) The purchasing agent is responsible for reviewing the proposed purchase to determine that the purchase is in the best interests of the city.

(c) Under this section, purchases made in excess of fifty thousand dollars must be approved by the city manager or his/her designee. (Ord. 4105 § 1 (part), 2007)

**3.85.200 Electronic data processing and telecommunications systems.**

(a) The city may purchase electronic data processing or telecommunication equipment, software, or services through competitive negotiation rather than through competitive bidding.

(b) Competitive negotiation, for the purposes of this section, shall include, as a minimum, the following requirements:

(1) A request for proposal shall be prepared and submitted to an adequate number of qualified sources, as determined by the municipality in its discretion, to permit reasonable competition consistent with the requirements of the procurement. Notice of the request for the proposal must be published in a newspaper of general circulation in the municipality at least thirteen days before the last date upon which proposals will be received. The request for proposal shall identify significant evaluation factors, including price, and their relative importance.

(2) The municipality shall provide reasonable procedures for technical evaluation of the proposals received, identification of qualified sources, and selection for awarding the contract.

(c) The award shall be made to the qualified bidder whose proposal is most advantageous to the municipality with price and other factors considered. The municipality may reject any and all proposals for good cause and request new proposals. (Ord. 4105 § 1 (part), 2007)

### **3.85.210 Waiver of competitive bidding requirements.**

(a) The competitive bidding requirements set forth in this chapter may be waived by the city manager or designee. However, if the cost exceeds fifty thousand dollars, the city manager or designee must provide the city council with documentation of the rationale for waiving the competitive bidding requirements. Competitive bidding requirements may be waived for:

- (1) Purchases that are clearly and legitimately limited to a single source of supply;
- (2) Purchases involving special facilities or market conditions;
- (3) Purchases of insurance or bonds; and
- (4) Purchases of goods, services or public works in the event of an emergency.

(b) Immediately after the award of any contract under this section, to the extent allowed by law, the contract and the factual basis for the exception must be recorded and open to public inspection.

(c) If an emergency exists, the city manager or designee may declare an emergency situation exists, waive competitive bidding requirements and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the city manager and entered of record by reporting to the city council no later than two weeks following the award of the contract.

(d) In accordance with RCW 39.04.020, upon the written determination by the city manager of an emergency for the procurement of any public work in excess of twenty-five thousand dollars, a description and estimate of the cost of such work shall be published within seven working days after commencement of the work. (Ord. 4105 § 1 (part), 2007)

### **3.85.220 Contract amendments/change orders.**

(a) Amendments are changes to professional service agreements, contracts for goods and contracts for routine maintenance.

(1) If an amendment increases the total value of the contract, the contract amendment must be approved by the appropriate authority based on the new value of the contract. Any amendment that takes a contract value over fifty thousand dollars requires the approval of the city manager. The city manager may choose to seek additional council approval.

(2) Contracts awarded by the council may also authorize negotiation of amendments without further council approval being needed.

(3) Amendments that do not change the total value of the contract (e.g., extended duration) may be approved by the department director.

(b) Change orders are changes made to a public works contract.

- (1) Public Works Under Fifty Thousand Dollars.

(A) Department directors or their designees are authorized to approve public works contract change orders where the total value of the contract plus the change order remains below fifty thousand dollars.

(2) Public Works Over Fifty Thousand Dollars.

(A) Change orders, cumulatively or singly, that do not exceed the project's contingency funding may be approved by the department director or their designee.

(B) Change orders that cumulatively or singly increase the value of a contract to exceed the project's contingency funding by twenty-five thousand dollars or less require the approval of the city manager. The city manager may choose to seek additional approval from the council.

(C) The council must approve change orders that increase the value of the contract to more than twenty-five thousand dollars beyond the project's contingency funding. (Ord. 4105 § 1 (part), 2007)

### **3.85.230 Bonding policy.**

(a) For all public works contracts, the following minimum bonding requirements shall be met for each procurement:

(1) A bid deposit in the form of a bid bond or certified check in an amount equal to at least five percent of the total bid must be enclosed with the submitted sealed bid if the bid is in excess of fifty thousand dollars.

(2) A performance and payment bond for one hundred percent of the total contract price shall be received from the successful contractor prior to contract award for all contracts in excess of thirty-five thousand dollars.

(b) On public works contracts of thirty-five thousand dollars or less, at the option of the contractor, the city may, in lieu of a performance and payment bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the Department of Revenue and settlement of any liens fixed under Chapter 60.28 RCW, whichever is later.

(c) If the limited public works process allowed under Section [3.85.170\(b\)](#) is used, the city may waive the requirements for performance and payment bond and retainage.

(d) The purchasing agent, in consultation with the project manager, city attorney's office and risk management coordinator as needed, shall have authority to determine amounts of protective bid guarantees for all purchases in the best interests of the city. (Ord. 4111 § 3, 2007; Ord. 4105 § 1 (part), 2007)

### **3.85.240 Environmentally preferable purchasing practices.**

(a) When specifying products to be purchased, staff should give consideration to products that have a lesser or reduced effect on health and the environment when compared with other products that serve the same purpose.

(b) The environmental attributes of a product are to be an additional consideration in the buying decision along with such traditional factors as price, performance, quality, and service.

(c) It is the responsibility of purchasing staff to:

(1) Monitor information from the state of Washington and other public agencies on environmentally preferable purchasing initiatives.

(2) Attend periodic training sessions and workshops on the purchasing of environmentally preferable products to learn of new developments in this area.

(3) Solicit information from vendors representing environmentally preferable products to become better aware of available products.

(4) Communicate opportunities for the purchase of environmentally preferable products to city staff. (Ord. 4105 § 1 (part), 2007)

**3.85.250 Purchase record maintenance.**

(a) The purchasing department shall maintain or be afforded access to all records sufficient to detail the significant history of a procurement. These records will include, but are not limited to, the following:

- (1) The rationale for the method of procurement.
- (2) The selection of contract type and evaluation criteria.
- (3) Contractor selection or rejection, and rationale.
- (4) The basis for the contract price.
- (5) The bid tabulation or proposal evaluation worksheet.
- (6) All documented communication with potential contractors, prior to the bid opening date.
- (7) Advertising affidavits of publication.
- (8) Bidder's lists, with names, addresses, and telephone numbers.
- (9) All bids or proposals received. (Ord. 4105 § 1 (part), 2007)



**Clarification of Approval Authority  
November 4, 2016**

<b>Process</b>	<b>&gt;\$50k</b>	<b>&lt;\$50k but &gt;\$7,500</b>	<b>&lt;\$7,500 but &gt;\$1000</b>	<b>&lt;\$1000</b>
<b>Contract Signature*</b> Purchase Contract (3.85.080(a)) Professional Svcs (3.16.065(b)) Grants (Admin Policy 3-4) Interlocal Agmts (3.16.065(a))	CMO CMO CMO CMO/Finance Dir.	Director Director Director Director	Director Director Director Director	Director Director Director Director
<b>Purchase Orders (KMC 3.85)</b> Purchases of materials, equipment, supplies and contractual services	CMO/Finance Dir.  Unless Formal Process (e.g. cooperative purch)	Director	Manager Responsible for Budget	Supervisor/AA** Responsible for Budget
<b>Authorization to Pay/Recurring</b> Progress payments on existing obligations, monthly/quarterly invoices w/multiple accounts, training, dues, subscriptions, etc.	CMO Unless Existing Obligation	Director Unless Existing Obligation	Manager Responsible for Budget Unless Existing Obligation	Supervisor/AA Responsible for Budget
<b>Costco</b>	Maximum purchase \$7,500 – subject to same rules as purchase orders.			
<b>P-Cards</b>	Not applicable	Director sign-off monthly on department statement	Applicable limits apply to individual transactions	Applicable limits apply to individual transactions
<b>Immediate Pay Claim For Expenses</b>	Department Director and Finance Director or Accounting Manager sign off on all			
<b>Petty Cash</b> Not to be used for reimbursement of business expenses such as meals and mileage	<b>Only up to \$50 - must be signed by Supervisor or above</b>			

\*ALL originals must be filed with the City Clerks Office.

\*\*Administrative Assistants

Director cannot delegate approval authority unless specifically granted

# "How to Buy Chart"

11/4/2016

Type of Purchase	Competitive Pricing Desirable			Quotes/Informal Proposals			Formal Competitive Process		
	Estimated Amount	Streamlined Process	Process Questions	Estimated Amount	Director can execute contract. Council approval not required.	Process Questions	Estimated Amount	Contract awarded by Council or City Manager	Process Questions
<b>Public Works</b> (e.g. building repairs, road improvements, facilities construction, etc). <b>(RCW 35.23.352 Bid Thresholds) (RCW 39.04.155 Small Works) (KMC 3.85.085)</b>	Under \$7,500	Recommend that contractor be selected from Shared Small Works Roster. Informal quotes should be solicited. Prevailing wages required.	Purchasing Agent - x3123	\$7,500 - \$50,000	Recommended that the Small Works Roster process be used. Limited Public Works process may be used if less than \$35,000. As an alternative, Director can waive use of competitive process.	Purchasing Agent - x3123	Over \$50,000 (>\$65,000 multi trade or >\$40,000 single trade must be contracted)	Invitation for Bids is required. (As an alternative, Small Works Roster process can be used up to \$300,000.) Council awards contracts over \$50,000.	Purchasing Agent - x3123
<b>Equipment, Supplies &amp; Routine Services</b> (includes furniture, computer hardware, office equipment, equipment maintenance contracts, etc.) <b>(KMC 3.85.080)</b>	Under \$7,500	Written quotes are not required, but informal phone quotes are encouraged. Computer hardware or software require IT approval.	Buyer - x3121 or Purchasing Agent - x3123	\$7,500 - \$50,000	At least three written quotes should be obtained, if possible. Computer hardware or software require IT approval. The City Manager may waive the competitive process requirement.	Buyer - x3121	Over \$50,000	Invitation for Bids or Request for Proposals can be used. (RFP is appropriate if award decision is subjective.) <b>(KMC 3.85.090)</b>	Purchasing Agent - x3123
<b>Professional Services</b> (Consulting services other than Architects & Engineers) <b>(KMC 3.85.110, KMC 3.16.065)</b>	Under \$7,500	No competition required. Director executes Professional Services Agreement.	Purchasing Agent - x3123	\$7,500 - \$50,000	Professional Services Agreement is executed by Director. Director determines the need for competition for contract award.	Purchasing Agent - x3123	Over \$50,000	RFP or RFQ process used to assure competition. City Manager can waive use of competitive process.	Purchasing Agent - x3123
<b>Architects &amp; Engineers (RCW 39.80)</b>	Under \$7,500	Select best qualified consultant from A&E Roster.	Purchasing Agent - x3123 or Capital Projects Mgr - x3832	\$7,500 - \$50,000	Select from A&E Roster. If specialty is not found, Director may require RFQ process to ensure competition. RCW 39.80 governs selection process.	Purchasing Agent - x3123 or Capital Projects Mgr - x3832	Over \$50,000	Select from A&E Roster or conduct RFQ process. Contract awarded based on qualifications.	Purchasing Agent - x3123 or Capital Projects Mgr - x3832
<b>Emergency Purchase of Goods, Services or Public Works</b> (Quick purchase necessary to avoid financial loss.) <b>(RCW 39.04.280) &amp; (KMC 3.85.210)</b>	Under \$7,500	Make purchase without competition. If public work, prevailing wage requirements still apply.	Purchasing Agent - x3123	\$7,500 - \$50,000	Director and Purchasing are advised of need for emergency purchase before or immediately after the fact. Documentation of emergency situation is required.	Purchasing Agent - x3123	Over \$50,000	Requires City Manager's approval. Reported to City Council at their next meeting.	Purchasing Agent - x3123
<b>Sole Source Purchase</b> (Goods & routine services for which only one source exists.) <b>(RCW 39.04.280) &amp; (KMC 3.85.210)</b>	Under \$7,500	No competition required.	Buyer - x3121	\$7,500 - \$50,000	Consult with Purchasing prior to purchase. City Manager or designee must waive competitive bidding requirement.	Purchasing Agent - x3123	Over \$50,000	City Council approval required prior to purchase.	Purchasing Agent - x3123
<b>Cooperative Purchasing (RCW 39.34)(KMC 3.85.180)</b>	There is no requirement for competition or Council approval when purchasing from State Contracts or other contracts covered by an interlocal agreement. However, for other than State Contracts, Purchasing needs to be consulted to assure compliance with RCW 39.34.								
<b>Small Works Roster Process (RCW 39.04.155) (KMC 3.85.170)</b>	May be used for public works projects less than \$300,000. Participating pre-qualified contractors in appropriate work category are notified of bidding opportunities. There's no need to advertise projects or have public bid opening. Council awards contracts over \$50,000.								



Sprbrk Batch # 00000.00.2017  
 Date: DATE  
 Main Cashier: Tina /

City of Kirkland - Daily Receipting Report

FORMULAS IN GREEN CELLS

	Loc Code		
<b>Cashier Deposits</b>			
TINA	441	\$	-
WENDY	441	\$	-
KATE	441	\$	-
ALEX	441	\$	-
<b>TOTAL CASHIER DEPOSIT</b>		\$	-

Payment Method	Loc Code	In person CC Payments		
CC	180	Boat Launch-Moorage	\$ -	\$ -
CC	180	Boat Launch-Moorage	\$ -	\$ -
CC	410	Bus Lic/Cem Counter	\$ -	
CC	440	Utility Counter	\$ -	
CC	460	KDS (01)	\$ -	
CC	470	COK (02)	\$ -	Formula Below
<b>TOTAL COUNTER CREDIT CARD PMTS</b>			\$ -	

Payment Method	Loc Code			Totals Column
<b>Other Credit Card or Non Cash Deposits (Receipted as Non-Cash)</b>				
Non Cash	150	Parks Maint Ctr CC	\$ -	Formulas Below
Non Cash	150	NKCC CC	\$ -	
Non Cash	150	Parks 505 CC	\$ -	
Non Cash	150	PKCC/Sr CC	\$ -	\$ -
Non Cash	160	Parks E-Connect CC	\$ -	
Non Cash	180	Moorage VenTek CC		
Non Cash	180	Moorage VenTek CC	\$ -	
Non Cash	180	Moorage VenTek CC	\$ -	\$ -
Non Cash	450	Parking Meter CC	\$ -	
Non Cash	450	Parking Meter CC		
Non Cash	450	Parking Meter CC	\$ -	\$ -
Non Cash	450	Pay by Phone		
Non Cash	450	Pay by Phone		
Non Cash	450	Pay by Phone	\$ -	\$ -
Non Cash	910	MBP E-Permit CC	\$ -	
Non Cash	910	MBP E-Permit CC	\$ -	
Non Cash	910	MBP E-Permit CC	\$ -	\$ -
Non Cash	910	MBP E-Permit CC	\$ -	\$ -
Non Cash		IFAS JE	\$ -	
Non Cash		IFAS JE	\$ -	
Non Cash		IFAS JE	\$ -	\$ -
Non Cash		IFAS JE	\$ -	
Non Cash		ACH Utilities	\$ -	
Non Cash		King County Prop Tax	\$ -	
Non Cash		King County Prop Tax	\$ -	
Non Cash		Emergency Transport Fee	\$ -	
Non Cash		Emergency Transport Fee	\$ -	
Non Cash		GOV PAY NET	\$ -	
Non Cash		STATE OF WA OFM	\$ -	
Non Cash			\$ -	
Non Cash			\$ -	
Non Cash			\$ -	
Non Cash			\$ -	
Non Cash			\$ -	
<b>TOTAL NON CASH</b>			\$ -	

**Total # Loomis Deposits** 0

Drawer#	Overage	Shortage
	\$ -	\$ -

Batch #	Other	Description	Amount
<b>Bank Deposits</b>			
<b>Other Deposits - Not Loomis</b>			
	432	UB Lock Box - Not included in Total	\$ -
	432	UB Lock Box - Not included in Total	\$ -
	155	Parks Open Gym Deposit	\$ -
	157	Juanita Friday Market Deposit	\$ -
<b>Loomis</b>			
<b>Inside Bail - Not included in Total</b>			
	441	Cashier Cash and Coin	\$ -
	441	Cashier Checks	\$ -
	151	Parks 505 Deposit	\$ -
	152	NKCC Deposit	\$ -
	153	Peter Kirk Pool Deposit	\$ -
	153	Peter Kirk Pool Deposit	\$ -
	153	Peter Kirk Pool Deposit	\$ -
	153	Peter Kirk Pool Deposit	\$ -
	153	Peter Kirk Pool Deposit	\$ -
	154	Parks Senior Center Deposit	\$ -
	156	Moorage Deposit	\$ -
	156	Moorage Deposit	\$ -
	158	Parks Maint Center Deposit	\$ -
	431	Utility Mail Batches Deposit	\$ -
	441	Parking Meter Cash Deposit	\$ -
	441	Parking Meter Cash Deposit	\$ -
	441	Parking Meter Coin Deposit	\$ -
	441	Parking Meter Coin Deposit	\$ -
	441	Parking Meter Coin Deposit	\$ -
	441	Parking Meter Coin Deposit	\$ -
	710	Emergency Transport fee Deposit	\$ -
<b>TOTAL DEPOSITS</b>			\$ -

Batch #	Description	Amount
<b>UB Payment Batches</b>		
430	Elockbox	\$ -
430	Web Pymt Utilities	\$ -
430	Web Pymt Utilities	
430	Web Pymt Utilities	
430	Paymentus	
430	Paymentus	
430	Paymentus	
<b>Sprbrk Total:</b> \$ -		
<b>EnerGov Total:</b> \$ -		
<b>GRAND TOTAL</b> \$ -		
Less: Non-Cash \$ -		
Less: Counter Credit Card \$ -		
Less: MBP E-Permit \$ -		
Less: IFAS JE \$ -		
<b>TOTAL TO ACCOUNT FOR:</b> \$ -		

FOR CASHIER  
 TOTAL TO ACCOUNT FOR  
 MUST EQUAL  
 TOTAL DEPOSITS  
 Less: LOCK BOX DEPOSIT & INSIDE BAIL DEPOSIT

BALANCED  
 \$ - Out of bal amount

TOTAL COUNTER CC PMTS  
 Plus: TOTAL LOOMIS DEPOSITS  
 Plus: TOTAL NON CASH  
 MUST EQUAL  
 GRAND TOTAL \$ -

BALANCED  
 \$ - Out of bal amount

FORMULAS IN GREEN CELLS





## City of Kirkland Continuity of Operations Continuity of Government Fire Department Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Fire Department (FD) is responsible for providing emergency services to the community including fire, medical, technical rescue, and hazardous materials response; fire inspections and permitting; and emergency management. The department staffs five fire stations and operates 24 hours a day, seven days a week 365 days a year. The FD partners with city departments and resources to perform essential functions.

### Essential Functions

Essential functions for the FD during a COOP incident includes emergency response and incident management. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Response	Fire, medical, rescue, and hazmat response services.	Yes	2 hours
Emergency Operations (EOC)	Support and/or coordinate City response to the incident.	Yes	2 hours
Alert and Warning	Provide public notice of life safety situations and actions.	Yes	2 hours
Operations Support	Maintain equipment and gear for response efforts.	No	4 hours

## Key Personnel

The FD has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Fire Department	<ol style="list-style-type: none"> <li>1. Fire Chief</li> <li>2. Deputy Fire Chief</li> <li>3. Battalion Chief</li> <li>4. Ranking Officer</li> </ol>

The FD recognizes that all department staff are considered key personnel and have a role during a major incident. However, the FD has further defined key personnel and backups needed to perform essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Response	<ol style="list-style-type: none"> <li>1. Fire Fighter/EMT</li> <li>2. Mutual Aid Fire Fighter/EMT</li> <li>3. Fire Officer</li> <li>4. Battalion Chief</li> <li>5. Deputy Chief</li> </ol>
Emergency Operations	<ol style="list-style-type: none"> <li>1. Emergency Manager</li> <li>2. Emergency Preparedness Coordinator</li> <li>3. Deputy Chief</li> </ol>
Alert and Warning	<ol style="list-style-type: none"> <li>1. Incident Commander</li> <li>2. Emergency Manager</li> <li>3. King County Emergency Management</li> </ol>
Operations Support	<ol style="list-style-type: none"> <li>1. Mechanic</li> <li>2. Self-Contained Breathing Apparatus Technician</li> <li>3. Personal Protective Equipment Team</li> </ol>

## Delegations of Authority

The FD has a delegation of authority process as written in the FD Policy Manual Policy 200 Organizational Structure that identifies the hierarchy and delegation of roles for daily and emergency situations. See FD Policy Manual for details.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore, the FD does not have designated alternate locations. Whenever possible, the EOC will relocate within the city limits and near the City Manager and City Council locations.

Fire Stations are strategically located throughout the city to support response times and service areas. The ability to relocate a fire station is limited, thus response crews may need to shelter on site or in the area through supported infrastructure such as tents, portable toilets, or temporary housing accommodations i.e. community centers.



Possible alternate locations for the EOC include Fire Station 26 (9930 124<sup>th</sup> Ave NE) or the Kirkland Justice Center (11740 NE 118<sup>th</sup> St).

## Communications

The FD has several methods of communication in support of delivery of essential functions. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk and cell phones, Outlook email, 800 MHz radios, and social media accounts such as Facebook and Twitter for communication during a COOP scenario.

The FD leadership has Government Emergency Telephone System (GETS) and Wireless Priority System (WPS) capability as well.

The FD oversees the coordination and use of the King County Emergency Management mass notification system (CODE RED) for alerting city employees of information. The system relies on the employee to "opt in" for alerts beyond their city email and desk phone.

The FD coordinates the public and employee recorded information hotlines through the Emergency Operations Center, when activated, or through Emergency Management if not activated.

The FD is dependent on a Public Safety Alerting Point (PSAP) a.k.a. 911 Dispatch for notification and assignment of public calls for assistance. The PSAP system has redundancy established at least three deep to support delivery of response information.

In addition to these systems the FD has access to Amateur Radio volunteers for emergency communications and electronic reader boards placed throughout the city.

## Vital Records, Files, and Databases

The FD has identified vital records to include response documentation reports, map books, Department of Transportation (DOT) Hazardous Material guides, Material Safety Data Sheets (MSDS), partner contact lists, Emergency Operations Center (EOC) forms and templates. EOC operations files and Geographical Information System (GIS) databases as key for supporting essential functions.

## Critical Systems

Access to the intranet and internet is necessary for the FD to perform most essential functions.

Response units use Computer Aided Dispatch (CAD), online MSDS and DOT guide programs, and internet based GIS resources.

The EOC uses GIS, WebEOC, and Microsoft Office Suite for documentation and coordination of incident information.

The notification system (CODE RED) is also internet based, but does have an option to contact the service provider directly via phone for support.

In addition to technology systems, the FD relies on infrastructure systems such as water and hospitals to assist in delivery of essential services.

## Critical Equipment

The FD has identified that there is extensive and unique critical equipment requirements for the delivery of essential functions. In addition to technology resources such as phones, radios, computers, and printers the FD relies on specialized vehicles, medical supplies, protective gear, tactical gear, and a variety of task specific tools. For a detailed list of critical equipment see Attachment A Essential Functions Worksheet.

## External Contacts

The FD partners with several external response and emergency management organizations for delivery of essential functions. The response aspect of the FD has established mutual aid agreements facilitated through the PSAP system.

The emergency management component partners with local, regional, county, and state level agencies to support delivery of essential services.

The PSAP or dispatch center is an external agency delivering services to the FD as a consortium member.

## Return to Operations

The FD will have additional and continual, but possibly limited in scope, operations during a COOP incident. Return to operations may mean relocation back to an original facility or new facility if alternate work sites were established. Primarily return to operations will consist of resuming all services normally performed by the FD during non-disaster times, such as training, inspections, and routine maintenance.

As part of the return to operations the EOC may deactivate and emergency management staff may initiate the incident after action review and improvement planning process.

For all areas of the FD return to operations includes thoroughly checking the condition and status of equipment and supplies. In addition, consideration and attention will be given to the physical and emotional health of responders with critical incident stress management resources being provided as needed.

## Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Functions Worksheet

Attachment B: COOP Alternate Facility Requirements

## ATTACHMENT A

### Fire Department Essential Functions Worksheet

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Fire Response	Fire Operations, protect the community, limit property damage	Firefighters Fire Officer Battalion Chief	Mutual Aid response agencies	Map book/GIS Pre fire plans	Fire engines, Ladder, PPE, SCBA, radio, Hose, ladders, rescue equipment	Dispatch Center, 800Mhz, water supply	2 hours
Medical Emergency Response	Fire operations, Life safety	Firefighters Fire Officer Battalion Chief Paramedics Private Ambulance	Mutual Aid response agencies Hospitals Private ambulance	Map book/GIS Run report form	Aid Cars, Medical equipment, radio, protective equipment for responders	Dispatch Center, 800Mhz Radio, Hospital Emergency Alert Radio (HEAR)	2 hours
Rescue Response	Fire Operations, truck, technical rescue, collapse structure response, Water rescue	Firefighters Zone one tech rescue team Battalion Chief Fire Officers	Mutual Aid response agencies Hospitals	Map book/GIS	Ladder rig, technical rescue equipment, radio, Water rescue crafts and equipment	Dispatch Center, 800Mhz Radio Hospital Emergency Alert Radio (HEAR)	2 hours

## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Hazardous Materials Response	Fire Operations	Firefighters Zone One Hazmat Team Fire Officer Battalion Chief	Mutual Aid response partners Zone one hazmat team EPA	Dept Of Transportation (DOT) guide Material Safety Data Sheets (MSDS)	Hazardous response protective gear, testing equipment and rig with supplies Radio, computer	Dispatch MSDS online DOT guide online	2 hours
Maintaining gear/equipment response ready	Engine, Aid car, Medical equipment, rescue equipment, FF protective gear	Mechanic, SCBA techs, PPE team	Parts suppliers	N/A	Shop and tools	N/A	4 hours
Emergency Operations Center (EOC) Operations/ support	Support and/or coordinate City response to incident	Emergency Manager Emergency Management Coordinator EOC Commander	Zone One Emergency Managers King County Office of Emergency Management	EOC FORMS Contact number list	Maps, forms, phones, Computers	WebEOC Microsoft word and excel GIS	2 hour

**ATTACHMENT A**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
Alert & warning	Provide public notice of life safety actions	Incident Command  NORCOM Dispatch  King County Office of Emergency Management Duty Officer	NORCOM (Dispatch)  King County Office of Emergency Management	Contact number list	Computer Or phone	Code Red GIS	2 hour

## ATTACHMENT B

COOP Alternate Facility Requirements							
Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging	Comments
Fire Administration	Workspace for 6	Near EOC and Policy Group	Power, cell and phone, 800MHz coverage	Computers, printer, Intra and internet access	Not required	Parking for 4 vehicles	
Fire Station 22	Space for min 3 FF, 2 rig and supplies and equipment storage	South end of Kirkland	Power, cell and 800MHz coverage	Computers, printer, Intra and internet access	Yes, not necessarily in structure	Parking for staff, min 1 engine and 1 Aid car	FF work extended shifts and will need on site food prep area, sleeping quarters, hygiene areas
Fire Station 21	Space for min 3 FF, 2 rig and supplies and equipment storage	Central Kirkland	Power, cell and 800MHz coverage	Computers, printer, Intra and internet access	Yes, not necessarily in structure	Parking for staff, min 1 engine and 1 Aid car	FF work extended shifts and will need on site food prep area, sleeping quarters, hygiene areas
Fire Station 25	Space for min 3 FF, 2 rig and supplies and equipment storage	Finn Hill	Power, cell and 800MHz coverage	Computers, printer, Intra and internet access	Yes, not necessarily in structure	Parking for staff, min 1 engine and 1 Aid car	FF work extended shifts and will need on site food prep area, sleeping quarters, hygiene areas



## ATTACHMENT B

COOP Alternate Facility Requirements							
Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging	Comments
Fire Station 26	Space for min 4 people, 3 rigs and supplies and equipment storage	East side of Kirkland	Power, cell and 800MHz coverage	Computers, printer, Intra and internet access	Yes, not necessarily in structure	Parking for staff, min 1 engine and 1 Aid car, 1 battalion rig	<u>Battalion Chief</u> is located at this station, that position could be moved, should be central. FF work extended shifts and will need on site food prep area, sleeping quarters, hygiene areas FF work extended shifts and will need on site food prep area, sleeping quarters, hygiene areas
Fire Station 27	Space for min 6 people, 4 rigs and supplies and equipment storage	North end	Power, cell and 800MHz coverage	Computers, printer, Intra and internet access	Yes, not necessarily in structure	Parking for staff, min 1 engine and 2 Aid cars, 1 Ladder	<u>2 companies</u> work out of this station, they could be split into 2 north end companies. FF work extended shifts and will need

## ATTACHMENT B

COOP Alternate Facility Requirements							
Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging	Comments
							on site food prep area, sleeping quarters, hygiene areas
Prevention Staff	Space for 6 people	Anywhere	Power, cell, phone	Computers, printer, Intra and internet access	Not required, except when dealing with permits - issuing	Parking for staff and 4 department rigs	
Training Division	Space for 3 people	Anywhere	Power, cell, phone	Computers, printer, Intra and internet access. Document storage	Not required	Parking for staff and 2 department rigs	
Fire Investigations	Space to securely store equipment and supplies	Anywhere	Power, security	Document storage	Not required	N/A	
EOC	Space for 5- 20 staff		Power, cell and phone, 800MHz coverage	Computers, printer, Intra and internet access	Not required	Parking for staff	



## City of Kirkland Continuity of Operations Continuity of Government Human Resource and Performance Management Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Human Resource and Performance Management Department (HR) is responsible for employee relations, support, compensation, and risk management. HR's primary focus is employees during an incident and requires coordination with city departments to perform essential functions.

### Essential Functions

Essential functions for HR during a COOP incident include employee relations, compensation, training and assignments, accountability, risk management, and compliance with labor and regulatory requirements. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Risk Management	Identification, evaluation, and mitigation of risk.	Yes	4 hours
Internal Recruitment	Fulfill requests for personnel for incident response.	No	6 hours
Injury and fatality management	Support the identification and family notification of injured or deceased employees.	No	2 hours
Enforcement	Enforce compliance with laws, union contracts, and ADA requirements.	Yes	4 hours
Safety Training	Conduct just in time safety training for employees and volunteers for the incident.	Yes	4 hours

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Workforce Management	Manage safety concerns and support and retain employees.	No	12 hours
Compensation	Manage and maintain pay and benefit system.	Yes	12 hours

## Key Personnel

HR has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Human Resources Department	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior Human Resources Analyst</li> <li>3. HR Analyst – Most Senior</li> </ol>

HR has further identified the key personnel and backups needed to perform the essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Risk Management	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. Risk Analyst</li> </ol>
Internal Recruitment	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. HR Analyst(s)</li> </ol>
Injury and Fatality Management	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. HR Analyst(s)</li> </ol>
Enforcement	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. HR Analyst(s)</li> </ol>
Safety Training	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. Risk Analyst</li> </ol>
Workforce Management	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Senior HR Analyst</li> <li>3. HR Analyst(s)</li> </ol>
Compensation	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. HR Analyst(s)</li> </ol>

## Delegations of Authority

HR does not have any formal documented delegation of authorities, the order of succession and key personnel provide for continued operations during a COOP incident. The HR Director job description states that the HR Director is the City Risk Manager.

## Department Relocation

The incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of HR are not dependent on any specific location or facility. Functions can be performed at any site with adequate infrastructure, thus HR does not have a designated alternate site. The COOP Facilities Team will identify a safe location for HR to work, if relocation is needed.

## Communications

HR does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

HR has identified vital records to include employee personnel files, claim files, partner contact information, and training rosters. In addition to these files, HR uses the Internal Financial Accounting System (IFAS) database.

## Critical Systems

Access to the intranet and internet is necessary for HR to perform essential functions. The use of the Internal Financial Accounting System (IFAS) facilitates delivery of services.

## Critical Equipment

HR has identified technology and communication equipment as key for delivery of essential functions. These resources include but are not limited to phones, computers, and printers.

