



CITY OF KIRKLAND

City Manager's Office

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www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: James Lopez, Assistant City Manager
David Wolbrecht, Neighborhood Services Outreach Coordinator
Shawn Friang, Human Resources Analyst
Christian Knight, Neighborhood Services Outreach Coordinator

Date: April 20, 2018

Subject: COMMUNITY DIALOGUE AND ACTION ON THE TOPIC OF GUN SAFETY AND COMMUNITY SAFETY

RECOMMENDATION:

It is recommended that the City Council reviews and approves Resolution R-5312 authorizing staff to engage the community on the topic of gun safety and community safety with a report to Council by July 17, 2018 with options for further action based on community feedback.

BACKGROUND DISCUSSION:

In January 2017, the Mayor issued a proclamation declaring the City's values around being a safe, inclusive and welcoming community and committing to the development of a program to promote a community conversation about those values. On February 21, 2017, the Council took further action by formalizing the themes in the proclamation through approval of Resolution 5240 [Attachment A]. The resolution included direction to staff to take further actions including:

- Review Kirkland's policies and programs and possible Council actions that keep Kirkland a just society that respects and welcomes all people.
- Invite the community to come together to discuss and support the shared values of diversity and inclusion.
- Identify actions the City and community can take to ensure a safe, welcoming and inclusive city for all people.

Gun Safety and School Safety

The issues of gun safety and school safety have been around for decades, but the tragic killing of 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018, has reignited the debate in communities around the nation, including in Kirkland. At the March 6, 2017, Council meeting, the City Attorney provided the Council with a short briefing on the state preemption of most actions by local governments related to gun regulations. The City Attorney also highlighted some actions the City has taken where it does have authority, such as the policy to destroy any guns seized by Police that are not needed as evidence.

On March 14, 2018, the City Council welcomed over 70 parents from various Kirkland schools to City Hall to discuss potential actions that could be taken to keep students safe from gun violence. On March 21, 2018, the Lake Washington School District and the City of Kirkland co-

hosted a community discussion about school safety and community action at Lake Washington High School Theater. Both the March 14 and March 21 events included a presentation by the City Attorney on the state preemption of most actions by local governments related to gun regulations, and public feedback provided at both events included requests to City Council to work through the City's legislative delegation to move legislation related to gun safety and gun regulation.

At the City Council meeting on April 17, 2018, public comment was provided that requested Council to adopt a resolution to "Save Lives through Gun Safety" which called for the City to take action on gun safety and community safety and to engage the community for input on these topics [Attachment B]. The Council requested that staff draft such a resolution for review and possible adoption at the May 1, 2018, Council meeting. On Monday, April 23, 2018, the City Clerk received a petition, now formally designated as Petition G-18-233, calling for the Council to adopt a gun safety resolution at the May 1st, 2018 Council meeting. The petition included over one hundred signatures from Kirkland residents and more signatures are being received each day.

On April 20, 2018, seven students from Kamiakin Middle School walked out of school as part of a national walk out in recognition of the 19th anniversary of the Columbine High School shooting that occurred in Columbine, Colorado, in 1999. Those seven students came to City Hall to request the City take action to protect students from gun violence and to inquire about how they may address the Council.

The above events demonstrates the community's interest in what can be done at the local level as well as in the development of a possible state legislative agenda priorities related to gun safety and community safety. However, there are significant constitutional and legal constraints around what can be done locally. The Second Amendment to the United States Constitution states "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Section 24 of the Washington State Constitution states "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men."

State law also provides for the "preemption" of almost all firearms regulations by the State of Washington. For example, RCW 9.41.290 provides, in part, that the State "hereby fully occupies and preempts the entire field of firearms regulations within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components." Pursuant to that same statute, local governments can enact only those regulations that are specifically authorized by state law. Presently, those authorizations are narrowly limited to the unsafe discharge of firearms, the possession of firearms in a stadium or convention center, and the proximity of gun sales establishments to schools. See RCW 9.41.300.

Nevertheless, further engagement with the community, particularly inviting a wide range of views on the topics of gun safety and community safety, will provide feedback to the City Council ahead of the formation of the City's 2019 legislative agenda setting process. The City is also undertaking initial outreach efforts to engage the public in the 2019-2020 biennial budget. As in any budget process, there is not sufficient resources to provide funding for every community request. Knowing public sentiment on the topics of gun safety and community safety in relation to other budget priorities will provide feedback to the City Council in the adoption of the 2019-2020 biennial budget and 2019-2020 City Work Program.