## External Contacts

HR is not dependent on external agencies for delivery of essential functions. However, there are partner agencies related to health, labor, and compliance that HR may work with to facilitate delivery of service.

## Return to Operations

HR will have continual, but possibly limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if HR is working from an alternate location. HR will resume normal business activities, in addition to any incident or COOP activities, as able and based on resources. Priority will be given to services that support employee recovery, retention, and, if needed, replacement.

## Department Resource Document

The attached document serves as a resource that supports COOP activities related to essential functions, authorities, and staff.

Attachment A:            Essential Functions Worksheet

Documents not attached but that serve as resources to HR include the City Administrative Policy Manual, Kirkland Municipal Code, and Collective Bargaining Agreements.



## ATTACHMENT A

### Human Resources Essential Functions Worksheet

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Risk Management	Forecast and evaluation of risk and identification of mitigation options.	Director Risk Analyst HR Analyst	Washington Cities Insurance Authority – (WCIA)	Claims Files	Computer Telephone	Internet WA. L&I website	4 hours
Management, leadership, and governance of employees	Responsible for supporting and retaining the City's workforce	Director Sr HR Analyst HR Analyst	None	Personnel Files	Computer Telephone	Internal Financial Accounting System (IFAS)	24 hours
Employee Relations	Manage concerns of workplace safety	Director HR Analysts	Washington State Labor and Industries	Personnel Files	Computer Telephone	IFAS	12 Hours
Compensation	Manage and maintain pay and benefit system	Director HR Analysts	Benefit Providers	Personnel Files	Computer Telephone	IFAS	12 hours

## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Recruitment - Internal	To fulfill requests for additional personnel from City Departments	Director Sr HR Analyst HR Analyst	None	Personnel Files	Computer Telephone	IFAS	6 hours
Employee Accountability	Enforce employment laws and union contracts under emergency conditions	Director Sr HR Analyst HR Analyst	Union Representatives	Personnel Files, Kirkland Municipal Code, Administrative Policy Manual, Collective Bargaining Agreements	Computer Telephone	IFAS	6 hours
Support identification and notification of deceased or injured	Assist Medcial, PD and Medical Examiner	Director Sr HR Analyst HR Analyst	Seattle, King County Public Health, Local Hospitals	Personnel Files	Computer Telephone	IFAS	1 hour
Enforce ADA Policy Compliance	Ensure City-wide compliance with Americans with Disabilities Act (ADA)	Director Sr HR Analyst HR Analyst	None	Americans with Disabilities Policy	None	None	4 hours

## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Safety Training	Conduct just in time safety training for employees and volunteers	Director Risk Analyst HR Analyst	N/A	Training Records Personnel Files	None necessary, could utilize computers if available	IFAS	4 hours



## City of Kirkland Continuity of Operations Continuity of Government Information Technology Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Information Technology Department (IT) is responsible for supporting the access to and use of operational and communication technology and hardware. All city departments have identified a dependency on information technology for the delivery of their essential functions. IT is dependent on external critical infrastructure systems being operational and available for delivery of all essential functions.

### Essential Functions

Essential functions for IT during a COOP incident include user technology support, use of Geographic Information Services (GIS), and data system management. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Although the services of IT are not legally mandated, it is understood that technology access and support is vital to the ability of the city to operate during and following an emergency or disaster incident.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Technology Support	Support access to and use of telecom, internet, and computer hardware and software.	No	2 hours
Geographic Information Services (GIS)	Support access and implementation of GIS systems.	No	2 hours
Data Maintenance	Maintain data system security and availability.	No	2 hours

## Key Personnel

IT has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Information Technology	<ol style="list-style-type: none"> <li>1. Information Technology Director</li> <li>2. Information Technology Manager Network and Operations</li> <li>3. Information Technology Manager Enterprise Applications</li> <li>4. Information Technology Manager Spatial Systems</li> </ol>

IT has further identified the key personnel and backups needed to perform the essential functions tasks under the direction of leadership.

Essential Function	Key personnel by position
Information Support	Communication, network, data security <ol style="list-style-type: none"> <li>1. Senior Network Engineer               <ul style="list-style-type: none"> <li>1a Network Engineer</li> <li>1b Network Analyst</li> </ul> </li> </ol> Computer Support <ol style="list-style-type: none"> <li>2. Service Desk Supervisor               <ul style="list-style-type: none"> <li>2a Service Desk Analyst(s)</li> <li>2b Desktop Systems Analyst(s)</li> </ul> </li> </ol>
GIS	<ol style="list-style-type: none"> <li>1. Senior GIS Analyst(s)</li> <li>2. GIS Analyst(s)</li> </ol>
Data Maintenance	<ol style="list-style-type: none"> <li>1. Senior Network Engineer</li> <li>2. Network Engineer</li> <li>3. Network Analyst</li> </ol>

## Delegations of Authority

IT does not have any formal documented delegation of authorities, the order of succession and key personnel provide for continued operations during a COOP incident.

## Department Relocation

The incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of IT are dependent on a location or facility with power and network connectivity. These resources can be provided by temporary or mobile capability but must exist to support service delivery by IT.

## Communications

IT does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

IT has identified vital records to include various tracking logs and data files associated with GIS and City electronic records.

## Critical Systems

Access to intranet and internet is necessary for IT to perform most essential functions. In addition, IT uses NETAPP and Simpana for data integrity management.

## Critical Equipment

IT has identified several types of critical equipment for the delivery of essential functions. In addition to phones IT requires computer and connectivity hardware, servers, and technical devices to support COOP tasks. IT depends on the fiber optic connection to the data center making it a critical equipment resource. For a detailed list of requirements see Attachment A Essential Functions Worksheet.

## External Contacts

IT partners with and is dependent on several vendors for delivery of essential functions. Most vendors are in the technology industry and thus have disaster recovery programs and redundancies in place to support the sustainment of service to the city.

## Return to Operations

IT will have continual, but possibly limited, operations during a COOP incident. Return to operations includes relocation to the original facility or a new facility if IT is working from an alternate location. IT will resume normal business activities based on available resources, priorities of city leadership, and restoration and recovery tasks necessary to return all departments to normal operations.

Depending on the nature of the incident that created the need for COOP activities, IT may have a complex extended return to normal operations while staff address incident impacts.

## Department Resource Document

The attached document serves as a resource that supports COOP activities related to essential functions, authorities, and staff.

Attachment A:           Essential Functions Worksheet



## ATTACHMENT A

### Information Technology Essential Functions

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Support Communication and network	Facilitate access to communication tools – telecom and internet	Senior Network Engineer Network Engineer Network Analyst	Cisco Verizon/Frontier	Logs	Routers Switches Voice Servers	Internet	2 hours
Geographic Information Systems (GIS)	Support response, decision making, and planning efforts	IT Manager – Spatial Systems, Senior GIS Analysts	ESRI Port Madison	Over 200 layers of information including maps, land records, etc.	Servers, desktop computers, Internet	Internet	2 hours
Computer support	Facilitate access and use of computer software and hardware	Service Desk Supervisor IT Manager – Network and Operations	Service Now Dell Microsoft	None	Desktop computer or laptop	Access to Service Now, which requires an Internet connection	2 hours
Data Security	Maintain technology data and system security	Senior Network Engineer, Network Engineer Network Analyst	McAfee CISCO Microsoft	Logs	Firewalls IDS/IPS Endpoint AV	Web gateways and Intrusion Protection appliances, all systems at some level	2 hours

**ATTACHMENT A**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
		IT Manager – Network and Operations					
Data Integrity (Backups/ Storage)	Maintain consistent and available data for the organization (for daily use and DR)	Sr. Network Engineer, Network Engineer, Network Analyst	NETAPP CommVault DELL	Computer backup files contain copies of most electronic records of the city	NetApp data storage devices Servers	NETAPP Simpana	24 hours Note: Could be days depending on location and amount of data



## City of Kirkland Continuity of Operations Continuity of Government Parks and Community Services Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Parks and Community Services Department (PCS) is responsible for coordinating mass care resources for city staff performing COOP activities. City departments and staff are dependent on the PCS to support their ability to deliver essential functions. This effort may require participation on the COOP Facilities Team.

In a COOP incident, the suspension of public recreation programs may be necessary to allow the PCS to support City COOP activities.

Some departments such as fire or police may require significant support including lodging/shelter, feeding, sanitation, or hygiene capabilities. Other departments may require limited support, if any.

### Essential Functions

Essential functions for PCS are focused on supporting mass care needs, specific to COOP is the support for City staff providing service to the public during a COOP scenario. Detailed information about the delivery of this support is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Mass Care	Support care, feeding, and shelter operations for city staff performing COOP activities.	No	24 hours
COOP Support	Participate on COOP Facilities Team.	No	6 hours

## Key Personnel

The PCS has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Parks & Community Services	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director, Planning &amp; Community Services</li> <li>3. Deputy Director, Operations</li> <li>4. Parks Operation Manager</li> <li>5. Recreation Manager</li> </ol>

The PCS has further identified the key personnel and backups needed to perform the essential function tasks under the direction of leadership.

Essential Function	Key personnel by position
Mass Care	<ol style="list-style-type: none"> <li>1. Recreation Manager</li> <li>2. Supervisor of North Kirk Community Center</li> <li>3. Supervisor of Peter Kirk Community Center</li> </ol>
COOP Support	<ol style="list-style-type: none"> <li>1. Operations Manager</li> <li>2. Parks Supervisor</li> <li>3. Recreation Supervisor</li> </ol>

## Delegations of Authority

The PCS does not have formal documented delegation of authorities, the order of succession and key personnel provide for continued operations during a COOP incident.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of the PCS are not dependent on any specific location or facility. Functions can be performed at any site with adequate infrastructure, thus the PCS does not have a designated alternate site. The COOP Facilities Team will identify a safe location for the PCS to work, if relocation is needed.

Mass care support locations have specific requirements for compliance with regulations and laws. During a COOP scenario, every effort will be made to meet these requirements, whenever possible and able.

## Communications

The PCS does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phones, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

The PCS has identified vital records as those items supporting the essential function of mass care, such as shelter manual, and database or list of preferred shelter locations.

## Critical Systems

Access to the intranet and internet is not necessary but desired to support the PCS essential functions.

## Critical Equipment

The PCS has identified communication equipment as critical for support of essential functions. If available, computers would assist the PCS as well, but are not required.

## External Contacts

The PCS is not dependent on external agencies for delivery of essential functions. However, partnerships with various private, public, and non-profit organizations are, at times, leveraged to support mass care operations.

## Return to Operations

The PCS may have continual, but limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if the PCS is working from an alternate location. The PCS will resume normal business as able based on available resources, priorities of City leadership, recovery priorities, and the readiness if the community to engage in recreation activities.

## Department Resource Document

The attached document serves as a resource that supports COOP activities related to essential functions and staff.

Attachment A:            Essential Functions Worksheet

**ATTACHMENT A**

**Parks and Community Services Essential Functions Worksheet**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
Mass Care	Support care, feeding, and shelter operations for city staff performing COOP activities	Recreation Manager  Supervisor North Kirkland Community Center  Supervisor Peter Kirk Community Center	Hotels Faith Based organizations Volunteer Organizations Active in Disasters (VOAD) Food distributors Sanitation suppliers	Shelter operations manual Contact list for partners Approved sheltering locations list	Computer Phones Sheltering supplies Generators	Internet	24 hours
COOP Support	Participate on COOP Facilities Team	Operations Manager Parks Supervisor Recreation Supervisor	Hotels Conference or meeting space KCLS	Contact lists Facility floor plans/ capability list	Computer Phones	GIS Internet	6 hours





# City of Kirkland Continuity of Operations Continuity of Government Planning and Building Appendix

## Introduction

During a Continuity of Operations (COOP) scenario, the Planning and Building Department (PBD) is responsible for performing emergency building inspections within city boundaries in support of incident and COOP operations. The PBD will perform this essential function in coordination with the COOP Facilities Team and/or the Emergency Operations Center and as infrastructure, such as roadways, allow movement to sites.

## Essential Functions

The essential function of the PBD during a COOP incident is to perform emergency building inspection of structures for potential or identified use for incident operations, COOP activities, or community needs. Detailed information about the delivery of this service is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for the function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Building Inspection	Perform emergency building inspections.	Yes	12 hours

## Key Personnel

The PBD has identified the Order of Succession for leadership as key roles in facilitating the process of building inspections

Leadership	Order of Succession by position
Planning and Building	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director</li> <li>3. Building Official</li> <li>4. Development Review Manager</li> </ol>

The PBD has further identified the key personnel and backups needed to perform the task of building inspection.

Essential Function	Key personnel by position
Emergency Building Inspection	<ol style="list-style-type: none"> <li>1. Building Official               <ol style="list-style-type: none"> <li>1a Deputy Building Official</li> <li>1b Building Inspector(s)</li> </ol> </li> <li>2. Building Inspector(s)               <ol style="list-style-type: none"> <li>2a Plans Examiner(s)</li> </ol> </li> </ol>

## Delegations of Authority

The delegation of authority for the essential function of the PBD is defined in Kirkland Municipal Code Chapter 21 Buildings and Construction, Section 21.06.130 Deputies.

## Department Relocation

The incident impacts and operational needs will dictate the safe options for relocation; however, the PBD is not dependent on any specific location or facility to perform building inspections. Inspections are done in the field and the administrative aspect can be performed at any site with adequate infrastructure, thus the PBD does not have a designated alternate site. The COOP Facilities Team will identify a safe location for the PBD to work, if relocation is needed.

## Communications

The PBD does not have any unique communication requirements. The intent is to use operational systems, including but not limited to, desk phone, cell phones, Outlook email, and text messaging for communications during a COOP scenario.

## Vital Records, Files, and Databases

The PBD has identified vital records as inspection documentation including tracking and damage assessment forms and posting tools such as tags and stickers.

## Critical Systems

Access to the intranet and internet is not necessary but strongly desired to support the PBD performance of building inspections. The use of the Energov system is helpful but not required for inspection.

## Critical Equipment

The PBD has identified vehicles, forms and posting tools, flashlights, spray paint, personal protective gear, and communication equipment as key for supporting emergency building inspections. If available, computers would assist the process as well, but are not required for the onsite inspection process.

## External Contacts

The PBD is not dependent on external agencies for support of emergency building inspections; however, vendors that supply personal protective equipment and inspection supplies are critical to safe and effective inspections.

## Return to Operations

The PBD will have continual, but limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility if the PBD is working from an alternate location. The PBD will resume normal business as able based on available resources, priorities of city leadership, recovery priorities, economic opportunities, and the adjusted timeline of projects placed on hold due to the incident.

## Department Resource Document

The attached document serve as a resource that supports COOP activities related to essential functions, authorities, and staff.

Attachment A:           Essential Functions Worksheet

**ATTACHMENT A**

**Planning and Building Department Essential Functions Worksheet**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
Building Inspections	Emergency inspections as requested by facilities	Building Official  Building Inspector	Hardware or home improvement stores for supplies	Inspection Forms  Site tags/stickers	Phone  Computer  Vehicle  Protective Equipment  Spray Paint  Flashlight	Internet  Energov	12 hours



## City of Kirkland Continuity of Operations Continuity of Government Police Department Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Police Department (PD) is responsible for providing emergency services to the community including patrol and investigations, as well as maintaining operations of the Kirkland Correctional facility. The PD operates 24 hours a day, seven days a week 365 days a year. The PD supports and partners with city departments and resources to perform essential functions.

### Essential Functions

Essential functions for the PD during a COOP incident includes response to emergency calls, traffic control, felony investigations, operating corrections, and incident security support. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Patrol	Respond to emergency calls and support traffic operations.	Yes	2 hours
Corrections	Maintain operations of the correction facility providing for prisoners.	Yes	2 hours
Investigations	Investigate felony crimes.	Yes	24 hours
Incident Support	Provide security assistance for incident response.	Yes	6 hours

## Key Personnel

The PD has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential services.

Leadership	Order of Succession by position
Police Department	<ol style="list-style-type: none"> <li>1. Police Chief</li> <li>2. Captain</li> <li>3. Lieutenant</li> <li>4. Sergeant</li> </ol>

The PD recognizes that all department staff are considered key personnel and have a role during a major incident. However, the PD has further defined key personnel and backups needed to perform essential function tasks under the direction of leadership.

Essential Function	Key Personnel by position
Patrol	<ol style="list-style-type: none"> <li>1. Kirkland Police Officer</li> <li>2. Mutual Aid Law Enforcement personnel</li> </ol>
Investigations	<ol style="list-style-type: none"> <li>1. Kirkland Police Officer</li> <li>2. Mutual Aid Law Enforcement personnel</li> </ol>
Corrections	<ol style="list-style-type: none"> <li>1. Corrections Officer</li> <li>2. Corrections Supervisor(s)</li> </ol>
Incident Support	<ol style="list-style-type: none"> <li>1. Kirkland Police Officer</li> <li>2. Mutual Aid Law Enforcement personnel</li> </ol>

## Delegations of Authority

The PD has a delegation of authority process as written in Lexipol Policy 200.3.2 Succession of Command the adopted standard operating procedure for PD that identifies the hierarchy and delegation of roles for daily and emergency situations.

## Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore the PD does not have designated alternate locations for most essential functions.

Whenever possible sustainment of corrections will be supported at the Kirkland Justice Center facility; however, if the facility is unsafe or unusable, corrections will be relocated to local or regional detainment facilities with space available.

Patrol and investigations are flexible and adaptable operations that can be relocated if needed. Ideally relocation would be within the city limits and will provide adequate work and vehicle space for regular and special operations staff and equipment.

## Communications

The PD has several methods of communication in support of delivery of essential functions. The intent is to use operational systems, including but not limited to desk and mobile phones,



Outlook email, 800 MHz radios, and social media accounts such as Facebook and Twitter for communication during a COOP scenario.

The PD leadership has Government Emergency Telephone System (GETS) and Wireless Priority System (WPS) capability as well.

The PD is dependent on a Public Safety Alerting Point (PSAP) a.k.a. 911 Dispatch for notification and assignment of public calls for assistance. The PSAP system has redundancy established at least three deep to support delivery of response information.

## Vital Records, Files, and Databases

The PD has identified vital records to include incident response reports, map books, partner contact lists, subject background reports, investigative case files, and inmate records.

Databases used for essential functions include Geographical Information Services (GIS) for mapping, National Crime Information Center (NCIC), Department of Licensing (DOL), and Washington Crime Information Center (WACIC).

## Critical Systems

Access to the intranet and internet is necessary for the PD to perform most essential functions. PD uses New World dispatch via NORCOM, GIS, National Crime Information Center (NCIC), Department of Licensing (DOL), Washington Crime Information Center (WACIC), and Records Management System (RMS).

Corrections uses many of the above systems in addition to a security system supported by Western Detention and Building Control Systems.

## Critical Equipment

The PD has identified that there is extensive and unique critical equipment requirements for the delivery of essential functions. In addition to technology resources such as phones, radios, computers, and printers the PD relies on specialized vehicles, protective gear, tactical gear, and a variety of task specific tools. The corrections unit has additional critical equipment associated with the care and housing of prisoners. For a detailed list of critical equipment see Attachment A Essential Functions Worksheet.

## External Contacts

The PD partners with several external response organizations for delivery of essential functions. The PD has established mutual aid agreements facilitated through the PSAP system.

Corrections has agreements with detention partners.

The Public Safety Alerting Point (PSAP) or dispatch center is an external agency delivering services to the PD as a consortium member.

## Return to Operations

The PD will have additional and continual, but possibly limited in scope, operations during a COOP incident. Return to operations may mean relocation back to an original facility or new

facility if alternate work sites were established. Primarily return to operations will consist of resuming all services normally performed by the PD during non-disaster times, such as training, community policing, school resources support, and investigations beyond felonies.

The corrections return to operations may consist of return of prisoners if the facility was vacated, as well as acceptance of prisoners housed by other agencies on behalf of the city during COOP activities. Prior to return of prisoners, the corrections facility may require inspection, cleaning, or a preparation phase to replenish resources for operation.

For all areas of the PD return to operations includes thoroughly checking the condition and status of equipment and supplies. In addition, consideration and attention will be given to the physical and emotional health of responders with critical incident stress management resources being provided as needed.

## Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Functions Worksheet

Attachment B: COOP Alternate Facility Requirements

**ATTACHMENT A**

**Essential Functions Police Department**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
Patrol	Provide call response to emergencies, maintain order/traffic flow	Officers, Supervisors, Mutual Aid	Verizon, Uniform, Equipment, & Supplies support, Clothes Laundry support	Incident Reports Background Checks	Marked Police Vehicles, Cell Phones, MDC (vehicle laptops), Computers	800 MHz Radio New World Internet National Crime Information Center (NCIC), Department of licensing( DOL), Washington Crime Information Center WACIC, Records Management System(RMS)	2 hours

## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and back up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Investigations	Criminal Investigations of felonies.	Detectives, Supervisors	Verizon, Supplies, Cameras	Incident Reports Case Files Crime Scene photos	Vehicles, Cell Phones, Computers	Internet National Crime Information Center (NCIC), Department of licensing( DOL), Washington Crime Information Center WACIC, Records Management System(RMS)	24 hours
Corrections	Booking, housing, transporting prisoners, and maintain security of the correctional facility	Officers, Supervisors	Verizon, Food Vendor, Clothes Laundry support	Inmate Records	Jail Transport Vehicles, Cell Phones, Computers	Internet National Crime Information Center (NCIC), Washington Crime Information Center WACIC, Records Management System(RMS)	1 hour

**ATTACHMENT A**

<b>Essential Function</b>	<b>Essential Function Description</b>	<b>Key Positions and back up</b>	<b>Vendors and External Contacts</b>	<b>Vital Records</b>	<b>Equipment</b>	<b>Systems</b>	<b>Recovery Time Objective</b>
Law Enforcement	Security assessment or support for city facilities.	Officers, Supervisor	Verizon	N/A	Vehicle, Computer	Internet	6 hours
Records	Processing the investigative workload into our Records Management System. Providing Public Disclosure Response.	Records Staff	Verizon	Case Files	Computers	Internet National Crime Information Center (NCIC), Department of licensing( DOL), Washington Crime Information Center WACIC, Records Management System(RMS)	72 hours

## ATTACHMENT B

<b>COOP Alternate Facility Requirements</b>						
<b>Department unit/division</b>	<b>Physical size</b>	<b>Location Proximity</b>	<b>Infrastructure</b>	<b>Technology</b>	<b>Public Access</b>	<b>Parking/Staging</b>
Police Operations	Workplace for 7, workstations for 5 officers, conference room for 20, secured storage for uniforms and gear	Within City  Operations, administration, records, and investigations would work smoother if in close relation to each other.	Power, cell coverage, ac/heat  Possibly need shower facilities and temporary lockers.	Computers, intra and internet access, printer	Restricted	Parking for 50 vehicles (patrol cars and officers vehicles)
Police Investigations	Workplace for 10, conference room	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	No.	Parking for 25 vehicles (investigation vehicles and detective vehicles)
Police Administration	Workplace for 12, conference room	Near EOC and Policy Group	Power, cell coverage, vehicles	Computers, intra and internet access, printer	No.	Parking for 15 vehicles
Police Records	Workplace for 10	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	Yes.	Parking for 10 vehicles
Police Traffic/Training	Workplace for 10	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	No.	Parking for 15 vehicles
Police Evidence	Workplace for 2, secured facility for storage of evidence (approximate 500 sq.	Within City	Power, cell coverage, ac/heat	Computers, intra and internet access, printer	Restricted	Parking for 4 vehicles



## ATTACHMENT B

Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging
Corrections	Workplace for 4, Area to house 12 inmates temporarily	Within City	Power, cell coverage, ac/heat, Showers, toilets	Computers, intra and internet access, printer	Yes. Secured	Parking for 15 vehicles
Police Quartermaster	Workplace for 1, area to store police gear uniforms	Within City(near Ops)	Power, cell coverage, ac/heat		No.	Parking for 3 vehicles



## City of Kirkland Continuity of Operations Continuity of Government Public Works Appendix

### Introduction

During a Continuity of Operations (COOP) scenario, the Public Works Department (PW) is responsible for the sustainment and operations of several critical infrastructure systems including, water, sewer, and streets. In addition to infrastructure systems PW provides key incident support with fleets, fuel, staff, and logistical resources. Several departments are dependent on PW delivering essential functions for incident and COOP activities.

### Essential Functions

Essential functions for PW during a COOP incident include operation of critical infrastructure and resources support to departments, operations, and COOP activities. Although, there is no legal mandate for delivery of these services, it is understood that there is a need and public expectation of these operations. Details information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Water	Facilitate water distribution to fire hydrants and COOP facilities.	No	2 hours
Fleets and Equipment	Vehicle and fuel service for City personnel.	No	2 hours
Incident Support	Support Department and COOP activities with staff and logistics.	No	4 hours

Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Streets	Clear priority routes for incident and COOP activities.	No	12 hours
Sewer	Facilitate sewer services for COOP facilities.	No	12 hours

## Key Personnel

PW has identified the Order of Succession for leadership as key roles in facilitating the delivery of essential functions.

Leadership	Order of Succession by position
Public Works	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director</li> <li>3. Utility Manager</li> <li>4. Street Manager</li> <li>5. Operations and Fleet Managers</li> <li>6. Development Engineering Manager</li> <li>7. Transportation Manager</li> <li>8. CIP Manager</li> </ol>

PW has further identified the key personnel and backups needed to perform the essential function tasks under the directions of leadership.

Essential Function	Key personnel by position
Water and Sewer	<ol style="list-style-type: none"> <li>1. Utility Manager</li> <li>2. Water/Wastewater Supervisor</li> <li>3. Water/Wastewater Lead</li> <li>4. Water/Wastewater Crew</li> </ol>
Fleets and Equipment	<ol style="list-style-type: none"> <li>1. Fleet Manager</li> <li>2. Operations Manager</li> <li>3. Deputy Director</li> </ol>
Incident Support	<ol style="list-style-type: none"> <li>1. Deputy Director</li> <li>2. Operations Manager</li> </ol>
Streets	<ol style="list-style-type: none"> <li>1. Streets Manager</li> <li>2. Streets Lead</li> <li>3. Deputy Director</li> </ol>

## Delegations of Authority

PW does not have any formal documented delegations of authority, the order of succession and key personnel provide for continued operations during a COOP incident.

## Department Relocation

The incident impacts and operational needs will dictate the safe options for relocation; however, the essential functions of PW are dependent on a location or facility with power and network connectivity. In addition to office space for a large work group, PW requires significant storage space for vehicles, equipment, and supplies. Although not required, PW would ideally be relocated within the City limits to facilitate essential functions.

## Communications

PW has several methods of communication in support of essential functions. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk and cell phones, Outlook email, and 800 MHz radios during a COOP scenario.

In addition to staff communication resources, PW depends on dedicated phone lines to deliver Telemetry for both the water and sewer systems.

## Vital Records, Files, and Databases

PW has identified vital records to include Geographic Information Systems (GIS), telemetry history records, as built records, the department phone tree, and the Maintenance Management Systems (MMS) database as critical to the delivery of essential functions. See Attachment A Essential Functions Worksheet for details of requirements.

## Critical Systems

Access to the intranet and internet is necessary for PW to perform most essential functions. The use of GIS, the MMS, and Lucy are all systems that facilitate the delivery of services.

## Critical Equipment

PW has identified technology and communication equipment as well as vehicles and task specific tools as critical equipment for delivery of essential functions. In addition to phones and computers, radios are a key communication resource for PW. Generators and fuel are also necessary for the delivery of some essential functions.

## External Contacts

PW partners with several external agencies as some city systems are inter-dependent on partner systems. Partnerships include local, state, and private sector organizations. See Attachment A Essential Functions Worksheet for a detailed list of contacts by essential function.

In addition to partnerships, PW also contracts with a variety of service providers. This information can be found on Attachment A Essential Functions Worksheet as well.

## Return to Operations

PW will have continual, COOP and incident response, operations during an incident. Return to operations may include relocation to an original or new facility, or the resumption of normal business activities that were suspended while focus was placed on incident support. Priority will be given to delivery of services as directed by city leadership that supports incident operations and recovery, provides infrastructure services to residents and businesses, and partners with adjacent jurisdictions.

Due to the nature and complexity of critical infrastructure systems, a full return to operations may take a significant amount of time and resources to accomplish. PW may be functioning in a COOP mode longer than other departments if the incident causes significant disruption to PW operating facilities or systems.

## Department Resource Document

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Functions Worksheet

Attachment B: COOP Alternate Facility Requirements

## ATTACHMENT A

### Public Works Department Mission Essential Functions

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Water	Monitoring of the water system water distribution Source water Pump stations Reservoirs Fire Hydrants Main Lines Services	Utility Manger Water/Wastewater Supervisor Water Lead Water Crew	Seattle Public Utilities Wa. State Dept. of Health Environmental Protection Agency Technical Systems, Inc. (TSI) H.D. Fowler HD Waterworks Ferguson	GIS Maintenance Management Systems (MMS) As Built Telemetry History	Generator Computer Phone Radio Vehicles Tools	Internet Telemetry Server, Verizon Frontier	2 Hours
Sewer	Facilitate sewer services at COOP facilities	Utility Manger Water/Wastewater Supervisor WasteWater Lead WasteWater Crew	King County (KC) Metro Wa. State Dept. of Ecology Environmental Protection Agency Technical Systems, Inc. (TSI) H.D. Fowler HD Waterworks Ferguson	GIS Maintenance Management Systems As Built Telemetry History	Generator Computer Phone Radio Vehicles Tools	Generator Computer Phone Radio Vehicles Tools	KC Connections 12 hours  Cree Lift stations 12 hours  Mainlines 48 hours
Streets	Clearing roads for incident and COOP activities	Streets Manager  Streets Lead	Cities of Bellevue, Redmond, Bothell, and Kenmore	GIS MMS (Lucity)	Computer Phone Radio Vehicles Tools	Internet- Intranet	2 Hours
Fleets and Equipment	Fuel Service Vehicles	Fleet Manager  Deputy Director	Overlake Oil Fire Station 27	None	Fuel Tanks Computer Phone Radio Vehicles Tools	None	2 hours



## ATTACHMENT A

Essential Function	Essential Function Description	Key Positions and Back Up	Vendors and External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
COOP	Support establishment of staging area(s), alternate location(s), and staff logistics.	Deputy Director  Onsite Manager	None	Phone Tree  Maps	Computer, phone, radio	GIS Internet	4 hours

## ATTACHMENT B

COOP Alternate Facility Requirements							
Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging	Comments
Public Works Annex	Office space for 27 people	Near City Hall PW employees	Power, water, network, restrooms	Network Access, Computers, Phone	No	Parking for staff;	Can be split up;
Public Works at City Hall	Office space for 38 people	Near other City Hall Employees	Power, Water, restrooms	Network Access, Computers	Yes	Parking for staff	Can be split up
Public Works Maintenance Center	Office space for 19 people, storage containers (2)	Within City Limits	Power, water, network, restrooms	Network Access Computers, Handheld Radios (12), Radio connected to Seattle Public Utilities Phones	no	Parking for 80 vehicles	
Public Works Shops	6 work areas, including small tool and gear storage	Near 405, within City limits, 1 mile from City Hall	Power, water, network, Restrooms	Network Access, Computers Phones	No	Approximately 2.5 acres for equipment parking	Access to fuel, ability to clean vehicles, dispose of decant/spoils
Public Works Fleet Office and shop	Office space for 6 people	Within City Limits	Power, water, network	Network Access, Computers	deliveries	Approximately 2500 sf for shop space	Locked storage, equipment lift, repair tools, generators
Public Works Fleet Area at KJC	Small office	Close proximity to PD and Fire	Power, water, network, heat,	Network Access, Computers, Phones	Limited; deliveries	2 bays and some off street parking can be shared with KJC	

## ATTACHMENT B

Department unit/division	Physical size	Location Proximity	Infrastructure	Technology	Public Access	Parking/Staging	Comments
Public Works Warehouse	Office space for 2 people	Close proximity to shops	Power, water,	Network access, Computers, Phones	Deliveries	As much storage as possible Locked storage Equipment lift	Deicer containers may need to be stored.
PW Storage Containers	2 at the MC	Close proximity to staff	N/a	N/A	N/A	N/A	N/A



## City of Kirkland Continuity of Operations Continuity of Government Training and Exercise Appendix

### Introduction

This appendix is designed to provide basic information and resources to support training and exercising of the Continuity of Operations (COOP) Continuity of Government (COG) Plan ("Plan"). It is recommended that departments train and exercise on all or parts of their specific COOP roles, responsibilities, and activities at least quarterly, ideally monthly.

### Training

Provided as Attachment A to this appendix is a template for delivery of a Plan orientation at the department level. Use this template as a tool for orienting all department staff to this Plan and the appropriate department appendix.

The Federal Emergency Management Agency (FEMA) offers classes related to COOP and COG programs online as free Independent Study sessions. Washington State Emergency Management will partner with FEMA to provide in person, classroom delivery of COOP COG courses as well, although these offerings tend to be quite infrequent.

Online course Independent Study Courses can be accessed at [www.training.fema.gov](http://www.training.fema.gov)

- IS 156 Building Design for COOP
- IS 520 Introduction to COOP Planning for Pandemic Influenzas
- IS 545 Reconstitution Planning Workshop
- IS 546 Continuity of Operations Awareness Course
- IS 547 Introduction to Continuity of Operations
- IS 548 COOP Manager's Course
- IS 550 COOP Planner's Workshop
- IS 551 Devolution Training

In Classroom delivery courses include most of the above and the 549 COOP Program Manager's Course.

FEMA provides endorsements in Continuity Excellence at the Professional and Master Practitioner Levels. Program requirements can be found at

[https://www.fema.gov/media-library-data/1412781969155-abb35dfe1d640b499fb5a3c8c7da6892/Continuity Excellence Series Brochure.pdf](https://www.fema.gov/media-library-data/1412781969155-abb35dfe1d640b499fb5a3c8c7da6892/Continuity%20Excellence%20Series%20Brochure.pdf)

## Exercise

There are several methods for exercising all or parts of the Plan. Departments are encouraged to at least discuss the steps, actions, and issues associated with implementing COOP activities. Provided is information on how to facilitate a short (staff meeting segment) exercise and a more involved Table-Top (discussion) of efforts. Included to assist are numerous scenarios to start the process.

### Short Exercise

Select a section of the Plan or Department Appendix to read over with staff.

Confirm document information with staff.

Practice use of alternate or notification communication systems.

Contact Emergency Management to test the CODE RED system.

Practice an after hour call out by making calls based on department contact list to check for accuracy.

Challenge employees to create an impromptu "go-Kit" or at least to list the items that would be needed and discuss the results.

Use a map to identify potential alternate sites and have employees plan transportation routes; add in some route closures to create more discussion and planning.

"Table-Top" Exercise – typically takes an hour or more involving several or all staff for discussion based on a scenario.

### How to facilitate a table top exercise-

Present a scenario - either just say it or with PowerPoint. Pictures do help get the message across. Give participants a moment to think about the scenario.

Ask questions related to the scenario and the affects or impacts it creates to normal operations.

#### Possible questions to ask

How does this impact the department?

How does this impact employees?

Are there any operations that will fail due to the situation? Are they critical?

Are there work around plans for impacted operations? If so what are they?

What does the public need to know?

Are there measures that can be put into place to mitigate risk?

How long can the disruption go before major work adjustments need to be made?

Can separate divisions or groups for small group discussion of questions and then have a spokesperson from each group report to the larger group.

Can have a primary representative speak on behalf of each division or group responding directly to the large group on the question posed. Take turns to reach all pertinent roles/divisions/areas of work.

Responses should lead to follow on questions.

Challenge responses with the ability to implement actions, availability of resources, or other challenges that may drive more in depth consideration and discussion.

## Example Scenarios for Use

The following are some sample scenarios that could be used to facilitate discussion. Customize the scenario to meet the needs of the exercise. Keep the scenario as real as possible so that participants can engage and consider what could happen.

Scenario: Power Outage

On (Pick a day and time – weekday, weekend, day or night) a powerful storm caused high winds resulting in the loss of power throughout the region. PSE estimates power to be restored to (Fill in work site) to be at least 3 – 4 days.

Scenario: Structure Fire

On (Pick a day and time – weekday, weekend, day or night) the fire alarms sounded at City Hall. The top floor of the building had an active fire that caused major damage, the lower level sustained significant water damage from the sprinklers and fire suppression efforts. It is estimated cleanup and restoration will take at least 3 – 4 months.

Scenario: Cyber Attack – Internet Shutdown

On (Pick a day and time – weekday, weekend, day or night) an attack on the Internet crashed the entire system there is no access to any external systems or software. IT is unable to estimate a restoration time as this is a 3<sup>rd</sup> party issue to resolve. It could be days to weeks or longer before the internet is back up and working. The cloud is not available because the systems used to provide connect and data is down.

Scenario: Threat of Attack

On (Pick a day and time – weekday, weekend, day or night) the head of (use your department or pick another) received a (pick a method- call, letter, email, text, etc) threatening to (pick one - bomb, poison, shoot, kill, etc) everyone and anyone at (pick a location – city hall, court, council chamber, park, community center, etc) . Police and the FBI have determined the threat to be credible and recommend closure of (the site previously named, can add additional if desired for proactive measures) until further notice. The investigation could last hours to days.

Scenario: Transportation Shutdown

On (Pick a day and time) a winter storm blanketed the region virtually shutting down all transportation routes. The Governor and County Executive have proclaimed state of emergencies and are asking everyone to stay off the roads. The temperature is expected to be below freezing for the next week and more snow is forecasted for at least the next 3 – 4 days.

Attachment A:           Template COOP Plan Orientation for Departments PowerPoint

DRAFT





# Continuity of Operations

---

PLAN ORIENTATION FOR (XXXX) DEPARTMENT


# COG and COOP

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## COG – Continuity of Government

- The legal/statutory requirements of the City
- The minimum that must be done to maintain status as a City

## COOP – Continuity of Operations

- People, places, systems, and infrastructure to sustain essential and COG functions
  - Authority and order to sustain leadership
- 


# What (COG) and How (COOP)

---

## COG

- Must arraign detainee within 72 hours
- Must collect property taxes
- Must pay employees

## COOP

- Need location, Judge, Attorney, Clerk
  - Need online or walk up capability for payment
  - Need hard copy checks to print or write out
- 

# COOP Examples

---

Explosion – Natural Gas Explosion

Biological – Influenza, Ebola, Anthrax

Technological – Virus, Equipment failure, System failure

Active Shooter – Workplace, schools, malls

Power Failure – Wind storms

Natural – Consequences of incident

- Earthquake – structural damage to building, lack of power, water, network
- Landslide – damage to utilities, transportation disruption



# Scale of effect

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## Specific

- One or more facilities, departments, or systems
  - Fire at Kirkland Justice Center or City Hall

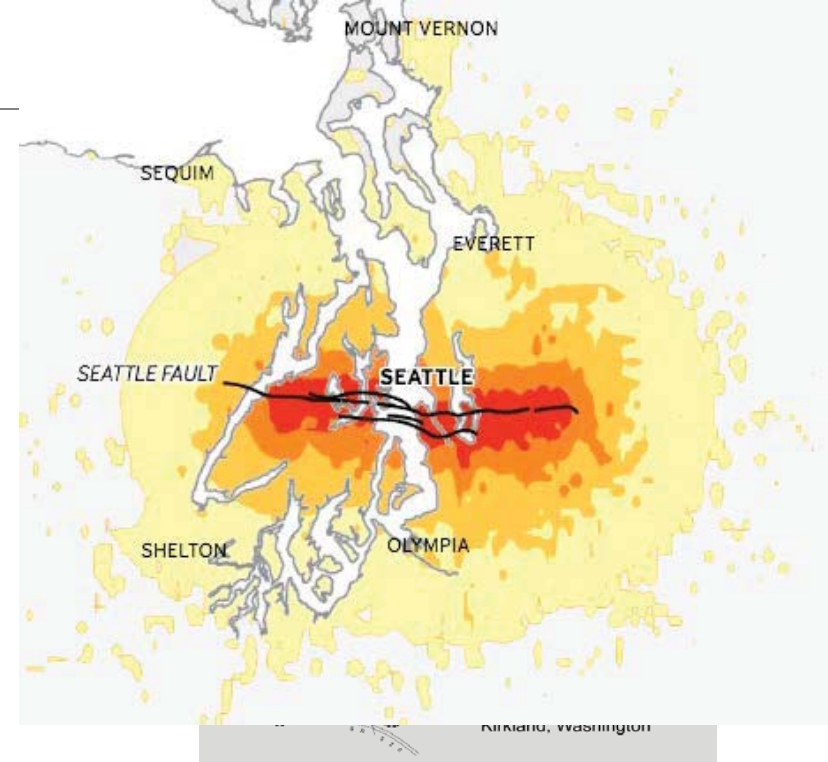
## Local

- City wide
  - Technology disruption, Water system failure

## Regional

- Beyond the city systems and/or boundaries
  - Snow Storm, Seattle Fault earthquake

What, who, and how long impact scale as well



# Timeline of COOP activities

COOP may be needed for:

- Days - broken water line, network failure
- Weeks – roof collapse, flu epidemic
- Months – structure fire
- Years – earthquake



# Essential Function (Source FEMA.gov)

---

Functions that must be continued in all circumstances

Explicitly assigned by law (COG)

Determined by the agency head to be essential

Provide vital support to another department or agency

Cannot be interrupted for 12 hours

Functions that enable an organization to:

- Provide vital services
- Exercise civil authority
- Maintain the safety of the general public
- Sustain the industrial and economic base

All others = non-essential – may be important but not right away



# Department Essential Functions

---

**Insert essential functions as listed in the Plan**

# Department Order of Succession

---

Insert Order of Succession for Leadership

Insert Key Personnel for Essential Functions

# Dependency – Insert slides or bullets for each area based on the Plan.

---

People – Internal and external

- ID key personnel and backups
- ID partners or vendors

Facilities – ID requirements of a site not an actual site, brainstorm possible options if relocation is needed

Records – Electronic and hard copy Discuss vital records

Tools – IT systems internal and external Discuss needs and alternate options

Partners – City departments, vendors/contactors, non-profits, County and State agencies ID who you work with in an emergency, if anyone

# Employees

---

Insert information about department expectations

Key roles and who fills them

Personal Preparedness

Alternate work plans (telecommute if appropriate, extended hours, position changes)

# Notification

---

Insert information about HOW employees will be notified about work location and tasks

Reference City Hotline, Websites, and social media tools



## City of Kirkland Continuity of Operations Continuity of Government Annex Content List

### Delegations of Authority

- City Attorney
- City Manager
- Authorized Signing Agent

### Facility List

### Policies related to COOP

- Telework Policy
- Telework Agreement

### Preparedness Lists

- Department COOP Go Kit
- Employee COOP Go Kit
- Home Emergency Kit

### Staff Support

- Employee Assistance Program (EAP)
- Critical Incident Stress Management (CISM)

### Glossary of COOP Terms

**CITY OF KIRKLAND, WASHINGTON  
KIRKLAND CITY ATTORNEY  
DELEGATION OF AUTHORITY**

The undersigned, Kevin Raymond, is the duly appointed City Attorney for the City of Kirkland, Washington ("City"). The undersigned hereby authorizes and delegates to the individuals identified below, in the order identified, the authority to serve as Acting City Attorney in the absence of the City Attorney, and in connection therewith to execute any contract, certificate, pleading or other document that the City Attorney is authorized to execute and deliver on behalf of the City. The signatures of the individuals identified below shall be as binding on the City as if the document had been executed by the City Attorney:

1. Stephanie E. Croll, Sr. Assistant City Attorney
2. Wm. R. Evans, Assistant City Attorney

This authorization shall be effective immediately and shall remain in effect for so long as we continue to hold our respective offices.

DATED this 27<sup>th</sup> day of July, 2017.

CITY OF KIRKLAND, WASHINGTON


  
 \_\_\_\_\_  
 Kevin Raymond, City Attorney

STATE OF WASHINGTON     )  
   )ss:  
 COUNTY OF KING         )

On this 27<sup>th</sup> day of July, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kevin Raymond, to me known to be the City Attorney of the City of Kirkland, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein set forth, and on oath stated that he was authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



  
 \_\_\_\_\_  
 Print Name: Leta B. Santangelo  
 NOTARY PUBLIC in and for the State  
 Washington, residing Kirkland  
 Commission expires: 12-19-2017







CITY OF KIRKLAND, WASHINGTON

DELEGATION OF AUTHORITY

The purpose of this delegation of authority is to recognize Greg Piland as an authorized agent for the City of Kirkland when signing Purchase Orders and Purchase Agreements for the procurement of the materials, equipment, supplies and services required by the City and for all the allied transactions involved herein. The delegate's signature will serve as confirmation that purchasing authority had previously been granted through the City financial system, IFAS.

The dollar limited associated with this authority has been set at \$50,000.00.

The signature below will serve as Greg Piland's acceptance of this responsibility that all transactions, when performing in this capacity, will be carried out in consideration of the employee code of ethics outlined in Chapter 3.82 of the Kirkland Municipal Code and other applicable law.

DATED this 22<sup>nd</sup> day of December, 2016.

CITY OF KIRKLAND, WASHINGTON

  
\_\_\_\_\_  
MICHAEL OLSON, DIRECTOR OF FINANCE AND ADMINISTRATION

  
\_\_\_\_\_  
GREG PILAND, PURCHASING AGENT

CITY OF KIRKLAND, WASHINGTON

DELEGATION OF AUTHORITY

The purpose of this delegation of authority is to recognize Sheila Sigmond as an authorized agent for the City of Kirkland when signing Purchase Orders and Purchase Agreements for the procurement of the materials, equipment, supplies and services required by the City and for all the allied transactions involved herein. The delegate's signature will serve as confirmation that purchasing authority had previously been granted through the City financial system, IFAS.

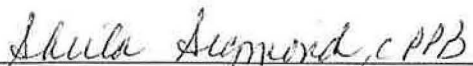
The dollar limited associated with this authority has been set at \$50,000.00.

The signature below will serve as Sheila Sigmond's acceptance of this responsibility that all transactions, when performing in this capacity, will be carried out in consideration of the employee code of ethics outlined in Chapter 3.82 of the Kirkland Municipal Code and other applicable law.

DATED this 22 day of December, 2016.

CITY OF KIRKLAND, WASHINGTON

  
MICHAEL OLSON, DIRECTOR OF FINANCE AND ADMINISTRATION

  
SHEILA SIGMOND, BUYER

City of Kirkland Facility Space List  
As of August 2017

Conference Rooms					
Location	Room Name	Occupancy	Tables	Chairs	
City Hall	Council Chambers	142	10	110	90 Audience 20 Executive
City Hall	Peter Kirk Room	80	13	50	
City Hall	Rose Hill Room	40	8	16	
City Hall	Houghton	29	6	12	
City Hall	Kinsgate	15	4	8	
City Hall	Finn Hill	31	6	12	
City Hall	Lakeview	14	4	8	
City Hall	Market	19	6	12	
City Hall	Norkirk	19	6	14	
City Hall	Highlands	14	4	8	
City Hall	Moss Bay	15	4	8	
City Hall	Juanita Bay Room	27	4	10	
City Hall Annex	Large Conference Room	12	1	12	
City Hall Annex	Small Conference Room	8	1	8	
Kirkland Justice Center	Totem Lake Room	110	20	75	
Maintenance Center	Main East	33	10	25	
Maintenance Center	Main West	67	10	25	
Fire Station 21	Meeting Room	9	1	8	
Fire Station 22	Meeting Room	50	8	30	
Fire Station 26	Meeting Room	53	12	26	Plus 1 table for presenter
NKCC	Multi-Purpose Room	245	32	175	
NKCC	Dance Room	60	1	21	
PKCC	Multi-Purpose Room		14	61	
PKCC	Sun Room		5	22	
PKCC	Auditorium		16	100	
PKCC	Card Room		4	32	
PKCC	Art Room		6	21	
PKCC	Extra Chairs and Tables	N/A	8	42	
Heritage Hall	Multi-Purpose Room		15	75	

**City of Kirkland  
Telework Agreement**

Purpose: The Telework Agreement is to be completed along with the telework application. The Agreement addresses specifics of the proposed teleworking arrangement between an employee, supervisor, and department director. Agreement must be signed by applicant, supervisor and department director.

Teleworker Name	Title
Department	Extension
Supervisor	Extension
Director	Extension

1. I have read the City of Kirkland's Teleworking Policy document and my supervisor and director agree that I have met all eligibility criteria and requirements.
2. I agree to abide by all of the participation guidelines outlined in the teleworking policy document.
3. I agree to communicate with my supervisor about progress on assignments worked on at my home.
4. I agree to communicate with my supervisor and co-workers about any problems which that I may experience while teleworking.
5. I agree to structure my time to allow schedule flexibility and to ensure my attendance at required meetings and City events as designated by my supervisor.
6. I agree to communicate any schedule changes to my supervisor, co-workers, and the switchboard operator.
7. I understand and accept the special responsibility I have as a teleworker to facilitate communication with my customers and co-workers. I further agree to make a special effort to stay current on departmental events which that affect my work that occur on my teleworking days.
8. I understand that my supervisor may suspend my teleworking arrangement at any time pending a review based on the participation guidelines that may result in termination of the teleworking arrangement.
9. I agree to return any City-owned equipment or supplies used for teleworking purposes immediately upon termination of the teleworking agreement. I understand that I will be financially responsible for any equipment or supplies that, for any reason, do not get returned to the City of Kirkland.
10. Other requirements as determined by the Director, supervisor and/or employee:

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11. Exceptions to the agreement as determined by the Director, supervisor and/or employee:

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\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Supervisor Signature



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## **Teleworking Policy**

### **Chapter 6**

#### **Policy 6-3**

**Effective Date: October 2001**

#### **A. INTRODUCTION**

The City of Kirkland endorses teleworking as a work option for qualified selected employees whose duties can be performed at an alternate workplace. One of our City's goals continues to be taking positive steps to reduce our organization's demand on the region's transportation network.

Teleworking is one of many measures that can be part of the solution to traffic congestion and air pollution, directly impacting the quality of life in our community and neighborhoods.

Teleworking is a business practice that may improve recruitment and employee retention.

Teleworking increases the productivity and morale of employees who participate in the program, as well as using workspace more effectively.

Successful teleworking requires accountability for work production and communication follows through. Teleworking must have measurable standards of performance for the City to gauge the success of a teleworking program. Teleworking is a management tool to be implemented with individual Director discretion.

#### **B. DEFINITIONS**

**Alternate work place** means the place designated for the employee to work when not working at the City office. This location is generally selected because it is closer to the employee's residence, and in fact the alternate work place often is in the employee's residence.

**Casual teleworking** means instances when employees may be allowed to telework on a temporary basis as their assignment permits or necessitates.

**Teleworking** means working arrangements in which the work place is located at least part time at an alternate work place, such as the employee's residence, or a satellite office located closer than the regular office to the employee's residence. Telework is an umbrella concept encompassing the terms telecommuting, teleconferencing, and videoconferencing. For purposes of this policy, telecommute and its derivatives will be replaced with the term telework, unless directly quoting current law.

**Regular office** means the office to which an employee is generally assigned.

**Regular telework** means an established schedule of days per week or month at an alternate work place.

#### **C. ELIGIBILITY AND TELEWORK REQUIREMENTS**

Not all employees are eligible for consideration for participation in the telework program. Positions whose job requirements include field work, daily direct customer service or other duties that cannot be performed away from the regular workplace will not be approved to participate in the telework program on a regular, on-going basis.

Requirements to Qualify for the Teleworking Program:

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- Employee completes a Telework Application
- Employee willing to sign and abide by Telework Agreement
- Supervisor's approval
- Supervisor's ability to invest necessary time to help the teleworking arrangements to succeed.
- Planning with supervisor and co-workers how workflow issues, such as phone calls, mail and meetings will be addressed while teleworking.

#### **D. APPLICATION, RENEWAL AND TERMINATION PROCESS**

##### **Application**

An Employee interested in teleworking must complete a Telework Application, which includes the written approval of the employee's immediate supervisor and department director. Upon approval of the Telework Application, a Telework Agreement must be completed and signed by the employee, his/her immediate supervisor, and Department Director.

Employees teleworking prior to the effective date of this policy must come into compliance with the Telework Policy within 60 days of the effective date. The Assistant City Manager may extend the deadline on a case-by-case basis.

##### **Renewal of Telework Agreement**

The Telework Agreement should be discussed and renewed at least annually to ensure that continuation of the telework agreement is meeting the goals set forth.

##### **Termination of Telework Agreement**

A Telework Agreement may be terminated by one of the following:

- The employee may discontinue participation in the telework program any time, for any reason, upon written or verbal notice to their supervisor.
- The Department Director or Supervisor may terminate the agreement, for cause, upon 24 hours prior oral explanation to the affected employee. All oral explanations are to be followed with a written explanation, within 30 calendar days.
- The requirement for prior written notification and explanation may be waived in the event of an emergency.

In the event of a City emergency teleworkers are required to report to work at the City at the City's discretion.

#### **E. EQUIPMENT, FURNITURE AND WORKING SUPPLIES**

The City will supply no office furniture, equipment or supplies. On a case-by-case basis, and with the approval of the Information Technology Department, the casual teleworker may be allowed to borrow equipment from the AV pool. A regular teleworker may be provided a city owned computer at the teleworking employee's department's expense and subject to budget implications. In any case, the

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teleworker must obtain a signed-off IT Teleworking Agreement document stating the level of service IT agrees to provide the teleworker.

## **F. JOB PERFORMANCE STANDARDS**

The job performance standards for employees working at alternative work places shall be equivalent to the standards used when the employees are working at the regular office.

Procedures for clocking in and out, or for maintaining hours when the employee will be available by telephone or computer may be established by the supervisor and communicated to fellow department staff, and customers (as necessary).

## **G. WORK SCHEDULE AND HOURS**

### **Regular and Casual Telework Schedules**

A regular telework schedule must be mutually agreed upon by the employee and supervisor and be written into the Telework Agreement. Any change in the agreed upon schedule must be approved by the supervisor, and if it is a permanent change, documented and appended to the Telework Agreement.

An employee may be permitted to telework for part of a day to avoid peak commute period.

Circumstances which may be appropriate for “casual” telework include, but are not limited to:

- Special project work which requires a period of uninterrupted time.
- While all reasonable commute routes are blocked (i.e., major construction, storm, or disaster).
- Regular office is inaccessible or uninhabitable.
- Medical Reasons

## **H. FAMILY NEEDS/DEPENDENT CARE**

Teleworking is not a substitute for adequate dependent care. The teleworker should make advance arrangements for dependent care to ensure a productive work environment.

## **I. COMPENSATION AND BENEFITS**

### **Hours of Work and Overtime**

Teleworking employees are expected to put in the same number of work hours at the alternate work place as they normally would at the regular office. To obtain the benefit of reducing commute trips under the State Commute Trip Reduction Law, teleworking arrangements are those in which an employee works at an alternate work place on a regular schedule, avoiding a commute trip to the regular office between 6:00am and 9:00am.

Rules for Exempt and Non-exempt employees apply in both the regular office and the alternate work place.

All telework work schedules require department supervisor approval. An alternate work schedule

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(e.g., 9/8/80, 4/10/40, flextime, etc.) may be approved for an individual teleworker as long as the work schedule is consistent with management needs and the requirements of the employee's work group.

Overtime for Non-exempt employees must be authorized in advance by management in accordance with the established City personnel and department policies or as provided under any applicable and superseding collective bargaining agreement or law.

## **J. OCCUPATIONAL SAFETY AND HEALTH**

A teleworking employee will be covered by worker's compensation for all job-related injuries occurring at home during the teleworker's defined work period. Since the workplace and home will be one and the same, worker's compensation will NOT apply to non-job-related injuries that might occur in the home.

The opportunity to participate in a home telework program is offered with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained. It is important for all employees to maintain a healthy, safe, and ergonomically sound work environment while working in the office or at a remote location.

If a work-related injury occurs while teleworking, the employee must notify his/her supervisors immediately and complete all necessary documents regarding the injury.

## **K. SAFEGUARDING INTELLECTUAL PROPERTY RIGHTS**

An employee's work product of any type that is created or produced, in whole or in part, at the Alternate Work Place shall belong to the City to the same extent as if created or produced at the Regular Office.

## **L. INFORMATION SECURITY**

Security of confidential information and irreplaceable documents is of primary concern and importance to the City of Kirkland. Teleworkers, like all City employees, are expected to adhere to all applicable laws, rules, regulations, policies and procedures (including, but not limited to, transporting and storing of documents, using passwords, data back up procedures, virus protection, and returning material (paper documents, diskettes, etc.) containing all confidential information to the City for proper handling or disposal as necessary) regarding information security.

Supervisors must review functions in their sections and, if necessary, designate some tasks that may not be done at alternate work places for security reasons.

[Telework Participant Checklist](#)

[Telework Application](#)

[Telework Agreement](#)

[Telework Information Technology Agreement](#)

[Regular Telework Equipment Checkout Form](#)

## PREPAREDNESS SELF-ASSESSMENT- GO KIT ITEMS

DEPARTMENT ITEMS	Status (circle)	
<b>Employee Items:</b>		
Hard copy of employee roster	Have	Need
Hard copy of employee emergency notification contact with numbers	Have	Need
Hard copy list of emotional support resources	Have	Need
Blankets	Have	Need
Snacks and water (small but meaningful)	Have	Need
Flashlight with batteries	Have	Need
First aid supplies (including OTC medications)	Have	Need
Comfort kits (tissues, toothbrush, comb, toilet paper)	Have	Need
<b>Operations Items:</b>		
Computers with power and network connectors	Have	Need
Printer with ink and paper	Have	Need
Thumb Drive (memory device) with current ( $\leq 30$ days) vital records/files, resources for all positions and functions.	Have	Need
Basic office supplies (pen, paper, tape)	Have	Need
Hard copy of important documents, contacts, and contracts/MOUs	Have	Need
Map of local area and to alternate work location	Have	Need
Keys for file drawers, facility, secured rooms	Have	Need

EMPLOYEE ITEMS	Status (circle)	
<b>Personal Items:</b>		
Sturdy Shoes ( extra pair of comfortable walking shoes)	Have	Need
Personal Hygiene items (toothbrush, deodorant, comb, wet wipes, toilet paper)	Have	Need
Extra clothing ( 1 casual outfit, jacket, socks, hat)	Have	Need
Personal Medical items (medication, glasses, hearing aid batteries)	Have	Need
Snacks and water (small but meaningful)	Have	Need
Headlamp or flashlight with batteries	Have	Need
Basic first aid supplies (band-aids, tweezers, hand sanitizer)	Have	Need
Copies of important documents (driver's license, work ID badge)	Have	Need
Hard copy list of personal important contacts	Have	Need
Spare vehicle keys	Have	Need
Whistle	Have	Need
<b>Position Items:</b>		
Laptop with charger and case	Have	Need
Cell phone with charger	Have	Need
Thumb Drive (memory device) with current ( $\leq 30$ days) vital records/files, resources for your position.	Have	Need
Basic office supplies (pen, paper, tape)	Have	Need
Hard copy of important documents, contacts, and passwords	Have	Need
Map of local area and to alternate work location	Have	Need
Keys for file drawers, facility, secured rooms	Have	Need

# 2 WEEKS READY



## BUILD KITS

Plan to be on your own for at least 2 weeks



Water (1 gallon per person, per day)



Food (non-perishable)



Comfort/entertainment



Medical equipment



Glasses/eye care



First aid kit



Can opener



Sturdy shoes



NOAA alert radio



Extra batteries



Flashlight



Warm clothes



Personal hygiene items



Fire extinguisher



Tools



Pet supplies



Cash



Toilet paper



Medications



Identification & important documents



Keep at least 2 weeks of supplies in your home. Have smaller kits for work, for every family member, and pets. Have a vehicle safety kit too.



# BE PREPARED

## MAKE A PLAN

Determine an accessible meeting place in case you have to leave your home or work, so you can reunite your family.



## LEARN ABOUT DISASTER PLANS FOR

- Your work
- Your children's school
- Your medical and/or transportation provider
- Other places where your family spends time



Check with your local emergency management office to:

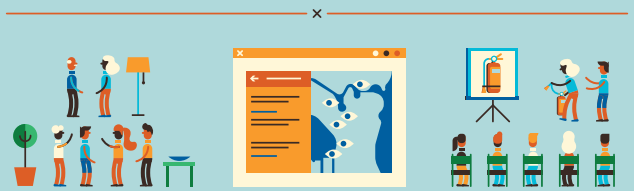
- find out what hazards could affect your home and place of work
- sign up for emergency alerts and notifications
- identify your local emergency alert system (EAS) radio stations
- know your evacuation and alternate transportation routes

## DEVELOP A COMMUNICATIONS PLAN

- Write down emergency contact information
- Texts are more likely to go through
- Have an extra cell phone charger and batteries
- An out-of-area contact can serve as a relay point for family communication

## HELP EACH OTHER

Know how you'll help people and pets who normally rely on you



Form a neighborhood group: for examples and suggestions, see Map your Neighborhood at: [emd.wa.gov/myn](http://emd.wa.gov/myn)

Help organizations in your neighborhood that may need support during a disaster

Attend free disaster skills workshops offered by your local emergency management office and learn basic survival skills





# ACTIONS TO TAKE DURING A QUAKE

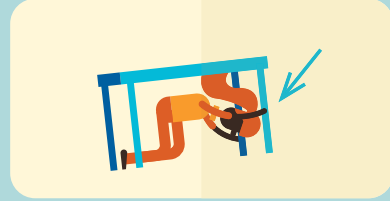
## DURING THE SHAKING



**DROP**



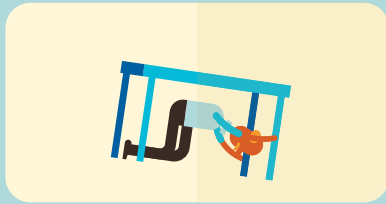
**COVER**



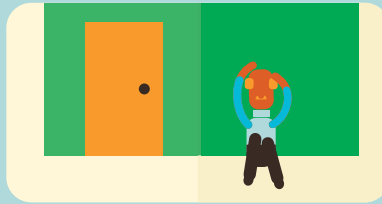
**AND HOLD ON**

*If there is no table around, get lower than the other furniture.*

## THINK



**BENEATH**



**BESIDE**



**BETWEEN**

# AFTER THE SHAKING

## CHECK YOUR BUILDING:



For structural damage




Shut off the water at the main valve




Shut off gas only if you:




⇒  Smell natural gas



⇒  Hear hissing



⇒  See the dial spinning rapidly



Check for injuries and apply basic first aid



Leave building if unsafe



Help your neighbors



## FOR MORE INFORMATION



Local television



Your local Emergency Management office



Emergency radio stations  
NOAA weather radio channels



Twitter @waEMD



Facebook facebook.com/WashEMD



## City of Kirkland – Summary of Services

<p><b>COUNSELING SERVICES</b></p> <p>Up to five (5) counseling sessions are available for issues affecting employees and their dependents. Individuals may speak with a professional counselor by phone, and the Employee Assistance Program will provide a referral to see a local counselor at no cost for issues such as:</p>	<ul style="list-style-type: none"> <li>• Anxiety and stress</li> <li>• Depression</li> <li>• Grief</li> <li>• Parenting</li> <li>• Drug or alcohol abuse</li> <li>• Transition and change</li> <li>• Relationships – individual, marital, and family</li> </ul>		
<p><b>FAMILY CAREGIVING SERVICES</b></p> <p>Referrals and information are available on a variety of family matters, including:</p>	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p><i>CHILD CARE AND PARENTING</i></p> <ul style="list-style-type: none"> <li>• Prenatal care</li> <li>• Daycare/summer camps</li> <li>• Special needs services</li> <li>• Preparing students for college</li> </ul> </td> <td style="vertical-align: top; width: 50%;"> <p><i>ELDERCARE</i></p> <ul style="list-style-type: none"> <li>• Assisted living</li> <li>• In-home care</li> <li>• Transportation services</li> <li>• Adult daycare</li> </ul> </td> </tr> </table>	<p><i>CHILD CARE AND PARENTING</i></p> <ul style="list-style-type: none"> <li>• Prenatal care</li> <li>• Daycare/summer camps</li> <li>• Special needs services</li> <li>• Preparing students for college</li> </ul>	<p><i>ELDERCARE</i></p> <ul style="list-style-type: none"> <li>• Assisted living</li> <li>• In-home care</li> <li>• Transportation services</li> <li>• Adult daycare</li> </ul>
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<p><b>LEGAL SERVICES</b></p> <p>A 30 minute phone or in-person consultation is available to help answer basic legal questions and simplify the process of obtaining legal help. Some common legal concerns include:</p>	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>• Adoption</li> <li>• Bankruptcy</li> <li>• Child custody</li> <li>• Criminal issues</li> <li>• Divorce</li> </ul> </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>• Estate Planning</li> <li>• Immigration</li> <li>• Real estate</li> <li>• Tenant's rights</li> <li>• Mediation</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>• Adoption</li> <li>• Bankruptcy</li> <li>• Child custody</li> <li>• Criminal issues</li> <li>• Divorce</li> </ul>	<ul style="list-style-type: none"> <li>• Estate Planning</li> <li>• Immigration</li> <li>• Real estate</li> <li>• Tenant's rights</li> <li>• Mediation</li> </ul>
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<p><b>ONLINE TOOLS AND INFORMATION</b></p> <p>EAPHelplink.com is an interactive web-based self-service solution. The site provides a wide array of life management tools to help members with a variety of personal and/or work related issues in a private and convenient manner.</p>	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>• Research articles</li> <li>• Wellness articles</li> <li>• Online trainings</li> <li>• Monthly webinars</li> </ul> </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>• Self-search locators for child, academic and adult care resources</li> <li>• And much more!</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>• Research articles</li> <li>• Wellness articles</li> <li>• Online trainings</li> <li>• Monthly webinars</li> </ul>	<ul style="list-style-type: none"> <li>• Self-search locators for child, academic and adult care resources</li> <li>• And much more!</li> </ul>
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**CONFIDENTIALITY:** All discussions between you and your EAP professional are confidential. Information regarding your contact with the EAP cannot be released without your written consent, except by court order, imminent threat of harm to self or others, or in situations of abuse (such as child or elder abuse).

**NO OUT-OF-POCKET COST:** Your EAP is offered at no cost. Most concerns can be resolved directly with your EAP professional, but in the case that additional services are needed, your EAP professional will work with you to identify the most appropriate and affordable community resource to help meet your needs. Please note that referrals to services outside the EAP benefit may require out-of-pocket cost.

For more information about your Employee Assistance Program please contact us as listed below.

Phone: 800-999-1077

Website: [www.EAPHelplink.com](http://www.EAPHelplink.com)

Company Code: KIRKLAND



# INFORMATION SHEET

## Critical Incident Stress Management (CISM)

As professional emergency personnel, traumatic events and critical incidents can become routine. These scenes may be difficult, but our involvement is a necessary part of our job. If we see someone who needs first aid, we see to that person's needs. Likewise, we have an obligation to care for ourselves. Critical Incident Stress Management (CISM) is **necessary emotional first aid for emergency service providers.**

Critical incidents may evoke strong reactions which have the potential to interfere with a person's ability to function--during the event or at a later time. It is very common for people to experience stress related reactions when exposed to, or involved in, a critical incident. The responses may vary depending on the person and the circumstances. They may appear immediately, or days, weeks, or even months post-event.

Reactions experienced by emergency service providers are, in fact,

### **Normal Reactions in Normal People to Abnormal Events**

### Common Signs & Symptoms

**PHYSICAL** Chills, thirst, fatigue, nausea, fainting, twitches, vomiting, dizziness, weakness, chest pains, headaches, elevated blood pressure, rapid heart rate, muscle tremors, shock symptoms, grinding of teeth, visual difficulties, profuse sweating, difficulty breathing, etc. **Note:** *Any one of these symptoms may indicate the need for a medical evaluation. When in doubt, please contact your physician.*

**COGNITIVE** Confusion, nightmares, uncertainty, hypervigilance, suspiciousness, intrusive images, excessively blaming someone else, inattention, poor memory, disorientation of time, place or person, difficulty identifying objects or people, heightened or lessened levels of alertness, etc.

**EMOTIONAL** Fear, guilt, grief, panic, denial, anxiety, agitation, irritability, depression, intense anger, apprehension, emotional shock, emotional outbursts, feeling overwhelmed, loss of emotional control, inappropriate emotional responses, etc.

**BEHAVIORAL** Withdrawal, anti-social acts, inability to rest, intensive pacing, erratic movements, change in social activity, changes in sexual activity, change in speech patterns, loss or increase of appetite, increased alcohol consumption, etc.



# Critical Incident Stress Management (CISM)

## ■ A Few Suggestions

- ✓ Especially within the first 24-48 hours moderate physical exercise, alternated with relaxation will alleviate some of the physical reactions.
- ✓ Maintain as normal a schedule as possible. Structure your time and stay active.
- ✓ Drink water and eat well-balanced and regular meals, even if you don't feel like it.
- ✓ Don't make any major life changes or decisions.
- ✓ Talk to people you trust.
- ✓ Utilize your Department's CISM Team members and services.
- ✓ Do things that you enjoy such as a hobby, sport activity, etc.
- ✓ Try to get plenty of rest.
- ✓ You may want to keep a journal.

## ■ For Family Members & Friends

- ✓ Be willing to listen without being judgemental.
- ✓ Be available to provide assistance, like cooking, cleaning, caring for the family, etc.
- ✓ Spend time with the involved person(s).
- ✓ Also give them some private time if they want it.
- ✓ Try not to take their strong responses personally.
- ✓ Avoid telling them that they are "lucky it wasn't worse." This type of statement does not console people. Instead, you may want to tell them that you are sorry that such an event has occurred.

*With understanding and support, stress reactions usually pass more quickly. Occasionally the critical incident is so painful additional assistance from a professional counselor may be helpful.*

*There are also some excellent websites on the internet that have additional information on trauma and critical stress. Contact the CISM Team via the SPD or SFD Communications Section.*

## **City of Kirkland Glossary of Continuity of Operations (COOP) and Continuity of Government (COG) Terms**

*Activation.* When COOP activities have been implemented whether in whole or in part.

*Alternate facility.* A location, other than the normal facility, used to carry out essential functions in a COOP situation.

*Continuity of Operations (COOP).* The activities of individual departments and their sub-components to facilitate essential functions throughout an emergency situation and its short-term recovery.

This includes plans and procedures that:

- delineate essential functions;
- specify succession to office and the emergency delegation of authority;
- provide for the safekeeping of vital records and databases;
- identify alternate operating facilities;
- provide for communications;
- support personnel readiness and wellbeing; and
- validate the COOP capability through training and exercises.

*COOP Incident.* Any incident that causes the city to perform COOP activities to support continuation of essential functions.

*Critical data and systems.* Information essential to supporting the delivery of essential functions.

*Critical equipment.* Equipment essential to supporting the delivery of essential functions.

*Delegation of authority.* Specifies who is authorized to act on behalf of the agency head and other senior management and technical personnel for specific purposes.

*Go kit.* A kit prepared by, and for, an individual or department who expects to deploy to an alternate location during an emergency. The kit contains items needed to minimally satisfy personal and professional needs during deployment.

*Essential functions.* Functions that enable the COG to:

- maintain government status;
- provide vital services;
- support the safety and wellbeing of employees, contractors, customers, and the general public; and
- sustain the economic base due to an emergency.

*Essential resources.* Resources that support the agency's ability to provide essential functions.

*Interagency Agreements.* A written agreement entered into between agencies that require specific goods or services to be furnished or tasks to be accomplished by one agency in support of the other.

*Interoperable communications.* Alternate communications that support the capability to perform essential functions, in conjunction with other agencies, until full operations can be resumed.

*Legal and financial records.* Records that are needed to protect the legal and financial rights of the city.

*Orders of succession.* Provisions for the assumption of leadership positions during an emergency in the event that any of those leaders are unavailable to execute their duties.

*Primary facility.* The site of normal, day-to-day operations; the location where the employee usually goes to work.

*Return to operations.* The process by which the affected agency resumes full operations following COOP activities.

*Risk analysis.* The identification and assessment of hazards.

*Virtual offices.* A location or environment where an employee performs work through the use of portable information technology and communication packages.

*Vital databases.* Information systems needed to support essential functions during a COOP situation.

*Vital records.* Electronic and hardcopy documents, references, and records needed to support essential functions during a COOP situation. The two basic categories of vital records are emergency operating records and legal and financial records.

Information adapted from the Federal Emergency Management Agency (FEMA) Glossary of Terms.



**CITY OF KIRKLAND**

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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Joe Sanford, Fire Chief  
Heather Kelly, Emergency Manager  
Kevin Raymond, City Attorney

**Date:** October 5, 2017

**Subject:** REVISIONS TO KIRKLAND MUNICIPAL CODE CHAPTER 3.20 RELATED TO EMERGENCY MANAGEMENT

**RECOMMENDATION:**

City Council pass the attached ordinance making revisions to Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management.

**BACKGROUND DISCUSSION:**

The City of Kirkland ("City") is in the process of taking steps to enhance its ability to respond quickly and effectively to the occurrence of a disaster or other emergency affecting the city of Kirkland, whether natural, human-made or technological in origin. The City's Office of Emergency Management ("OEM") is facilitating the development and adoption of Continuity of Operations ("COOP") and Continuity of Government ("COG") plans (collectively "Plan") to guide and support the City's emergency responses. Chapter 3.20 KMC includes a number of provisions that no longer reflect City practices and in some instances refer to repealed or re-codified state laws. As a result, and as an important part of the City's overall emergency planning efforts, Chapter 3.20 KMC is appropriate for amendment at this time.

What follows is a summary of the basis for the recommended code revisions, tracking existing Chapter 3.20 KMC, section by section:

**Section 3.20.010**

- Disasters and other emergencies are considered "incidents." "Events" are the result of government planning.
- Only the federal government can "declare" an emergency. State and local governments "proclaim" them.
- "Services" added to ensure definition is comprehensive and consistent with following sections.
- No emergency response can promise "all" services and functions will be carried out.
- Disaster and emergency planners now use the term "human-made" rather than "man-made," and typically include "technological" to account for this increasingly common incident form, e.g. computer system failures.



**Section 3.20.020**

- City can "help ensure" but cannot "ensure" success of disaster and emergency responses.
- Helpful in some isolated instances to clarify between "city" the local government and "city" the geographical area (i.e. by stating "city of Kirkland") as the terms are different and the code reviser will lower case all references to "city."
- Updated term under state law is "comprehensive emergency management plan." "Essential functions" considered more descriptive and less ambiguous than "government programs."

**Section 3.20.030**

- This unit of City government now referred to as an "office" rather than a "division."
- The presently-referenced WAC provision has been repealed.

**Section 3.20.040**

- Provides for appointment of Emergency Manager by Fire Chief, subject to approval of City Manager.

**Section 3.20.050**

- Chapter 118-07 WAC has been re-codified as Chapter 118-30 WAC.
- In this context, "ensure" is a better term than "insure."

**Section 3.20.060**

- The former emergency coordination center ("ECC") is now referred to as the emergency operations center ("EOC").
- There no longer exists a crisis action team ("CAT").
- Incident commanders ("ICs") vary depending on the type and scale of an incident and are typically deployed in the field. ICs therefore would not have a role overseeing operations from the EOC, which is the role of the Emergency Manager under the direction of the Director of Emergency Services (i.e. Fire Chief).

**Section 3.20.070**

- Considered helpful to include state law language conferring broad authority (together with specific examples) of City to respond to disasters and other emergencies without regard to time-consuming procedures and formalities otherwise required by law.

**Section 3.20.080**

- City now has an emergency management action team ("EMAT"), which has replaced the former emergency management task force ("EMTF").
- Membership of the EMAT has been modified to reflect current EMAT practice, including additions of City Attorney and Communications Manager.

**Section 3.20.090**

- Amends confusing, and two-tiered and in some instances antiquated "ratification of actions" language. The City Manager is ultimately responsible to the City Council for the City's response to an incident or other emergency. The City Manager will be expected to act immediately and likely before the Council will be able to meet. The intent of this

amended section is to make it clear that the City Manager is expected to act immediately, subject to action by the Council, including a ratification of prior acts, as soon as practicable.

**Section 3.20.110**

- Cleans up internal references to the emergency management compensation board, a creature of state law, and establishes board membership considered appropriate to a council-manager form of government (e.g. in addition to a Councilmember, City Manager rather than Mayor is a board member).

ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

1           WHEREAS, the City of Kirkland ("City") is in the process of  
2 enhancing its planning and ability to respond to natural, human-made  
3 or technological disasters; and  
4

5           WHEREAS, as part of such process the City is developing plans  
6 providing for Continuity of Operations ("COOP") and Continuity of  
7 Government ("COG"); and  
8

9           WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20  
10 related to emergency management includes provisions that no longer  
11 reflect City practices and therefore need to be revised to help meet the  
12 City's emergency response needs, including through successful  
13 implementation of the COOP and COG plans (collectively, "Plan").  
14

15           NOW, THEREFORE, the City Council of the City of Kirkland do  
16 ordain as follows:  
17

18           Section 1. Kirkland Municipal Code Section 3.20.010 is amended  
19 to read as follows:  
20

21 **3.20.010 Definitions.**

22 For the purposes of this chapter the following terms shall have their  
23 ordinary meaning and, in addition:

24 (a) "Emergency or disaster" means an incident event or set of  
25 circumstances which:

26 (1) Demands immediate action to preserve public health, protect life,  
27 protect public property, or to provide relief to any stricken community  
28 overtaken by such occurrences, or

29 (2) Reaches such a dimension or degree of destructiveness as to  
30 warrant the proclamation declaration of a state of emergency.

31 (b) "Emergency management" means the preparation for and the  
32 carrying out of all emergency services and functions to mitigate, prepare  
33 for, respond to, and recover from emergencies and disasters, and to aid  
34 those victims suffering from injury or damage, resulting from disasters  
35 caused by all hazards, whether natural, human-made or technological,  
36 ~~or man-made~~, and to provide support for search and rescue operations  
37 for persons and property in distress.  
38

39           Section 2. Kirkland Municipal Code Section 3.20.020 is amended  
40 to read as follows:  
41

42 **3.20.020 Purpose.**

43 Because of the possibility of the occurrence of emergencies or disasters  
44 of unprecedented size and destructiveness, and in order to help ensure  
45 that preparations of the city will be adequate to deal with such disasters,  
46 and generally to protect the public peace, health, and safety, and to

47 preserve the lives and property of the people of the city of Kirkland, it  
 48 is the purpose of this chapter to provide for emergency management in  
 49 the city in accordance with the city's comprehensive emergency  
 50 management plan providing of Kirkland and to create an emergency  
 51 management plan to provide for coordination of the city's emergency  
 52 management and other essential government functions city of Kirkland's  
 53 emergency management with other government programs.

54  
 55 Section 3. Kirkland Municipal Code Section 3.20.030 is amended  
 56 to read as follows:

57  
 58 **3.20.030 Office Division created.**

59 There is hereby created, within the fire department, an office a division  
 60 of emergency management to perform emergency management  
 61 functions. The office division of emergency management is the city's city  
 62 of Kirkland's local organization for emergency management for the  
 63 purposes of RCW 38.52.070. For purposes of state regulation WAC 118-  
 64 06-050(1)(b)(i), it is hereby specified that the division of emergency  
 65 management represents only the city of Kirkland.

66  
 67 Section 4. Kirkland Municipal Code Section 3.20.040 is amended  
 68 to read as follows:

69  
 70 **3.20.040 Director.**

71 The office division of emergency management shall be headed by the  
 72 director of emergency services. The city manager shall appoint the fire  
 73 chief as the director of emergency services. The director of emergency  
 74 services shall be directly responsible to the city manager for the  
 75 organization, administration, and operation of the office of emergency  
 76 management division. The director of emergency services shall appoint  
 77 an emergency manager, subject to the approval of the city manager.

78  
 79 Section 5. Kirkland Municipal Code Section 3.20.050 is amended  
 80 to read as follows:

81  
 82 **3.20.050 Comprehensive emergency Emergency management**  
 83 **plan.**

84 The director of emergency services shall create and maintain the city's  
 85 comprehensive an emergency management plan which will also serve  
 86 as the city of Kirkland's comprehensive emergency operations plan as  
 87 described in Chapter 118-30 118-07 WAC. The city manager shall  
 88 ensure insure that the city of Kirkland executes its comprehensive  
 89 emergency management plan in the event of disaster and operates in  
 90 accordance with said plan.

91  
 92 Section 6. Kirkland Municipal Code Section 3.20.060 is amended  
 93 to read as follows:

94  
 95 **3.20.060 EOC ECC.**

96 The comprehensive emergency management plan shall provide for  
 97 activation of the city's emergency operations center (EOC) emergency  
 98 coordination center (ECC) or a crisis action team (CAT). Operation of  
 99 the EOC ECC shall be under the direction of the director of emergency  
 100 services by and through the emergency manager, incident commander

101 ~~(IC). The emergency management plan shall provide for the designation~~  
102 ~~of the IC, who will normally be the fire chief, the police chief, or the~~  
103 ~~director of public works.~~

104  
105 Section 7. Kirkland Municipal Code Section 3.20.070 is amended  
106 to read as follows:

107  
108 **3.20.070 Emergency powers.**

109 In the event of an emergency or disaster coming within the scope of  
110 this chapter, the city of Kirkland shall have the broadest authority and  
111 greatest discretion consistent with state law ~~the laws of the city of~~  
112 ~~Kirkland and of the state of Washington~~ with respect to emergency  
113 response and operation. These powers include, but are not limited to,  
114 those provided for in RCW 38.52.070; namely, the authority to act in  
115 light of the exigencies of an emergency situation without regard to time-  
116 consuming procedures and formalities prescribed by law (excepting  
117 mandatory constitutional requirements), including, but not limited to,  
118 budget law limitations, requirements of competitive bidding and  
119 publication of notices, provisions pertaining to the performance of public  
120 works, entering into contracts, the incurring of obligations, the  
121 employment of temporary workers, the rental of equipment, the  
122 purchase of supplies and materials, the levying of taxes, and the  
123 appropriation and expenditure of funds.

124  
125 Section 8. Kirkland Municipal Code Section 3.20.080 is amended  
126 to read as follows:

127  
128 **3.20.080 Emergency management action team task force.**

129 There is hereby established an emergency management action team  
130 (EMAT), task force (EMTF) which shall be composed of at least the  
131 following: director of emergency services, emergency manager, city  
132 attorney, communication manager, and one representative from each  
133 city department. The EMAT shall support the activities of the office of  
134 emergency management to help ensure that all city departments are  
135 prepared to help respond to needs in the city of Kirkland during and  
136 after a disaster ~~members of the city council, the city manager or~~  
137 ~~designee; members of the CAT; the city attorney or designee; and the~~  
138 ~~public information officer. The emergency management plan shall~~  
139 ~~provide for meetings of the EMTF as a work group, meaning those~~  
140 ~~members of the EMTF available to meet, as needed, shall for such~~  
141 ~~meeting, be the EMTF work group. The city manager or designee shall~~  
142 ~~chair the EMTF work group. The EMTF shall have as one of its functions,~~  
143 ~~liaison to members of the city council who were not present at a work~~  
144 ~~group meeting. Work group meetings may be called to address~~  
145 ~~questions or implications of public health, safety and welfare relative to~~  
146 ~~a disaster situation, particularly disaster recovery.~~

147  
148 Section 9. Kirkland Municipal Code Section 3.20.090 is amended  
149 to read as follows:

150  
151 **3.20.090 Ratification of actions.**

152 The incident commander shall have the authority to act on behalf of the  
153 city council, the mayor, and/or the city manager, subject to ratification  
154 as soon as is practicable. The city manager shall have the authority to

155 take action on behalf of the city in the event of an emergency or  
 156 disaster, subject to ratification by the city council as soon as practicable  
 157 ~~council and/or the mayor pursuant to the emergency management plan,~~  
 158 ~~subject to ratification by the EMTF work group, the city council and/or~~  
 159 ~~the mayor.~~

160  
 161 Section 10. Kirkland Municipal Code Section 3.20.110 is  
 162 amended to read as follows:

163  
 164 **3.20.110 Emergency management compensation board.**

165 There is hereby established an emergency management compensation  
 166 board for the processing of claims arising from emergency management  
 167 related activities. This board shall function as provided for in the  
 168 emergency management plan and be guided by applicable state law  
 169 such as RCW 38.52.210(2) through 38.52.260. The ~~emergency~~  
 170 ~~management claims compensation~~ board shall be composed of: one  
 171 councilmember selected by the council; the city manager; the director  
 172 of emergency services; the emergency manager; and the city attorney.  
 173 The councilmember shall serve as the chair of the ~~compensation~~ board  
 174 and the emergency manager ~~director of emergency services~~ shall serve  
 175 as secretary of the board.

176  
 177 Section 11. Kirkland Municipal Code Section 3.20.120 is hereby  
 178 repealed.

179  
 180 Section 12. If any provision of this ordinance or its application  
 181 to any person or circumstance is held invalid, the remainder of the  
 182 ordinance or the application of the provision to other persons or  
 183 circumstances is not affected.

184  
 185 Section 13. This ordinance shall be in force and effect five days  
 186 from and after its passage by the Kirkland City Council and publication  
 187 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
 188 form attached to the original of this ordinance and by this reference  
 189 approved by the City Council.

190  
 191 Passed by majority vote of the Kirkland City Council in open  
 192 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

193  
 194 Signed in authentication thereof this \_\_\_\_\_ day of  
 195 \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Amy Walen, Mayor

Attest:

\_\_\_\_\_  
 Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
 Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.20.010 related to the definitions for the Chapter.

SECTION 2. Amends KMC Section 3.20.020 amending the purpose of the Chapter.

SECTION 3. Amends KMC Section 3.20.030 updating the emergency management division to an office of emergency management.

SECTION 4. Amends KMC Section 3.20.040 related to the director of emergency services.

SECTION 5. Amends KMC Section 3.20.050 related to the comprehensive emergency management plan.

SECTION 6. Amends KMC Section 3.20.060 related to the Emergency Operations Center ("EOC").

SECTION 7. Amends KMC Section 3.20.070 related to emergency powers.

SECTION 8. Amends KMC Section 3.20.080 related to the emergency management action team.

SECTION 9. Amends KMC Section 3.20.090 related to ratification of actions.

SECTION 10. Amends KMC Section 3.20.110 related to the emergency management compensation board.

SECTION 11. Repeals KMC Section 3.20.120.

SECTION 12. Provides a severability clause for the ordinance.

SECTION 13. 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 \_\_\_\_\_, 2017.



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

\_\_\_\_\_  
Kathi Anderson, City Clerk

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kevin Raymond, City Attorney

**Date:** October 5, 2017

**Subject:** RESOLUTION AUTHORIZING AMENDMENTS TO CITY COUNCIL POLICIES AND PROCEDURES RELATED TO DESIGNATION OF PRESIDING OFFICER AND FILLING OF VACANCIES

**RECOMMENDATION:**

City Council approve the attached Resolution amending the City Council Policies and Procedures to provide for the designation of a Presiding Officer in the absence of both the Mayor and the Deputy Mayor and to restate the manner in which vacancies in Council Member positions are filled under state law.

**BACKGROUND DISCUSSION:**

City Council meetings are conducted by a Presiding Officer. Generally, the Presiding Officer is the Mayor or, in the absence of the Mayor, the Deputy Mayor. It is recognized, however, that the Council may need to meet at a time when both the Mayor and the Deputy Mayor are unavailable. By way of example, this could occur during an emergency when there exists an urgent need for a special meeting of the Council.

The proposed Resolution would amend Section 3.12 of the Policies and Procedures to allow Council Members to authorize a Council Member to serve as Presiding Officer in the absence of both the Mayor and Deputy Mayor by a simple majority vote and provided a quorum (at least four Council Members present) exists. The proposed Resolution would also add a new Section 3.25 to address the designation of a Presiding Officer in emergent circumstances (such as the need to conduct a special meeting) in the event of the "extended unavailability" of both the Mayor and Deputy Mayor. In such circumstances, a special meeting may be called by a Council Member that has been authorized to serve as Presiding Officer. In the event that no Council Member has been so designated, the new section provides that the Presiding Officer shall be the first available Council Member serving as Committee Chair of a Council Committee in the following Committee order: (1) Public Safety; (2) Public Works and Parks; (3) Finance and Administration; or (4) Planning and Economic Development. The designated order of the Committee Chairs is proposed by staff based on how much the Committee's subject matter and policy agendas relate to emergency preparedness. This structure also creates a Presiding Officer line of succession that is at least five Council Members deep when the Mayor and Deputy Mayor are included. If neither the Mayor nor Deputy Mayor serve as a Committee Chair, the line of succession is then six Councilmembers deep.

The issue of what constitutes an "extended unavailability" is challenging. As defined in new Section 3.25, "extended unavailability" could mean any period of time up to the creation of an actual vacancy (e.g. through death, resignation or non-attendance). Beyond that, however, Section 3.25 gives the remaining Council Members the ability to determine when an unavailability of both the Mayor and the Deputy Mayor is "extended" based on the facts and circumstances existing at the time, which "generally occurs when a special meeting needs to be scheduled and held on an urgent basis." Staff feels that giving the Council flexibility to respond as necessary in an emergency is more important than a more formulaic approach that might not be well suited to a given set of facts and circumstances.

Finally, the proposed Resolution adds a new Section 3.26, which reiterates state law (RCW 42.17.070) providing for the manner in which City Council vacancies are to be filled. Staff considered it helpful for this process to be included in the Policies and Procedures so that they are easily and readily accessible to Council Members, City staff and the general public.

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



October~~April~~ 2017

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## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. 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.

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 Councilmember representative or chair 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.

~~8.9.~~ To authorize a Councilmember to serve as presiding officer in the event of the absence, extended unavailability or vacancies in the offices of both the Mayor and Deputy Mayor.

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, City 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 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 of all items on the agenda or only on particular agenda items. 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 requires the approval of the majority of the Council as provided for below.

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.

A Council Member may participate in some or all of the Council meeting remotely. When the portion of the Council meeting involving remote attendance is before the Council, 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. Unless the Council Member is participating remotely for the entire meeting, 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.

3.25 Special Meetings and Emergencies. Special meetings, including dates, times and locations for meetings conducted during emergencies, shall be held in accordance with Chapter 42.30 RCW, the Open Public Meetings Act. Special meetings are held at the request of the Mayor or, in the event of the extended unavailability of the Mayor, the Deputy Mayor. In the event of the extended unavailability of both the Mayor and the Deputy Mayor, special meetings are held at the request of the Council Member designated by the Council as presiding officer in the extended unavailability or vacancies in the offices of the Mayor and Deputy Mayor or, if no Council Member has been so designated, then the Presiding Officer shall be the first available Council Member serving as Committee Chair of a Council Committee in the following order: (1) Public Safety; (2) Public Works and Finance; (3) Finance and Administration; or (4) Planning and Economic Development. When the unavailability of any Council Member becomes extended depends on the facts and circumstances but generally occurs when a special meeting needs to be scheduled and held on an urgent basis and such Council Member is not available for any reason other than vacancy. The extended unavailability of a Council Member does not, by itself, constitute a vacancy.

3.26 Vacancies. Vacancies on the Council created by operation of applicable state law shall be filled as follows in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after his or her appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.

4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in Chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

**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 a Council retreat 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 or designee 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.

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<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>
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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  
Human Services Commission  
Park Board  
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 730 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 731 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-5275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO SECTION 3.12 AND ADDING NEW SECTIONS 3.25 AND 3.26 TO THE KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES.

1 WHEREAS, the City Council wishes to amend Section 3.12 of its  
2 Policies and Procedures to provide for the designation of a Presiding  
3 Officer to serve at City Council meetings in the event that the Mayor and  
4 Deputy Mayor are both absent or both have extended unavailability, or  
5 the positions of the Mayor and Deputy Mayor are both vacant; and  
6

7 WHEREAS, the City Council further wishes to amend its Policies  
8 and Procedures to add a new Section 3.25 to provide for the manner in  
9 which a Council Member may be designated to serve as Presiding Officer  
10 in the event of the extended unavailability, or vacancies in the positions,  
11 of both the Mayor and Deputy Mayor, with the determination of whether  
12 such unavailabilities are "extended" to be determined based on the facts  
13 and circumstances existing at the time of such designation, particularly  
14 in emergent circumstances where a special meeting may be urgently  
15 necessary; and  
16

17 WHEREAS, the City Council further wishes to add a new Section  
18 3.26 to restate the manner in which vacancies in City Council positions  
19 are to be filled under applicable state law.  
20

21 NOW, THEREFORE, be it resolved by the City Council of the City  
22 of Kirkland as follows:  
23

24 Section 1. The amended "City of Kirkland City Council Policies  
25 and Procedures," dated October 2017, attached as Exhibit A and  
26 incorporated by this reference, are approved.  
27

28 Passed by majority vote of the Kirkland City Council in open  
29 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
30

31 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
32 2017.

\_\_\_\_\_  
MAYOR

Attest:

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

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



October 2017

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## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. 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.

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 Councilmember representative or chair 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.
9. To authorize a Councilmember to serve as presiding officer in the event of the absence, extended unavailability or vacancies in the offices of both the Mayor and Deputy Mayor.

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, City 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 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 of all items on the agenda or only on particular agenda items. 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 requires the approval of the majority of the Council as provided for below.

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.

A Council Member may participate in some or all of the Council meeting remotely. When the portion of the Council meeting involving remote attendance is before the Council, 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. Unless the Council Member is participating remotely for the entire meeting, 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.

3.25 Special Meetings and Emergencies. Special meetings, including dates, times and locations for meetings conducted during emergencies, shall be held in accordance with Chapter 42.30 RCW, the Open Public Meetings Act. Special meetings are held at the request of the Mayor or, in the event of the extended unavailability of the Mayor, the Deputy Mayor. In the event of the extended unavailability of both the Mayor and the Deputy Mayor, special meetings are held at the request of the Council Member designated by the Council as presiding officer in the extended unavailability or vacancies in the offices of the Mayor and Deputy Mayor or, if no Council Member has been so designated, then the Presiding Officer shall be the first available Council Member serving as Committee Chair of a Council Committee in the following order: (1) Public Safety; (2) Public Works and Finance; (3) Finance and Administration; or (4) Planning and Economic Development. When the unavailability of any Council Member becomes extended depends on the facts and circumstances but generally occurs when a special meeting needs to be scheduled and held on an urgent basis and such Council Member is not available for any reason other than vacancy. The extended unavailability of a Council Member does not, by itself, constitute a vacancy.

3.26 Vacancies. Vacancies on the Council created by operation of applicable state law shall be filled as follows in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after his or her appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.

4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in Chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

**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 a Council retreat 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 or designee 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.

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<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>
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## 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  
 Human Services Commission  
 Park Board  
 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 730 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 731 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.





**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, Planning and Building Director  
Kevin Raymond, City Attorney

**Date:** October 6, 2017

**Subject:** Regulating Long-Term and Short-Term Rentals

**RECOMMENDATION**

Review changes to Ordinance O-4607 responding to the direction provided by the Council at the October 3 meeting. Either adopt the ordinance as presented, modify and adopt the ordinance, or direct staff to make further changes and return for Council consideration at a future meeting.

**BACKGROUND DISCUSSION**

The City Council discussed the desire to establish regulations pertaining to short-term rentals at meetings on September 19 and October 3, 2017. At the October meeting, the Council reviewed a draft of Ordinance O-4607 and directed a number of changes. Staff have revised the ordinance to address the Council's direction.

The revised ordinance maintains several of the regulations in the initial draft, but with some rewording or clarification. The revised ordinance also includes some new provisions as directed by Council.

- A. Aspects of the draft ordinance that remain largely unchanged are as follows:
1. Both long-term and short-term rentals are added to the definition of "engaging in business" in KMC 7.02.030(c) of the City's business licenses code chapter. This amendment is clarifying only, as all activities within Kirkland "with the object of gain, benefit or advantage" (KMC 7.02.030(a)) already require business licenses.
  2. "Short-term rental" is defined in KMC 7.02.030(p) as rental for less than thirty days, mirroring the definition of occupancies of real property subject to the City's lodging excise tax, Chapter 5.19 KMC.
  3. KMC 7.02.050 makes operating without a business license a civil violation subject to code enforcement actions under Chapter 1.12 KMC. Violations of the licensing code can also result in other regulatory actions, including license suspension or revocation pursuant to KMC 7.02.260, and violations of the chapter further constitute a misdemeanor crime under KMC 7.20.050.

4. Short-term rentals may occur at any time when the property owner or an authorized representative of the owner continuously occupy a portion of the property pursuant to KMC 7.02.300(1). These occupancy requirements apply equally to rentals of detached dwelling units and attached or stacked dwelling units.
5. KMC 7.02.300(3) requires that rental agreements encourage renters to avoid conflicts with neighbors.
6. Short-term rentals must abide by all zoning regulations, including the limit of five unrelated people occupying the property in accordance with KMC 7.02.300(5).

One key policy direction provided by the Council at the October 3 meeting was to focus the regulations on single family (detached dwelling unit) residences. While this ordinance does that, similar issues are beginning to arise related to multi-family units. Further work on multi-family may need to be done in the near future, especially regulations pertaining to smaller structures that contain 8 or less units.

B. Notable changes to the proposed ordinance include:

1. Revised definitions of "residential unit," "short-term rental" and "long-term rental" have been made to KMC 7.020.030. While requiring a business license, long-term rentals are not the subject of additional requirements. A short-term rental can be either a "detached dwelling unit" (e.g. single family) or an "attached or stacked dwelling unit" (e.g. multi-family). Some proposed ordinance provisions apply to both, e.g. owner occupancy and lodging excise tax requirements. However, some special provisions (e.g. those related to the number of agreements per residential unit and off-street parking requirements) apply only to the rental of detached dwelling units.
2. The "dwelling unit" terminology used for both types of short-term rentals is consistent with the terminology used in the City's zoning code.
3. Terms related to the concept of "owner occupancy" have been simplified to "owner or authorized representative," removing prior references to "residents" and "human beings," while still making it clear that "owner occupancy" (whether as an owner or an authorized representative) means a human being (e.g. KMC 7.02.300(1) & (2));
4. Short-term rentals may occur when an owner or authorized representative of the owner is not occupying the property, provided such rentals do not exceed 120 days per year, a designated property manager is continuously available and located within 15 miles of the property, and the owner or authorized representative occupies all or a portion of the property as his or her primary residence for at least 245 days per year. (Note: staff seeks Council decision on both suggested timeframes, above.) (KMC 7.02.300(2));
5. There may be no more than two (rather than one) short term rentals in a detached dwelling unit at any one time (KMC 7.02.300(4)), and similar limitations on attached or stacked rental units have been deleted.

6. Short term rentals of detached dwelling units must comply with the parking provisions for bed and breakfast houses in the zoning code (KMC 7.02.300(6)). A copy of the zoning code requirements for home occupancies and bed and breakfasts is included as Attachment A.
7. Authority is given to the Director of Finance and Administration to impose additional, reasonable business license requirements to protect the public health, safety and welfare. See KMC 7.02300(7). Other local jurisdictions regulating short-term rentals have imposed such provisions, such as requiring the resolution of outstanding code violations, proof of rental insurance (often provided by internet platforms), and verification that the number and location of smoke and carbon monoxide detectors meet safety requirements outlined in the application materials.
8. It is the responsibility of the owner of a short-term rental (whether detached or attached/stacked dwelling units) to ensure payment of the lodging excise tax pursuant to new section KMC 7.02.310.
9. Section 9 clarifies that "grandfathering," is only allowed for preexisting rental agreements pertaining to rental dates and durations.

Staff will be prepared to facilitate Council discussion of each of the above items at the October 17 meeting.

Attachment A: Home Occupancy and Bed and Breakfast zoning code provisions



# DEVELOPMENT SERVICES

BUILDING • FIRE • PLANNING • PUBLIC WORKS  
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## Home Occupation Handout

Planning Department

A business conducted incidental to a residential use is termed a home occupation and is governed by Kirkland Zoning Code (KZC) [Chapter 115.65](#). A home occupation is permitted without a zoning permit if it complies with all of the following:

1. Home occupations are allowed as an accessory use to a residence (single-family, multi-family, or accessory dwelling unit), subject to the requirements of this chapter ([KZC 115.65](#)). A business license shall be required for all home occupations.
2. The location of the home occupation must be the principal residence of the person(s) conducting that home occupation.
3. A home occupation may be conducted if it:
  - a. Is carried on by residents of the dwelling unit and, in addition, may involve no more than two (2) other business participants visiting the dwelling unit per day. "Other business participants" shall include non-family employees and independent contractors;
  - b. Has no outside storage, including equipment stored on vehicles;
  - c. Requires no alteration to the interior or exterior of the dwelling that changes its residential character;
  - d. Does not involve activities, including but not limited to, the use of heavy equipment, power tools, or other equipment or materials that result in noise, vibration, smoke, dust, or other conditions that exceed, in duration or intensity, such conditions normally produced by a residential use; (See [KZC 115.65](#) for complete list)
  - e. Has, in addition to daily mail service, no more than a total of three (3) commercial and courier pickups and deliveries at the dwelling unit per day, and no more than 10 pickups and deliveries per week. Pickups and deliveries shall occur between the hours of 8:00 AM and 6:00 PM;
  - f. Occupies no more than 500 square feet of floor area, including any space in an accessory structure;
  - g. Includes no more than six (6) clients/customers per day and no more than two (2) clients/customers at any time visiting the dwelling unit for goods or services. A family arriving in a single vehicle shall be considered one (1) client. Client/customer visits to a home occupation shall be between the hours of 8:00 AM and 8:00 PM (not applicable to a bed and breakfast house);
  - h. Operates no more than one (1) vehicle, van, truck or similar vehicle. See [KZC 115.65.4h](#) for vehicle weight, height and length regulations.
  - i. Has no exterior indication other than one (1) building-mounted, non-illuminated sign with a maximum size of two (2) square feet.

- j. For a bed and breakfast house, the following additional regulations apply in addition to those listed above:
- 1) It is operated by the owner of the dwelling in which it is located and it is the primary residence of the owner/operator;
  - 2) There is a maximum of two (2) guest rooms;
  - 3) Guests stay a maximum of 30 days;
  - 4) Food service shall be limited to serving overnight guests of the establishment. Individual rooms shall not be equipped with cooking facilities;
  - 5) The applicant may be required to provide up to one (1) parking stall per guest room. The applicant shall demonstrate the parking provided will be adequate based on the following criteria:
    - a) The number of guest rooms;
    - b) The number of permanent residents of the dwelling proposed for the bed and breakfast;
    - c) The number of parking stalls that can be accommodated in a garage or driveway; and
    - d) The number of legal on-street parking stalls immediately adjacent to the bed and breakfast;
  - 6) Concentrations of Bed and Breakfast Houses - Where a bed and breakfast house is proposed within 500 feet of another bed and breakfast house, the applicant shall demonstrate that the neighborhood will not be adversely affected by the concentration.

A home occupation which does not meet the above requirements may be allowed if approved under a Process I zoning permit as described in [KZC Chapter 145](#) and only if it:

- a. Will not harm the character of the surrounding neighborhood; and
- b. Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:
  - 1) Is appropriately screened from other properties;
  - 2) Does not emit noise, odor, or heat; and
  - 3) Does not create glare; and
- c. Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and
- d. Will not generate excessive traffic or necessitate excessive parking; and
- e. Will locate and screen any required or proposed site improvement in a manner that minimizes its view from surrounding properties or adjacent streets.
- f. For bed and breakfast houses, there will be a maximum of four (4) guest rooms.

If you have any questions, contact the Planning & Building Department at [PlanningInfo@kirklandwa.gov](mailto:PlanningInfo@kirklandwa.gov) or 425.587.3600.

**Alternate Formats:** Persons with disabilities may request materials in alternative formats. Persons with hearing impairments may access the Washington State Telecommunications Relay Service at 711.

**Title VI:** Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City.

To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425-587-3011 or [titlevicoordinator@kirklandwa.gov](mailto:titlevicoordinator@kirklandwa.gov).

ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

1           WHEREAS, public comment has brought forward concerns about  
2 the impacts of unregulated short-term detached dwelling unit rentals in  
3 the city of Kirkland; and  
4

5           WHEREAS, such concerns have included absentee owners,  
6 excessive numbers of residents and vehicles, blocked neighboring  
7 driveways, noise, litter, trespasses and the use of detached dwelling  
8 units as event venues; and  
9

10           WHEREAS, public comment has also demonstrated that  
11 appropriately regulated short-term rentals of residential units, including  
12 both detached dwelling units and attached or stacked dwelling units,  
13 help make it possible for owners of such residential units to be able to  
14 afford to live in Kirkland, while also bringing visitors, students, tourism  
15 and economic development benefits to the city; and  
16

17           WHEREAS, Chapter 7.02 of the Kirkland Municipal Code,  
18 Business Licenses and Regulations, requires business licenses in  
19 connection with all activities and pursuits located and/or engaged within  
20 Kirkland with the object of gain, benefit or advantage to the person  
21 engaging in the same; and  
22

23           WHEREAS, Chapter 7.02 KMC therefore applies to both short-  
24 term rentals and long-term rentals as provided for herein; and  
25

26           WHEREAS, rental agreements in excess of one month, which are  
27 considered long-term rentals for purposes of this ordinance, remain  
28 freely permitted subject to the business license requirements of Chapter  
29 7.02; and  
30

31           WHEREAS, the City Council wishes to add additional provisions  
32 to Chapter 7.02 specifically applicable to short-term rentals of detached  
33 dwelling units to address the regulatory concerns described above; and  
34

35           WHEREAS, the Council further wishes to provide for the  
36 enforcement of the requirements of Chapter 7.02 through amendments  
37 to Chapter 1.12 KMC, Code Enforcement; and  
38

39           WHEREAS, the Kirkland Zoning Code regulates similar types of  
40 activities, including bed and breakfast houses and home occupations,  
41 neither of which are considered short-term rentals for purposes of this  
42 ordinance.  
43

44           NOW, THEREFORE, the City Council of the City of Kirkland do  
45 ordain as follows:

46           Section 1. Kirkland Municipal Code Section 1.12.020 is amended  
47 to read as follows:

48  
49 **1.12.020 Definitions.**

50           As used in this chapter, unless a different meaning is plainly  
51 required:

52           (a) "Abate" means to repair, replace, remove, destroy or  
53 otherwise remedy a condition which constitutes a civil violation by such  
54 means, in such a manner and to such an extent as the applicable  
55 department director determines is necessary in the interest of the  
56 general health, safety and welfare of the community.

57           (b) "Act" means doing or performing something.

58           (c) "Applicable department director" means the director of the  
59 department or his or her designee.

60           (d) "Civil violation" means a violation for which a monetary penalty  
61 may be imposed as specified in this chapter. Each day or portion of a  
62 day during which a violation occurs or exists is a separate violation.  
63 Traffic infractions issued pursuant to Title [12](#) are specifically excluded  
64 from the application of this chapter.

65           (e) "Development" means the erection, alteration, enlargement,  
66 demolition, maintenance or use of any structure or the alteration or use  
67 of any land above, at or below ground or water level, and all acts  
68 governed by a city regulation.

69           (f) "Emergency" means a situation which in the opinion of the  
70 applicable department director requires immediate action to prevent or  
71 eliminate an immediate threat to the health or safety of persons or  
72 property.

73           (g) "Hearing examiner" means the Kirkland hearing examiner and  
74 the office thereof established pursuant to Chapter [3.34](#).

75           (h) "Omission" means a failure to act.

76           (i) "Person" means any individual, firm, association, partnership,  
77 corporation or any entity, public or private.

78           (j) "Person responsible for the violation" means any person who  
79 is required by the applicable regulation to comply therewith, or who  
80 commits any act or omission which is a civil violation or causes or  
81 permits a civil violation to occur or remain upon property in the city, and  
82 includes but is not limited to owner(s), lessor(s), tenant(s), or other  
83 person(s) entitled to control, use and/or occupy property where a civil  
84 violation occurs. For violations of the city sign regulations, this definition  
85 includes, but is not limited to, sign installers/posters, sign owners, and  
86 any other persons who cause or participate in the placement of a sign  
87 in a manner that constitutes a civil violation. For violations of city tree  
88 regulations, this definition includes any person who caused or  
89 participated in the removal of a tree in a manner that constitutes a civil  
90 violation.

91           (k) "Regulation" means and includes the following, as they now  
92 exist or are hereafter amended:

93           (1) Title [23](#) (Kirkland Zoning Code);

94           (2) Title [21](#), Buildings and Construction (including codes adopted  
95 by reference);

96           (3) Chapter [15.52](#) (Surface Water Management);

97           (4) Title [29](#) (Land Surface Modification);

98           (5) Chapter [19.04](#) (Obstructing Streets or Sidewalks);

99           (6) Chapter [11.76](#) (Junk Vehicles);



- 100 (7) Chapter [11.24](#) (Nuisances);  
 101 (8) The terms and conditions of any permit or approval issued by  
 102 the city, or any concomitant agreement with the city;  
 103 (9) Chapter [7.74](#) (Fair Housing Regulations);  
 104 (10) Chapter [16.05](#) (Retail Carryout Bags, including definitions set  
 105 forth in Chapter 16.04);  
 106 (11) Chapter [16.08](#) (Garbage Disposal); and -  
 107 (12) Chapter [7.02](#) (Business Licenses and Regulations).  
 108 (l) "Repeat violation" means a violation of the same regulation in  
 109 any location by the same person for which voluntary compliance  
 110 previously has been sought within two years or a notice of civil violation  
 111 has been issued within two years.  
 112 (m) "Violation" means an act or omission contrary to a city  
 113 development regulation including an act or omission at the same or  
 114 different location by the same person and including a condition resulting  
 115 from such act or omission.

116  
 117 Section 2. Kirkland Municipal Code Section 7.02.030 is amended  
 118 to read as follows:

119  
 120 **7.02.030 Definitions.**

121 Where used in this chapter, the following words and terms shall have  
 122 the meanings as defined in this section, unless, from the context, a more  
 123 limited or different meaning is clearly defined or apparent:

124 (a) "Business" includes all activities, occupations, pursuits, or  
 125 professions located and/or engaged within the city, with the object of  
 126 gain, benefit or advantage to the person engaging in the same, or to  
 127 any other person or class, directly or indirectly, and includes nonprofit  
 128 enterprises.

129 (b) "Business license" means that document issued by the city  
 130 licensing the transaction of the indicated business by the person whose  
 131 name appears thereon for the stated period.

132 (c) "Engaging in business" means commencing, conducting or  
 133 continuing in any business within the city, whether or not an office or  
 134 physical location for the business lies within the city. "Engaging in  
 135 business" includes the performance of work or services by contractors,  
 136 consultants, representatives, agents or other persons within the city,  
 137 even though the office location of the contractor, consultant,  
 138 representative, agent or other person is not within the city limits; the  
 139 exercise of corporate or franchise powers, as well as the liquidation of  
 140 a business when the liquidators hold themselves out to the public as  
 141 conducting such business; acting as a solicitor or canvasser; short-term  
 142 and long-term rentals; and furnishing temporary employees and/or  
 143 workers to other businesses. By way of illustration only and without  
 144 being all-inclusive, a business with an office or physical location outside  
 145 the city limits which sells or leases personal property to buyers or  
 146 lessees in the city; accepts or executes a contract to perform  
 147 construction or installation services contracts in the city; solicits sales in  
 148 the city; or renders services to others in the city; is engaged in business  
 149 in this city, irrespective of whether or not such business maintains a  
 150 permanent place of business in the city.

151 (d) "Finance and administration director" or "director" means the  
 152 city of Kirkland director of finance and administration or his/her  
 153 designee.

154 (e) "Gross receipts" shall have its ordinary meaning and also  
155 means the value accruing from the business activity within the city or  
156 conducted from the city including compensation for the rendition of  
157 services (without any deduction for labor costs or the cost of materials  
158 used), sale of personal property (without any deduction for the cost of  
159 property sold), gains or dividends realized, rents, royalties,  
160 contributions, fees and commissions, all without any deduction for any  
161 expense, taxes, or losses.

162 (f) "Person" includes individual natural persons, any firm,  
163 corporation, association, sole proprietor, club, partnership, trust,  
164 receiver, administrator, executor, estate, company, independent  
165 contractor, society, any officer, agent, personal representative, any  
166 group of individuals acting as a unit, the United States or the state of  
167 Washington or any instrumentality thereof, and includes the singular  
168 and the plural.

169 (g) "City" means the city of Kirkland, Washington.

170 (h) "Year" means a calendar year, except where otherwise  
171 specified or when permission is obtained from the director to use a  
172 different fiscal year.

173 (i) "L&I" means the Washington State Department of Labor and  
174 Industries.

175 (j) "Place of business" or "office" includes, but is not limited to,  
176 the following: maintaining, occupying, or using a permanent building or  
177 facility, premises or other fixed location as an office or location for  
178 conducting business; residential units used for short-term or long-term  
179 rentals or leases, or a location where the regular business of the person  
180 is conducted and which is either owned by the person or over which the  
181 person exercises legal dominion and control; or a location which  
182 includes a business sign, mailing address, and permanent phone. A  
183 vehicle such as a pickup, van, truck, boat or other motor vehicle will not  
184 be considered a place of business for purposes of this chapter.

185 (k) "Casual or isolated sale" means a sale made by a person who  
186 is not engaged in the business of selling the type of property involved.  
187 Persons who hold themselves out to the public as making sales at retail  
188 or wholesale are deemed to be engaged in business, and sales made by  
189 them of the type of property which they hold themselves out as selling  
190 are not casual or isolated sales even though such sales are not made  
191 frequently.

192 (l) "Employee" means and includes each of the following persons  
193 who are not required by the city to have his/her/its own separate city  
194 of Kirkland business license:

195 (1) Any person who is on the business's payroll, and includes all  
196 full-time, part-time, and temporary employees or workers; and

197 (2) Self-employed persons, sole proprietors, owners, managers,  
198 and partners; and

199 (3) Any other person who performs work, services or labor at the  
200 business, including an independent contractor who is not required to  
201 have a separate city of Kirkland business license.

202 (m) "Contractor" means any person who, in the capacity of an  
203 independent contractor, contracts with any business, property owner or  
204 person to perform a particular job or jobs, whether the remuneration  
205 received for performing the job or jobs is on a cost-plus basis, a flat sum  
206 basis or a salary computed at so much per hour.

207 (n) "Subcontractor" means any person who in the capacity of an  
208 independent contractor contracts with any contractor to perform a  
209 particular trade or job, whether the remuneration received for  
210 performing the job or jobs is on a cost-plus basis, a flat sum basis, or a  
211 salary basis computed at so much per hour.

212 (o) "Residential unit" means either a detached dwelling unit or an  
213 attached or stacked dwelling unit, as those terms are defined in the  
214 city's zoning code.

215 (p) "Short-term rental" means the rental of a residential unit for  
216 less than thirty days. A short-term rental is not a bed and breakfast  
217 house or home occupation as defined in the zoning code for purposes  
218 of this ordinance.

219 (q) "Long-term rental" means the rental or lease of a residential  
220 unit for a period of thirty days or more. A long-term rental is not a bed  
221 and breakfast house or home occupation as defined in the zoning code.

222  
223 Section 3. Kirkland Municipal Code Section 7.02.050 is amended  
224 to read as follows:

225  
226 **7.02.050 Operating without a license.**

227 (a) Any person who engages in or carries on a business without  
228 having obtained a business license when required to do so shall be guilty  
229 of a violation of this chapter for each day during which the business is  
230 so engaged in or carried on. Any person who fails or refuses to pay a  
231 fee required under this chapter, or any part thereof, on or before the  
232 due date, shall be deemed to be operating a business without having  
233 obtained a license to do so. Except as otherwise specified, any person  
234 violating this chapter shall be guilty of a misdemeanor crime and a civil  
235 violation under Chapter 1.12.

236 (b) A business failing to obtain or maintain a currently valid license  
237 and yet conducting business within the city is hereby declared to be a  
238 public nuisance. Any remedy provided by this code with respect to a  
239 public nuisance is in addition to other remedies provided under this  
240 chapter.

241  
242 Section 4. Kirkland Municipal Code Section 7.02.070 is amended  
243 to read as follows:

244  
245 **7.02.070 Presumptions.**

246 The following presumptions shall be made in interpreting and  
247 applying this chapter, unless rebutted as provided in this chapter:

248 (a) It shall be presumed that an entity that has been issued a  
249 Unified Business Identifier Number ("UBI") by the state of Washington  
250 is a separate business that is required to have its own city of Kirkland  
251 business license.

252 (b) It shall be presumed that an entity that has been issued a  
253 state industrial insurance account number, a state self-insurer number,  
254 or a state revenue tax reporting account number is a separate business  
255 that is required to have its own city of Kirkland business license.

256 (c) It shall be presumed that average annual gross receipts of an  
257 entity are at least twenty thousand dollars per each employee who  
258 works for the entity in Kirkland except in the instances of short-term  
259 rentals and long-term rentals and leases of residential units.

260 (d) It shall be presumed that an owner, manager, and/or  
261 managing partner of a business that is more than sixty days late in  
262 paying any amount due under this chapter is willfully, knowingly and  
263 intentionally evading his or her legal duties under this chapter.

264  
265 Section 5. Kirkland Municipal Code Section 7.02.200 is amended  
266 to read as follows:

267  
268 **7.02.200 Debt owed to city.**

269 (a) Any amount due and unpaid under this chapter and any  
270 penalty thereon shall constitute a debt to the city and may be collected  
271 in the same manner as any other debt, including through code  
272 enforcement and court proceedings, and these remedies shall be in  
273 addition to all other existing remedies. Interest shall accrue on amounts  
274 owed to the city under this chapter at the same rate as provided for  
275 superior court judgments.

276 (b) Issuance of a business license does not forgive amounts owed  
277 to the city or penalties thereon.

278  
279 Section 6. Kirkland Municipal Code Section 7.02.260 is amended  
280 to read as follows:

281  
282 **7.02.260 Suspension or revocation of license—Criteria.**

283 The director may suspend or revoke a business license or permit  
284 when the licensee, officer or partner thereof, or another person with a  
285 legal interest in the license:

286 (1) Knowingly causes, aids, abets, or conspires with another to  
287 cause any person to violate any of the laws of this state or the city which  
288 may affect or relate to the licensed business;

289 (2) Has obtained a license or permit by fraud, misrepresentation,  
290 concealment, or through inadvertence or mistake;

291 (3) Is convicted of, forfeits bond upon, or pleads guilty to any  
292 offenses related to the operation of the licensed business;

293 (4) Makes a misrepresentation or fails to disclose a material fact  
294 to the city related to any of the obligations set forth in this chapter;

295 (5) Violates any building, safety, fire or health regulation on the  
296 premises in which the business is located after receiving warning from  
297 the city to refrain from such violations;

298 (6) Is in violation of a zoning or other material regulation of the  
299 city; or

300 (7) Is indebted or obligated to the city for past due fees or taxes,  
301 excluding special assessments such as LID assessments.

302  
303 Section 7. A new Kirkland Municipal Code Section 7.02.300 is  
304 amended to read as follows:

305  
306 **7.02.300 Short-term Rentals—Special Provisions.**

307 The following special provisions are applicable to short-term rentals  
308 of detached dwelling units:

309 (1) Short-term rentals are freely permitted when an owner or  
310 authorized agent of an owner continuously occupies a portion of a short-  
311 term rental as his or her primary residence.

312 (2) Short-term rentals not exceeding a total of 120 days per year  
313 are permitted when (a) an owner or an authorized agent of the owner

314 occupies all or a portion of the short-term as his or her primary residence  
315 for a total of at least 245 days per year and (b) a property manager  
316 identified to both the city and all short-term renters is continuously  
317 available and located within 15 miles of the short-term rental whenever  
318 the owner or an authorized agent of the owner is not occupying all or a  
319 portion of the short-term rental as his or her primary residence.

320 (3) Short-term rental agreements shall include provisions  
321 encouraging renters to exercise best efforts to avoid conflicts with  
322 neighbors related to issues such as noise, littering, parking and trespass

323 (4) There may be no more than two short-term rental agreements  
324 in effect at a single detached dwelling unit at any one time.

325 (5) The owners and authorized agents of owners of detached  
326 dwelling units that are the subject of short-term rental agreements are  
327 jointly responsible for ensuring compliance with all applicable city zoning  
328 code requirements, including those related to the number of unrelated  
329 people occupying the unit.

330 (6) The owners and authorized agents of owners of detached  
331 dwelling units that are the subject of short-term rental agreements are  
332 also jointly responsible for ensuring compliance with the parking  
333 provisions applicable to bed and breakfast houses set forth in the zoning  
334 code.

335 (7) The director of finance and administration may impose such  
336 additional requirements as may be necessary, consistent with the police  
337 power authority of the city, to protect the public health, safety and  
338 welfare in the issuance of business licenses related to short-term  
339 rentals.

340  
341 Section 8. A new Kirkland Municipal Code Section 7.02.310 is  
342 amended to read as follows:

343  
344 **7.02.310 Payment of Lodging Excise Tax on Short-term**  
345 **Rentals.**

346 It shall be the responsibility of the person owning a short-term rental  
347 to ensure the lodging excise tax provided for by Chapter 5.19 is timely  
348 paid.

349  
350 Section 9. The provisions of this ordinance shall apply to all  
351 short-term rentals existing on or after the effective date hereof except  
352 to the extent necessary to avoid the impairment of existing short-term  
353 rental agreements as they may relate to rental dates and durations  
354 existing as of the effective date hereof.

355

356 Section 10. If any provision of this ordinance or its application  
357 to any person or circumstance is held invalid, the remainder of the  
358 ordinance or the application of the provision to other persons or  
359 circumstances is not affected.

360

361 Section 11. This ordinance shall be in force and effect five days  
362 from and after its passage by the Kirkland City Council and publication  
363 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
364 form attached to the original of this ordinance and by this reference  
365 approved by the City Council.

366           Passed by majority vote of the Kirkland City Council in open  
367 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

368  
369           Signed in authentication thereof this \_\_\_\_\_ day of  
370 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

SECTION 1. Amends Kirkland Municipal Code Section 1.12.020 updating the definition for "regulation."

SECTION 2. Amends Kirkland Municipal Code Section 7.02.030 updating definitions for "place of business" or "Office" and adding definitions for "Residential unit", "Short-term rental" and "Long-term rental."

SECTION 3. Amends Kirkland Municipal Code Section 7.02.050 related to operating a business without a license.

SECTION 4. Amends Kirkland Municipal Code Section 7.02.070 related to presumptions for the chapter.

SECTION 5. Amends Kirkland Municipal Code Section 7.02.200 adding code enforcement as a collection option for debt owed to the City.

SECTION 6. Amends Kirkland Municipal Code Section 7.02.260 updating the criteria for suspension or revocation of a business license or permit.

SECTION 7. Adds a new Kirkland Municipal Code Section 7.02.300 providing special provisions for short-term rentals.

SECTION 8. Adds a new Kirkland Municipal Code Section 7.02.310 providing for the payment of lodging excise tax on short-term rentals.

SECTION 9. Provides an exception clause for the effective date for short-term rentals.

SECTION 10. Provides a severability clause for the ordinance.

SECTION 11. 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 17th day of October, 2017.

I certify that the foregoing is a summary of Ordinance O-4607 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk





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

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Chief of Police  
Stephanie E. Croll, Senior Assistant City Attorney

**Date:** October 5, 2017

**Subject:** ANIMAL SERVICES ORDINANCES CONTINUED

### **RECOMMENDATION:**

City Council receives an update on the implementation of the Animal Services Program and adopts the following ordinance that set forth the regulations applicable to enforcement of the animal control and prevention of cruelty provisions, penalties for violations of the code, and animal impounding procedures for the Animal Control Officer.

### **BACKGROUND DISCUSSION:**

This is the third in a series of program updates and recommended ordinances needed to implement Kirkland's Animal Services Program on January 1, 2018. As noted in previous memos, the proposed ordinances are based on King County's current ordinance language, regulations which the City adopted by reference in 2008 (O-4130). The few exceptions are noted in the staff memo.

#### Program Update

The City's contract with PetData for the provision of pet licensing services was signed and executed on September 22, 2017. The Police Department identified the Everett Animal Shelter as the agency with whom it will contract for sheltering and care of impounded animals. The City's Intergovernmental Relations Manager is working on a contract with the Everett Animal Shelter.

The City Council has received several emails from residents about the Animal Services Program. Staff is responding to the emails and developing an FAQ to post on the City's website. A copy of Council staff reports from late 2016 are attached to this memo that may assist Council with responding to inquiries from the public (Attachments A and B). Council may also be interested in reviewing the October 4, 2016 study session materials that include King County's information <http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd100416.htm>.

### Stakeholder Workshop

As the Council has proceeded with adoption of the various ordinances necessary to implement the Animal Services programs, more and more stakeholders are engaging in the process and seeking the opportunity to understand the proposals and provide input. This is especially true around the issues related to fostering animals, and hobby catteries and kennels. The Animal Services Team welcomes this engagement and is developing a response strategy to these inquiries. In addition to the FAQ's and other outreach strategies, the team will be organizing a stakeholder workshop in the coming weeks to introduce stakeholders to the new Animal Control Officer, provide detailed background on the new program, and encourage a dialogue about how to make the new program successful. More details on this workshop will coming soon.

### Previously Adopted Ordinances

The following ordinances were adopted at prior City Council meetings.

On **August 2, 2017**, Council adopted Ordinances O-4591, O-4592, O-4593 and Resolution R-5262, which accomplished the following:

O-4591 – Authorized Animal Control Officers and authorized the City Manager to enter into animal services contracts;

O-4592 – Adopted definitions and authorized Council to set pet licensing fees, fines and penalties and amend them via resolution (Kirkland adopted current KC fees with some small exceptions);

O-4593 – Amended Parks Code to allow dogs to be off-leash in designated parks at designated times; and

R-5262 – Established pet licensing fees, fines and penalties (Kirkland adopted KC fees with some small exceptions).

On **October 3, 2017**, Council adopted Ordinances O-4608 and O-4609, which accomplished the following:

O-4608 – Adopted by reference certain provisions of the Revised Code of Washington and the Washington Administrative Code with regard to animal care, control and services; and

O-4609 – Adopted regulations applicable to kennels, hobby kennels, catteries, hobby catteries, grooming services, pet shops and private animal placement permits (required for private fostering of animals). These regulations all mirror the current King County regulations.

### New Ordinance – Authority, Penalties and Impounding

The proposed ordinance presented with this memo concerns enforcement, penalties and procedures for impounding animals.

The proposed ordinance specifies the Animal Control Officer's (ACO) enforcement authority to enforce laws pertaining to animal cruelty, shelter, welfare and control. For instance, it authorizes the ACO to enter upon any public or private property while pursuing any animal he/she observes in violation of the City's code (e.g., the ACO may enter a property owner's

back yard without a warrant to free an animal that she observes choking on a chain around the neck). However, the ACO cannot enter any "building designated for and used for private purposes" without first obtaining a warrant.

All violations of the animal code are deemed "public nuisances," and may be resolved by the ACO as a civil matter. The proposed ordinance sets forth the range of penalties for violations. Specific penalty amounts were adopted by the Council on September 5, 2017 in Resolution R5262. The present ordinance establishes the ACO's authority to adjust penalties based on the circumstances of the violation and based on policies to be established by the Police Department. The next ordinance that will be presented to Council sets forth in more detail how the ACO can adjust fees, fines and penalties in certain circumstances.

The proposed ordinance authorizes the ACO to impound any animals that are either a public nuisance or being subjected to cruel treatment. This includes lost animals that are running "at large" in the City.<sup>1</sup> The ACO must determine if the animal is licensed or otherwise identifiable. The ACO will make every reasonable attempt to reunite the animal with its owner. If it is not reasonably possible, then the ACO shall give notice to the owner that the animal has been impounded. Consistent with the King County Code, animals that are licensed will be held for up to five days before they are available for adoption. Animals that are lost or found running at large and not licensed will be held for at least 72 hours after impoundment, after which they can be released for adoption. In either case, the ACO has the authority to extend that time period for exceptional circumstances. It should be noted that the Everett Animal Shelter will hold a licensed animal up to ten days for the same intake fee.<sup>2</sup> While an animal is impounded (whether for five or ten days), the City is responsible for veterinarian costs if they are needed and these costs may not be recouped if the animal is never claimed, which is why staff is proposing to keep the current King County hold of 5 days.

The proposed ordinance also stipulates that the City shall not sell any animals for the purposes of medical research to any research institute or any other purchaser; nor shall the City transfer any animal to any research institute or other person or agency for the purposes of medical research.

Finally, the ordinance authorizes the ACO or other Police Officer to humanely destroy an animal under exigent circumstances, such as when the animal poses an immediate safety threat to a person, or where the animal is sick or injured and suffering.

These ordinances mirror the current King County Ordinances with the following staff recommended exception:

8.09.350(A)(1) gives the ACO discretion and authority to extend the time that an animal is held for its owner up to ten days.

8.09.350 generally indicates that once an animal has been impounded, the owner may redeem the animal simply by paying the required fees and fines. The City proposes including Sections (E) & (F), which make it clear that dogs impounded as dangerous dogs, potentially dangerous dogs, vicious animals or due to neglect may only be released and redeemed based on the conditions imposed by the ACO in the notice of violation that will accompany their impoundment. The terms "dangerous," "potentially dangerous," and "vicious" are defined at KMC 8.09.120 (Ord. 4592, passed August 2, 2017).

---

<sup>1</sup> "At large" generally means an animal found off the owner's premises and not under the owner's control. See KMC 8.09.120; Ord. 4592.

<sup>2</sup> The fee is approximately \$185; although the shelter is in the process of updating their fees and costs.

The next set of ordinances will be presented at the November 8th City Council meeting and will provide more definition about:

- Cruelty to Animals
- Nuisances
- Notice and Order to Abate a Public Nuisance
- Appeal procedure
- Vicious Animals
- Dangerous Dogs, Potentially Dangerous Dogs and Requirements for owning

On November 21st the City Council will consider the remaining ordinances concerning:

- Dog leash required
- Rabies vaccination required
- Reporting animal bites required
- Animal waste pick up required
- Confining/trapping another's animal prohibited
- Exotic Animals
  - Licensing
  - Inspections
  - Violations and penalties

Staff will also prepare an ordinance to repeal the City's current codes, with an effective date of January 1, 2018. Should it be necessary to adopt any requested modifications or additional regulations related to the Animal Services Code, staff can present them via an ordinance or ordinances at the City Council meeting set for December 12, 2017, the last scheduled meeting of this year. As noted previously, staff will prepare all animal services ordinances so that they can be adopted in time to be effective starting January 1, 2018.



**CITY OF KIRKLAND**  
**Police Department**  
**11750 NE 118<sup>th</sup> St, Kirkland, WA 425.587.3400**  
**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kurt Triplett

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

**Date:** October 10, 2016

**Subject:** Providing Animal Services Locally

### **RECOMMENDATION:**

It is recommended that the City council receives a briefing and either requests more information or gives direction on whether the Kirkland Police Department should provide animal services locally, effective January 1, 2018. If the Council decides to provide animal services locally, it should direct that staff bring back a letter for approval at the next Council meeting notifying King County and partner cities of Kirkland's intent to withdraw when the current regional animal services contract is concluded.

### **BACKGROUND DISCUSSION:**

At its October 4 study session, Council received a briefing on the 2018 Successor Interlocal Agreement (ILA) for the provision of regional animal services from Diane Carlson, King County Director of Regional Initiatives and Gene Mueller, Manager of King County Regional Animal Services (RASKC). King County's presentation included information on how regional services are currently delivered, an update on the ILA's Agreement in Principle, and information on how regional animal services have been provided in Kirkland. Contracting cities are expected to confirm their non-binding interest of whether or not to participate in the 2018 Successor ILA by December 31, 2016.

The City of Kirkland has participated under contract with King County for regional animal services since July 2009. Although the regional program has been cost-neutral for Kirkland since 2012, City staff have observed that if Kirkland were to provide animal services locally, it could efficiently provide a higher level of service to its residents and do so more cost effectively.

**(See Attachment A for cost comparisons)**

### **Animal Control and Community Policing**

Animal Control is a traditional community policing function and approaching it as such can be beneficial to the residents and the City. This is in keeping with one of the goals identified in the draft Police Strategic Plan currently being reviewed by the Council. During the outreach phase of the Strategic Plan, the consultants heard a strong desire expressed by Councilmembers and community members for more proactive community engagement. Localizing the services of the Animal Control Officer (ACO) embodies community policing, allowing for better connections, better service, increased education and prevention of animal related problems. This will afford a new opportunity for partnerships between the department, residents and businesses.

Providing animal services locally to the City's residents requires the Kirkland Police Department to develop an animal services program that would include animal control, sheltering and licensing. Staff prepared a related service package request for the proposed 2017-2018 budget that includes one-time expenditures in 2017 to start-up the program, as well as ongoing expenditures. The one-time expenditures in 2017 include: \$50,000 for purchase of a vehicle; \$19,000 for software investments; \$11,000 for office set-up expenditures; and \$4,000 for personnel background investigations. While both sheltering services and licensing services would be contracted out to professional third-party service providers, the police department would provide 40 hours per week of animal control (field) service. Field services include, but would not be limited to: response to resident generated calls for service, owner-pet reunification, proactive patrol of parks and public areas to both educate and enforce, general enforcement, follow-up to license infractions, respond to requests for pet licenses, investigations, temporary sheltering, resource assistance in resolving conflicts with nuisance animals and wildlife, and community education & outreach.

Staff explored options for all three of the animal services that are currently provided by King County and have analyzed programs in other cities who employ Animal Control Officers. Of the 39 cities in King County, 14 do not participate in RASKC including the cities of Seattle, Federal Way, Renton, Auburn and Bothell. The City of Bothell separated service from RASKC in 2011. Since then, the Bothell Police Department has built a successful local program and has provided the Kirkland Police Department with an overview of its animal control services as well as its ACO policies and procedures. Further, Bothell's Police Department pledged support to Kirkland through field training.

### **Animal Control/Field Service**

In order for the Police Department to have a fully functioning Animal Control Officer in place and ready to take over the program on January 1, 2018, the hiring process, procurement of equipment and training need to occur during 2017.

Kirkland's ACO will complete a three-month field training program that will include:

- The Washington State Animal Control Officer course offered through the Criminal Justice Training Commission.
- Field training and evaluation with Department field training officers.
- In-service cross-training with other ACO's in neighboring cities.

The initial staff proposal is that the ACO will be full-time and available 40 hours per week, Monday – Friday during regular business hours. The ACO will be the face of Animal Services in the Kirkland community and will be responsible for building relationships with regional & local animal related businesses and facilities (veterinarians, pet stores, animal rescues, etc.) to make the program a success. The ACO will work out of the Kirkland Justice Center (KJC) and would be under the supervision of the Administrative Division of the Police Department. Temporary sheltering would also be located at the KJC. In the event that the ACO is on vacation/sick, the Department is in discussions with the Bothell Police Department's ACO on formulating an ILA to respond in the case of an emergency. The program would also include a budget to contract for specialized services with public and private partners if necessary.

Animal Control/Field Services includes a myriad of tasks, including but not limited to:

- Enforcement of animal nuisance complaints and barking dogs
- Criminal Investigations to include; animal cruelty, animal bites, vicious dog complaints
- Pro-Active patrol of parks and the Cross Kirkland Corridor
- Reunification of animals with their owners and/or transport to shelter care

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- Response to injured and deceased animals
- Resident education on licensing, care and animal behavior
- Resource for animal-related problems
- Response to stray animals and loose livestock
- Special hobby kennel license inspections
- Participation in City events to promote animal licensing and education

Initially, the Police Department expects to experience an increase in calls for field service over and above the 257 calls for service per year on average that King County currently responds to in the City of Kirkland. Residents generally have the expectation for a higher level of service from their local service provider, which was evident after the City's 2011 annexation and has been affirmed by Bothell's experience in providing animal services locally. Staff examined RASKC's delivery of animal services in its Control District 200, which includes the City of Kirkland, eight other cities and the northeastern portions of unincorporated King County. In the regional structure, one Animal Control Officer responds to over 1,400 calls for service per year. The City's Police Department is confident in the ability of a Kirkland ACO to respond to the anticipated increase in calls for field service. The Department intends to initially adopt King County's criteria for prioritizing calls (**Attachment B**) for service with a significantly improved response time.

High Priority (Priority 1 & 2) calls include those incidents that pose an emergent danger to the community, including:

- Emergent animal bite
- Emergent vicious marauding dog
- Emergent injured animal
- Police assist calls—(police officer on scene requesting assistance from an ACO)
- Emergent loose livestock or other loose or deceased animal that poses a potential danger to the community
- Emergent animal cruelty

Lower Priority (Priority 3, 4 & 5) calls are non-emergent requests for service that may be handled by the ACO in person or over the telephone and may include referral to other resources. Lower priority calls include, but are not limited to:

- Stray dog/cat/other confined
- Deceased animal
- Patrol request – (ACO requested to patrol a specific area due to possible code violations)
- Vicious not in progress
- Cruelty welfare check
- Animal bite
- Barking or noise complaints
- Notices of violation (leash law)
- Trespass investigations
- Illegal kennel
- Trap request
- Female animal in season

City staff analyzed RASKC's monthly ACO reports on animal control activity in Kirkland over the past three years and identified roughly 27 areas of specific ACO response (**Attachment C**). The data show that on average, four of the 27 activities generated over half of calls for field service in Kirkland. They are:



1. Stray Animal - Confined, with an average of 63 calls per year, representing 21% of the calls for service.
2. Deceased Animal (DOA) calls averaged 41 per year (14%)
3. Stray Animal – Patrol Request calls averaged 33 per year (11%)
4. Vicious Not in Progress calls averaged 29 per year (10%)

Importantly, on average 20 of the 63 stray animal - confined calls were either “cancelled by dispatch” or they were “gone on arrival.” Similarly, 22 of the 33 stray – patrol request’ calls were “gone on arrival.”

Three other activities generated more than five percent (but less than 10%) of the calls for services. They are:

1. Barking or Noise Complaint calls averaged 20 per year (7%)
2. Cruelty Welfare Check calls averaged 20 per year (7%)
3. Animal Bite calls averaged 19 per year (6%)

## **Animal Sheltering**

Staff has reached out to both the Progressive Animal Welfare Society (PAWS) and the Everett Animal Shelter to determine if these facilities have the capacity to provide the City of Kirkland’s shelter needs. Both organizations have indicated that they are interested and can provide sheltering for additional animals. Both charge a flat rate for each animal intake. PAWS charges \$185 per animal and Everett charges \$175 per animal. PAWS also has a \$20 charge per day for animals that must stay in the shelter beyond a ten-day period due to custody and/or court cases.

Temporary kenneling is necessary for a successful animal services program. Holding and caring for an animal until an owner can respond to pick up their pet is a service that King County does not currently provide. Having the ability to offer this level of service is important for the City’s pet-owners and can reduce the cost of sheltering at a contracted facility. The City of Bothell maintains temporary kennel on-site and if needed, also has agreements in place with local facilities to temporarily house animals. Kirkland’s program would model this approach as well. Staff has included \$10,000 for contracting for specialty services in the service package request for the proposed 2017-2018 budget.

## **Pet Licensing**

Staff has explored the potential of contracting pet license processing and renewal services with PetData, a private company that provides this service to other cities in Washington and in other states across the country. PetData’s license application and renewal process is an easy online process for pet owners. The City of Bothell’s Administrative division maintain some physical license tags at City Hall in order to serve walk-in requests for pet licenses (mostly senior residents). PetData maintains the licensing information on pets and their owners for future renewals. The company issues two renewal notices to licensed pet owners annually. PetData also provide a list of past-due license renewals to the City for additional follow-up. Follow-up contact from the City would be conducted via robo-calls as it is currently done, or by the ACO. This process, combined with implementing a robust marketing plan and continuing neighborhood pet license canvassing efforts is expected to generate enough pet license revenue to cover the program’s costs each year. PetData’s professional services eliminate the City’s need for any additional FTE’s to administer the pet license processing portion of the local program.

## **Marketing and Education**

Since 2013, the number of pets licensed in Kirkland has increased each year, due in part to the City's implementation of its pet license marketing plan and King County's license support work through educational canvassing in the City's neighborhoods. King County's canvassing efforts have been implemented using temporary seasonal hires.

Nationally, the American Veterinary Medical Association (AVMA) estimates that 36.5% of households own dogs and 30.4% own cats. To estimate the number of pet-owning households in the City of Kirkland, the AVMA's formula multiplies the total number of households in Kirkland by the AVMA's national percentages of households that own pets. In its April 1, 2016 estimates, the Forecasting and Research Division of the Washington State Office of Financial Management estimates a total of 38,017 housing units (households) in the City of Kirkland.

Using the AVMA's formula for estimating Kirkland's pet population in Kirkland:

- Dogs: (.365) multiplied by the total number of households (38,017) = 13,876 dogs
- Cats: (.304) multiplied by the total number of households (38,017) = 11,557 cats

Of its estimated 25,433 owned dogs and cats, Kirkland has licensed 10,054 (39.5%) of this pet population. Staff recommend continuing both the marketing efforts and the neighborhood canvassing efforts so that pet license sales and renewals remain strong. To continue these efforts, the City's cost model includes \$20,000 of ongoing funding, nearly double what is currently invested through RASK.

## **Summary**

After thoughtful consideration and analysis by the City Manager's Office and the Police Department, staff have concluded that the Police Department can provide a high the level of animal control service to the Kirkland community through a full-time City of Kirkland Animal Control Office. Further, humane shelter care service can be accomplished through reputable third-party shelter providers with low euthanasia rates. There are details still to be worked out, but should the Council choose to provide animal services locally, Kirkland staff are ready to implement the program.

Attachment A: Region and Local Program Cost Comparison

Attachment B: RASKC's Criteria for Prioritizing Calls for Field Services

Attachment C: Analysis of 2013-2014-2015 ACO Activity in Kirkland

**Regional and Local  
Animal Services Cost Comparisons**  
(Control, Sheltering, Licensing)

**Regional:** At its October 4, 2016 study session, representatives of Regional Animal Services of King County (RASKC) presented the Kirkland City Council with an estimated \$270,800 in cost for its proportional share and use of the regional animal services program in 2018 (attached). RASKC's cost allocation model is based on each jurisdiction's population (20%) and system use (80%).

RASKC's Control/Field Services costs are shared by the 3 geographic Control Districts, with 25% allocated each to Districts 200 and 220 and 50% allocated to District 500. Each Contracting Party located within a Control District is allocated a share of Control District costs based 80% on the Party's relative share of total Calls for Service within the Control District and 20% on its relative share of total population within the Control District. RASKC's Shelter Services costs are allocated among all Contracting Parties based 20% on their relative population and 80% on the total shelter intake of animals attributable to each Contracting Party, except that Cities contracting for shelter services with PAWS pay only a population-based charge. Licensing Services costs are allocated among all Contracting Parties based 20% on their relative population and 80% on the number of licenses issued to residents of each Contracting Party.

Applying an average to the past three years of regional service, RASKC estimates Kirkland's program cost in 2018 will be \$270,800.

1. Animal Control/Field – An average of 257 calls for control service per year (\$94,900)
2. Animal Sheltering – An average of 96 animal intakes per year (\$108,400)
3. Pet Licensing – An average of 9,316 pet licenses sold per year (\$67,500)

**Local:** For the City of Kirkland to provide animal services to its residents, staff estimates the program's ongoing costs would be \$208,538. Staff estimates \$84,000 in one-time start-up costs in 2017. The City's Police Department would provide salary and benefits for an Animal Control Officer at 40 hours per week to respond to calls for animal control and related field issues. Animal sheltering services would be contracted out to a humane service provider such as PAWS, which charges a flat rate of \$185 per animal intake. Pet license processing would also be contracted out to a professional vendor such as PetData, which charges \$4.10 per license for processing and renewal. Staff recommend the City continue to efforts to market and promote pet license sales.

1. Animal Control/Field – Salary and benefits for a full-time KPD Animal Control Officer (\$97,583)
2. Animal Sheltering – 96 animal intakes at \$185 each animal intake (\$17,760)
3. Pet Licensing – 9,316 pet licenses at \$4.10 each license (\$38,195)
4. Marketing Pet Licenses – Promotional efforts and neighborhood educational canvassing (\$20,000)
5. Vehicle O&M, Various Operating Supplies and Contracts for Specialty Services (\$35,000)

**Regional and Local Animal Services Cost Comparisons**

	<b>Control/Field</b> (257 Service Calls)	<b>Sheltering</b> (96 Animal Intakes)	<b>Licensing</b> (9,316 Licenses Sold)	<b>Ongoing</b> Vehicle O&M, Operating Supplies, and Contracts	<b>Total Cost</b>
<b>RASKC</b>	\$94,900 <small>\$21,900 pop \$73,000 use</small>	\$108,400 <small>\$50,100 pop \$58,300 use</small>	\$67,500 <small>\$12,000 pop \$55,500 use</small>		<b>\$270,800</b>
<b>Kirkland</b>	\$97,583 <sup>^</sup>	\$17,760	\$58,195*	\$35,000	<b>\$208,538</b>

<sup>^</sup> City's ACO total shown includes salary, benefits and internal services rates

\* City's Licensing total shown includes \$20,000 for pet license marketing & promotions.

**Projected Pet License Revenue**

	<b>License Revenue</b>	<b>Program Cost</b>	<b>Net Cost / Excess Revenue</b>
<b>RASKC</b>	\$284,300	\$270,800	<b>\$13,500</b>
<b>Kirkland</b>	\$284,300	\$208,538	<b>\$75,762</b>

# Regional Animal Services of King County

## 2018 Inter-local Agreement

### City of Kirkland – 2018 model

Service	3 year Average (2013-2015)	Expense/Revenue
Field		
Population	85K (22% of district)	\$21,900
Usage	257 (19% of district)	\$73,000
Shelter		
Population	85K (8.2% of total)	\$50,100
Usage	96 (2.4% of total)	\$58,300
Licensing		
Population	85K (8.2% of total)	\$12,000
Usage	9316 (9.6% of total)	\$55,500
<b>Total</b>		\$270,800
Pet License Revenue		\$284,300
<b>Net cost</b>		\$13,460 excess

## **Animal Control (Field) Service Priorities\***

### **Priority 1** – Immediate: Threat to Life, Health Safety of Humans

- a. Serious animal biting
  - i. Severe bite (disfiguring or worse)
  - ii. Vicious in progress

### **Priority 2** – Immediate: Threat to Life Health Safety of Animals

- a. Animal Cruelty Abuse
- b. Injured Animal
- c. Vicious marauding (killing domestic animals)

### **Priority 3** – Urgent: Potential Threat to Life, Health and Safety of Humans or Animals

- a. Vicious not in progress
  - i. Animal posing potential threat
- b. Rescue stray confined
- c. Loose livestock
- d. Injured animal
- e. Cruelty neglect

### **Priority 4** – Non-emergency: Response goal 24 hours or less

- a. Animal bite – not severe
- b. Supervisor discretion call to scene
- c. DOA Large animal/livestock
- d. Stray dog or cat confined

### **Priority 5** – Non-emergency: Response goal 2-3 days

- a. Nuisance
  - i. Barking
  - ii. Trespass
  - iii. Leash Law Violation
  - iv. Illegal Kennel
- b. Notice and Order Inspection
- c. Service requests
  - iii. DOA small animal
  - iv. Rescue owners animal
  - v. Trap request

### **Priority 6** – Non-emergency information only

- a. Patrol requests – unwilling to sign complaint, limited information

- 
- Priorities do change based on conditions, for example
    - Welfare checks are more important during extreme weather
    - Bite with owner present and in control of dog
    - Dog/cat in trap
    - Discretionary priority assigned by staff from contract Cities
    - Owner surrenders in certain situations (i.e. threat to life, health, safety of human)

Three-Year Analysis  
RASKC ACO Activity Reports for Kirkland

Attachment C

	Category	2013 (293 calls)	2014 (309 calls)	2015 (282 calls)	Three-Year Cumulative		3-Year Average	
1	Animal Bite	14	19	23	56	6%	19	6% Animal Bite
2	Barking or Noise / BDL	39	13	9	61	7%	20	7% Barking or Noise / BDL
3	Canvass - pet license	Canvass	Canvass	Canvass	Canvass		Canvass	
4	Cruelty Abuse	4	8	6	18	2%	6	2%
5	Cruelty Neglect	18	14	10	42	5%	14	5%
6	Cruelty Welfare Check	14	25	22	61	7%	20	7% Cruelty Welfare Check
7	<b>DOA</b>	<b>33</b>	<b>43</b>	<b>47</b>	<b>123</b>	<b>14%</b>	<b>41</b>	<b>14% DOA</b>
8	Illegal Kennel	2			2	0%	1	0%
9	Info Only	7	8	6	21	2%	7	2%
10	Leash Law	2			2	0%	1	0%
11	NOV			1	1	0%	0	0%
12	Owned Animal	1	1	2	4	0%	1	0%
13	Other	1	1	2	4	0%	1	0%
14	Pet License	3	3	2	8	1%	3	1%
15	Police Impound/Assist	6	16	7	29	3%	10	3%
16	<b>Stray - Confined</b>	<b>65</b>	<b>70</b>	<b>54</b>	<b>189</b>	<b>21%</b>	<b>63</b>	<b>21% Stray - Confined</b>
17	Stray - Dumped at PETCO			1	1	0%	0	0%
18	Stray - Injured/DOA	8	11	15	34	4%	11	4%
19	Stray - Loose Livestock	1	2		3	0%	1	0%
20	Stray - Patrol Request	33	33	32	98	11%	33	11% Stray - Patrol Request
21	Stray - Trap Request		1		1	0%	0	0%
22	Transportation - Injured	1	2	3	6	1%	2	1%
23	Transportation - Owner Surrender			1	1	0%	0	0%
24	Transportation - Vet	2	(The opening of RASKC's Pet Adoption Center at Petco, exponentially increased #s in this category. Too many to count in 14 & 15)					
25	Tresspass	5	10	8	23	3%	8	3%
26	Vicious Mairading	1	2	2	5	1%	2	1%
27	Vicious Not In Progress	32	27	29	88	10%	29	10% Vicious Not In Progress
<b>Totals</b>		<b>292</b>	<b>309</b>	<b>282</b>	<b>881</b>	<b>100%</b>	<b>294</b>	<b>100%</b>

Green = More than 5%, but less than 10%  
Orange = More than 10%

Three-Year Analysis  
 RASKC ACO Activity Reports for Kirkland

	<b>2013</b> <b>(293 calls)</b>	<b>2014</b> <b>(309 calls)</b>	<b>2015</b> <b>(282 calls)</b>	<b>3-Yr</b> <b>Cumulative</b>	3-yr Avr
> Number of "stray confined" that were cancelled by dispatch?	11	18	9		<b>13</b>
> Number of "stray confined" that were gone on arrival?	10	7	4		<b>7</b>
Number of "stray patrol requests" that were gone on arrival?	25	25	17		<b>22</b>
Number of "stray patrol requests" that were cancelled by dispatch?	4	2	2		<b>3</b>
	<b>50</b>	<b>52</b>	<b>32</b>	134	
Blue = Number of dispatches cancelled or gone on arrival					

The total calls do not reflect follow-up call sequences.

Nine Of the 28 activity categories analyzed require ACO investigations. They are:

1. Animal Bite
2. Barking or Noise Complaints
3. Cruelty Abuse
4. Cruelty Neglect
5. Cruelty Welfare Check
6. Illegal Kennel
7. Trespass
8. Vicious Mirauding
9. Vicious Not In Progress



**CITY OF KIRKLAND**  
**Police Department**  
**11750 NE 118<sup>th</sup> St, Kirkland, WA 425.587.3400**  
**www.kirklandwa.gov**

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## **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
<b>Estimated Total 2018 Program Cost</b>	<b>\$ 213,300</b>
Pet License Fee Revenue	\$ 284,300
<b>Estimated Balance Remaining</b>	<b>\$ 70,762</b>

**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
<b>Totals</b>	<b>97</b>	<b>114</b>	<b>113</b>	<b>1</b>	<b>16</b>	<b>78</b>	<b>156</b>	<b>65</b>	<b>8</b>

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,

ORDINANCE O-4612

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING LOCAL ANIMAL CONTROL PROVISIONS THAT SET FORTH THE REGULATIONS APPLICABLE TO ENFORCEMENT, PENALTIES, AND IMPOUNDING PROCEDURES.

1           WHEREAS, the City of Kirkland has, in the past, contracted with  
2 King County to allow the County to provide the City with animal services,  
3 such as animal control, sheltering and licensing; and  
4

5           WHEREAS, beginning in 1985, the City adopted the animal  
6 control ordinances enacted by King County, which are currently in effect  
7 in the City, codified at Kirkland Municipal Code, ("KMC") chapter 8.04;  
8 and  
9

10           WHEREAS, the City's contract with King County will expire on  
11 December 31, 2017; and  
12

13           WHEREAS, on November 1, 2016, the City made a decision to  
14 begin providing its own local animal services commencing on January 1,  
15 2018; and  
16

17           WHEREAS, Council held a study session on July 18, 2017, to  
18 review initial proposed ordinances to eventually replace KMC chapter  
19 8.04 and establish a local animal control authority in the City; and  
20

21           WHEREAS, Council adopts the regulations set forth below  
22 applicable to the enforcement authority of the City's Animal Control  
23 Officer, penalties for violations of the animal code, and procedures  
24 related to the impoundment of animals by the Animal Control Authority.  
25

26           NOW, THEREFORE, the City Council of the City of Kirkland do  
27 ordain as follows:  
28

29           Section 1. A new Section 8.09.300 of the Kirkland Municipal  
30 Code is hereby created to read as follows:  
31

**8.09.300 Enforcement power.**

32           A. The Animal Control Officer is authorized to take such lawful action  
33 as may be required to enforce this chapter, and the laws of the state of  
34 Washington as the laws pertain to animal cruelty, shelter, welfare and  
35 enforcement and control of animals.  
36

37           B. The Animal Control Officer shall not enter a building designated for  
38 and used for private purposes, unless a proper warrant has first been  
39 issued upon a showing that the officer has reasonable cause to believe  
40 an animal is being maintained in the building in violation of this chapter.

41           C. The Animal Control Officer, while pursuing or observing any animal  
42 in violation of this chapter, may enter upon any public or private  
43 property, except any building designated for and used for private

44 purposes, for the purpose of abating the animal violation being pursued  
45 or observed.

46 D. No person shall deny, prevent, obstruct or attempt to deny, prevent  
47 or obstruct the Animal Control Officer from pursuing any animal  
48 observed to be in violation of this chapter. Further, no person shall fail  
49 or neglect, after a proper warrant has been presented, to promptly  
50 permit the Animal Control Officer to enter private property to perform  
51 any duty imposed by this chapter. Any person violating this subsection  
52 is guilty of a misdemeanor.

53  
54 Section 2. A new Section 8.09.310 of the Kirkland Municipal  
55 Code is hereby created to read as follows:

56  
57 **8.09.310 Violations - deemed nuisance - abatement.**

58 All violations of this chapter are detrimental to the public health,  
59 safety and welfare and are public nuisances. All conditions that are  
60 determined after review by the Animal Control Officer to be in violation  
61 of this chapter shall be abated.

62  
63 Section 3. A new Section 8.09.320 of the Kirkland Municipal  
64 Code is hereby created to read as follows:

65  
66 **8.09.320 Violations - misdemeanor - penalty.**

67 Unless otherwise stated, any person who allows an animal to be  
68 maintained in violation of this chapter is guilty of a misdemeanor  
69 punishable by fine of not more than one thousand dollars and/or  
70 imprisonment for a term not to exceed ninety days.

71  
72 Section 4. A new Section 8.09.330 of the Kirkland Municipal  
73 Code is hereby created to read as follows:

74  
75 **8.09.330 Violations - civil penalty.**

76 In addition to or as an alternative to any other penalty provided in this  
77 chapter or by law, any person whose animal is maintained in violation  
78 of this chapter shall incur a civil penalty in an amount not to exceed one  
79 thousand dollars per violation to be directly assessed by the Animal  
80 Control Officer, plus billable costs of the City. The Officer, in a  
81 reasonable manner, may vary the amount of the penalty assessed to  
82 consider the appropriateness of the penalty to the nature and type of  
83 violation; the gravity of the violation; the number of past and present  
84 violations committed and the good faith of the violator in attempting to  
85 achieve compliance with prescribed requirements or after notification of  
86 a violation.

87  
88 Section 5. A new Section 8.09.340 of the Kirkland Municipal  
89 Code is hereby created to read as follows:

90 **8.09.340 Additional enforcement.**

91 Notwithstanding the existence or use of any other remedy, the Animal  
92 Control Officer may seek legal or equitable relief to enjoin acts or  
93 practices and abate any conditions that constitute a violation of this  
94 chapter and/or the Kirkland Zoning Code and/or other regulations  
95 adopted under this chapter.

96  
97 Section 6. A new Section 8.09.350 of the Kirkland Municipal  
98 Code is hereby created to read as follows:

99  
100 **8.09.350 Impounding - procedures.**

101 A. The Animal Control Officer may apprehend and impound any  
102 animals found doing any of the acts defined as a public nuisance or  
103 being subjected to cruel treatment. After the animal is apprehended  
104 and/or impounded, the Animal Control Officer shall ascertain whether  
105 the animal is licensed or otherwise identifiable. If reasonably possible,  
106 the Animal Control Officer shall return the animal to the owner.

107 1. If it is not reasonably possible to immediately return a currently  
108 licensed animal to its owner, the Animal Control Officer shall notify the  
109 owner of the impoundment and the reason therefor by regular mail,  
110 telephone, email, or by leaving written notice at the address contained  
111 in the license application. It shall be the owner's responsibility to take  
112 measures to redeem such animal. Neither the City nor any officer or  
113 agent of the City shall be legally or financially responsible for failing to  
114 notify an animal owner under this chapter. Any currently licensed  
115 animal impounded in accordance with this chapter shall be held for the  
116 owner at least 120 hours (five days). The Animal Control Officer may,  
117 at his or her discretion, extend the impound period for up to 10 days  
118 prior to release of the animal for adoption.

119 2. Any other animal impounded in accordance with this chapter shall  
120 be held for its owner at least 72 hours from the time of impoundment.

121 3. Unless otherwise provided in this code, the owner of an impounded  
122 animal may redeem the animal at any time prior to its release for  
123 adoption by the City and shall be entitled to the possession of the animal  
124 upon payment of all legal charges and expenses incidental to impound  
125 and keeping of said animal.

126 4. Any animal suffering from serious injury or disease, as determined  
127 by a licensed veterinarian, may be humanely euthanized.

128 5. At the discretion of the Animal Control Officer, any animal may be  
129 held for a longer period than otherwise specified in this section and  
130 redeemed by any person on payment of charges not exceeding those  
131 prescribed in this chapter.

132 B. After impoundment, any animal not redeemed shall be made  
133 available for adoption.

134 C. The City shall not sell any animals for the purposes of medical  
135 research to any research institute or any other purchaser; nor shall the  
136 City transfer any animal to any research institute or other person or  
137 agency for the purposes of medical research.



138 D. In the event of an emergency endangering the health or safety of  
139 any person, where seizure and impoundment is deemed inadvisable or  
140 impracticable, or for humane considerations, the Animal Control Officer  
141 or other police officer at his or her discretion may summarily destroy the  
142 animal involved.

143 E. Despite Section A above, in the event an animal is impounded as  
144 a dangerous dog, potentially dangerous dog or vicious animal, and the  
145 owner is issued a notice of violation, then the animal may not be  
146 redeemed, and the owner shall instead be subject to the rules,  
147 regulations and instructions set forth in the notice of violation.

148 F. Despite Section A above, in the event the ACO has probable cause  
149 to believe an animal is suffering from conduct constituting animal cruelty  
150 under this Title or any other law, and the owner is issued a notice of  
151 violation, then the animal may not be redeemed and the owner shall  
152 instead be subject to the rules, regulations and instructions set forth in  
153 the notice of violation.

154 G. No person shall willfully:

155 1. Prevent or hinder the impounding of any animal found in violation  
156 of this code;

157 2. Remove the animal from the designated shelter without the  
158 authority of the Animal Control Officer or Officer in charge of the  
159 designated shelter;

160 3. Remove the animal from the designated shelter without paying all  
161 lawful charges; or

162 4. Resist or obstruct the Animal Control Officer in the performance of  
163 his/her duties.

164  
165 Section 7. If any provision of this ordinance or its application to  
166 any person or circumstance is held invalid, the remainder of the  
167 ordinance or the application of the provision to other persons or  
168 circumstances is not affected.

169  
170 Section 8. This ordinance shall be in force and effect January 1,  
171 2018 after its passage by the Kirkland City Council and publication  
172 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
173 form attached to the original of this ordinance and by this reference  
174 approved by the City Council.

175  
176 Passed by majority vote of the Kirkland City Council in open  
177 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

178  
179 Signed in authentication thereof this \_\_\_\_\_ day of  
180 \_\_\_\_\_, 2017.

181  
182  
183  
184  
185 \_\_\_\_\_  
Amy Walen, Mayor

186 Attest:

187

188

189

190 \_\_\_\_\_  
Kathi Anderson, City Clerk

191

192 Approved as to Form:

193

194

195

196 \_\_\_\_\_  
Stephanie E. Croll, Senior Assistant City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4612

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING LOCAL ANIMAL CONTROL PROVISIONS THAT SET FORTH THE REGULATIONS APPLICABLE TO ENFORCEMENT, PENALTIES, AND IMPOUNDING PROCEDURES.

SECTION 1. Adds a new Kirkland Municipal Code ("KMC") Section 8.09.300 relating to enforcement power of the Animal Control Officer.

SECTION 2. Adds a new KMC Section 8.09.310 relating to violations of the Chapter, when they are deemed a nuisance, and will be abated.

SECTION 3. Adds a new KMC Section 8.09.320 providing for a penalty for the Chapter.

SECTION 4. Adds a new KMC Section 8.09.330 providing for an additional or alternative civil penalty for the Chapter.

SECTION 5. Adds a new KMC Section 8.09.340 allowing for additional enforcement.

SECTION 6. Adds a new KMC Section 8.09.350 providing for impound procedures for the Chapter.

SECTION 7. Provides a severability clause for the ordinance.

SECTION 8. 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 January 1, 2018 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 \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
Kathi Anderson, City Clerk



**CITY OF KIRKLAND**  
**Department of Parks & Community Services**  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3300  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lynn Zwaagstra, Director  
Michael Cogle, Deputy Director  
Leslie R. Miller, Human Services Administrator

**Date:** October 12, 2017

**Subject:** Draft 2017-2018 Human Services Commission Work Plan

### **RECOMMENDATION**

That the City Council review and provide comment on the Human Services Commission Draft Work Plan for 2017-2018. Subject to Council direction, a final Work Plan will be brought back for approval at the November 8, 2017 City Council meeting.

### **BACKGROUND DISCUSSION**

In March of 2017 the City Council established the Human Services Commission (KMC 3.70) to advise the City Council, City Manager, and Parks and Community Services Department in leading the City's efforts to "support a socially sustainable community through health and human services and programs that fulfill the basic needs of all people."

In establishing the advisory body the Council directed that the Commission work with the Parks and Community Services Department to establish an annual work plan which "proactively explores, investigates, analyzes, prioritizes, develops, and recommends solutions and actions to the City Manager and City Council." In addition, the Council directed that the Commission's work be governed by human services policies established by the Council.

The Commission began meeting in June and has prioritized its initial efforts to develop a 2017-2018 Work Plan for Council review. The attached Draft Work Plan (**Attachment A**) is structured to reflect Commission work objectives which are responsive to the goals and policies contained in the Human Services Element of the adopted Kirkland Comprehensive Plan.

As a newly-formed group, the Commission's priorities over the next several months will focus on (a) learning about the region's human services delivery system; (b) seeking information and data from service providers about the issues they face and how they serve Kirkland residents; (c) assessing and understanding human service needs and priorities; and (d) preparing the Commission's recommendations for the City's 2019-2020 human services grant allocations.

The Draft Work Plan was reviewed by the City Council Public Works, Parks, and Human Services Committee on October 4, 2017. Committee members suggested a few additions to the Draft Work Plan and these are identified in red text in the attachment. Specifically, Committee members requested additional tasks related to researching best practices and identifying human service needs that the City might proactively support. Staff has reviewed these suggested

refinements with the Commission's Chair and Vice-Chair and they believe they are consistent with the work envisioned by the Commission.

Human Services Commission Chair Kimberly Scott and Vice-Chair Adam White will attend the City Council's October 17, 2017 meeting to present the draft work plan and seek Council feedback. A final work plan will be brought back for final Council approval on November 8, 2017.

Attachment

## FINAL DRAFT 2017 – 2018 Human Services Commission Work Plan

<b><i>Kirkland Comprehensive Plan Goal HS-5: Create a community in which all members have the ability to meet their basic physical, economic and social needs, and the opportunity to enhance their quality of life.</i></b>		
<b><i>Comprehensive Plan Policy HS-5.1: Regularly assess local human service needs, and provide leadership in the development of services to address newly identified needs.</i></b>		
<b>Commission Objective</b>	<b>Commission Role</b>	<b>Timing</b>
<b>5.1.1:</b> Review available data and information to assess current needs and trends	Review data and receive information gathered by staff including relevant Census data, information provided by human services providers, available Eastside needs assessments, and other relevant sources.	Ongoing
<b>5.1.2:</b> Learn from agencies and subject matter experts	Invite local service providers, school officials, and subject matter experts to share best practices and ongoing challenges with meeting the needs of the community. Participate in organized site visits to select agencies as arranged by staff.	Ongoing
<b>5.1.3:</b> Seek and evaluate best practices in addressing the human services needs of individuals and families.	Review and evaluate best practices research in order to identify possible superior service delivery models for Kirkland to emulate.	2018 Q4 2019
<b>5.1.4:</b> Pursue and support programs that address the most pressing needs of Kirkland residents and that result in the most positive outcomes.	Provide to City Council a list of prioritized human services needs that the City might proactively support.	2018 Q4 2019
<b><i>Comprehensive Plan Policy HS-5.2: Promote community awareness of human service needs, the resources available to meet those needs, and the gaps in services.</i></b>		
<b>Commission Objective</b>	<b>Commission Role</b>	<b>Timing</b>
<b>5.2.1:</b> Engage internal stakeholders	Collaborate with the City’s Youth and Senior Councils to address community needs.	Ongoing

## FINAL DRAFT 2017 – 2018 Human Services Commission Work Plan

<p><b>5.2.2:</b> Serve as liaison to neighborhood associations in order to share information about the Commission’s work and seek feedback on community needs and potential solutions</p>	<p>Commissioners to attend Kirkland Alliance of Neighborhoods (KAN) meetings.</p>	<p>Ongoing</p>
<p><b><i>Comprehensive Plan Policy HS-5.3: Provide funding for local nonprofit organizations serving the needs of Kirkland residents.</i></b></p>		
<p><b>Commission Objective</b></p>	<p><b>Commission Role</b></p>	<p><b>Timing</b></p>
<p><b>5.3.1:</b> Allocate budgeted City funds to eligible human services agencies serving residents through a grant application process</p>	<p>Provide guidance to staff on application process for 2019-2020 funding and provide recommendations to City Council on distribution of allotted funds <b>as well as a list of possible additional programs or services that are worthy of support by the City and other community organizations.</b></p>	<p>2018 Q2, Q3</p>
<p><b>5.3.2:</b> Monitor agencies delivering services</p>	<p>Review quarterly and annual reports to ensure that agencies are providing services to Eastside residents with positive outcomes.</p>	<p>Ongoing</p>
<p><b>5.3.3:</b> Assess appropriate investment level for programs addressing the homelessness epidemic</p>	<p>Examine and recommend an appropriate ongoing investment level for operations of the future permanent shelter for women and families with children to be built in Kirkland.</p>	<p>Ongoing</p>
<p><b><i>Policy HS-5.5: Commit Community Development Block Grant Funds (CDBG) to affordable housing and house repairs for low- and moderate-income residents.</i></b></p>		
<p><b>Commission Objective</b></p>	<p><b>Commission Role</b></p>	<p><b>Timing</b></p>
<p><b>5.5.1:</b> Allocate CDBG funding to eligible programs and projects</p>	<p>Provide recommendations to City Council for annual distribution of CDBG funding.</p>	<p>2017 Q3 2018 Q3</p>
<p><b>5.5.2:</b> Monitor effectiveness of the agencies delivering services</p>	<p>Review quarterly and annual reports to ensure that agencies are providing services to Eastside residents with positive outcomes.</p>	<p>Ongoing</p>
<p><b><i>Comprehensive Plan Policy HS-5.6: Participate and provide leadership in local and regional human service efforts.</i></b></p>		
<p><b>Commission Objective</b></p>	<p><b>Commission Role</b></p>	<p><b>Timing</b></p>
<p><b>5.6.1:</b> Meet periodically with human services commissions from other Eastside cities</p>	<p>Participate in joint meetings with human services commissions from other Eastside cities. Provide leadership by initiating discussions</p>	<p>Ongoing</p>

## FINAL DRAFT 2017 – 2018 Human Services Commission Work Plan

	regarding working together to complete a combined human services needs assessment.	
<b>5.6.2:</b> Complete a Kirkland Housing Strategy Plan to support the City’s Housing goals and policies	Participate on the Advisory Group.	Ongoing
<b>5.6.3:</b> Represent Kirkland and the Eastside in the County	Attend regional meetings in order to learn and represent.	Ongoing
<b>5.6.4:</b> Ensure that King County initiatives, such as MIDD, Best Starts for Kids, Veterans and Human Services Levy are addressing the needs of Kirkland and the Eastside	Become well informed about these County revenue sources in order to ensure that the Eastside benefits and that the City leverages those dollars in its grant process.	Ongoing
<b>5.6.5:</b> Advocate for strategic human services policies and funding at the State level	Review key legislative proposals and provide recommended positions to the City Council.	2018 Q1
<b>5.6.6</b> Ensure that the City’s Human Services Policies are updated to reflect changes within the community and City government	Review Human Services Policies contained in the Comprehensive Plan and recommend changes and updates.	2018 Q4
<b><i>Kirkland Comprehensive Plan Goal HS-6: Encourage human services organizations to make their services physically accessible to all.</i></b>		
<b><i>Comprehensive Plan Policy HS 6.1: Encourage services to become accessible to all in the community by removing any barriers, including but not limited to architectural, cultural, language, communication, and location.</i></b>		
<b>Commission Objective</b>	<b>Commission Role</b>	<b>Timing</b>
<b>6.1.1:</b> Ensure that Kirkland is a place where all people have the opportunity to thrive	Through the grant application process encourage and support human service providers to provide accessible services.	Ongoing



## FINAL DRAFT 2017 – 2018 Human Services Commission Work Plan

<b><i>Kirkland Comprehensive Plan Goal HS-1: Support diversity in City government and in the community by encouraging awareness, acknowledgment and sensitivity and by being inclusive of the entire populace.</i></b>		
<b><i>Comprehensive Plan Policy HS 1.1: Engage the diverse populations within Kirkland to create an inclusive community.</i></b>		
<b>Commission Objective</b>	<b>Commission Role</b>	<b>Timing</b>
<b>1.1.1:</b> Invite the community to come together to discuss and support the shared values of diversity and inclusion and identify additional actions that can be taken by the City and the community to help keep Kirkland a safe, welcoming and inclusive city for all people	Support community and City of Kirkland actions to ensure a welcoming and inclusive community and promote activities of the Inclusion Network.	Ongoing
<b><i>Kirkland Comprehensive Plan Goal HS-2: Foster a City government and a community free of discrimination and committed to justice and social equity.</i></b>		
<b><i>Comprehensive Plan Policy HS 2.1: Work to achieve a community where everyone is treated with respect and given equitable access to resources.</i></b>		
<b>Commission Objective</b>	<b>Commission Role</b>	<b>Timing</b>
<b>2.1.1:</b> Ensure that the City’s human services grants and policies further the goal of achieving a welcoming and equitable community for all residents	Develop an equity lens in order to carry out this work for the City. This includes understanding the inequities in the community, the sources of these inequities and the best practices to address them.	2017 Q4 2018 Q1
<b>2.1.2:</b> Ensure that human services agencies are providing equitable access to resources	Utilize an equity lens during the grant application review process. Review applications with an eye for service delivery that ensures appropriate access for all people.	Ongoing



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kirkland City Council

**From:** Councilmember Dave Asher  
Councilmember Jon Pascal  
Councilmember Penny Sweet

**Date:** October 10, 2017

**Subject:** Park Board Interview Selection Committee Recommendation

### **RECOMMENDATION:**

That the City Council interviews applicants as proposed below for the current Park Board vacancy for an unexpired term ending March 31, 2021. Interviews are scheduled to be held as part of a special City Council meeting at 5:45 p.m. on Tuesday, November 14, 2017 (prior to the S. Rose Hill/Bridle Trails Neighborhood meeting).

### **BACKGROUND DISCUSSION:**

The Interview Selection Committee, consisting of Councilmembers Dave Asher, Jon Pascal, and Penny Sweet was selected at Council's October 3, 2017 regular meeting. Following the application deadline of October 5, 2017, the Committee held a meeting on October 10, 2017 to consider all eight applicants for the vacancy and for consideration as an alternate appointee. The committee's recommendation is to interview the following four applicants:

Susan Baird-Joshi  
Uzma Butte  
Simon Gaunt  
Mike Holland

Council's current procedures provide that the *maximum* number of applicants to be interviewed per vacancy are three; there is no minimum.

Council may choose to make a motion to accept the committee's recommendation, to include additional applicants for the board vacancy, or to adjust the proposed recommendation.



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

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Deputy City Manager  
Kathy Brown, Public Works Director  
William Evans, Assistant City Attorney  
Rob Jammerman, Development Engineering Manager

**Date:** October 3, 2017

**Subject:** Proposed Purchase of Real Property – Portion of Tax Parcel 2826059085

### **RECOMMENDATION:**

That City Council approve the attached resolution to authorize the City Manager to sign a Purchase and Sale Agreement for acquisition of a portion of Real Property - tax parcel # 2826059085.

### **BACKGROUND:**

The portion of vacant property proposed for purchase is east of the 118<sup>th</sup> Avenue NE street extension that will be constructed by the Wolff Company in conjunction with the redevelopment of the property at 11727 and 11725 NE 118<sup>th</sup> Street (Attachment A). To understand the background on the proposed purchase, please review the following:

1. The extension of 118<sup>th</sup> Ave NE between NE 116<sup>th</sup> Street and NE 118<sup>th</sup> Street has been planned by the City for over 15 years. The Kirkland Comprehensive plan identifies the connection on Figure TL-6: Totem Lake Possible Connections (Attachment B).
2. The planned extension of 118<sup>th</sup> Ave NE had always been shown along the east property line of the Wolff property. However, as the Public Works Department began to further study the street extension in conjunction with another proposed new development to the south, it became apparent that the street extension would need to curve to the west to create a superior intersection design with developing property south of NE 116<sup>th</sup> Street (Attachment C).
3. The realignment of the street extension created an "orphan" piece of land on the east side of the new street, and the City identified this piece, the subject property, as a future site for a surface water mitigation site. A large drainage basin upstream/upslope of the subject property drains untreated and undetained surface water to Totem Lake. By purchasing the subject property, a surface water

treatment and detention facility (a minimum of 55,000 cubic feet) could be constructed on the site in the future.

4. In addition to providing the City with a needed site for regional stormwater detention and treatment, the developer's sale of the parcel to the City will provide the developer with a source of funding to help pay for the required re-alignment of the road, resulting in a superior intersection alignment on NE 116<sup>th</sup> Street.
5. An appraisal of the subject property was completed on September 11, 2017 by Valbridge Property Advisors. The subject property has an appraised value of \$820,000.
6. Staff has reviewed the environmental assessment conducted on the entire 12 acre parcel and concluded that there are no environmental issues associated with the subject property we are purchasing.
7. The agreed upon purchase price is \$820,000. The total cost of the Purchase and Sale Agreement is estimated at \$900,000 when accounting for fees associated with the transaction. A fiscal note for \$900,000 is attached (see Attachment D).

Attachment A – Wolff Company Property Site Map

Attachment B – Comprehensive Plan Fig, TL-6

Attachment C – Street Extension & Storm Vault

Attachment D – Fiscal Note

Resolution

Exhibit A – Purchase and Sale Agreement

# 118th Ave NE Extension - Attachment A



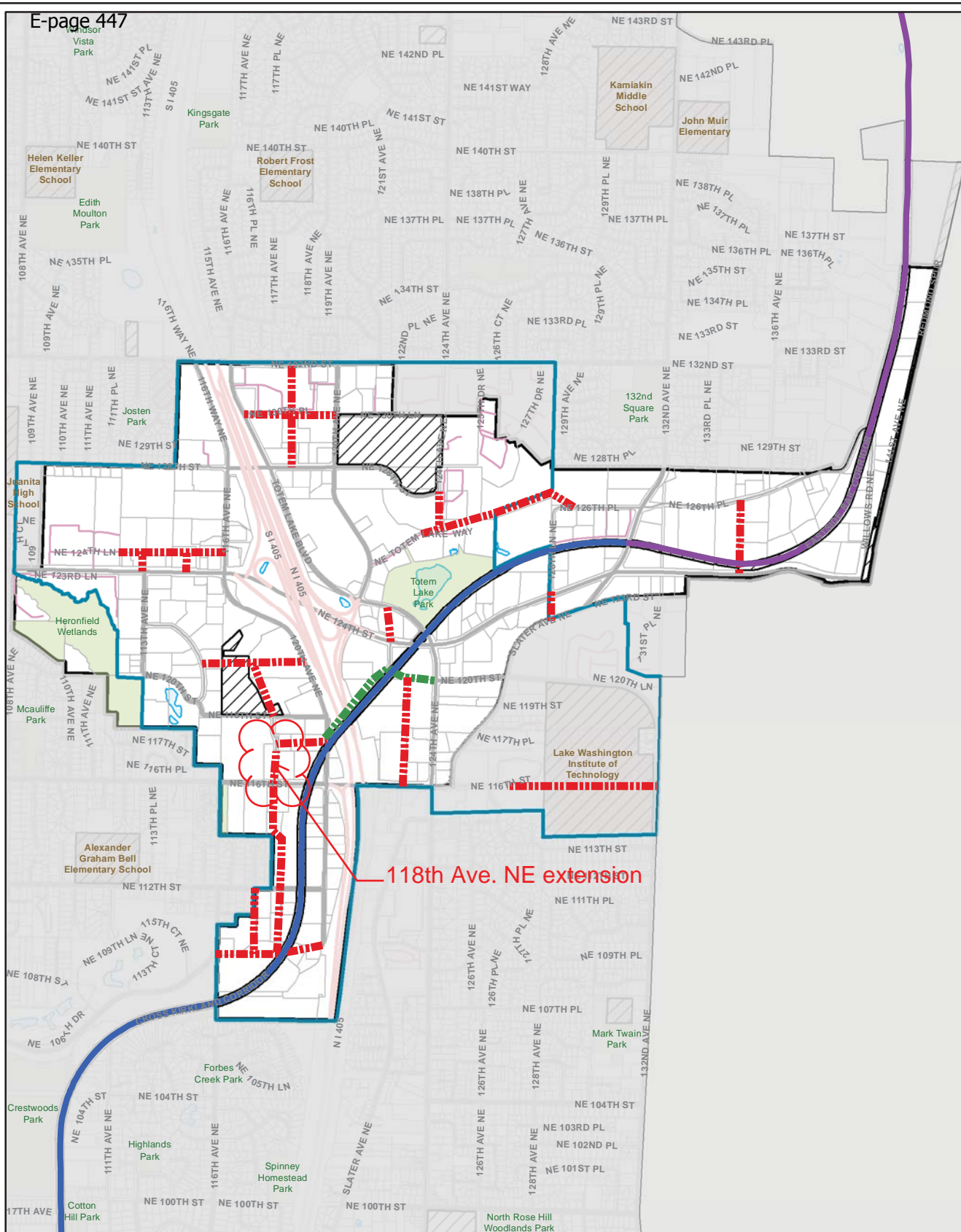
- Legend**
- Contours 10 Feet
  - Address
  - Other Address
  - Current Address
  - Current ADU
  - ◆ Pending Address
  - - - City Limits
  - Grid
  - QQ Grid
  - Cross Kirkland Corridor
  - Regional Rail Corridor
  - Streets
  - ▭ Parcels
  - Place Names
  - Buildings
  - Lakes
  - Parks
  - Schools
  - Olympic Pipeline Corridor

1:1,200

**Notes**

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- - - Local
- Cross Kirkland Corridor
- Park
- - - System
- Eastside Rail Corridor
- School
- - - Interstate
- Totem Lake Urban Center
- Public Facilities
- Arterial / Collector
- Neighborhood Boundaries
- Parcel Boundaries
- Neighborhood Access
- - - Existing Private Roads



1 inch = 1,750 feet

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 to accuracy, fitness or merchantability, accompany this product.

**Figure TL-6: Totem Lake Possible New Connections**



**FISCAL NOTE**

CITY OF KIRKLAND

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Approve the use of \$900,000 in Surface Water Construction Reserves for a Purchase and Sale Agreement for acquisition of property (tax parcel #:2826059085). The parcel is being purchased for future Surface Water use.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$900,000 to Surface Water Construction Reserve.</b> The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
<b>Reserve</b>	Surface Water Construction	2,658,105	(553,605)	1,302,243	(900,000)	2,506,743	
	<p>Prior uses of \$553,605 for Juanita Creek Rockery Replacement project (CSD 0067), Juanita Drive Quick Wins (CNM 0090), and Holmes Point Drive Storm Drain Replacement (CSD 0091).</p> <p>Prior additions of \$1,302,243 from CIP project closures adopted as part of the June 2017 adjustments, Park Lane Pedestrian Improvement Acceptance of Work (CNM 0064), N.E. 85th Street project closures, and 2015 Aging Infrastructure acceptance of work.</p>						
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
Other Information							
This project will be included as part of the Surface Water Capital Improvement Plan update in December 2017, project number CSD 0105 001.							
Prepared By	George Dugdale, Senior Financial Analyst				Date	October 4, 2017	



RESOLUTION R-5276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR A PORTION OF TAX PARCEL #2826059085 FOR THE EXTENSION OF 118<sup>TH</sup> AVENUE NE.

1 WHEREAS, as identified in Kirkland’s comprehensive plan, the  
2 City has planned to extend 118<sup>th</sup> Avenue between NE 116<sup>th</sup> Street and  
3 NE 118<sup>th</sup> Street in the Totem Lake area for over 15 years; and  
4

5 WHEREAS, the opportunity to install that extension presented  
6 itself with the Wolff Company’s development of the property where that  
7 extension could be located; and  
8

9 WHEREAS, the proposed location would result in the severance  
10 of a portion of the Wolff Company’s 12 acres planned for development  
11 (“Property”), which severance without subdivision is authorized by  
12 Kirkland Municipal Code Section 22.040.010(d); and  
13

14 WHEREAS, a large drainage basin upstream/upslope of this  
15 parcel drains untreated and undetained surface water to Totem Lake,  
16 which could be handled by a surface water treatment and detention  
17 facility that could be constructed on the Property in the future; and  
18

19 WHEREAS, an appraisal of the Property was completed by  
20 Valbridge Property Advisors on September 11, 2017, which arrived at a  
21 value of \$820,000 and the Wolff Company is prepared to sell the  
22 Property to the City for that price.  
23

24 NOW, THEREFORE, be it resolved by the City Council of the City  
25 of Kirkland as follows:  
26

27 Section 1. The City Manager is hereby authorized and directed  
28 to execute on behalf of the City of Kirkland a Real Property Purchase  
29 and Sale Agreement for the Property substantially similar to that  
30 attached to this Resolution as Exhibit “A.”  
31

32 Passed by majority vote of the Kirkland City Council in open  
33 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
34

35 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
36 2017.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

## AGREEMENT TO PURCHASE AND SELL REAL PROPERTY

This Agreement to Purchase and Sell Real Property ("Agreement") is made this \_\_\_\_ day of October, 2017 ("Effective Date"), by and between the City of Kirkland, a municipal corporation of the State of Washington ("Buyer"), and Kirkland Apartments Development Company, LLC, owner of the real property hereinafter described ("Seller").

For and in consideration of the mutual covenants herein contained, the sufficiency of which is unconditionally acknowledged by Buyer and Seller, the parties hereby agree as follows:

1. Purchase of Real Property. Seller and Buyer hereby agree to the purchase and sale of the real property described as follows:

See Exhibit A, herein incorporated by reference ("Property").

2. Purchase Price; Payment. The "Purchase Price" for the Property shall be Eight Hundred Twenty Thousand and 00/100 Dollars (\$820,000.00). At or before Closing, Buyer shall deposit the Purchase Price with the Escrow Holder. Within ten (10) days following the Effective Date, Buyer shall deliver to Escrow Holder the amount of One Hundred Dollars (\$100.00) as independent consideration for entering into this Agreement and for the rights granted to Buyer under this Agreement, even if such independent consideration is not specifically referenced elsewhere in this Agreement. Following the Effective Date such independent consideration shall be entirely non-refundable to Buyer but will be applicable to the Purchase Price.

3. Escrow Holder: Promptly following the execution of this Agreement, Buyer shall open an escrow with NexTitle, Bellevue, Washington (the "Escrow Holder"). A copy of this Agreement shall be provided to the Escrow Holder to advise the Escrow Holder of the terms and conditions hereof. Escrow Holder shall conduct the Closing in accordance with the terms of this Agreement and pursuant to any additional escrow instructions of the Parties which shall be consistent herewith. At Closing, Escrow Holder shall hold and disburse the Purchase Price and record the deed in accordance with this Agreement.

4. Title Policy and Condition of Title. Buyer will order a standard coverage preliminary commitment for title ("Title Report") from Escrow Holder immediately upon mutual execution hereof. Within 10 days after receipt of the title report, Buyer shall notify Seller what exceptions to title, will be accepted by Buyer. Seller shall have no obligation to cure any title objections other than the Mandatory Cure Exceptions (as hereinafter defined). Seller shall undertake all necessary actions to cure or remove (i) any liens evidencing monetary encumbrances (other than liens for non-delinquent general real estate taxes) ("Monetary Liens") that are created as a result of the intentional acts of Seller or its agents and affiliates, including any mechanics liens and judgment liens that arise after the Effective Date, (ii) any liens or encumbrances other than Monetary Liens created by Seller or its agents and affiliates after the date of this Agreement, and (iii) any exception to title that Seller has specifically agreed in writing to cure or remove pursuant to the terms of this Section 4 (collectively, the "Mandatory Cure Exceptions"). Seller's failure to cure or remove any of the Mandatory Cure Exceptions shall be a breach of this Agreement and shall entitle Buyer to exercise its remedies under this Agreement.

5. Closing. Title to the Property at closing shall be conveyed to Buyer by bargain and sale deed, free and clear of all Mandatory Cure Exceptions and shall be so insurable. The "Date of Closing" shall be the date the deed is recorded. The closing of the sale of the Property and recordation of the deed shall be held at the Escrow Holder's office no later than November 15, 2017. This date may be extended by agreement of the parties, which agreement shall not be unreasonably withheld. Notwithstanding the foregoing, Buyer and Seller agree that the Date of Closing shall occur no later than December 15, 2017. Buyer shall be entitled to possession of the Property at closing.

At closing, Seller and Buyer shall each pay one-half of the escrow fees, if any, charged by Escrow Holder. Seller shall pay all recording fees, transfer taxes, real estate excise tax, deed stamps, and similar property transfer charges. Each party shall pay its own attorneys' fees. With respect to the title policy, Seller shall pay the premium for a standard owner's title policy and Buyer shall pay the additional premium associated with any extended or other policy Buyer elects to acquire. Buyer shall also pay the premiums for any endorsements to the title policy, unless an endorsement is required to cure a Mandatory Cure Exception or otherwise deliver title to the Property as herein prescribed, in which case, Seller shall pay the premium for such endorsement. Buyer and Seller shall place with escrow all instruments, documents, and monies necessary to complete the sale in accordance with this Agreement.

6. Access to Property. Buyer and its employees and agents shall have the right and permission from the date of this Agreement through closing date to enter upon the Property for inspection purposes, but Buyer will not conduct any tests at the Property that involve piercing the ground or structures. Buyer shall indemnify, defend and hold Seller and Seller's affiliates, members, partners, subsidiaries, shareholders, officers, directors and employees (collectively, "Seller Indemnified Parties") harmless from and against all causes of action, claims, costs, damages, demands, expenses (including reasonable legal expenses), liabilities and suits (collectively, "Claims") actually incurred by Seller and directly associated with such entry or activities on the Property.

7. Property Tax. Even though Buyer is exempt from property taxes, all property taxes applicable to the Property will be paid by Seller prior to closing or through Escrow. Immediately after closing, if any taxes have been paid in excess of what was required, the City will advise King County to refund the excess taxes to Seller, if refundable.

8. Condition of Property. All representations and warranties of Seller contained herein shall be true, accurate, and complete at the time of closing. Except for certain construction and grading activities conducted by Seller at the request and requirement of Buyer, the physical condition of the Property at closing shall be the same as on the Effective Date. If not, Buyer may elect at its sole discretion to either 1) rescind this Agreement, with Seller refunding the entire purchase price and reimbursing Buyer for all costs incurred, or 2) have Seller pay for all costs of repair or restoration at Seller's expense. In the event the Property contains a well, fuel tank or septic tank, Seller will remove such tank and until it is removed there will be no closing.

8.1 Seller shall not enter into any lease, trust deed, mortgage, restriction, encumbrance, lien, license or other instrument or agreement affecting the Property without the prior written consent of Buyer from and after the date of this Agreement.

Seller warrants as follows: that Seller is the sole legal owner of the fee simple interest in the Property and holds title to the Property as described on Buyer's title policy.

8.2 This offer is made with respect to the physical condition of the Property on an "as is basis" as of the Date of Closing, and Buyer acknowledges and agrees that if Buyer purchases the Property, Buyer shall be deemed to have approved and waived any and all objections to Property, and the physical, legal, environmental and economic characteristics and conditions thereof (including the existence of any hazardous substances upon, under or about the Property), whether or not disclosed by this Agreement, and/or Buyer's inspection; and that Buyer is relying solely upon its own inspection, investigation and analysis of the Property and is acquiring the Property AS IS, WHERE IS, AND WITH ALL FAULTS, without any representations or warranties of any kind whatsoever by Seller. Buyer on behalf of itself and its successors-in-interest in the Property agrees to, and hereby does, forever waive, release, discharge and acquit Seller from any and all Claims, in law or in equity, known or unknown, which Buyer or its successors-in-interest in the Property had, now has, or hereafter may have or acquire or possess arising out or in any way connected with the Property, including but not limited to (i) any Claims arising out of, or in any way related to toxic, dangerous, or hazardous waste or substance as the same may now or hereafter be defined by any applicable law or regulation; and (ii) any Claims related to toxic, dangerous, or hazardous waste or substance as may hereafter be found and determined to have been on or within the subject Property as of the Date of Closing of this sale or earlier.

9. Seller's Knowledge. To the best of Seller's knowledge, the Property is not in violation of any law or regulation relating to the environmental conditions thereon and there is no hazardous waste, toxic substance or pollutant, within the scope of any state, federal or local environmental statute or rule, on or in the vicinity of the Property or on any parcels of land which abut the Property to the best of Seller's knowledge. Further, to the best of Seller's knowledge there is no asbestos, PCB's or underground storage tanks located on the Property or which have been removed therefrom.

10. Remedies. If Seller reasonably concludes that Buyer is in breach of this Agreement, Seller's sole remedy shall be to terminate this Agreement by sending written notice to Buyer and Escrow. If Buyer reasonably concludes that Seller is in breach of this Agreement, Buyer shall have the right to either terminate this Agreement by sending written notice to Seller and Escrow or may instead maintain an action for specific performance (together with recovery of costs and attorney's fees incurred in such action). If an action or proceeding occurs between the parties seeking enforcement of any provision contained in this Agreement, the prevailing party in any such action or proceeding shall be entitled to reasonable attorney's fees and costs in addition to any other relief which a court of law having jurisdiction determines it is entitled to.

11. Notice. Any demand, request or notice which either party hereto desires or may be required to make or deliver to the other shall be in writing and shall be deemed given whether delivered by facsimile, delivered to the person, or three days after being deposited in the United States mail, addressed as follows:

To Seller:

To Buyer:

Kirkland Apartments Development  
Company, LLC  
6710 E. Camelback Road, Suite 100  
Scottsdale, Arizona 85251

City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

12. Binding. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto and shall inure to the benefit of them.

13. Time is of the essence of this Agreement and the dates and deadlines contained herein are also of the essence of this Agreement.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement to be effective as of the Effective Date.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF KIRKLAND

By: \_\_\_\_\_  
Kurt Triplett, City Manager

Approved as to form:

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

KIRKLAND APARTMENTS DEVELOPMENT COMPANY, LLC

By: N.G. Kelly  
Its: Secretary  
Date: October 4, 2017

**ACCEPTANCE BY ESCROW HOLDER**

This Agreement, together with the independent consideration, is hereby acknowledged and accepted and the escrow is opened as of \_\_\_\_\_, 2017. Escrow Holder accepts its designation as such, and agrees to act as "the person responsible for closing" the purchase and sale transaction contemplated in this Agreement within the meaning of Section 6045(e) of the Internal Revenue Code of 1986, as amended, and to file all forms and returns required thereby.

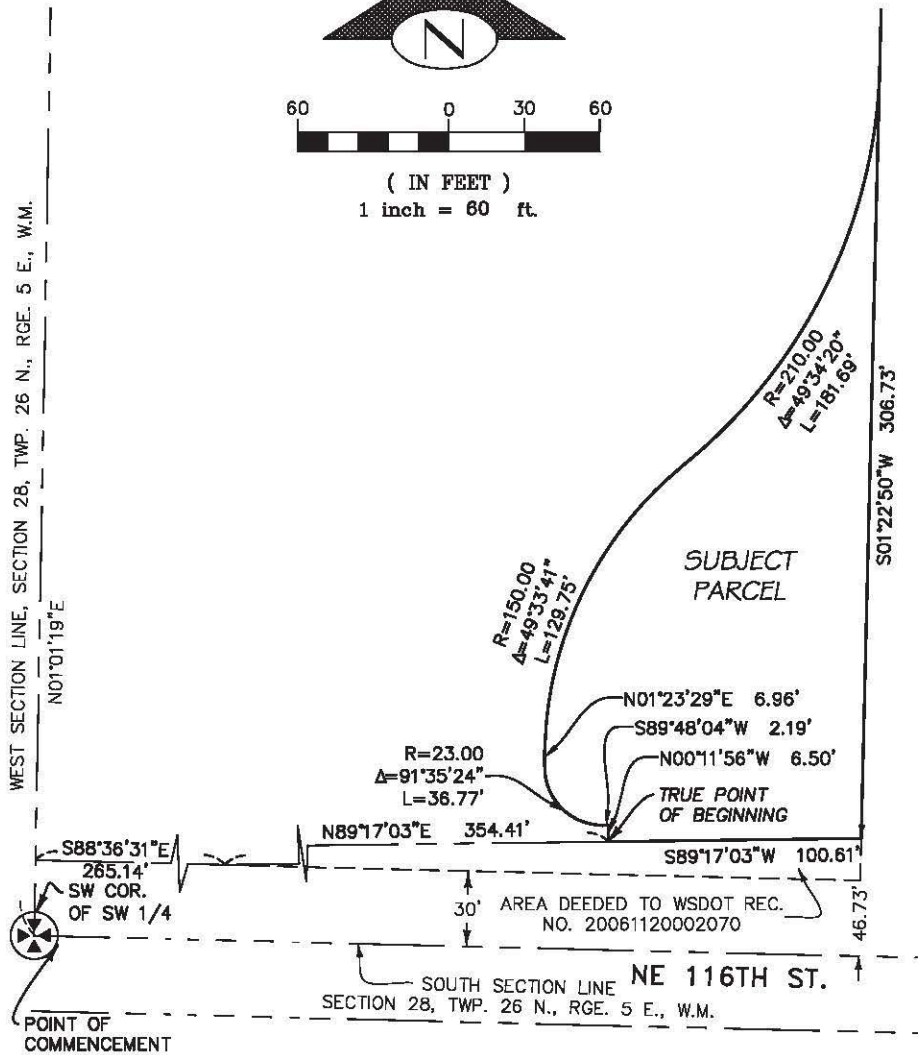
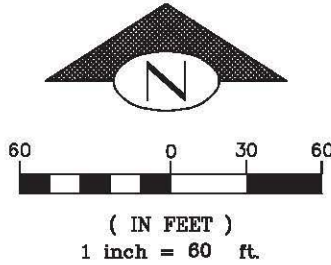
NEXTTITLE OF BELLEVUE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

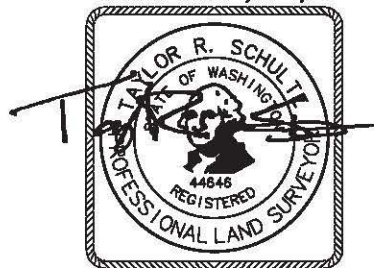
Exhibit A  
Legal Description of Property  
*[Please see attached]*



IN THE SW 1/4 OF THE SW 1/4 OF SECTION 28, TOWNSHIP 26  
NORTH, RANGE 05 EAST, W.M.,  
KING COUNTY, WASHINGTON



09/22/17



JOB NO 2016035.03  
SCALE 1" = 60'  
DRAWN TRS  
CHECKED IGM  
DATE 09/22/17

**BUSH, ROED & HITCHINGS, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
2009 MINOR AVE. EAST, SEATTLE, WA 98102  
(206) 323-4144 FAX (206) 323-7135  
1-800-935-0508

LEGAL DESCRIPTION EXHIBIT  
WOLFF COMPANY  
LIFEBRIDGE CHURCH  
CITY OF KIRKLAND WASHINGTON



LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 05 EAST, W.M., IN KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 01°01'19" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT OF WAY MARGIN OF NORTHEAST 116TH STREET; THENCE SOUTH 88°36'31" EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 265.14 FEET TO THE INTERSECTION OF SAID NORTH MARGIN AND THE NORTH MARGIN OF SAID NORTHEAST 116TH STREET AS DESCRIBED ON WARRANTY DEED RECORDED UNDER RECORDING NUMBER 20061120002070, RECORDS OF KING COUNTY, WASHINGTON; THENCE NORTH 89°17'03" EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 354.41 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°11'56" WEST, A DISTANCE OF 6.50 FEET; THENCE SOUTH 89°48'04" WEST, A DISTANCE OF 2.19 FEET TO A TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 23.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, AN ARC LENGTH OF 36.77 FEET, THROUGH A CENTRAL ANGLE OF 91°35'24"; THENCE NORTH 01°23'29" EAST, A DISTANCE OF 6.96 FEET TO A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 150.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC LENGTH OF 129.75 FEET, THROUGH A CENTRAL ANGLE OF 49°33'41" TO THE POINT OF REVERSE CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 210.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC LENGTH OF 181.69 FEET, THROUGH A CENTRAL ANGLE OF 49°34'20"; THENCE SOUTH 01°22'50" WEST, A DISTANCE OF 306.73 FEET TO SAID NORTHERLY RIGHT OF WAY MARGIN OF SAID NORTHEAST 116TH STREET PER WARRANTY DEED; THENCE SOUTH 89°17'03" WEST, ALONG SAID MARGIN, A DISTANCE OF 100.61 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING AN AREA OF 20,353 SQUARE FEET OR 0.4672 ACRES, MORE OR LESS;

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.



WOLFF COMPANY  
LIFEBRIDGE CHRUCH  
TAYLOR R. SCHULTE P.L.S.NO. 44646  
BRH JOB NO. 2016035.03  
SEPTEMBER 22, 2017

BUSH, ROED & HITCHINGS, INC.  
2009 MINOR AVENUE EAST  
SEATTLE, WA 98102  
(206) 323-4144



**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager

**Date:** October 11, 2018

**Subject:** PRIORITIZING 2018 SCA OPEN SEATS AND APPOINTMENTS TO REGIONAL BOARDS & COMMITTEES

## **RECOMMENDATION:**

It is recommended that Council discuss the various open seats to regional boards and committees, and strategically prioritize and identify which ones members are interested in continuing with, and identify their desired new or additional Sound Cities Association (SCA) appointments prior to the November 8<sup>th</sup> Council meeting.

Nominations for 2018 board and committee appointments are due to SCA November 10, 2017. In order to be considered for appointment, all interested members (including those currently serving on boards and committees whose term expires in 2017) must complete a nomination form (Attachment A) and submit it, along with a statement of interest detailing your relevant background and experience, via email to [SCA@SoundCities.org](mailto:SCA@SoundCities.org).

## **BACKGROUND DISCUSSION**

The SCA makes appointments or recommends for appointment to some 28 regional boards and committees. For 2018, there will be open seats on 23 boards and committees to be filled by elected officials. It appears that no Kirkland members will reach any term limit this year (See Attachment B).

### SCA Appointed Seats Currently Held by Kirkland City Councilmembers

Currently five Kirkland City Councilmembers serve on ten regional boards or committees to which SCA appoints. Kirkland City Council participation on the boards or committees count toward term limits. Terms for seven of these regional boards or committees expire at the end of this year.

1. PSRC Executive Board - Amy Walen (permanent seat for City)
2. PSRC Transportation Policy Board (TPB) - Amy Walen (expires 12/31/17)
3. Economic Development Council (EDC) – Penny Sweet (expires 12/31/17)
4. Emergency Management Advisory Committee (EMAC) – Penny Sweet (expires 12/31/17)
5. PSRC Growth Management Policy Board (GMPB) – Jay Arnold (expires 12/31/17)
6. Regional Transit Committee (RTC) – Dave Asher (expires 12/31/17)
7. Regional Law, Safety & Justice (RLSJ) – Toby Nixon (expires 12/31/17)
8. Regional Water Quality Committee (RWQC) - Penny Sweet (expires 12/31/17)

The following two committees were not included in the SCA's call for appointments:

9. Mental Illness and Drug Dependency Oversight Comm. (MIDD) - Dave Asher (expires 6/30/17)
10. Solid Waste Advisory Committee (SWAC) – Penny Sweet (expires 9-30-17)

Some of the dates provided by the SCA seem to indicate current Kirkland Council Member terms have expired. Staff will be researching this and will update the Council at the October 17 Council meeting.

### **Prioritizing 2018 SCA Open Seats and Appointments:**

For detailed information about each board or committee, please refer to the current [SCA booklet for 2017 Regional Committee and Board Appointments](#). The guide contains helpful information about each committee.

Staff have prepared a prioritization tool (See Attachment C) that Council may use as way to guide a conversation about the regional boards and commissions seats that are open for appointment. The tool, a matrix, is intended for council to prioritize the seat openings as "mandatory", "high", "medium", and "low".

### **SCA Appointment – Timeline:**

- Nov. 10, 2017 - Deadline for nominations to 2018 boards and committees
- Dec. 1 - PIC Nominating Committee forwards recommended slate of appointees to PIC
- Dec. 13 - PIC makes recommendation on slate of appointees to the SCA Board of Directors
- Dec. 20 - SCA Board of Directors finalizes 2018 board and committee appointments

Applications for boards and committees are reviewed by the PIC Nominating Committee, which is comprised of one representative from each SCA Caucus (South, North, South Valley, and Snoqualmie Valley). The PIC Nominating Committee considers a variety of factors in making appointments. Some boards and committees have specific requirements for appointments. The committee strives to maintain geographic diversity, and a balance of membership from large and small cities. The background and interest level of applicants is considered, as is the applicant's past service on boards and committees. The committee balances the need for institutional knowledge and expertise with a desire to obtain fresh perspectives and new voices. SCA values diversity, and strives to create an inclusive environment. All SCA members are encouraged to apply for boards and committees. The PIC Nominating Committee recommends a slate of appointments to the SCA Public Issues Committee (PIC), which in turn submits recommendations for appointments to the SCA Board of Directors for approval.

### **SUMMARY**

Prior to Council's November 8, 2017 regular meeting, Councilmembers should prioritize and determine their interest in continuing with their current SCA committee appointments and identify new opportunities to seek. Nominations for 2018 board and committee appointments are due to SCA November 10, 2017.

- Attachments:
- A. 2018 Boards and Committees Nomination Form
  - B. 2017 SCA Appointee Status
  - C. Prioritization Tool for Regional Boards and Committee Seats



## 2018 CALL FOR NOMINATIONS

### Appointments to Regional Boards and Committees

Sound Cities Association (SCA) makes appointments or recommends for appointment to regional boards and committees. For 2018, there will be open seats on 23 boards and committees to be filled by elected officials.

For detailed information about each committee, please refer to the [SCA 2017 Regional Committee and Board Appointment booklet](#). This guide contains helpful information about each committee, including: the roles and responsibilities of each committee; the dates, times, and location of committee meetings; the SCA staff person responsible for each committee; the 2017 representatives to each committee; and the term expiration date for each appointment.

Nominations for 2018 board and committee appointments are due **November 10, 2017**. All interested members (including those currently serving on boards and committees whose term expires in 2017) must submit a nomination form to be considered for appointment.

Applications for boards and committees are reviewed by the PIC Nominating Committee, which is comprised of one representative from each SCA Caucus (South, North, South Valley, and Snoqualmie Valley). The PIC Nominating Committee considers a variety of factors in making appointments. Some boards and committees have specific requirements for appointments. The committee strives to maintain geographic diversity, and a balance of membership from large and small cities. The background and interest level of applicants is considered, as is the applicant's past service on boards and committees. The committee balances the need for institutional knowledge and expertise with a desire to obtain fresh perspectives and new voices. SCA values diversity, and strives to create an inclusive environment. All SCA members are encouraged to apply for boards and committees. The PIC Nominating Committee recommends a slate of appointments to the SCA Public Issues Committee (PIC), which in turn submits recommendations for appointments to the SCA Board of Directors for approval.

#### SCA Appointment Timeline

Deadline for nominations to 2018 boards and committees	<b>November 10, 2017</b>
PIC Nominating Committee forwards recommended slate of appointees to PIC	<b>December 1, 2017</b>
PIC makes recommendation on slate of appointees to the SCA Board of Directors	<b>December 13, 2017</b>
SCA Board of Directors finalizes 2018 board and committee appointments	<b>December 20, 2017</b>

To apply, please fill out this form, and submit it along with a statement of interest detailing your relevant background and experience for each position via email to [sca@soundcities.org](mailto:sca@soundcities.org).

<b>Board/Committee Name</b>	<b># of Seats</b> M = Member A = Alternate A2 = 2 <sup>nd</sup> Alternate	<b>Nominee's Name</b>	<b>City</b>	<b>Preference</b> 1 = first choice, 2 = second choice, etc.
Advisory Council on Aging and Disability Services (ADS Advisory Council)	1M			
All Home Coordinating Board	2M			
Board of Health (BOH)	2M / 2A			
Children & Youth Advisory Board (CYAB)* (term begins 2/1/2018)	1M			
Domestic Violence Initiative (DVI) Regional Task Force	4M / 4A			
Economic Development Council (EDC) (formerly enterpriseSeattle) – City must currently be EDC Investor	TBD by EDC			
Emergency Management Advisory Committee (EMAC) (elected or staff) *	1A			
Growth Management Planning Council (GMPC)	6M / 4A			
King Conservation District (KCD) Advisory Committee	3M / 3A			
King County Accountable Community of Health Governing Board*	1A			
King County Consortium Joint Recommendations Committee (JRC) for CDBG	4M			
King County Flood Control District Advisory Committee (KCFCDAC)	4M/4A			
Local Hazardous Waste Management Program (LHWMP) Management Coordination Committee	1M			
Puget Sound Clear Air Agency (PSCAA) Advisory Council*	1M			
Economic Development District Board (EDDB)	2M / 2A			
PSRC Executive Board	3M / 3A / 2A2			
PSRC Growth Management Policy Board (GMPB)	3M / 3A			
PSRC Operations Committee	1M / 1A			
PSRC Transportation Policy Board (TPB)	3M / 3A			
Regional Law, Safety, and Justice Committee (RLSJC)	8M			
Regional Policy Committee (RPC)	4M / 2A			
Regional Transit Committee (RTC)	8M / 4A			
Regional Water Quality Committee (RWQC)	4M / 2A			

\* Indicates that this appointment is for a multi-year term. Three-year terms: CYAB, EMAC, KC ACH Governing Board (unexpired term ending April 30, 2020), PSCAA (unexpired term ending June 30, 2020).



# Board Approved 2017 Appointments

**Yellow:** Returning Member

**Green:** New Appointee

**Red:** Recommended Reappointment - Term Limit - Exception

**Gray:** Term Not Expiring in 2016

**Blue:** Moved from Alternate to Member

## Accountable Communities of Health (ACH) Interim Leadership Council

Seat	Name	City	Caucus
Member	Erin Sitterley	SeaTac	S

## Advisory Council on Aging and Disability Services (ADS Advisory Council)

Seat	Name	City	Caucus
Member	David Baker	Kenmore	N

## Board of Health (BOH)

Seat	Name	City	Caucus
Member	David Baker	Kenmore	N
Member	Largo Wales	Auburn	S
Alt	Susan Honda	Federal Way	S
Alt	Angela Birney	Redmond	N

## Domestic Violence Initiative Regional Task Force (DVI)

Seat	Name	City	Caucus
Member	Susan Honda	Federal Way	S
Member	Dawn Dofelmire	Algona	SV
Member	Yolanda Trout	Auburn	S
Member	Tina Budell	Kent	S
Alt	Davina Duerr	Bothell	N
Alt	Veronika Williams	Duvall	SNO
Alt	Christie Malchow	Sammamish	N
Alt	Doris McConnell	Shoreline	N

## Emergency Management Advisory Committee (EMAC)

Seat	Name	City	Caucus
Member	Penny Sweet	Kirkland	N
Member	Marianne Klaas	Clyde Hill	N
Member	Bob Baggett	Auburn	S
Alt	Bill Ramos	Issaquah	N
Alt	Sheree Wen	Medina	N
Alt	Wendy Weiker	Mercer Island	N

## Growth Management Planning Council (GMPC)

Seat	Name	City	Caucus
Member	Jeff Wagner	Covington	S
Member	Tola Marts	Issaquah	N
Member	Ed Prince	Renton	S
Member	John Stilin	Redmond	N
Member	Leanne Guier	Pacific	SV
Member	Debbie Bertlin	Mercer Island	N
Alt	Tom Stowe	Beaux Arts Village	N
Alt	Claude DaCorsi	Auburn	S
Alt	Nancy Tosta	Burien	S
Alt	Matt Larson	Snoqualmie	SNO

## King Conservation District Advisory Committee (KCDAC)

Seat	Name	City	Caucus
Member	Erika Morgan	Black Diamond	SV
Member	Brenda Fincher	Kent	S
Member	Mark Phillips	Lake Forest Park	N
Alt	Austin Bell	Burien	S
Alt	Mariah Bettise	Issaquah	N
Alt	Wendy Weiker	Mercer Island	N

## King County Consortium Joint Recommendations Committee for CDBG (JRC)

Seat	Name	City	Caucus
Member	Pam Fernald	SeaTac	S
Member	Ken Hearing	North Bend	SNO
Member	Dan Grausz	Mercer Island	N
Member	De'Sean Quinn	Tukwila	S

## King County Disability Board LEOFF1

Seat	Name	City	Caucus
Member	Verna Seal	Tukwila	S

## King County Flood Control District Advisory Committee (KCFCDAC)

Seat	Name	City	Caucus
Member	Leanne Guier	Pacific	SV
Member	Erika Morgan	Black Diamond	SV
Member	Byron Shutz	Redmond	N
Member	Henry Sladek	Skykomish	SNO
Alt	James McNeal	Bothell	N
Alt	Jeff Wagner	Covington	S
Alt	Veronika Williams	Duvall	SNO
Alt	Tom Odel	Sammamish	N

## Local Hazardous Waste Management Program (LHWMP) Management Coordination Committee (MCC)

Seat	Name	City	Caucus
Member	Hank Myers	Redmond	N

## PSRC Executive Board

Seat	Name	City	Caucus
Member	Dave Hill	Algona	SV
Member	John Marchione	Redmond	N
Member	Nancy Backus	Auburn	S
Alt	Don Gerend	Sammamish	N
Alt	Fred Butler	Issaquah	N
Alt	Bruce Bassett	Mercer Island	N
2 <sup>nd</sup> Alt	Amy Ockerlander	Duvall	SNO
2 <sup>nd</sup> Alt	Chris Roberts	Shoreline	N

## PSRC Operations Committee

Seat	Name	City	Caucus
Member	John Marchione	Redmond	N
Alt	Nancy Backus	Auburn	S

# Board Approved 2017 Appointments



**Yellow:** Returning Member

**Green:** New Appointee

**Red:** Recommended Reappointment - Term Limit - Exception

**Gray:** Term Not Expiring in 2016

**Blue:** Moved from Alternate to Member

## PSRC Growth Management Policy Board (GMPB)

Seat	Name	City	Caucus
Member	Hank Margeson	Redmond	N
Member	John Holman	Auburn	S
Member	Jay Arnold	Kirkland	N
Alt	Paul Winterstein	Issaquah	N
Alt	Allan Ekberg	Tukwila	S
Alt	Ken Hearing	North Bend	SNO

## PSRC Transportation Policy Board (TPB)

Seat	Name	City	Caucus
Member	Amy Walen	Kirkland	N
Member	Dana Ralph	Kent	S
Member	Rich Wagner	Auburn	S
Alt	Benson Wong	Mercer Island	N
Alt	Kim Allen	Redmond	N
Alt	Kate Kruller	Tukwila	S

## Regional Law, Safety and Justice Committee (RLSJC)

Seat	Name	City	Caucus
Member	Dana Ralph	Kent	S
Member	Toby Nixon	Kirkland	N
Member	Yolanda Trout	Auburn	S
Member	Lydia Assefa-Dawson	Federal Way	S
Member	Ramiro Valderrama	Sammamish	N
Member	Shari Winstead	Shoreline	N
Member	James McNeal	Bothell	N
Member	Phillipa Kassover	Lake Forest Park	N

## Regional Policy Committee (RPC)

Seat	Name	City	Caucus
Member	Bernie Talmas	Woodinville	N
Member	Bill Pelozo	Auburn	S
Member	Suzette Cooke	Kent	S
Member	Dan Gausz	Mercer Island	N
Alt	Dave Hill	Algona	SV
Alt	John Stokes	Bellevue	N

## Regional Transit Committee (RTC)

Seat	Name	City	Caucus
Member	Dennis Higgins	Kent	S
Member	John Wright	Lake Forest Park	N
Member	Dave Asher	Kirkland	N
Member	Bruce Bassett	Mercer Island	N
Member	Kathy Hougardy	Tukwila	S
Member	Kathy Huckabay	Sammamish	N
Member	Claude DaCorsi	Auburn	S
Member	Amy Ockerlander	Duvall	SNO
Alt	Bill Ramos	Issaquah	N
Alt	Hank Margeson	Redmond	N
Alt	Leanne Guier	Pacific	SV
Alt	John Chelminiak	Bellevue	N

## Regional Water Quality Committee (RWQC)

Seat	Name	City	Caucus
Member	John Wright	Lake Forest Park	N
Member	Penny Sweet	Kirkland	N
Member	Benson Wong	Mercer Island	N
Member	Leanne Guier	Pacific	SV
Alt	Shari Winstead	Shoreline	N
Alt	Conrad Lee	Bellevue	N

## Solid Waste Advisory Committee (SWAC) Executive Appointment

Seat	Name	City	Caucus
Member (Until 2/17)	David Baker	Kenmore	N
Member	Dave Hill	Algona	SV
Member (As of 2/17)	Penny Sweet	Kirkland	N

## Economic Development Council of Seattle and King County (EDC) -

**Note: EDC Makes Appointment - SCA Forwarding All Names Received**

Seat	Name	City	Caucus
	John Holman	Auburn	S
	Jeanne Burbidge	Federal Way	S
	Suzette Cooke	Kent	S
	Penny Sweet	Kirkland	N
	Dave Carson	Redmond	N
	Kathy Hougardy	Tukwila	S
	Mariah Bettise	Issaquah	N
	Catherine Stanford	Lake Forest Park	N

## Staff Committee Appointments

### All Home Funder Alignment Committee

Seat	Name	City	Caucus
Member	Rob Beem	Shoreline	N
Member	Brooke Buckingham	Redmond	N
Member	Merina Hanson	Kent	S

### Automated Fingerprint Identification System (AFIS) Advisory Committee

Seat	Name	City	Caucus
Member	Rob Wyman	Newcastle	N

### South Central Action Area Caucus Group (SCAACG)

Seat	Name	City	Caucus
Member	Mike Mactutis	Kent	S
Member	Aaron Halverson	Lake Forest Park	N

For additional board or committee detail, please reference > [SCA 2017 Regional Committee and Board Appointments booklet](#)

Regional Board/Committee Name	# of Seats & Seat Types Available M = Member A = Alternate A2 = 2 <sup>nd</sup> Alternate	City of Kirkland - Current Regional B/C Members (term expiration)	City Priority 1 = Mandatory 2 = High 3 = Medium 4 = Low	Kirkland Interests Nominee
Advisory Council on Aging and Disability Services (ADS Advisory Council) <i>Meets 2<sup>nd</sup> Friday 12:00-2:00 in Room 4060 of the Seattle Municipal Tower, 700 Fifth Ave (Caucus meetings scheduled as needed)</i>	1M			
All Home Coordinating Board <i>Meets 1<sup>st</sup> Wednesday 2:00-4:00 at rotating locations (Caucus meets 1:00-2:00)</i>	2M			
Board of Health (BOH) <i>Meets 3<sup>rd</sup> Thursday 1:30-3:30 in KC Council Chambers (Caucus meets 12:30-1:30)</i>	2M / 2A			
Children & Youth Advisory Board (CYAB)* <i>(term begins 2/1/2018) Meets 1<sup>st</sup> Tuesday 6:00-8:30 at rotating locations. (Caucus scheduled as needed)</i>	1M			
Domestic Violence Initiative (DVI) Regional Task Force <i>Meets quarterly, generally from 9:00-11:00 at rotating locations. (Caucus meets 8:00-9:00)</i>	4M / 4A			
Economic Development Council (EDC) (formerly enterpriseSeattle) – City must currently be EDC Investor <i>Meets quarterly, from 3:00-4:30 at the EDC, 1301 5<sup>th</sup> Ave. – Seattle</i>	TBD by EDC	Penny Sweet = M (12/31/17)		
Emergency Management Advisory Committee (EMAC) (elected or staff) * <i>Meets 2<sup>nd</sup> Wednesday 10:00-11:30 at RCECC – Renton (Caucus meets 9:00-10:00)</i>	1A	Penny Sweet = M (12/31/17)		
Growth Management Planning Council (GMPC) <i>Meets quarterly, 4:00-6:00 at the PSRC – 1011 Western Ave, Seattle (Caucus meets 3:00-4:00)</i>	6M / 4A			
King County Consortium Joint Recommendations Committee (JRC) for CDBG <i>Meets 4<sup>th</sup> Thursday 9:30-10:30 at 1200 Monster Rd SW – Renton (Caucus meets 8:30-9:30)</i>	4M	* Leslie Miller is SCA appointed Kirkland staff rep.		
King Conservation District (KCD) Advisory Comm. <i>Meets 8 times/year 4:00-6:00 at 1200 Monster Rd SW – Renton (Caucus meets 3:00-4:00)</i>	3M / 3A			
King County Flood Control District Advisory Committee (KCFCDAC) <i>Meets 3-4 times between April &amp; Aug, and once in Fall, time &amp; location vary</i>	4M/4A			
Local Hazardous Waste Management Program (LHWMP) Management Coordination Committee <i>Meets 3<sup>rd</sup> Tuesday 10:00-12:00 in 6<sup>th</sup> floor of the King Street Center, 201 Jackson St. – Seattle. (Caucus meets as needed.)</i>	1M			
King County Accountable Community of Health Governing Board* <i>Meets monthly. Times &amp; locations vary</i>	1A			
Puget Sound Clear Air Agency (PSCAA) Advisory Council* <i>Generally meets 2<sup>nd</sup> Wednesday, 9:00-12:15 at the PSRC – 1904 Third Ave, Ste. 105</i>	1M			
Economic Development District Board (EDDB) <i>Meets quarterly, 1:00-3:00 at the PSRC – 1011 Western Ave, Seattle (Caucus meets 12:00-1:00)</i>	2M / 2A			
PSRC Executive Board <i>Meets 4<sup>th</sup> Thursday 10:00-11:30 at the PSRC – 1011 Western Ave, Seattle (Caucus meets 9:00-10:00)</i>	3M / 3A / 2A2	Amy Walen, City's Permanent Seat		
PSRC Growth Management Policy Board (GMPB) <i>Meets 1<sup>st</sup> Thursday 9:00-10:00 at the PSRC – 1011 Western Ave, Seattle (Caucus meets 9:00-10:00)</i>	3M / 3A	Jay Arnold = M (12/31/17)		
PSRC Operations Committee <i>Meets 4<sup>th</sup> Thursday 10:00-11:30 at the PSRC – 1011 Western Ave, Seattle</i>	1M / 1A			
PSRC Transportation Policy Board (TPB) <i>Meets 2<sup>nd</sup> Thursday 9:30-11:30 at the PSRC – 1011 Western Ave, Seattle (Caucus meets 8:30-9:30)</i>	3M / 3A	Amy Walen = M (12/31/17)		
Regional Law, Safety, and Justice Committee (RLSJC) <i>Meets 7 times/year, generally last Thursday 7:30-9:00AM location TBD (Caucus meets as needed)</i>	8M	Toby Nixon = M (12/31/17)		
Regional Policy Committee (RPC) <i>Meets 2<sup>nd</sup> Wednesday 3:00-5:00 in KC Council Chambers (Caucus meets 2:00-3:00)</i>	4M / 2A			
Regional Transit Committee (RTC) <i>Meets 3<sup>rd</sup> Wednesday 3:00-5:00 in KC Council Chambers (Caucus meets 1:45-3:00)</i>	8M / 4A	Dave Asher = M (12/31/17)		
Regional Water Quality Committee (RWQC) <i>Meets 1<sup>st</sup> Wednesday 3:00-5:00 in KC Council Chambers (Caucus meets 2:00-3:00)</i>	4M / 2A	Penny Sweet = M (12/31/17)		

\* Indicates that this appointment is for a multi-year term. Three-year terms: CYAB, EMAC, KC ACH Governing Board (unexpired term ending April 30, 2020), PSCAA (unexpired term ending June 30, 2020).

NOTE: Boards and Committee seats not up for appointment at this time:

Mental Illness and Drug Dependency (MIDD) Oversight Commiee King County	Dave Asher = M (6/30/17) ???
Solid Waste Advisory Committee (SWAC)	Penny Sweet = M (3/1/17 – 9/30/17) ???