In addition, at the Council Retreat on February 23, 2018, Council indicated a preference for city-wide, topical Town Halls as a valuable method for the Council to directly engage and dialogue with the community. As such, staff are proposing to conduct a Town Hall that seeks to involve a wide variety of perspectives on the topic of gun safety and community safety as part of an outreach strategy to collect public input to provide back to Council for their consideration.

The resolution authorizes the City Manager to: seek the community's input on the topic of gun safety and community safety through a Town Hall and additional engagement strategies; research methods of promoting safe and responsible gun ownership at the state and local levels; collaborate with public and private partners on possible state and local legislation around gun safety and community safety; and report the results of these efforts to the City Council, no later than July 17, 2018. Finally, the resolution calls for the report to include options for potential changes to City ordinances and policies, City budget initiatives, and the City's state legislative agenda based on the community engagement results.

RESOLUTION R-5240

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
DECLARING KIRKLAND AS A SAFE, INCLUSIVE AND WELCOMING CITY
FOR ALL PEOPLE.

1 WHEREAS, on January 3, 2017, the Mayor, with the support of
2 the City Council, reiterated the values of the City of Kirkland by
3 proclaiming Kirkland as a safe, inclusive and welcoming city for all
4 people, and requested that City staff assist the City Council in
5 developing and implementing a program to communicate the City's
6 values; and
7

8 WHEREAS, the City Council further discussed actions that could
9 be taken to implement these values of diversity and inclusion at the
10 Council's February 3, 2017 retreat, and the Council wishes to establish
11 the elements of the proclamation as City policy through a resolution;
12 and
13

14 WHEREAS, Kirkland's vision statement describes the City as
15 being a welcoming place to live, work and play, a place that highly
16 values diversity and is respectful, fair, and inclusive, and also committed
17 to providing neighborhoods and businesses that meet the needs of a
18 variety of incomes, ages and life styles, through community
19 engagement that creates a sense of belonging through shared values;
20 and
21

22 WHEREAS, the City of Kirkland is committed to protecting and
23 serving everyone who resides in, works in, or visits Kirkland without
24 discrimination based on race, religion, color, national origin, sex, age,
25 income or economic status, political affiliation, military status, sexual
26 orientation, or physical, mental or sensory ability; and
27

28 WHEREAS, Kirkland believes in the dignity, equality and
29 constitutional and civil rights of all people, and will not tolerate hate,
30 intolerance, discrimination, harassment or any behavior that creates
31 fear, isolation or intimidation; and
32

33 WHEREAS, Kirkland's vibrancy and sense of community is
34 stronger for our diversity and shared values of acceptance and respect;
35 and
36

37 WHEREAS, the City Council supports these principles and strives
38 to reflect them in their actions as elected officials in Kirkland; and

39 WHEREAS, Kirkland City employees also support these principles
40 and strive to embody these ideals every day as they provide critical
41 services in support of the public health, safety and welfare, such as,
42 police, fire, parks, public works and much more in an inclusive and
43 equitable manner to all residents, visitors and businesses in Kirkland.

44
45 NOW, THEREFORE, be it resolved by the City Council of the City
46 of Kirkland as follows:

47
48 Section 1. The City Manager is hereby authorized and directed
49 to review the City of Kirkland's policies and programs and to evaluate
50 administrative and legislative actions for Council review and approval
51 that keep Kirkland a just society that respects and welcomes all people,
52

53 Section 2. The City Manager shall propose legislation that
54 codifies current City department policies related to non-discrimination,
55 immigration status and religious affiliation.

56
57 Section 3. The City Manager shall invite the community to come
58 together to discuss and support the shared values of diversity and
59 inclusion and identify additional actions that can be taken by the City
60 and the community to help keep Kirkland a safe, welcoming and
61 inclusive city for all people.

62
63 Passed by majority vote of the Kirkland City Council in open
64 meeting this 21st day of February, 2017.

65
66 Signed in authentication thereof this 21st day of February, 2017.


MAYOR

Attest:


City Clerk



Resolution to Save Lives through Gun Safety: A Proposal to the Kirkland City Council by Indivisible Kirkland & KirklandSafe

On February 21, 2017, the Kirkland City Council passed a resolution to keep Kirkland a safe, inclusive and welcoming city. In the last year, the City has taken concrete actions to implement the mandate of that 2017 resolution. Prioritizing gun safety within the City of Kirkland is a logical next step toward fulfilling the promise of Kirkland as a safe, inclusive and welcoming city for the students, parents, residents, workers and visitors of the City of Kirkland.

We are proposing that the Kirkland City Council partner with the community to prioritize gun safety in our city and in our state. In support of this public safety imperative, we are putting forth a list of priorities for the City of Kirkland to consider, adopt and act upon at the city level and to advocate for and support at the state level. These priorities include:

- Promote Responsible Gun Ownership
- Reduce Mass Shootings
- Reduce Suicides
- Reduce Accidental Shootings
- Support Local Community Gun Safety Programs
- Promote Awareness & Education
- Promote Local Dialogue

We look forward to actively working with the City of Kirkland to create and pass a resolution that commits the City's time and resources to supporting and advocating for gun safety in our community.

RESOLUTION R-5312

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
SETTING FORTH THE NEED FOR COMMUNITY DIALOGUE AND ACTION
ON THE TOPIC OF GUN SAFETY AND COMMUNITY SAFETY.

1 WHEREAS, on January 3, 2017, the Mayor, with the support of
2 the City Council, reiterated the values of the City of Kirkland by
3 proclaiming Kirkland as a safe, inclusive and welcoming city for all
4 people, and requested that City staff assist the City Council in
5 developing and implementing a program to communicate the City's
6 values; and
7

8 WHEREAS, on February 21, 2017, the City Council passed
9 Resolution R-5240 formalizing the themes in the proclamation and
10 directing the City Manager to identify through community discussions
11 additional actions that can be taken by the City and the community to
12 help keep Kirkland a safe, welcoming and inclusive city for all people;
13 and

14 WHEREAS, on February 21, 2017, the City Council also enacted
15 Ordinance O-4558 adding a new Chapter 3.18 to the Kirkland Municipal
16 Code entitled "Sustaining a Safe, Inclusive and Welcoming City"; and
17

18 WHEREAS, on March 14, 2018, the City Council welcomed over
19 70 parents from various Kirkland schools to City Hall to hear community
20 concerns and discuss potential actions that could be taken to help keep
21 students safe from gun violence; and
22

23 WHEREAS, on March 21, 2018, the City of Kirkland and the Lake
24 Washington School District co-hosted a community discussion about
25 school safety and community safety at which members of the public
26 requested further action by the City and School District on the topics of
27 gun safety and community safety; and
28

29 WHEREAS, the federal and state constitutions provide certain
30 rights to keep and bear arms, and many Kirkland residents legally own
31 firearms for reasons such as hunting, recreation and personal
32 protection; and
33

34 WHEREAS, input from all community members, including gun
35 owners, is necessary to promote safe and responsible gun ownership in
36 order to reduce mass shootings, homicides, suicides and accidental
37 shootings; and
38

39 WHEREAS, City staff are actively implementing a program of
40 community engagement for the 2019-2020 biennial budget, and
41 understanding the community's concerns and priorities on the topics of

42 gun safety and community safety will help inform the City’s fiscal and
43 programmatic priorities as part of the adoption of the 2019-2020
44 biennial budget and City Work Program; and

45
46 WHEREAS, Kirkland's vision statement describes the City as a
47 welcoming place to live, work and play, a place that highly values
48 diversity and is respectful, fair, and inclusive, and that is also committed
49 to providing neighborhoods and businesses that meet the needs of a
50 variety of incomes, ages and life styles, through community
51 engagement that creates a sense of belonging through shared values.

52
53 NOW, THEREFORE, be it resolved by the City Council of the City
54 of Kirkland as follows:

55
56 Section 1. The City Manager is hereby authorized and directed
57 to seek the community’s input on the topic of gun safety and community
58 safety through a Town Hall and other public events, on-line surveys,
59 interactive social media, and additional engagement strategies that
60 invite a wide range of views.

61
62 Section 2. The City Manager is further authorized and directed
63 to research methods of promoting safe and responsible gun ownership
64 at the state and local levels in order to reduce mass shootings,
65 homicides, suicides and accidental shootings, and to collaborate with
66 public and private partners and stakeholders in connection with possible
67 state and local legislation around gun safety and community safety.

68
69 Section 3. The City Manager shall report the results of the
70 community feedback, research and partnership discussions to the City
71 Council, no later than July 17, 2018. The City Manager’s report shall
72 include options for potential changes to City ordinances and policies,
73 City budget initiatives, and the City’s state legislative agenda based on
74 the results.

75
76 Passed by majority vote of the Kirkland City Council in open
77 meeting this ____ day of _____, 2018.

78
79 Signed in authentication thereof this ____ day of _____,
80 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk