



CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis
Amy Falcone • Toby Nixon • Jon Pascal • 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, January 5, 2021 5:30 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website 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.

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.

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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Kirkland Municipal Court Update
4. *HONORS AND PROCLAMATIONS*
 - a. Martin Luther King Jr. Day of Service Proclamation
5. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
6. *PUBLIC HEARINGS*
7. *SPECIAL PRESENTATIONS*
 - a. COVID-19 Update
 - b. Resolution R-5434 Early Action Review

8. *CONSENT CALENDAR*

a. *Approval of Minutes*

(1) December 8, 2020

b. *Audit of Accounts*

c. *General Correspondence*

d. *Claims*

(1) Claims for Damage

e. *Award of Bids*

(1) Fire Station 27 Roofing Project

f. *Acceptance of Public Improvements and Establishing Lien Period*

(1) CKC Storm Water Drainage Headwall Repair

(2) NE 141st Street/111th Avenue NE Culvert Replacement

g. *Approval of Agreements*

h. *Other Items of Business*

(1) Major Development Projects List

(2) October 2020 Financial Dashboard Report

(3) November 2020 Sales Tax Report

(4) Procurement Report

9. *BUSINESS*

a. Draft Council Retreat Agenda

b. Rental Assistance Policy Options

10. *REPORTS*

a. *City Council Regional and Committee Reports*

b. *City Manager Reports*

(1) Calendar Update

***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.

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.

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.

11. ITEMS FROM THE AUDIENCE

12. EXECUTIVE SESSION

13. ADJOURNMENT



CITY OF KIRKLAND
Kirkland Municipal Court
11515 NE 118th Street 98033 · 425.587.3160
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: John Olson, Municipal Court Judge
Date: December 18, 2020
Subject: Kirkland Municipal Court Update

RECOMMENDATION:

Council receives an overview of the structure of the Kirkland Municipal Court ("Municipal Court" or "Court"), discussion of the impacts of the pandemic on operations, and information on the upcoming implementation of a Community Court.

BACKGROUND DISCUSSION:

Overview

The Municipal Court is a court of limited jurisdiction (see Attachment A – General Rule 29) and an independent branch of government which is authorized by the laws of the State of Washington to preside over all criminal misdemeanors and gross misdemeanors, as well as traffic, non-traffic and parking infractions, and select civil matters occurring within the city limits of Kirkland. All cases filed are processed in accordance with court rules and the laws of the State of Washington, under the direction of the presiding judge.

The Municipal Court's mission is to establish and maintain public trust and confidence in the judicial system. The Court proudly serves the citizens of Kirkland and the general public by providing access to justice and ensuring that all individuals are afforded due process of law as recognized by the Constitution of the United States and the State of Washington. It is the Municipal Court's mission to continually seek excellence in providing fair, accessible, and timely resolution of alleged violations of the law in an atmosphere of respect for all parties, including members of the public, defendants, lawyers, witnesses, jurors and all Court and City employees.

While the Municipal Court is a separate branch of government, it is contributing partner of the City of Kirkland, working toward a safe and vital community.

The Municipal Court Judge is an elected position. The Court adjudicates misdemeanor and gross misdemeanor cases, including:

- DUI/Physical Control
- Reckless Driving/Negligent Driving
- DV Assaults/Assaults/Harassment
- Theft/Criminal Trespass
- Park Violations – Minor In Possession (MIP)/Park after hours

In addition, the Court hears violations including traffic, animal control, parking and moorage, and other City ordinances, as well as School Zone Speed Camera violations.

Staffing

The Court has 18.75 FTEs authorized in the 2021-2022 budget as follows:

- Kirkland Municipal Court Judge (1)
- Court Administrator (1)
- Assistant Court Administrator (1)
- Probation Supervisor (1)
- Probation Officers (2)
- Judicial Support Associate (JSA) II Leads (2, supplemented with 3 JSA IIs working as leads out of class due to COVID)
- JSA II (10.75, including 3 working out of class above)

In addition, these resources are supplemented by 3 one-time on-call JSA II positions to backfill some vacant regular positions or where the incumbent is currently on extended leave.

The Judge is assisted by contract resources that can serve as Court Commissioner & Judge Pro Tempore ("Pro Tem") Judges. There are currently 10 Pro Tem judges, an expanded pool to increase the experience and diversity available to the Court. More information about the Pro Tem Judges will be part of the January 5 presentation.

Caseload

The Municipal Court provides services within Kirkland's boundary and to five cities via contract: Clyde Hill, Hunts Point, Medina, Woodinville and Yarrow Point.

The table that follows summarizes the Court's caseload from 2018 to the present by each jurisdiction. The impacts of COVID-19 on caseload are apparent from these figures, however, adapting the Court to provide most services virtually has required all available staff, as described below.

MONTH/YEAR	Infraction Traffic	Infraction NonTraffic	Parking	DUI	Criminal Traffic	Criminal NonTraffic	Total	School *Zone
Kirkland								
Total 2018	3,896	45	14,378	174	544	606	19,643	
Total 2019	3,397	77	21,415	261	497	559	26,206	4,090
Jan/Nov 2020	2,068	34	19,476	94	227	409	22,308	3,481
Kirkland Total	9,361	156	55,269	529	1,268	1,574	68,157	7,571
Clyde Hill								
Total 2018	397	0	24	2	31	5	459	
Total 2019	525	0	11	4	28	6	574	
Jan/Nov 2020	253	0	0	2	17	10	282	
Clyde Hill Total	1,175	0	35	8	76	21	1,315	
Hunts Point								
Total 2018	1	0	2	0	0	0	3	
Total 2019	1	0	0	0	1	0	2	
Jan/Nov 2020	3	0	0	0	0	1	4	
Hunts Point Total	5	0	2	0	1	1	9	
Medina								
Total 2018	45	2	37	4	14	8	110	
Total 2019	46	0	23	3	10	3	85	
Jan/Nov 2020	12	0	11	1	5	3	32	
Medina Total	103	2	71	8	29	14	227	
Woodinville								
Total 2018	434	9	129	9	51	70	702	
Total 2019	327	2	74	5	40	83	531	
Jan/Nov 2020	167	2	21	5	23	58	276	
Woodinville Total	928	13	224	19	114	211	1,509	
Yarrow Point								
Total 2018	13	0	46	0	1	3	63	
Total 2019	2	0	12	1	2	2	19	
Jan/Nov 2020	4	0	11	1	2	2	20	
Yarrow Point Total	19	0	69	2	5	7	102	
Total All Filings								
Total 2018	4,786	56	14,616	189	641	692	20,980	
Total 2019	4,298	79	21,535	274	578	653	27,417	
Jan/Nov 2020	2,507	36	19,519	103	274	483	22,922	
Total All Filings	11,591	171	55,670	566	1,493	1,828	71,319	7,571

*2020 stats are only through November month end.

** School stats are only from the start of the program in October 2019 to March 2020 when COVID hit.

COVID-19 Impacts

The stay-at-home orders and need to continue to provide access to the justice system have posed many day-to-day challenges due to COVID 19. Since the outbreak in March and the State Order to close the facility to in-person contact, the Court has been extremely busy formulating plans and putting applications and processes in place to provide on-line services and virtual hearings to court customers. While all staff has worked extraordinarily hard, the magnitude of the changes has necessitated working three Judicial Support Associate II's out of class to help manage the change.

The Court has had to reinvent the courthouse wheel due to COVID, with implementation of new systems generating increased workload and the need to learn these new ways of doing business. While the virtual hearings have been beneficial and convenient for attorneys and defendants in that they can ZOOM in for their hearings, they have resulted in lengthier court hearings and additional workload for court staff. The Court has reduced the case numbers set

on the court calendars and scheduled a second courtroom in order to handle the workload and get through everyone. Before virtual hearings, one court clerk worked in the courtroom with the Judge and attorneys, now a second court clerk is needed in order to host the ZOOM hearings and manage the breakout rooms. There is also additional paperwork requirements the clerks are managing. These changes will also result in an enhanced quality of service that we may not have realized if not for COVID forcing the change of the way we do business.

In November the Court went live with OCourt, a new court document management system. The Court will also be going live in the coming month with Laserfiche, a new paperless document storage system. The learning curve for these two systems has been steep and quick. All new court forms are in the process of being created and edited. The Court is continuing to explore ideas and work on streamlining and developing additional on-line services for the public.

Court staff are essential workers and are primarily working on-site. The Court has many months ahead training staff and to continue to develop and improve virtual hearings, paperless court system and workflow. The Court is also working with the City and court attorneys to explore offering a Community Court in the coming months as described further below.

DVMRT Program

The Court currently has a number of innovative programs, one of which is the Domestic Violence Moral Reconciliation Therapy (MRT) Program which is administered by the Probation Division. As background, Judges report two main reasons to order DV offenders to treatment¹:

- To hold offenders accountable for the crime for which they were convicted; and
- To reduce the likelihood of future crime through the anticipated rehabilitative effects of DV treatment.

The MRT model is a cognitive - behavioral program designed to change how batterers think (belief systems) therefore leading to changing the batterers' behaviors from any types of abuse whether it is physical, emotional, or financial to behaviors which include equality and acceptance.

One of the major goals of the program is to increase the oral reasoning levels of participants based on Lawrence Kohlberg 's theory of moral development. Conation is closely associated with the use of will or the freedom to make choices about what to do. It is critical if an individual is to successfully engage in self-direction, self-regulation, and possess intentionality in behavior.

The Moral Reconciliation Therapy Batterer Program, *Bringing Peace to Relationships*:

- is a power and control program designed to conform to the required minimum state standards;
- is operationalized in an open-ended group and workbook driven format which can be formatted to be completed in 26 or 52 sessions;

¹ Labriola, M., Rempe, M ., O'Sullivan, C. & Frank P.B. (2007). Court Responses to batterer's program noncompliance: A national perspective. New York: Center for Court Innovation

- all groups are facilitated by a trained facilitator (all Facilitators attend a required 32-hour training in the model);
- the workbook, *Bringing Peace to Relationships*, contains cognitive behavioral exercises which have a specific format and purpose;
- all exercises are prepared by the participant prior to the group and then presented and processed during the group in compliance with the underlying issue of the exercise by a trained facilitator;
- is psycho-educational;
- confronts power & control tactics such as male privilege, coercion, minimizing behavior, and isolation;
- defines domestic violence;
- assists the batterer in taking responsibility;
- challenges role expectations;
- teaches stress management skills;
- teaches about the cycle of violence and requires the participant to identify any cycles within their relationships;
- teaches the participant tools to interrupt any violence such as learning to take a time-out;
- explores the socio-cultural basis for domestic violence.

Since the beginning of the program in December 2018, the probation staff have successfully hosted this program for 74 participants. Of the 74 participants, 16 are currently on the program and 41 have successfully completed the program. The primary reason for not completing the program, is not due to another violation, but the inability to comply with the program conditions.

Community Court

Community Court is an alternative problem-solving court that seeks to go beyond punitive actions to identify and address the underlying challenges of court participants that may contribute to further criminal activity.

The program addresses low-level, non-violent offenses like theft, shoplifting and trespassing. Traditionally, punitive action is taken against crimes like these, which does not address the reasons behind the crime. Community Court participants have the opportunity to sign up at the community resource center for needed services such as drug and alcohol treatment, financial and housing assistance and employment/educational services. This approach allows people to get the services to address the underlying issues. Participants are often required to perform community service, which fosters community engagement.

Community Courts are collaborative, supportive, restorative and problem solving, whereas traditional courts are primarily adversarial, directive, punitive and treat the symptoms not the underlying cause.

The Court has convened a Community Court formation committee consisting of the following individuals: Tracey Dunlap (Deputy City Manager), Kevin Raymond (City Attorney), Tracy Jeffries (Court Administrator), Jeff MacNichols (Stewart, MacNichols, Harmell – Public Defenders), Sarah Roberts (Moberly, Roberts - Prosecutors), Lynn Moberly, (Moberly Roberts -

Prosecutors), Garrett Rutherford (Moberly Roberts - Prosecutors), Whitney Gardner (Valley Defenders), Marilyn Littlejohn (Community Court Coordinator), John Olson (Presiding Judge).

The first meeting was held in January 2020, but with the onset of the COVID pandemic, meetings were put on hold until September 2020. The committee is currently meeting every other Monday and the Kirkland Community Court is expected to begin operation in March 2021.

Forming a Community Court requires collaboration by a variety of parties and some of the key elements include effective roles for volunteers, a resource center providing easy access to needed services, and support of the prosecutors, public defenders, and Court and City administration. The City contracted with Marilyn Littlejohn, former Community Court Administrator in Burien, to help create the infrastructure for the Kirkland program and serve as the initial Community Court Coordinator. Marilyn will be presenting additional background on Community Courts and Kirkland's preparation as part of the Study Session. The draft presentation is included as Attachment H and more in-depth information on the Community Court begins on slide 13. Outreach to the community is expected to begin in mid-January.

In preparation for implementation, the Court has prepared a number of the supporting documents which are included as attachments for reference in advance of the Study Session:

- Attachment B – Volunteer Job Descriptions
- Attachment C – Eligible Offenses
- Attachment D – Draft Intake Form
- Attachment E – Draft Intake Recommendations
- Attachment F – Draft Participant's Service Plan
- Attachment G - Virtual Resource Center
- Attachment H – Draft Presentation for Study Session

These materials and the presentation are intended to provide background information for the study session. Judge Olson is looking forward to the dialog with the City Council and hopes to answer questions and gather feedback to help inform the Court's course in 2021.

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General Rules

General Rule 29

PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT

(a) Election, Term, Vacancies, Removal and Selection Criteria - Multiple Judge Courts.

(1) Election. Each superior court district and each limited jurisdiction court district (including municipalities operating municipal courts) having more than one judge shall establish a procedure, by local court rule, for election, by the judges of the district, of a Presiding Judge, who shall supervise the judicial business of the district. In the same manner, the judges shall elect an Assistant Presiding Judge of the district who shall serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge and who shall perform such further duties as the Presiding Judge, the Executive Committee, if any, or the majority of the judges shall direct. If the judges of a district fail or refuse to elect a Presiding Judge, the Supreme Court shall appoint the Presiding Judge and Assistant Presiding Judge.

(2) Term. The Presiding Judge shall be elected for a term of not less than two years, subject to reelection. The term of the Presiding Judge shall commence on January 1 of the year in which the Presiding Judge's term begins.

(3) Vacancies. Interim vacancies of the office of Presiding Judge or Acting Presiding Judge shall be filled as provided in the local court rule in (a)(1).

(4) Removal. The Presiding Judge may be removed by a majority vote of the judges of the district unless otherwise provided by local court rule.

(5) Selection Criteria. Selection of a Presiding Judge should be based on the judge's 1) management and administrative ability, 2) interest in serving in the position, 3) experience and familiarity with a variety of trial court assignments, and 4) ability to motivate and educate other judicial officers and court personnel. A Presiding Judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court.

Commentary

It is the view of the committee that the selection and duties of a presiding

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judge should be enumerated in a court rule rather than in a statute. It is also our view that one rule should apply to all levels of court and include single judge courts. Therefore, the rule should be a GR (General Rule). The proposed rule addresses the process of selection/removal of a presiding judge and an executive committee. It was the intent of the committee to provide some flexibility to local courts wherein they could establish, by local rule, a removal process. Additionally, by delineating the selection criteria for the presiding judge, the committee intends that a rotational system of selecting a presiding judge is not advisable.

(b) Selection and Term - Single Judge Courts. In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office.

(c) Notification of Chief Justice. The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge to the Chief Justice of the Supreme Court within 30 days of election.

(d) Caseload Adjustment. To the extent possible, the judicial caseload should be adjusted to provide the Presiding Judge with sufficient time and resources to devote to the management and administrative duties of the office.

Commentary

Whether caseload adjustments need to be made depends on the size and workload of the court. A recognition of the additional duties of the Presiding Judge by some workload adjustment should be made by larger courts. For example, the Presiding Judge could be assigned a smaller share of civil cases or a block of time every week could be set aside with no cases scheduled so the Presiding Judge could attend to administrative matters.

(e) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

(2) Assign judicial officers to hear cases pursuant to statute or rule.

The court may establish general policies governing the assignment of judges;

- (3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;
- (4) Develop and coordinate statistical and management information;
- (5) Supervise the daily operation of the court including:
 - (a) All personnel assigned to perform court functions; and
 - (b) All personnel employed under the judicial branch of government, including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and
 - (c) The court administrator, or equivalent employee, who shall report directly to the Presiding Judge.

Commentary

The trial courts must maintain control of the working conditions for their employees. For some courts this includes control over some wage-related benefits such as vacation time. While the executive branch maintains control of wage issues, the courts must assert their control in all other areas of employee relations.

With respect to the function of the court clerk, generally the courts of limited jurisdiction have direct responsibility for the administration of their clerk's office as well as the supervision of the court clerks who work in the courtroom. In the superior courts, the clerk's office may be under the direction of a separate elected official or someone appointed by the local judges or local legislative or executive authority. In those cases where the superior court is not responsible for the management of the clerk's office, the presiding judge should communicate to the county clerk any concerns regarding the performance of statutory court duties by county clerk personnel.

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

- (6) Supervise the court's accounts and auditing the procurement and disbursement of appropriations and preparation of the judicial district's annual budget request;
- (7) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the judicial district;
- (8) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;

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(9) Supervise the preparation and filing of reports required by statute and court rule;

(10) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge to serve in this capacity;

Commentary

This provision recognizes the Presiding Judge as the official spokesperson for the court. It is not the intent of this provision to preclude other judges from speaking to community groups or executive or legislative branches of state or local government.

(11) Preside at meetings of the judicial officers of the district;

(12) Determine the qualifications of and establish a training program for pro tem judges and pro tem court commissioners; and

(13) Perform other duties as may be assigned by statute or court rule.

Commentary

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out his/her responsibilities. There has been some comment that individual courts should have the ability to change the "duties and general responsibilities" subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

- . It would create many "Presiding Judge Rules" all of which are different.
- . It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel.
- . It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges.

The Unified Family Court subgroup of the Domestic Relations Committee suggested the presiding judge is given specific authority to appoint judges to the family court for long periods of time. Again the committee has not addressed the proposal; however, subsections (e) and (f) do give the presiding judge broad powers to manage the judicial resources of the court, including the assignment of judges to various departments.

(g) Executive Committee. The judges of a court may elect an executive committee consisting of other judicial officers in the court to advise the

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 Presiding Judge. By local rule, the judges may provide that any or all of the responsibilities of the Presiding Judge be shared with the Executive Committee and may establish additional functions and responsibilities of the Executive Committee.

Commentary

Subsection (g) provides an option for an executive committee if the presiding judge and/or other members of the bench want an executive committee.

(h) Oversight of judicial officers. It shall be the duty of the Presiding Judge to supervise judicial officers to the extent necessary to ensure the timely and efficient processing of cases. The Presiding Judge shall have the authority to address a judicial officer's failure to perform judicial duties and to propose remedial action. If remedial action is not successful, the Presiding Judge shall notify the Commission on Judicial Conduct of a judge's substantial failure to perform judicial duties, which includes habitual neglect of duty or persistent refusal to carry out assignments or directives made by the Presiding Judge, as authorized by this rule.

(i) Multiple Court Districts. In counties that have multiple court districts, the judges may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(j) Multiple Court Level Agreement. The judges of the superior, district, and municipal courts or any combination thereof in a superior court judicial district may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(k) Employment Contracts. A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court rules.

[Adopted effective April 30, 2002; amended effective May 5, 2009.]

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RECORDS

Case Records
 Caseload Reports
 Court Dates

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 to Operations
 Court Forms

TRANSLATIONS

中文形式/Chinese
 한국어서류/Korean
 Русский/Russian
 Español/Spanish

Judicial Information
System (JIS)
JIS LINK
Odyssey Portal
Records Requests

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Volunteer Position Description

Title: Community Court Administrative Assistants: Court Room Note Taker (Virtual) Resource Center Moderator (Virtual)

Department: Kirkland Municipal Court

Reports to: TBD, Community Court Coordinator

Purpose: To support accurate record-keeping of Community Court and Resource Center activities.

Duties (All duties are performed virtually via zoom, phone or email):

For Court Room Note Taker

- Prior to each court hearing, obtain from Court Coordinator and review weekly the Community Court Calendar
- For each court participant, note the court actions taken, as well as what is required of the court participant
- After each court hearing, turn notes into the Court Coordinator

For Resource Center Moderator

- Provide a warm welcome to whomever visits the Resource Center.
- When providers check in at the Resource Center, make a note of their presence and assign them to their break out room. Turn in the attendance sheet to the Court Coordinator when the Resource Center closes for the day.
- As visitors to the Resource Center arrive, tally the number of visitors. Turn in the tally sheet to the Court Coordinator when the Center closes for the day.
- When visitors arrive ask how you can assist them.
 - If they know the name of the provider (person or organization) and the provider is available, send them to the provider's break out room.
 - If don't know the name of the provider (person or organization) who can assist them, send them to the break out room of an available Resource Center Navigator.

Required Qualifications:

- Must be available Wednesday afternoons (1:00 p.m. to 4:00 pm) on a weekly basis
- Project a professional image/positive attitude
- Enjoy working with the public
- Good oral and written communication skills in English; yet, bi-lingual skills welcomed.
- Commitment/experience in providing customer service
- Ability to maintain calm in stressful situations
- Willingness to learn all procedures/protocols
- Comfortable with interactions occurring virtually via zoom, phone or email.
- Must have access to a computer, the Internet and Basic Microsoft Office and Zoom software products
- Must be minimum of age 21
- Ability to successfully complete criminal history/background check, interview(s) and reference checks

**Proposed
-for HR review-**

Physical Requirements:

- Must be able to sit or stand during assigned duties

Time Required:

- 3-hour weekly shift
- Able to commit to at least 12 months

>> Training and coaching will be provided, including the use of Zoom

Position Description reviewed and understood

Volunteer Signature: _____

Volunteer Name: _____

Date: _____



Volunteer Position Description

Title: Community Court Navigators – Court Room & Resource Center (Virtual)

Department: Kirkland Municipal Court

Reports to: TBD, Community Court Coordinator

Purpose: To help court participants and resource center visitors identify and access the service providers that can help them address their concerns for service.

Duties (All duties are performed virtually via zoom, phone or email):

For Court Room Navigator

- Conduct orientation about the community court weekly for defendants on court calendar observing community court for the first time
- Meet with defendants after they have opted into community court / signed their Stipulated Order of Continuance (SOC) to
 - Provide them with and review a Participant's Packet
 - Review with them their options for the service requirements identified in the SOC
 - Help them develop an action plan to fulfil the service requirements
 - Touch bases with them weekly thereafter to help monitor their progress, provide them encourage and offer additional assistance, as need.
- Report back to the Court staff / Coordinator about the progress the participant is making.
- Attend monthly operations team meetings, which occur, generally, an hour before Community Court.
- Attend weekly pre-court briefings, which occur, generally, 30 minutes before Community Court.

For Resource Center Navigator

- Check in with providers to know who is present each week.
- Greet Center visitors when they enter the center
 - If the visitors are court participants and not accompanied by a court navigator, ask them if you can look at their SOC or their Participant's Packet to help them identify the providers that can help them.
 - If the visitors are non-court participants, ask them how you might help them and provide the guidance and / or direct them to the appropriate providers
 - If possible, introduce the participants to each provider they want to see
 - Weekly, thereafter, touch bases with returning visitors to offer encouragement and guidance
- Assist visitors with completing applications for services or benefits, as appropriate.
- Attend monthly operations team meetings which occur, generally, an hour before Community Court.

**Proposed
-for HR review-**

Required Qualifications:

- Must be available Wednesday afternoons (1:00 p.m. to 4:00 pm) on a weekly basis
- Project a professional image/positive attitude
- Enjoy working with the public
- Good oral and written communication skills in English; yet, bi-lingual skills welcomed.
- Commitment/experience in providing customer service
- Ability to maintain calm in stressful situations
- Willingness to learn all procedures/protocols
- Comfortable with interactions occurring virtually via zoom, phone or email.
- Must have access to a computer, the Internet and Basic Microsoft Office and Zoom software products
- Must be minimum of age 21
- Ability to successfully complete criminal history/background check, interview(s) and reference checks

Other Qualifications:

- Human or social services background helpful, though not necessary

Physical Requirements:

- Must be able to sit or stand during assigned duties

Time Required:

- 3-hour weekly shift
- Able to commit to at least 12 months

>>Training and coaching will be provided, including the use of Zoom

Position Description reviewed and understood

Volunteer Signature: _____

Volunteer Name: _____

Date: _____

Kirkland Community Court: Eligible Offenses

Revision 10/19/20

General Eligibility – participant cannot have any violent felony convictions within the last 5 years or pending violent felony charges; no sexual offense convictions.

Eligible	Possibly Eligible	Not Eligible
Theft 3	Assault 4 DV	Any DV-Intimate Partners
Possession of Stolen Property	Malicious Mischief DV	Assault 4-Sexual Motivation
Criminal Trespass 1 & 2	Indecent Exposure	Hit & Run
Assault 4	Reckless Endangerment	Animal Cruelty
Resisting Arrest	Urinating in Public	DUI
Disorderly Conduct	Possession of Firearms/Dangerous Weapons	Physical Control
Possession of Drug Paraphernalia	Minor in Possession	DWLS 1 st & 2 nd Degree
Malicious Mischief		Reckless Driving
Park Charges -KMC 11.80.140 (camping areas) - KMC 11.80.250 (in park after hours)		Negligent Driving
Vehicle Prowl		DWLS 3 rd Degree
Making or Having Burglary Tools		
Anti-Harassment Violations		
Obstruction of a Law Enforcement Officer		
Making False Statement		
Resisting Arrest		
Prostitution		
Reckless Burning		
Urinating in Public		
Possession of Firearms/Dangerous Weapons		
Reckless Endangerment		
DWLS 3 rd Degree		
Minor in Possession		

Process:

- Community Court cases are identified at filing by prosecution at filing and communicated with defense. Defense can also request for a case to be considered for Community Court at arraignment.
- Arraignment will continue to happen in mainstream court. Defense will explain Community Court model to participant and reiterate change in location (location listed on hearing notice).
- 1st hearing in Community Court is coded as a courtesy hearing. Defense will speak with defendant and see if they are interested in returning for screening. If so, this this needs to be communicated with Coordinator and/or Screener. Screening appointment can also be made directly for the following calendar.
- 2nd hearing will be opt-in/opt-out where an SOC is signed or the person is returned to the mainstream.

Section 1: Basic Information

Today's Date: ___/___/___	Language: _____	Interpreter: Y N
Name: _____	Gender: Male Female Other	Military/Former: Y N
Marital Status: - Married/ Living as Married - Divorced - Separated - Widowed - Never Married - Chose Not to Respond Number Children Under 18 Years Living with You _____	Race: - Black - White - Asian - Native American/Alaskan Native - Other - Chose Not to Respond	Ethnicity: - Hispanic - Non- Hispanic
		DOB: _____
Mailing Address: _____ City _____ State _____ Zip Code _____ Email: _____ Phone Number: _____ Work/Personal? _____ Does this line call, text, or both? _____ Smart Phone? _____ Preferred Method of Contact: EMAIL / TEXT / PHONE CALL		

Section 2: Housing Information

<p style="text-align: center;">Where do you live?</p> <ul style="list-style-type: none"> - House / Apartment – Own or Rent or Permanent Supportive - Subsidized Housing – Section 8 - Adult / Group Home - Homeless <ul style="list-style-type: none"> ○ Transitional Housing ○ Emergency Shelter / Hotel / Motel ○ Staying with others (not paying rent) ○ Car 	<p style="text-align: center;">Length of Residence</p> <ul style="list-style-type: none"> - Less than a month - 1-3 months - 3 months -1 year - Longer than a year <p>Any Landlord / Tenant Issues?</p> <p>Do you have challenges paying rent?</p>
---	---

Section 3: Education & Employment

Highest Level of Education Completed (Circle)

- Some High School
- High School Diploma / GED
- Some College
- Technical Degree / Certificate _____
- AA Degree _____
- Bachelor’s Degree _____
- Graduate / Professional Degree _____

Current Employment Situation:

FT PT Self Retired Not Working

For How Long:

- Less than a month - 3 months to a year
- 1 – 3 months - More than a year

What type of work do you do or in what industry do you work?

Would you like to continue to work in this area?

If given the opportunity to work in another field, what would you do?

Section 4: Transportation

- **What is your primary form of transportation? Transit, Private Auto....**
- **Do you have an ORCA Card? Would you like one?**
- **Do you have concerns with:**
 - Auto Insurance
 - Driver’s License (expired)
 - Other

Section 5: Health

Health Insurance:
 Medicaid Private Medicare None

Do you have a primary care doctor? Y N DK

Who/Where? _____

When did you last see your doctor? _____

Do you have a disability or other health concerns for yourself or family that you might like to have help with?

Section 6: Behavioral Health

Have you ever been diagnosed with a Mental Health condition? Y N

Did you receive care for that diagnosis? Y N

Are you in the care of a mental health professional now?

No

Yes: Case Mgmt Medication Both

Do you feel you could possibly benefit from mental health care? Y N

What is your drug of chose?

When was the last time you consumed drugs or alcohol?

Have you ever received care for SUD? Y N

What kind of care? When?

Inpatient _____

Outpatient:

Group Mtgs/Counseling _____

MAT _____

Have you had a traumatic brain injury? Y N

Do you gamble, if yes, how often? _____

Do you have a family history of Alcohol /Drug Use/ Mental Illness? Y N

Who?

Notes:

Section 7: Other

Would you like some help with any of the following?

- Food
- Immigration
- Credit
- Legal Issues
- Child Support (Receiving or Owing)
- Family/Domestic Violence
- ID Card
- Child Care
- Other _____

What reasons do you feel contributed to the offense you are here for?

Primary Source of Income (Circle All That Apply):

Wages/Salary Public Assistance Disability /SSDI SSI Unemployment Benefits
Retirement/ Pension VA Alimony Child Support Worker' Comp

Estimated Gross Monthly Household Income: _____

DRAFT

Kirkland Community Court

Intake Recommendations

	Service Areas	Description of Service Areas
	Special Population Services	Check into additional services support based on your population group. <ul style="list-style-type: none"> <input type="checkbox"/> Veterans <input type="checkbox"/> Disability <input type="checkbox"/> Senior <input type="checkbox"/> Young Adults (18-24)
	Housing / Emergency Services	<ul style="list-style-type: none"> <input type="checkbox"/> <u>Housing Assistance/Programs</u>: Access to longer term housing and housing subsidies, including rental assistance <input type="checkbox"/> <u>Emergency Services, Food, Shelter</u>: Access to help with immediate needs such as housing and food. <input type="checkbox"/> <u>DSHS Cash Assistance for</u>: Access to ID replacement, child care, medical care, refugees, disabled persons, seniors <input type="checkbox"/> <u>DSHS Programs</u>: Access to HEN, SNAP, TANF, BFET, PWA, Child Support Services
	Education Services	Assistance with finishing/furthering your education and funding opportunities. E.g. GED/HS/college completion
	Work Training Services	Access to trade training, internships or work programs
	Employment Readiness Services	<ul style="list-style-type: none"> <input type="checkbox"/> Access to help with resumes, interviewing, job searching and/or job placement. <input type="checkbox"/> Access to TANF and BFET readiness programs
	Transportation Services	Access to Orca Lift, shuttles, transportation planning assistance.

	Health / Medical Services	Access to help with health insurance, transportation to medical appointments, and/or medical/dental care.
	Behavioral Health Services	<p><u>Substance Use Disorder Treatment:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Get a substance use disorder assessment and follow treatment recommendations. <input type="checkbox"/> Currently in Treatment: Sign an ROI for current treatment provider to report to Community Court. <p><u>Mental Health Care:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Currently in Treatment/Counseling: Sign an ROI for current treatment provider to report to Community Court through IKRON. <input type="checkbox"/> Get a mental health assessment and follow treatment recommendations. (Apple Health or no health insurance) <input type="checkbox"/> Find a counselor/therapist and provide proof of attendance. (Private health insurance)
	\ Other Services	<ul style="list-style-type: none"> <input type="checkbox"/> <u>DSHS/Cash Assistance for:</u> ID replacement, child care, medical care, refugees, disabled persons, seniors <input type="checkbox"/> <u>DSHS Programs:</u> HEN, SNAP, TANF, BFET, PWA, Child Support Services <input type="checkbox"/> <u>Legal and Dispute Resolution:</u> Inquire about civil legal matters: renting contracts, debts, and non-criminal legal issues.

COMMUNITY COURT PARTICIPANT'S SERVICE PLAN

Note: this will be a part of the agreement the court participant signs.

Required	Services to Access:	
○	<p>Special Population Services: Check into additional services support based on your population group.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Veterans <input type="checkbox"/> Disability <input type="checkbox"/> Senior <input type="checkbox"/> Young Adults (18-24) 	
○	<p>Housing / Emergency Services</p> <ul style="list-style-type: none"> <input type="checkbox"/> <u>Housing Assistance/Programs</u>: Access to longer term housing and housing subsidies, including rental assistance <input type="checkbox"/> <u>Emergency Services, Food, Shelter</u>: Access to help with immediate needs such as housing and food. <input type="checkbox"/> <u>DSHS Cash Assistance for</u>: Access to ID replacement, child care, medical care, refugees, disabled persons, seniors <input type="checkbox"/> <u>DSHS Programs</u>: Access to HEN, SNAP, TANF, BFET, PWA, Child Support Services 	
○	<p><u>Education Services</u>: Assistance with finishing/furthering your education and funding opportunities. E.g. GED/HS/college completion</p>	
○	<p><u>Work Training Services</u>: Access to trade training, internships or work programs</p>	
○	<p><u>Employment</u>: Inquire about help with resumes, interviewing, job searching and/or job placement.</p>	
○	<p><u>Transportation Services</u>: Access to Orca Lift, shuttles, transportation planning assistance.</p>	
○	<p><u>Health/Medical Care</u>: Inquire about health insurance, transportation to medical appointments, and/or medical/dental care.</p>	
○	<p><u>Mental Health Care</u>:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Currently in Treatment/Counseling: Sign an ROI for current treatment provider to report to Community Court through IKRON. <input type="checkbox"/> Get a mental health assessment and follow treatment recommendations. <i>(Apple Health or no health insurance)</i> <input type="checkbox"/> Find a counselor/therapist and provide proof of attendance. <i>(Private health insurance)</i> 	
○	<p><u>Substance Use Disorder Treatment</u>:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Get a substance use disorder assessment and follow treatment recommendations. <input type="checkbox"/> Currently in Treatment: Sign an ROI for current treatment provider to report to Community Court. 	
○	<p><u>Other Services</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> <u>Legal and Dispute Resolution</u>: Inquire about civil legal matters: renting contracts, debts, and non-criminal legal issues. 	

	<ul style="list-style-type: none"> <input type="checkbox"/> <u>DSHS/Cash Assistance for:</u> ID replacement, child care, medical care, refugees, disabled persons, seniors <input type="checkbox"/> <u>DSHS Programs:</u> HEN, SNAP, TANF, BFET, PWA, Child Support Services 	
<p><input type="radio"/></p>	<p><u>Specialized Services:</u> Check into additional services support based on your status.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Veterans <input type="checkbox"/> Disability <input type="checkbox"/> Senior <input type="checkbox"/> Young Adults (18-24) 	
<p><input type="radio"/></p>	<p><u>Other Services:</u></p> <hr/> <hr/> <hr/> <hr/>	

King County Community Court Virtual Resource Centers: Agencies, Services and Schedule
Tuesdays 1:30-3pm & Wednesdays 2-4pm
[HTTPS://TINYURL.COM/VIRTUALRESOURCECENTER](https://tinyurl.com/virtualresourcecenter)

ATTACHMENT G

Type of Service	Agency	Programs/Services	Contact	VRC Day/Time:
Employment and Education	Shoreline Community College	Info/Aid for College and Professional/Technical Courses, GED, ESL, Workforce Education program, United Way benefits hub	Laura Drake: Community Resource Navigator for Able-Bodied Adults Without Dependents & Workforce Education 206-705-8737 ldrake@shoreline.edu	Tuesdays 1:30-3pm
	Lake Washington Technical College	Professional/Technical Programs, Workforce Funding Programs	Hamza Abdulrahman: Workforce Funding Outreach Specialist 425-739-8100 x8671 Hamza.Abdulrahman@lwtech.edu	Tuesdays 1:30-3pm Wednesdays 2-4pm
	Bellevue College	Workforce Education Program: Info/Aid for College and Professional/Technical Courses.	Steven Will, Workforce Education 425-564-4108 stephen.will@bellevuecollege.edu	Wednesdays 2-4pm
	Cascadia Community College	Workforce Education Program: Info/Aid for College and Professional/Technical Courses. Basic Ed for adults (ESL, GED, HS21+).	Katie Rousso, Program Specialist, Workforce Education (425)-352-8472 krousso@cascadia.edu	Wednesdays 2-4pm
	Reconnect to Opportunity (youth 16-25)	Re-Opp works to get youth back on track towards high school completion, college and career.	Malcolm Lee, Outreach and Recruitment Manager (206) 409-6775 mallee@kingcounty.gov	1 st /3 rd Tuesdays 1:30-3pm 2 nd /4 th Wednesdays 2-4pm
	Pioneer Human Services	Roadmap to Success is our job-readiness program for individuals who are formerly justice involved, and are seeking gainful employment.	Rudy Community Outreach Coordinator 206-538-2666 Rudy@p-h-s.com	Tuesdays 1:30-3pm Wednesdays 2-4pm
	YWCA's Employment Program	YWCA Basic Food Employment and Training Program and Homeless Employment Program both serve individuals in need of job search assistance, resource allocation, and financial stability.	Ed Smith esmith@ywcaworks.org	Wednesdays 2-4pm
	King Co Library System	Help with online library cards, info about free educational and work training/info resources available online.	Jill Morrison morrison@kcls.org	Tuesdays 1:30-3pm Wednesdays 2-4pm

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Type of Service	Agency	Programs/Services	Contact	VRC Day/Time:
Food, Cash, Shelter, Transportation and Emergency Services	DSHS	Can answer questions regarding cash, food and some medical benefits. Applications at www.washingtonconnection.org	Eastside: Aminata Salisbury aminata.salisbury@dshs.wa.gov North Seattle: Michael Lee LeeMQ@dshs.wa.gov	1 st / 4 th Tuesday 1:30-3pm Wednesdays 2-4pm
	Public Health	Apple/Medicaid Health Insurance, ORCA LIFT card, Basic Food, and information on other community resources.	Eastside: Ben Huh bhuh@kingcounty.gov North Seattle: Claudia Sierra Claudia.Sierra@kingcounty.gov	Tuesdays 1:30-3pm Wednesdays 2-4pm
	hopelink	Info and possibly screening/referrals for financial assistance, food boxes and energy assistance, Family Development Case Management, Adult Education, Employment and Financial Capabilities programs.	Eastside: Jade Cooper JCooper@hopelink.org Shoreline: Jill Lehman jlehman@hopelink.org	2 nd / 4 th Tuesdays 1:30-3pm 1 st / 3 rd / 5 th Wednesdays 2-4
	Catholic Community Services	Housing Diversion counseling and Coordinated Entry for All Assessments.	Peno Mclean-Riggs JustineMR@ccsww.org	2 nd / 4 th Tuesdays 1:30-3pm
	Hopelink Transportation Services	Access to and help with OrcaLift and various transportation assistance programs.	North Seattle: Maggie Harger MHarger@hopelink.org Eastside: Camille Heatherly CHeatherly@hopelink.org	2 nd / 4 th Tuesdays 1:30-3pm 1 st / 3 rd / 5 th Wednesdays 2-4pm
	Hospitality House	Hospitality House is a 90-day shelter program providing onsite case management. We serve single, adult women who are: Clean and sober 30+ days, not currently fleeing domestic violence and physically able to perform light chores. Potential participants can complete a screening at the VRC and then discuss next steps.	Kim Baggione kim.hospitalityhouse@gmail.com	2 nd / 4 th Wednesdays 2-4pm

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Type of Service	Agency	Programs/Services	Contact	VRC Day/Time:
Local Redmond/ Eastside Services	Redmond Homeless Outreach	Help for Eastside folks experiencing homelessness to find services and housing.	Tisza Rutherford trutherford@redmond.gov 425-553-7093	Wednesdays 2-4pm
	Eastside Legal Assistance	Referrals to free legal advice and counsel at legal clinics to low-income residents of East King County. Legal services to victims of crime and domestic violence survivors; Know Your Rights Workshops and a quarterly Wills Clinic on the Eastside.	Christopher Lovings chris@elap.org	1 st /3 rd Wednesdays 2-4pm
	Friends of Youth (youth 16 to 25)	Friends of Youth Redmond Youth Service Center partners with youth (ages 16-25) to provide the resources and skills they need to attain success. This includes street-based outreach, emergency shelter, mental health and substance use counseling, case management, employment and education programs.	Kelli Lovins (Kelli@friendsofyouth.org), Veronica Escalante (Veronicae@friendsofyouth.org)	Every Wednesday
	Youth Eastside Services	Mental health counseling, substance use with co-occurring disorder counseling/treatment, early childhood behavioral health services, psychiatric services, school-based services, and education/prevention programs for children and youth, ages birth to 22, and their families in East King County.	Tina Hurtado TinaH@youtheastideservices.org	Every Wednesday
Local Shoreline Services	Shoreline Community Care	Help with rent and utility bills including move in for residents of Shoreline. We can also help anyone with referrals to other local resources.	Bill Bear flyingbear2@gmail.com	Tuesdays 1:30-3pm
	Lake City Partners	Advice and help for folks facing homelessness. Based at Seattle Mennonite Church 3120 NE 125th St. Seattle WA 98125 206-361-4630	Stanley Machokoto stanley@lakecitypartners.org	Tuesdays 1:30-3pm

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Type of Service	Agency	Programs/Services	Contact	VRC Day/Time:
Legal Resources	King Co Bar Association Records Project	Advice regarding previous convictions, legal financial obligations (LFOs) related to convictions, and assistance in vacating convictions.	Maria Jouravleva MariaJ@kcba.org	Tuesdays 1:30-3pm Wednesdays 2-4pm
	Northwest Justice Project	Access to many kinds of free civil legal aid.	Deborah Espinosa deborah.espinosa@nwjustice.org	2 nd /4 th Wednesdays 2-4pm
	DSHS Division of Child Support	Help both custodial and non-custodial parents with support around payments, including negotiation, suspension and enforcement as well as legal matters.	Jennifer Carlson Jennifer.Carlson2@dshs.wa.gov	Tuesdays 1:30-3:00 Wednesdays 2:00-3:30
Behavioral Health Services/ Treatment	IKRON Behavioral Health	Substance Use and Mental Health treatment and recovery programs. for folks on AppleCare/Medicaid.	North Seattle: Sarah Klein smelfi_klein@ikron.org Eastside: Lindey Ginther lginther@ikron.org	Tuesdays 1:30-3pm Wednesdays 2-4pm
	Ideal Option	Medication Assisted Treatment services for Substance Use Disorder.	Rose Symotiuk rosesymotiuk@idealooption.net	Tuesdays 1:30-3pm Wednesdays 2-4pm
	Therapeutic Health Services (THS)	Substance Use and Mental Health treatment and recovery programs.	Paula Wolf PaulaW@ths-wa.org Kathy Miller KathyM@ths-wa.org Bellevue Office #: (425) 747-7892	Tuesdays 1:30-3:00
	Pioneer Human Services	Addiction services and recovery Detox, Residential Treatment and Outpatient https://pioneerhumanservices.org/treatment/centers?tid=18 206-470-3856	Rudy Rudy@p-h-s.com	Wednesdays 2-4pm
Parenting/ Early Childhood Support	Kindering	Developmental screenings for children 0-5, connection to Early Intervention services, and resources for children and families.	Connie Weber Connie.Weber@kinding.org , Andrea Dickstein andrea.dickstein@kinding.org	Wednesdays 2-4pm
	DSHS	Cash, food and some medical benefits for families.	Eastside: Aminata Salisbury aminata.salisbury@dshs.wa.gov North Seattle: Michael Lee LeeMQ@dshs.wa.gov	1 st /4 th Tuesday 1:30-3pm Wednesdays 2-4pm

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Type of Service	Agency	Programs/Services	Contact	VRC Day/Time:
Health / Medical Care Services	Public Health	Food programs, medical care and health insurance for families.	Eastside: Ben Huh bhuh@kingcounty.gov North Seattle: Claudia Sierra Claudia.Sierra@kingcounty.gov	Tuesdays 1:30-3pm Wednesdays 2-4pm
	International Community Health Services	Information about ICHC medical/dental services, Wa Health Benefit Exchange enrollment and assistance, WA Connection applications.	Sabina Bagirova sabinab@ichs.com	Tuesdays 1:30-3pm
	Community Health Plan of Washington	CHPW is managed care for Apple Health. Can help with Apple Health eligibility and applications, and advise on CHPW benefits.	Ismahan Ali Ismahan.Ali@chpw.org	Tuesdays 1:30-3pm Wednesdays 2-4pm
	United Healthcare	Managed Care for Medicare/Medicaid: Find out about our Special Needs Plan that is for people who have Medicare Parts A & B and Medicaid with more benefits and features than original Medicare.	Melissa Anderson melissa_a_anderson@uhc.com	2 nd / 4 th Tuesdays 1:30-3pm 1 st / 3 rd Wednesdays 2-4pm
Veteran's Services	Washington State Dept of Veteran's Affairs	Veteran's Services: -connections to shelter and housing resources -ordering VA docs / checking healthcare eligibility -free PTSD counseling for veterans and their families -help with VA benefits- applying or appealing -advocacy in connecting with other programs -outreach to recently or currently incarcerated veterans - re-entry services for veterans who have been released from incarceration within the last 120 days.	Cathi Geisler Cathi.Geisler@DVA.WA.GOV	2 nd / 4 th Tuesdays 1:30-3pm 1 st / 3 rd Wednesdays 3-4pm
Recovery Support	Celebrate Recovery	Christian based 12 step program for any hang-up, habit, or hurt. Recovery from chemical dependency but also from multiple issues including mental health and trauma.	Bill Bear flyingbear2@gmail.com	Tuesdays 1:30-3pm
	AA/NA	Info about in-person and online AA/NA recovery groups.	Ernest Alston 206-578-1803	Wednesdays 2-4pm

Kirkland Municipal Court Update

Presentation to the Kirkland City Council
John Olson, Municipal Court Judge
Marilyn Littlejohn, Consultant
January 5, 2021

DRAFT

Municipal Court Overview

- ▶ Court of Limited Jurisdiction Elected position
- ▶ Adjudicates misdemeanor and gross misdemeanor cases
- ▶ Traffic
- ▶ Animal Control
- ▶ Parking/Moorage
- ▶ Misc. City ordinances
- ▶ School Zone
- ▶ Standard Probation Services and related programs



Municipal Court Case Types

- ▶ Misdemeanor and gross misdemeanor cases include:
 - ▶ DUI/Physical Control
 - ▶ Reckless Driving/Negligent Driving
 - ▶ DV Assaults/Assaults/Harassment
 - ▶ Theft/Criminal Trespass
 - ▶ Park Violations - MIP/Park after hours

Municipal Court Structure and Staffing

- ▶ Court has 18.75 budgeted FTEs:
 - ▶ Kirkland Municipal Court Judge (1): Elected presiding judge
 - ▶ Court Administrator (1): Tracy Jeffries - Oversees day-to-day operations
 - ▶ Assistant Court Administrator (1)
 - ▶ Probation Supervisor (1)
 - ▶ Probation Officers (2)
 - ▶ JSA II Leads (2, supplemented with 3 JSA IIs working as leads out of class due to COVID)
 - ▶ JSA II (10.75, including the 3 working out of class as leads)
- ▶ These positions are supplemented by the following one-time/contract resources:
 - ▶ 3 On-call JSA II due to vacancies/extended leave
 - ▶ Court Commissioner & Judge Pro Tem Judges (10)

Pro Tems: Current Judges

Valerie Shapiro



Scott Greer



Pro Tems: Newly Appointed

Jennifer Cruz



Risa Woo



Jeff Gregory



Renee Walls



Mali Barber



Jessica Giner



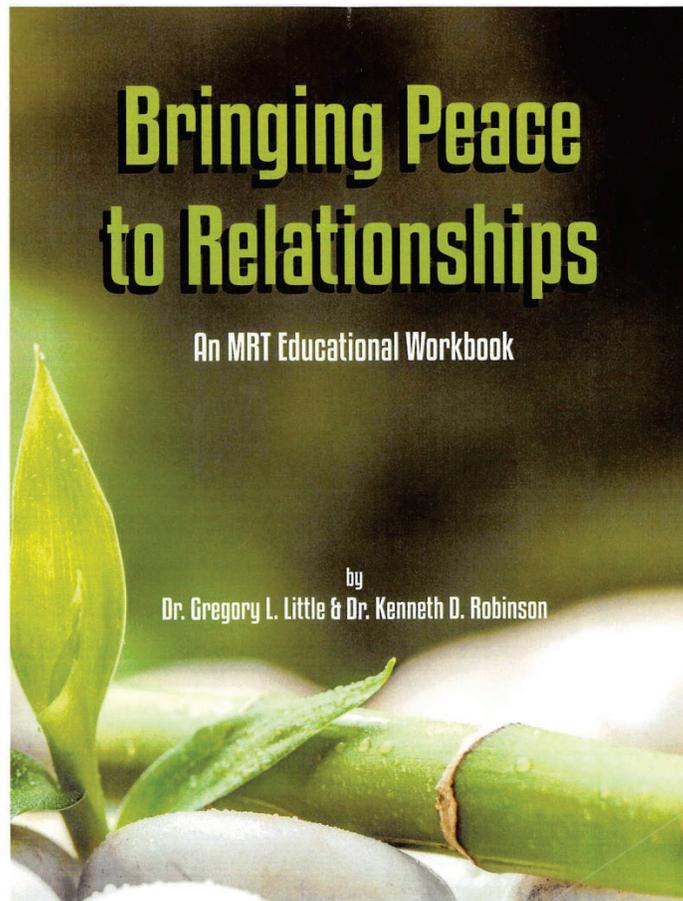
Kirkland Municipal Court Caseload Statistics from 2018-Present

MONTH/YEAR	Infraction Traffic	Infraction NonTraffic	Parking	DUI	Criminal Traffic	Criminal NonTraffic	Total	School *Zone
Kirkland								
Total 2018	3,896	45	14,378	174	344	606	19,643	
Total 2019	3,397	77	21,415	261	497	559	26,206	4,090
Jan/Nov 2020	2,068	34	19,476	94	227	409	22,308	3,481
Kirkland Total	9,361	156	55,269	529	1,268	1,574	68,157	7,571
Clyde Hill								
Total 2018	397	0	24	2	31	5	459	
Total 2019	525	0	11	4	28	6	574	
Jan/Nov 2020	253	0	0	2	17	10	282	
Clyde Hill Total	1,175	0	35	8	76	21	1,315	
Hunts Point								
Total 2018	1	0	2	0	0	0	3	
Total 2019	1	0	0	0	1	0	2	
Jan/Nov 2020	3	0	0	0	0	0	1	4
Hunts Point Total	5	0	2	0	1	1	9	
Medina								
Total 2018	45	2	37	4	14	8	110	
Total 2019	46	0	23	3	10	3	85	
Jan/Nov 2020	12	0	11	1	5	3	32	
Medina Total	103	2	71	8	29	14	227	
Woodinville								
Total 2018	434	9	129	9	51	70	702	
Total 2019	327	2	74	5	40	83	531	
Jan/Nov 2020	167	2	21	5	23	58	276	
Woodinville Total	928	13	224	19	114	211	1,509	
Yarrow Point								
Total 2018	13	0	46	0	1	3	63	
Total 2019	2	0	12	1	2	2	19	
Jan/Nov 2020	4	0	11	1	2	2	20	
Yarrow Point Total	19	0	69	2	5	7	102	
Total All Filings								
Total 2018	4,786	56	14,616	189	641	692	20,980	
Total 2019	4,298	79	21,535	274	578	653	27,417	
Jan/Nov 2020	2,507	36	19,519	103	274	483	22,922	
Total All Filings	11,591	171	55,670	566	1,493	1,828	71,319	7,571

*2020 stats are only through November month end.

** School stats are only from the start of the program in October 2019 to March 2020 when COVID hit.

Example of
Current
Innovative
Programs



MRT Domestic Violence Program

Moral Reconciliation Therapy - MRT Domestic Violence Program

- ▶ MRT is a cognitive - behavioral program designed to change how batterers think (belief systems) therefore leading to changing the batterers' behaviors from any types of abuse whether it is physical, emotional, or financial to behaviors which include equality and acceptance.
- ▶ One of the major goals of the program is to increase the oral reasoning levels of participants
- ▶ Conation is closely associated with the use of will or the freedom to make choices about what to do. It is critical if an individual is to successfully engage in self-direction, self-regulation, and possess intentionality in behavior.

The Moral Reconciliation Therapy Batterer Program, *Bringing Peace to Relationships:*

- ▶ is a power and control program designed to conform to the required minimum state standards
- ▶ is operationalized in an open-ended group and workbook driven format which can be formatted to be completed in 26 or 52 sessions
- ▶ all groups are facilitated by a trained facilitator (all Facilitators attend a required 32-hour training in the model)

COVID-19 Impacts

- ▶ Shutdown mid-March when the Governor enacted his stay-at-home Order
- ▶ Closed lobby to the public
- ▶ At the beginning of the pandemic, the court staff was divided into two teams to prevent chance of exposure that could close the court
- ▶ Initially handled only in custody cases and new DV/DUI arrests



COVID-19 Impacts

- ▶ ZOOM - Requirement that courts must be open to the public, court went to broadcasting hearings via Zoom
 - ▶ Mid-April began expanding calendars through Zoom
 - ▶ Mid-May returned to normal in-office staffing
 - ▶ Able to conduct all hearings via Zoom with the exception of jury trials and complicated motions
 - ▶ With the assistance of Facilities and Emergency Management team, the Court was able to schedule the first jury trial in October

- ▶ With the significant spike in COVID cases, all jury trials were continued in November and December



COVID-19 Impacts

- ▶ OCourt
 - ▶ Electronic document case management system and court scheduling system
 - ▶ Started in Mid-October
- ▶ Laserfiche - Document management system
 - ▶ Projected to be installed and running by the end of January 2021

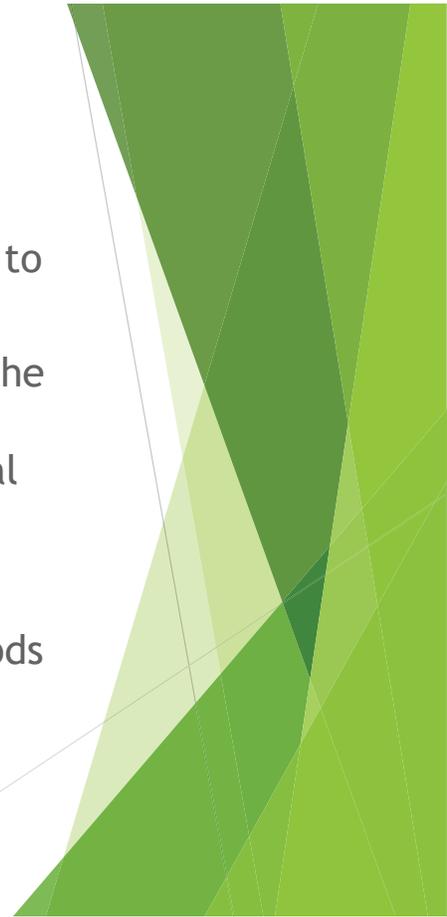


Community Court

- ▶ Concept: An alternative problem-solving court that seeks to go beyond punitive actions to identify and address the underlying challenges of court participants that may contribute to further criminal activity
- ▶ Community Courts are collaborative, supportive, restorative and problem solvers, whereas traditional courts are adversarial, directive, punitive and treat the symptoms not the underlying cause
- ▶ Formation Committee
 - ▶ Tracey Dunlap, Kevin Raymond, Tracy Jeffries, Jeff MacNichols (Stewart, MacNichols, Harmell), Sarah Roberts (Moberly, Roberts), Lynn Moberly (Moberly Roberts), Garrett Rutherford (Moberly Roberts), Whitney Gardner (Valley Defenders), Marilyn Littlejohn (Community Court Coordinator), John Olson
- ▶ First meeting held in January 2020, but with the onset of the COVID pandemic, meetings were put on hold until September 2020. Committee is currently meeting every other Monday

What Is a Community Court

- ▶ Similar to Mental Health or Drug Courts, a Community Court is a problem-solving court that offers alternatives to incarceration.
- ▶ It promotes public safety by identifying and addressing the underlying quality of life challenges court participants face that may contributed to their misdemeanor criminal activity.
- ▶ It offers compassionate accountability.
- ▶ Its goals include building stronger and safer neighborhoods and reducing recidivism.



Key Principles of Community Courts

- ▶ **Accountability (to Community & Court)**
 - ▶ Service Projects
 - ▶ Stipulated Order of Continuance
 - ▶ Weekly Check-in
 - ▶ Incentives & Sanctions
- ▶ **Individualized Justice (Compassion)**
 - ▶ Shift from jail & fines to services (that deal with underlying quality of life issues)
- ▶ **Community Involvement**
 - ▶ Location of Court & Resource Center
 - ▶ Service Projects
 - ▶ Service Providers
 - ▶ Volunteers
 - ▶ General Public - Court Visitors / Impact Panels
- ▶ **Collaboration**
- ▶ **Stability & Progress (not Perfection)**

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What Types of Crimes Will Be Heard in the City of Kirkland Community Court

Non-Violent, Misdemeanor Crimes, examples:

- ▶ Theft 3
- ▶ Possession of Stolen Property
- ▶ Criminal Trespass 1 & 2
- ▶ Resisting Arrest
- ▶ Disorderly Conduct
- ▶ Possession of Drug Paraphernalia
- ▶ Camping in Park / In Park after Hours
- ▶ Vehicle Prowl
- ▶ Making or Having Burglary Tools
- ▶ Prostitution

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Eligibility Criteria for the Kirkland Community Court?

Community court participants must not have any violent felony convictions in the last five years; any pending violent felony charges; or a sex offender history.



How Will the City of Kirkland Community Courts Work?

- ▶ During arraignment in traditional court, eligible defendants will be offered an opportunity to participate in Community Court
- ▶ After observing Community Court, the eligible defendants may volunteer to opt-into or participate in Community Court.
- ▶ To opt-in, the participants must complete three actions
 - ▶ Complete a needs assessment
 - ▶ Sign an Stipulated Order of Continuance (SOC)
- ▶ When participants fully comply with the SOC, the charges against them will be dismissed with prejudice.
- ▶ When participants do not comply with the SOC, the judge will review the case reports as filed, without testimony or witnesses, and make determination of

DRAFT guilt or innocence.

Key Elements of SOC's in Community Court

- ▶ Agreements Made by the Court Participant
 - ▶ Weekly attendance at Community Court
 - ▶ Refraining from any additional violations of law
 - ▶ Completion of specified hours of community service
 - ▶ Compliance with the treatment and social services plan

- ▶ Agreement by City to Dismiss the Case(s) with Prejudice Upon Fulfilment of the SOC

- ▶ Acknowledgement by Court Participant of Certain Constitutional Rights and How the Case Would Be Disposed Were the SOC Violated

- DRAFT
▶ Waiver of Rights Acknowledge by the Court Participant

Community Resource Center

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Community Resource Center Models

In-Person, Co-located with the Community Court

Virtual, via Zoom and Phone

Hybrid: In- Person + Virtual



What Services Will Be Available at the Community Resource Center

- ▶ Employment & Education
- ▶ Food, Cash, Transportation & Other Emergency Services
- ▶ Health and Medical Care
- ▶ Legal Resources
- ▶ Behavioral Health Services
- ▶ Veterans Services
- ▶ Local Eastside Services

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Community Resource Center Operations

- ▶ Opens March 2021
- ▶ Open to any person in the community. Court-involvement is not a requirement
- ▶ Open one afternoon a week for two hours
- ▶ Volunteers (Moderator and / or Navigator) will be available to assist visitors

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Community Courts Provide Opportunity

They Treat Me Like A Person

(1:06 to 4:56)

Participants Do the Work

DRAFT





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: David Wolbrecht, Senior Neighborhood Services Coordinator

Date: December 30, 2020

Subject: Martin Luther King, Jr. Day of Service Proclamation

RECOMMENDATION:

That the Mayor proclaim January 18, 2021 as Martin Luther King, Jr. Day of Service in the City of Kirkland.

BACKGROUND DISCUSSION:

Martin Luther King, Jr. Day is an American Federal and Washington State holiday commemorating the birthday of the Reverend Dr. Martin Luther King, Jr. The holiday was signed into law on November 2, 1983, by President Ronald Reagan. The Martin Luther King, Jr. Day holiday is observed on the third Monday of January each year. Dr. King's birthday is January 15.

In 1994, Congress initiated the King Holiday and Service Act, challenging Americans to transform the King Holiday into a day of community volunteer service in honor of Dr. King. The Act was signed into law by President Bill Clinton on August 23, 1994. Day of Service activities are organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation.

The tragic killing of George Floyd by a Minneapolis police officer in May of 2020, and the subsequent marches and protests for social justice of the past year were important reminders of racism and inequality that persists in society. On August 4, 2020, the City of Kirkland passed legislation (R-5434) affirming that Black lives matter and that Kirkland will create a community where Black people feel safe and respected. By initiating actions in R-5434 to examine and dismantle institutional and structural racism in Kirkland, Kirkland strives to achieve Dr. King's dream of a society where people "will not be judged by the color of their skin but by the content of their character."

By proclaiming January 18, 2021, the Martin Luther King, Jr. Day of Service, all Kirkland residents and businesses will be encouraged to serve their neighbors and community on this day and throughout the year.



A Proclamation of the City of Kirkland

Proclaiming January 18, 2021 as

"Martin Luther King, Jr. Day of Service" in Kirkland

WHEREAS, the Rev. Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice, and opportunity for all, challenged all residents to help build a more perfect union and live up to the purpose and potential of America, and his teachings continue to guide and inspire us in addressing challenges in our own communities; and

WHEREAS, in 1994 Congress initiated the King Holiday and Service Act, a nationwide effort to transform the federal holiday honoring the Rev. Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King's teachings, that helps solve social problems while focusing on bringing people together and breaking down the barriers that have divided us as a nation; and

WHEREAS, racism and inequality persists in our society and since the tragic killing of George Floyd by a police officer on May 25, 2020 in Minneapolis, Minnesota, there have been dozens of protests, marches and rallies in Kirkland calling for an end to structural racism and for the City of Kirkland to demonstrate that Black lives matter; and

WHEREAS, on August 4, 2020, the City of Kirkland passed Resolution R-5434 affirming that Black lives matter and committing to examining and dismantling institutional and structural racism in Kirkland, which must happen if we are to achieve Dr. King's dream of a society where people "will not be judged by the color of their skin but by the content of their character"; and

WHEREAS, engaging in community service on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our residents together, and strengthen our communities and nation; and

WHEREAS, the King Day of Service is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

WHEREAS, the King Day of Service projects are being organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation; and

WHEREAS, Kirkland community members are encouraged to participate in King Day of Service volunteer events and commit to a full year of service to their neighbors and community since positive change requires the collective action of everyone;

NOW, THEREFORE, I, Penny Sweet, Mayor of Kirkland, Washington proclaim the Rev. Dr. Martin Luther King, Jr. Holiday as a Day of Service in Kirkland, and call upon the people of Kirkland, Washington, to serve their neighbors and their community through participation in community service projects on Martin Luther King Jr. Day and to commit to year of service to generate positive change.

Signed this 5th day of January, 2021

Penny Sweet, Mayor



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: James Lopez, Assistant City Manager
David Wolbrecht, Senior Neighborhood Services Coordinator
Chelsea Zibolsky, Special Projects Coordinator
Andreana Campbell, Management Analyst

Date: December 17, 2020

Subject: R-5434 EARLY ACTION REVIEW

RECOMMENDATION:

That the City Council receives a briefing on early actions conducted in 2020 to implement Resolution R-5434.

BACKGROUND DISCUSSION:

Following the tragic killing of George Floyd by a police officer on May 25, 2020 in Minneapolis, Minnesota, numerous marches and rallies were held in Kirkland calling for an end to structural racism and for the City to demonstrate that Black lives matter. At the June 16, 2020 Council meeting, the Council issued a statement directing the City Manager to develop a framework for the City's response to the community. At the July 7, 2020 Council meeting, the Council held a public hearing on the draft framework, Resolution R-5434. At the July 21, 2020 Council meeting, the Council received further community feedback on the revised resolution and adopted various amendments to it. The Council took up R-5434 for final deliberation at the August 4, 2020 Council meeting, during which the City Manager presented funding recommendations for Council authorization. The City Manager's funding recommendations consisted of early action requests and budget process requests. The early action funding was intended to facilitate immediate implementation of several of the elements in the resolution. The early action funding totaled \$380,000 and included:

- Extending Temporary Management Analyst through 12/31/2021: \$160,000;
- Hiring a Temporary Special Projects Coordinator for 6 months: \$70,000; and
- Professional Services Funding for equity/racial justice consultants and related costs: \$150,000.

The Council adopted R-5434 (Attachment A) and the City Manager's funding recommendations at the August 4, 2020 Council meeting.

Impact of R-5434 on CARES Act Funding Dispersals and 2021-2022 Biennial Budget

Although R-5434 was adopted on August 4, staff began applying the principles and intent of R-5434 prior to its adoption in the dispersal of CARES Act funding and the formation of the City Manager's proposed budget. During the June 16, 2020 Council meeting City staff outlined several needs related to human services funding due to the pandemic. To help address the disproportionate impact the pandemic was having on communities of color, staff presented [Resolution R-5433](#)¹, which included several strategies and tactics that ensured Kirkland's human services responses to COVID-19 were done so equitably. These actions included funding for community-based organizations, overcoming language barriers, and investing in the on-going needs of communities of color during the pandemic. As it related to small business support during the pandemic, staff also considered language barriers, digital literacy, and cultural barriers to assistance programs. These and other considerations informed staff in the design and administration of the Kirkland CARES Small Business Grant Program, through the (re)STARTUP 425's Business Response Team's provision of one-on-one technical assistance for relief assistance, and the design and implementation of the Shop Local Kirkland initiative and platform.

The Budget Leadership Team also considered the priorities and intent of R-5434 in the drafting of the City Manager's proposed budget over the summer of 2020. Adopted by Council at the December 8, 2020 Council meeting, the City's 2021-2022 budget prioritizes a more equitable, safe, and resilient Kirkland through several strategic investments. These priorities are most visible in the Human Services funding for grants and staffing as well as in the Community Safety Initiative.

In addition to improving the safety and respect of Black people, another primary goal of R-5434 is to end structural racism in Kirkland. The budget addresses the intersection of race and class by providing additional investments in various human services areas, including food and shelter services, behavioral health services, and creating a path to recovery and self-sufficiency. This was accomplished through the reauthorization of the enhanced human services funding approved by the Council that was intended to expire after 2020. The 2021-2022 budget also expands the Human Services division of the Parks & Community Services Department with additional staffing to better support equitable human services outcomes for the Kirkland community. All this work is further improved by creating more affordable housing and economic opportunity in Kirkland through low income resident rental assistance and construction of new units of affordable housing.

Finally, several items articulated in R-5434 were incorporated into the 2021-2022 Community Safety Initiative (Attachment B). The overview below consists of R-5434 and R-5434-related strategies not included in the 2021-2022 budget and the Community Safety Initiative. Updates to various Community Safety Initiative elements will be brought to Council at subsequent meetings.

Overview of Early Actions

Since the adoption of R-5434 on August 4, 2020, City staff across various departments have undertaken several actions as called for in Resolution R-5434. An overview of those actions is listed below. For ease of reference, staff have organized the actions into the sections in R-5434:

¹ Resolution R-5433. https://www.kirklandwa.gov/files/sharedassets/public/city-council/agenda-documents/2020/june-16-2020/9d1_business.pdf

transparency strategies, accountability strategies, and community engagement strategies. Although beyond the specific scope of R-5434, staff have also listed additional strategies related to the themes of R-5434.

Transparency Strategies

1. Developing Use of Force Dashboard

Last month the Attorney General’s Office drafted legislation that outlined the collection and display of data for a police use of force dashboard (Attachment C). The Attorney General’s draft legislation would require the City to report quarterly to Washington State University on a number of different use of force metrics. City staff presented this draft dashboard to the Right To Breathe Committee (discussed in more detail later in the memo) as a potential starting point for community discussions. The Right To Breathe Committee supported using the draft legislation as an initial framework. The Washington Association of Sheriffs and Police Chiefs (WASPC) is also looking to standardize reporting on deadly use of force across agencies (Attachment D). Staff will monitor the legislation in the upcoming session, beginning in January. If the Attorney General’s draft legislation, WASPC’s recommendations, or something similar were to be adopted in the upcoming session, State law would likely require the City to start with these metrics as a baseline to its use of force dashboard. As part of the process to evaluate enhancements to the city’s existing police dashboard, staff will reference the Attorney General’s legislation as a starting point for a City dashboard in focus groups for feedback. Staff developed the table below to show whether Kirkland currently collects the data included in the legislation.

Attorney General Use of Force Dashboard Metric	Does Kirkland Currently Collect This Data?
1. By January 31, April 30, July 31, and October 31 annually, each general authority Washington law enforcement agency and each limited authority Washington law enforcement agency shall report to Washington State University or its successor, in a manner developed by Washington State University, information under subsection (2) of this section of all incidents that occurred in the preceding three months:	
a. In which a fatality to a person occurs connected to use of force by a law enforcement officer;	Yes
b. In which there is great bodily harm to a person connected to use of force by a law enforcement officer;	Yes
c. In which there is substantial bodily harm to a person connected to use of force by a law enforcement officer; and	Yes
d. In the absence of either death, great bodily harm, or substantial bodily harm, when a law enforcement officer:	
i. Discharges a firearm at or in the direction of a person;	Yes
ii. Points a firearm at a person;	Yes
iii. Uses a choke hold or vascular neck restraint;	Yes
iv. Uses an electronic control weapon (ECW), including, but not limited to a taser, against a person;	Yes
v. Uses oleoresin capsicum (pepper) spray against a person;	Yes
vi. Discharges a less-lethal shotgun or other impact munitions at or in the direction of a person;	Yes

vii. Strikes a person using an impact weapon or instrument, including, but not limited to, a club, baton, or flashlight;	Yes
viii. Punches or kicks a person using closed fists or feet;	Yes
ix. Uses a vehicle to intentionally strike a person or vehicle; and	Yes
x. Deploys a canine that bites a person.	Yes
2. When reporting an incident as required under subsection (1) of this section, the agency employing the officer that used force shall provide the following:	
a) The date and time of the incident;	Yes
b) The location of the incident;	Yes
c) The agency or agencies employing the law enforcement officers;	Yes
d) The type of force used by the law enforcement officer;	Yes
e) The type of injury to the person against whom force was used, if any;	Yes
f) The type of injury to the law enforcement officer, if any;	Yes
g) Whether the person against whom force was used was armed or unarmed;	Yes
h) The type of weapon the person against whom force was used was armed with, if any;	Yes
i) The age, gender, race, ethnicity, of the person against whom force was used;	Yes, if known.
j) The tribal affiliation of the person against whom force was used, if applicable;	No
k) Whether the person against whom force was used exhibited any signs associated with a mental health or a substance use disorder based on the observation of the law enforcement officer;	Yes
l) The age, gender, race, ethnicity, of the law enforcement officer;	Yes for age, gender and race; No for ethnicity
m) The law enforcement officer's years of service;	Yes
n) The reason for the initial contact between the person against whom force was used and the law enforcement officer;	Yes.
o) Whether any minors were present at the scene of the incident; and	No. If captured this would be in the narrative. Not currently capture in a searchable field
p) The entity conducting the independent investigation of the incident, if applicable.	Yes

2. Developing a School Resource Officer public dashboard

City representatives from the Police Department and City Manager's Office met with the Lake Washington School District's Director of Risk and Safety Services to begin

collaborating on a School Resource Officer (SRO) public dashboard. [RCW 28A.320.124](#)² requires the collection and reporting a certain data, as well as an annual review process of the program that involves parents, students, and community members. The community engagement process for R-5434 is intended to gain additional insight into what information the community would want in a dashboard, and staff are also referencing the recommendations articulated in the [final report of the SRO Task Force](#)³ that met throughout 2019 for insight. Staff anticipate having a draft SRO dashboard for Council at the second Council meeting in February 2021. After the schools were closed due to COVID 19, the SRO's were initially assigned to patrol, filling in as Police Training Officers with new Officers who had just graduated from the academy. The SRO's have now returned to their previous schedule and are rotating through a variety of community policing oriented assignments.

3. Developing Human Services and Human Resources public dashboards

As a result of national best practice research, staff have identified various dashboards to inspire both the Human Services and Human Resources public dashboards. Specifically, staff have evaluated and identified the [City of Seattle](#)⁴, the [City of Cincinnati](#)⁵, and the [City of Portland](#)⁶ as three model examples for the City's new Human Services Dashboard, and the [City of Portland](#)⁷, the [City of Boston](#)⁸, and the [City of San Francisco](#)⁹ as three model examples for the City's new Human Resources Dashboard. Using these as a basis, staff are beginning assessment to (1) test what City data sources already exist to populate dashboards such as these and (2) evaluate which option (or combination of options) will serve the needs of the City and our community the best. Staff will synthesize first loop community feedback and technical analysis for initial concept dashboards for presentation at the February Council meeting.

Accountability Strategies

4. Changes to the Use of Force Policy

The Kirkland Police Department does not authorize the use of choke holds. Prior to June 2020, the Police Department allowed the use of Vascular Neck Restraint (VNR) as an intermediate use of force. However, in response to the death of George Floyd, on June 23, 2020, the Police Department changed the use of force policy and now categorizes VNR as deadly force. As such, the Police Department has discontinued training Kirkland's officers in the use of VNR, which required an initial eight hours for certification and four hours every year to maintain that certification. Any technique or tool categorized as deadly force can only be used by officers to protect themselves or others from what they reasonably believe would be an imminent threat of death or serious bodily injury. VNR remains specifically categorized as deadly force not to support the use of VNR, but to acknowledge that numerous officers have been trained on VNR for many years. Additionally, the Police Department has an independent chapter in its policy manual on

²RCW 28A.320.124 School resource officer programs. <https://app.leg.wa.gov/rcw/default.aspx?cite=28A.320.124>

³ School Resource Officer Task Force Report of Recommendations. <http://kirklandwa.gov/files/sharedassets/public/city-managers-office/pdfs/school-resource-officer-task-force-recommendations.pdf>

⁴ City of Seattle Homelessness Response - <https://performance.seattle.gov/stories/s/Homelessness-Response/w79s-qyv8>

⁵ City of Cincinnati Human Services Funding - <https://humanserviceschamber.org/portfolio/human-services-funding/>

⁶ City of Portland Point in Time Count of Homelessness - <https://www.portlandoregon.gov/toolkit/article/562207>

⁷ City of Portland – Human Resources Analytics Dashboard – Excluding Portland Police Bureau - <https://www.portlandoregon.gov/bhr/article/697805>

⁸ City of Boston Employee Demographics <https://www.cityofboston.gov/diversity/>

⁹ City of San Francisco Citywide Workforce Demographics - <https://sfdhr.org/citywide-workforce-demographics>

“crisis intervention incidents” which defines de-escalation and how it should be used while dealing with someone in a behavioral health crisis. This definition is now also included in the forefront of the chapter on use of force in the section under definitions.

An initial review of Kirkland Police Department’s use of force policy was the topic of the July 7, 2020 Council Study Session. More information can be found in the [Council memo](#).¹⁰ Use of force evaluation will be ongoing in 2021.

5. Contracting for Third Party Review of Use of Force

The Kirkland Police Department is researching contractors to conduct third-party review of use of force policies, including use of force data analysis. Internal KPD staff are also evaluating use of force data concurrently with the third-party review contracting process. This is a topic of conversation in most of our neighboring jurisdictions, but few have selected a vendor. The City of Bellevue is currently contracting with the OIR Group, a California based company, along with a retired local law enforcement consultant that also includes community listening sessions. The Police Executive Research Forum (PERF) has also conducted oversight projects and studies of law enforcement agencies in the State of Washington. As part of the February Council meeting, the KPD will present internal staff data analysis as well as its assessment of the current experience in the City of Bellevue, the cost of third-party contractors, and what other vendors may be utilized for conducting the use of force policy review. The KPD expects to select a contractor in the first quarter of 2021.

6. Evaluating Options for Independent Civilian Oversight of Police Use of Force

The City Attorney’s Office is the lead on this element and is currently reviewing independent police oversight models implemented in various cities. With more than two hundred oversight agencies throughout the U.S., the CAO is focusing on models utilized in cities similar to Kirkland in size, resources, and/or community. There are many different configurations for police oversight, with three general categories of oversight models: (1) investigative/ombudsman, where the oversight body conducts independent investigations of specific incidents or complaints through professional, non-police staff; (2) review, where the oversight body, through either professional or volunteer board members, reviews and may hear appeals of completed police investigations of specific incidents; and (3) auditor/monitor/inspector general, where the oversight body, through professional staff, evaluates systemic issues with police investigations, training, policies, and supervision, rather than reviewing specific incidents. With these models and any hybrid iterations, the authority of the oversight body can extend to policy recommendations, facilitating community forums, and more. Staff have also engaged in very preliminary discussions with Bellevue of the concept of a sub-regional oversight body that may be shared by multiple jurisdictions on the Eastside. Staff will present additional information for Council consideration at a subsequent meeting.

7. National Best Practice Research for Alternatives to Police

Staff have been researching co-responder programs across the nation, and an overview of several such programs are provided in Attachment E. Initial community feedback from the first loop engagement process indicate that this is priority item for some in the

¹⁰ Kirkland Police Department – Use of Force Review and Update on Body-Worn Cameras. July 7, 2020 City Council Study Session. https://www.kirklandwa.gov/Assets/City+Council/Council+Packets/070720/3b_Study+Session.pdf

community. Staff technical analysis by the City Manager's Office and Police Department has made a preliminary determination that a program similar to the Crisis Assistance Helping Out On The Streets (CAHOOTS) model that began in Eugene, Oregon may be the most applicable to the City of Kirkland. Chief Harris is working with the same consultant the City used to define the Neighborhood Resource Officer and Mental Health Professional roles from the 2018 Enhanced Police Services and Community Safety Proposition 1. The consultant is evaluating options and also the relationship such a program would have to the Community Court.

Additionally, staff are in discussion with the Eugene Police Department and NORCOM to look at how emergency dispatch is used as a key component of the CAHOOTS model. NORCOM will report out to the Governing Board in February 2021 on their findings of how the CAHOOTS model would affect the current NORCOM process. Staff will also be scheduling a call with the White Bird Clinic that operates CAHOOTS to see what consulting services they provide and the cost.

8. Community Court Implementation

The Kirkland Municipal Court Judge convened a Community Court formation committee in January 2020, but with the onset of the COVID pandemic, meetings were put on hold until September 2020. The committee is actively meeting in anticipation of the Kirkland Community Court's expected beginning in March 2021. Judge John Olson and Community Court consultant Marilyn Littlejohn will provide the Council with an in-depth review of this topic at the January 5, 2021 Study Session. Ms. Littlejohn previously coordinated the Burien Community Court, and she is working with the Judge, Court Administrator, Prosecutor, Public Defenders, and City staff on implementing Kirkland's Community Court, with a first Community Court calendar targeted for the first half of March 2021. Staff is also working on defining and recruiting volunteer roles for a Resource Center, a key component of Community Court.

9. Contract for an Organizational Equity Assessment and Creating an Equity and Diversity Strategic Plan

City staff have contracted with Chanin Kelly-Rae Consulting on conducting an organizational equity needs assessment. The purpose of this work is to allow City Council, City staff, and the community to better understand issues related to organizational and community inequities and to identify strategies for addressing those inequities in City government and the community. Ms. Kelly-Rae conducts such assessments and has provided similar services to the cities of Seattle, Redmond, and Bothell, as well as Amazon Web Services and Hopelink. Additionally, Ms. Kelly-Rae conducted the organization-wide diversity and implicit bias training for all City staff throughout 2019, which provides the foundation for staff to be prepared for the organizational equity assessment process. In addition to the organizational equity needs assessment, Ms. Kelly-Rae will guide a gap analysis and strategic planning process involving the community to better position the City in identifying internal and external growth opportunities relative to the areas of diversity, equity, and inclusion. The result of this work will be an "Equity Plan of Record", which is intended to inform various programs, policies, and practices across the City organization, not just those identified in R-5434. This work is anticipated to begin in early January 2021 and conclude sometime in late 2021.

10. Contracting and Procurement Updates

The City Manager's Office met with local community experts Ms. Ollie Garrett, President and CEO of PMT Solutions and current President of Tabor 100, and Mr. Luis Navarro, Director of Workforce Development in the Office of Equity Diversity and Inclusion for the Port of Seattle. Both are Kirkland residents. Based on those conversations, CMO staff met with the Financial Operations Manager and the City Attorney to develop options that would align the City's contracting and procurement policies and processes with the goals and intentions of Resolution R-5434's section 3(c). From those meetings, staff have drafted revisions to the City's procurement process that will be discussed in further detail at the second Council meeting in February 2021.

11. Proposed changes to the City of Kirkland Public Art Policy Guidelines

Staff have drafted updates the Kirkland Public Art Policy Guidelines to incorporate the themes and priorities of R-5434. The Kirkland Public Art Policy Guidelines are used by the Kirkland Cultural Arts Commission (KCAC) in the acquisition of public art in Kirkland. The updated policy guidelines include updated goals and criteria for selecting art, as well as including a new racial equity statement. The draft racial equity statement reads:

Racial Equity Statement (draft)

The KCAC, in alignment with the City Council, seeks to dismantle structural racism in Kirkland. The KCAC affirms that all people, their cultures, and their art contribute to the meaning and understanding of our shared humanity and should be honored and celebrated. The KCAC strives proactively solicit and curate art that reflects the diversity of the Kirkland community, encourages a sense of belonging for all people, and supports the expression of historically marginalized communities. The art created by Black, Indigenous, and People of Color performs a unique role in our community and helps provide inspiration to resolve societal inequality and injustices. This important work of bringing equity to art is pivotal to the KCAC's efforts to confront injustices of the past and reveal inequalities of the present in order to build a more diverse, inclusive collection of public art, now and in the future.

The draft policy guidelines have been endorsed by the KCAC and will be brought to Council for consideration and adoption at a subsequent meeting.

Community Engagement Strategies

12. Meetings with the Right to Breathe Committee

The City Manager, Police Chief, and Assistant City Manager continue to meet bi-weekly with the Right to Breathe Committee for on-going policy discussions. To date, this group has met 19 times since June 2020. These meetings continue to be helpful dialogues centered around the key policy priorities of the Right to Breathe Committee, and staff anticipate continuing to meet with the Committee throughout the R-5434 process. The Right to Breathe Committee has indicated it intends to issue scorecards for the various Eastside cities with whom it is engaging in discussions. Each City's scorecard will give an overview of the Right to Breathe Committee's assessment of how safe that City is for Black people, organized around various policy areas. The scorecards are expected to be published on or around Martin Luther King Jr. Day, January 18, 2021.

13. Co-Hosting City Hall for All presents East King County Race and Equity Summit on September 26, 2020

City of Kirkland staff joined staff from the cities of Bellevue, Issaquah, Redmond, and Sammamish and the organizations Eastside Refugee and Immigrant Coalition, Eastside For All, and Eastside Race and Leadership Coalition to collaborate on a regional

Welcoming Week event. This year's regional Welcoming Week event's theme was the history of racism on the Eastside and connecting attendees with concrete action steps for those that wanted to get involved in this work. The event featured keynote speaker Mr. Delbert Richardson, a Community Scholar, Ethnomuseumologist, Second Generation Storyteller, and Creator of the National Awarding Winning American History Traveling Museum: The "Unspoken" Truths. The event included small group conversations, resources for taking action, and poetry and music performances. Featured in the event were several formal and informal Black-led and/or Black-centered groups on the Eastside who focus on racial equity. City staff reached out to those featured groups as the basis for organizing the "first loop" focus groups in support of the community engagement process for R-5434.

14. Focus Group Meetings

City staff have conducted four focus groups as part of the "first loop" process of the community engagement called for in R-5434. Staff have met with small groups from:

- Eastside Race and Leadership Coalition
- Movement of Advocacy for Youth
- Black Policy Advisory Committee
- Eastside Change Coalition

This first loop is intended to garner insight not only on the specific policies, programs, and practices outlined in R-5434, but also on the community engagement process itself. Staff are in active conversation with two additional groups and anticipate engaging more groups to conclude first loop focus groups in January with between six and ten total meetings. A full report of findings, include a detailed breakdown of focus group demographics, will be provided to Council as part of the second Council meeting in February 2021.

15. Extension of Management Analyst Position through 2021

The City Manager's Office has extended the temporary Management Analyst Andreana Campbell's position through December 31, 2021. This position has taken lead on national best practice review for several topics, has provided internal coordination of consultant contract scopes of work for select vendors, and has supported focus group facilitation. Additionally, this position is anticipated to work closely with the City's equity consultant and CMO's temporary Special Projects Coordinator on the organizational equity assessment and equity strategic plan.

16. Hired Special Projects Coordinator

The City Manager's Office has hired Chelsea Zibolsky as a temporary Special Projects Coordinator to support all elements of the community engagement process for R-5434. Ms. Zibolsky started on November 23 and has taken lead on coordinating with community groups for additional focus groups, has supported some best practice review and research, and is anticipated to work closely with the City's equity consultant and CMO's Management Analyst for the organizational equity assessment and equity strategic plan.

17. Establishment of a Community Advisory Steering Committee

Building on the feedback that staff have received from the first loop focus groups, City staff have begun exploring contracting with local leaders to create a Community Advisory Steering Committee that will receive compensation for their services. Creating a committee that centers the lived experiences of Black people and also represents diversity in age, gender, and intersectionality will be a key priority. Comprised of people who have extensive experience with Black led community organizing, this committee will give recommendations on progress and outcomes related to R-5434 and the community engagement process, as well as the development of the forthcoming Equity Strategic Plan. Although the formation of this committee is prompted by the community engagement process of R-5434, it is staff's intention to continue the relationships formed with the participants in this process for ongoing engagement beyond R-5434.

18. Kirkland Public Safety Survey

Since 2015, the City of Seattle has partnered with Seattle University (Seattle U) to implement a public safety survey as part of a larger effort known as a Micro-Community Policing Plan (MCP). Annually, Seattle U conducts an independent public safety survey of each neighborhood capturing the concerns of each neighborhood and then providing the Seattle Police Department (SPD) clear areas of focus. The survey is used in conjunction with focus groups and police-community engagement to inform and revise SPD's priorities and strategies. To see previous years' surveys, please visit the [City of Seattle's website](#).¹¹

Staff has engaged representatives from Seattle U to adapt this survey for the City of Kirkland. The survey and focus group process is very similar to the City's Community Policing engagement trek completed in 2019, and conducting such an annual survey was identified as Possible Strategy 1.1 "Annual online survey and focus groups" in the trek [final report](#).¹² This strategy reinforces Recommendation 23.a from the [Kirkland Police Strategic Plan](#)¹³ "Conduct annual Community Satisfaction Surveys in addition to the bi-annual city-wide Citizen Satisfaction Survey".

19. Kirkland Talks Series in 2021

Staff have begun the contracting process with Eastside For All to facilitate various virtual dialogue events throughout 2021 using the Kirkland Talks model to bring the community together for courageous conversations about race. This builds on the dialogue events

¹¹ City of Seattle. <https://www.seattle.gov/police/information-and-data/mcpp-about/survey-results-dashboard>

¹² Community Policing Outreach Findings Report. <https://www.kirklandwa.gov/files/sharedassets/public/city-managers-office/pdfs/community-policing-outreach-findings-report.pdf>

¹³ Kirkland Police Department Strategic Planning: Consultant Report.

<https://www.kirklandwa.gov/files/sharedassets/public/police/police-pdfs/kirkland-police-strategic-planning-consultant-report.pdf>

conducted during early 2020 as part of the Welcoming Kirkland Initiative, some of which were unfortunately cancelled due to COVID-19. Recognizing the intra- and interpersonal facets of structural racism, these dialogues will provide community members the opportunity to dive into the complex and challenging topic of race and racism while also providing a safe practice space for participants around a set of skills that they can take into their lives, workplaces, and schools. Staff will provide an update to Council on this program as the logistics are further refined.

Other Strategies Related to the Themes of R-5434

20. Review and Monitoring of Relevant Draft State Legislation

The City Council approved its state legislative priorities for the 2021 session at its November 4, 2020 meeting and it added a new segment to the City's legislative agenda called the [priority coalition advocacy agenda](#)¹⁴. The priority coalition advocacy agenda highlights a limited number of key legislative priorities that are critical to Kirkland but that are championed by other organizations. For these items, the City may provide support as part of a coalition but would not taking the lead. Council identified three items for this segment going into the 2021 session, one of which includes advocating for the Association of Washington Cities' (AWC) Statewide Policing Reforms priority.

Shortly after Council adopted the City's 2021 priorities and priority coalition advocacy items, the Attorney General circulated for review and comment its request draft legislation related to collecting and publishing information regarding law enforcement use of force. The draft was distributed to subject-matter experts in several city departments including the City Manager's Office (CMO), where staff were encouraged by its model dashboard as well as the proposed legislation's potential to support the city's efforts in implementing Resolution R-5434 if it were passed by the legislature.

According to the AWC, a number of other proposals in the area of police reforms have been offered for review as well, including an ACLU draft bill relating to enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability. The ACLU bill focuses strongly on preventing collective bargaining agreements from limiting police accountability.

Police Reform Bill Drafts Identified (as of December 22 per the AWC)*

1. Decertification – Sen. Pedersen / Rep. Goodman
2. Duty to intervene – Sen. Dhingra
3. Brady / Impeachment – Sen. Dhingra
4. Deadly Use of Force Audits – Sen. Dhingra (Attachment F)
5. Law enforcement use of force data – Rep. Lovick (Attorney General Request)
6. Tactics (ban) – Rep. Johnson
7. Use of Force Standard – Rep. Johnson
8. Civil claim / 1983 – Rep. Thai
9. Community accountability boards – Rep. Johnson
10. Beltran – Serrano (standard of care) – Rep. Johnson

¹⁴ City of Kirkland's 2021 Priority Coalition Advocacy Agenda https://www.kirklandwa.gov/files/sharedassets/public/city-council/city-of-kirkland_2021legislativepriorities_councilamendedandapproved_110420.pdf

11. Felony bar removal (LE) – Rep. Lekanoff / Sen. Frockt
12. Hiring / Civil service/ diversity – Sen. Kuderer
13. Law enforcement accountability (ACLU version Attachment G) – Sen. Salomon
14. CBA / WASPC version**
15. Independent Investigation / prosecutions – Rep. Entenman (Governor Request)

* Aside from the AG's bill, the ACLU's bill and Sen. Dhingra's Deadly Use of Force Audit bill, staff has not seen any other bill drafts, but we have flagged the above list for review when these bills are brought forward.

** Anticipate WASPC will rerun their data bill and they have an agenda as well. So far Rep. Maycumber has picked up their suicide prevention bill.

The AWC reports that police reform bills will likely be heard the first week of the 2021 session, which officially opens January 11, 2021. In the interim, the City's Government Relations staff will continue to work with the AWC and the City's contract lobbyist to track bill drafts being circulated on this and other topics that could impact the City. The process of tracking and monitoring will become systematic as bill drafts are formally dropped in the hopper and assigned bill numbers. The City's robust bill review process will include reviewing bill drafts for potential impact to the work the City is doing for Resolution R-5434.

21. Welcoming Kirkland Initiative

The Welcoming Kirkland Initiative (WKI) completed its work and published a report titled [*Reflections and Lessons Learned*](#)¹⁵ to the public in early December 2020. WKI was developed to address issues that were identified in a 2018 incident at Menchie's in Totem Lake which highlighted concerns that People of Color in general, and Black people, in particular, have lived experiences of an unwelcoming and inequitable community in contrast to the City's stated goal to be safe, inclusive and welcoming for all. The WKI planning and working groups included more than 20 diverse leaders, representing a variety of public needs. Community talks included topics such as Preparing to be Color Conscious and Color Brave, which brought nearly 100 attendees. As noted by City staff in the *Reflections* report, the City hopes to engage the WKI group as a key point of community feedback and insight throughout the R-5434 civic engagement process.

22. Welcoming Cities Collaborative

The City signed on as a welcoming city through the Welcoming America network in 2017. Since then, staff have continued to explore ways to support the City's safe, inclusive, and welcoming work as directed in the 2017 Resolution R-5240. One such strategy has been meeting for over a year with representatives from neighboring Eastside cities and from Eastside For All to explore the idea of a regional partnership called the Welcoming Cities Collaborative. This effort is envisioned to further the work of equity, inclusion, and racial justice in Kirkland and on the Eastside, while also achieving the requirements of the Welcoming America Standard and Certification. As this work has been directly in line with R-5240 and is further supported by R-5434, the City Manager's Office has committed two years of funding for the City's full participation in this effort, funded from 2019-2020 community engagement funds.

¹⁵ Reflections and Lessons Learned, Welcoming Kirkland Initiative: <https://www.kirklandwa.gov/files/sharedassets/public/city-managers-office/pdfs/wki-lessons-and-commitments.pdf>

23. Preliminary Work on Reimagining Kirkland’s Neighborhood U Informed by the Bellevue Essentials Program

CMO staff met with a representative from the City of Bellevue’s Neighborhood Outreach group to discuss the Bellevue Essentials Program, a nine-week, 35-40 student civic engagement program that combines a curriculum on the structure of city government with hands-on activities which allow participants to simulate day-to-day challenges of city government. Having just completed their eighth year of running the program, a record 73 community members applied to participate, and all 40 who were accepted successfully completed the program. A key component of Bellevue Essentials is to encourage graduates to stay engaged with the city and their neighborhoods, and the program has an alumni group with more than 250 members. Another highlight of the program is the diversity of participants in the program, which aligns with the intent of R-5434 as well as several “Civic Engagement” actions articulated in the recently adopted Sustainability Master Plan. Neighborhood Services staff will incorporate the insight and resources provided by Bellevue staff into other national best practice research as staff continue to develop the 2021 “Kirkland Essentials” program (final name to be determined).

24. National Day of Racial Healing Proclamation

Based on the first loop focus groups and other research, staff have identified proclaiming January 19, 2021 as the “National Day of Racial Healing in Kirkland” as one potential immediate action the City could do in support of the intentions of R-5434. The National Day of Racial Healing was created in 2016 through a collaboration of hundreds of leaders and the W.K. Kellogg Foundation (WKKF) and is part of WKKF’s “Truth, Racial Healing & Transformation (TRHT)” framework. An example proclamation, which would be adapted to the specificity of Kirkland’s efforts related to racial equity as articulated in R-5434, is attached (Attachment H).

25. Kirkland Indigenous History Compilation

The CMO Volunteer Services Coordinator is compiling from available written resources the hyper-local indigenous history of present-day Kirkland and the shores of Lake Washington. The result of this project will be a 12-page report that includes an equity affirmation, local land acknowledgment, native place name map, and a summary history narrative. This work will include contracting with local Native key experts for their review of the draft report, as well as additional review by leaders of hyper-local tribal governments, federally recognized or otherwise. Staff will bring the final report to Council for review and adoption.

26. Americans with Disabilities Act (ADA) Transition Plan and Equity Impact Assessment

The City contracted MacDonald Boyd and Associates to support the City’s broader outreach related to its ADA Transition Plan conducted throughout 2019. As part of this process, the consultant developed an equity impact assessment (EIA) for the City’s use (Attachment I). This tool can enhance equity and inclusion in the development of policies, programs, services, and initiatives. The consultant hosted one training session in late February of 2020, just before the pandemic emerged, which was attended by 39 staff from various departments and job classifications. In the training, participants had the opportunity to reflect on tangible ways to advance the broader City-wide goals of being a safe, inclusive and welcoming community by practicing using the EIA on existing

or forthcoming policies, programs, or services. Additional staff trainings are forthcoming. This tool is intended to be broadly used across the departments, adapted to meet various equity needs, and can be used to support Action SG-4.2 in the Sustainability Master Plan: "Develop a process to identify and dismantle unintended barriers to public participation by considering and responding to the diversity of our community, including the various cultural, ethnic, and historical experiences of community members."

27. Equity and Inclusion Dashboard

The Equity and Inclusion dashboard is a geospatial map project initiated by the Planning & Building Department that will provide various City departments the tools to review demographics for the City – or for smaller geographic units within the City – as they relate to City projects and programs. The goal is for these projects and programs to efficiently conduct an equity impact assessment to determine whether any groups might be negatively impacted by the project, whether there are issues of access for some groups, and how a project might positively impact equity and inclusion. The dashboard would utilize existing data from sources such as the US Census, American Fact Finder, Washington State Office of Financial Management, Centers for Disease Control & Prevention, and Puget Sound Regional Council, in addition to Kirkland data sets to enable internal users to quickly run queries for user-defined geographic areas. The project team is anticipated to begin focused work on this dashboard in early 2021.

28. Development Services/Welcoming Hall

The City Manager provided a presentation on an initial concept for a development services / welcoming hall to Council on November 4, 2020. The capital budget includes the adaptation of the pending expansion of City Hall for development services staff into a more open customer service space designed to provide virtual service during the COVID-19 pandemic. The structure of this facility will also create a welcoming space and exhibition hall where the multicultural heritage of Kirkland and the Eastside can be celebrated. This new hall would be funded by development services fees and not general-purpose tax dollars. As directed by Council, staff will return with schematic designs, which will include architectural/engineering consulting, preliminary construction cost estimates, and an overall forecasted project budget.

NEXT STEPS

Most of the strategies listed above are in progress, with additional work to be done by staff in various departments over the coming months. Staff are or will soon be working on the other elements of R-5434 not detailed above, including contracting for third party police use of force review developing the process, criteria, and outreach plan for diverse art and event funding opportunities to expand public art and programming in Kirkland in 2021. Updates on these additional items will be incorporated into the staff presentation to Council at the second Council meeting in February 2021.

Attachment A: Resolution R-5434

Attachment B: Community Safety Initiative

Attachment C: Attorney General Draft Legislation

Attachment D: Washington Association of Sheriffs and Police Chiefs Draft Legislation

Attachment E: Summary of Co-Responder Models

Attachment F: Sen. Dhingra Draft Deadly Use of Force Audit Bill

Attachment G: ACLU Draft

Attachment H: Example Proclamation of National Day of Racial Healing

Attachment I: Equity Impact Assessment Template

RESOLUTION R-5434

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THAT BLACK LIVES MATTER AND APPROVING THE FRAMEWORK FOR KIRKLAND TO BECOME A SAFE, INCLUSIVE AND WELCOMING COMMUNITY THROUGH ACTIONS TO IMPROVE THE SAFETY AND RESPECT OF BLACK PEOPLE IN KIRKLAND AND END STRUCTURAL RACISM BY PARTNERING WITH THOSE MOST AFFECTED

1 WHEREAS, On February 21, 2017 the City Council adopted
2 Resolution R-5240 declaring Kirkland a Safe, Inclusive and Welcoming
3 Community for all people; and
4

5 WHEREAS, following adoption of Resolution R-5240, the City has
6 taken many budgetary and policy actions to make progress towards this
7 goal but recognizes there is still much more to be done to achieve
8 equity, justice and inclusion for everyone; and
9

10 WHEREAS, since the tragic killing of George Floyd by a police
11 officer on May 25, 2020 in Minneapolis, Minnesota, there have been
12 dozens of protests, marches and rallies in Kirkland calling for an end to
13 structural racism and for the City to demonstrate that Black lives matter;
14 and
15

16 WHEREAS, at the June 16, 2020 City Council meeting, the
17 Council issued a formal statement to the community on issues of
18 structural racism and injustice and requested that the City Manager
19 develop "a framework for a citywide response to the issues of bias and
20 racism towards our Black and brown community members" to be
21 presented at the July 7, 2020 Council meeting; and
22

23 WHEREAS, the June 16 statement also asked the City Manager
24 to bring to the July 7, 2020 Council meeting "a request for necessary
25 resources for early implementation actions and community-wide
26 conversations on these critical topics"; and
27

28 WHEREAS, the Eastside Race and Leadership Coalition has for
29 several years brought together local stakeholders from across the
30 community in pursuit of a vision in which the diversity of leaders in local
31 government, social service and non-profit organizations, commerce and
32 education sectors reflect those living in the communities, and that the
33 decisions they make respect the cultural and social differences of those
34 living, working, learning and growing in these communities and
35 eliminate barriers that would otherwise keep them from achieving their
36 fullest potential; and
37

38 WHEREAS, several notable Black leaders from the Eastside Race
39 and Leadership Coalition formed a group called the Right to Breathe
40 Committee, and since June 12, 2020 have been engaging the City in
41 discussions and have called upon the City to abolish systemic Anti-
42 Blackness to ensure equal justice, provide oversight and accountability
43 through equitable shared decision-making that embodies the phrase
44 "nothing about us without us", and de-escalate encounters involving
45 people enforcing laws and rules against Black people; and

46
47 WHEREAS, community members have encouraged the City to
48 evaluate police policies against the national Campaign Zero's "8 Can't
49 Wait" campaign to end police violence, and to commit to President
50 Barack Obama's four part "Mayor's Pledge", which includes: reviewing
51 the City's police use of force policies; engaging the Kirkland community
52 by including a diverse range of input, experiences, and stories in the
53 review; reporting the findings of the review to the community and
54 seeking feedback; and reforming the City's police use of force policies;

55
56 WHEREAS, this resolution incorporates elements of the "8 Can't
57 Wait" and "Mayor's Pledge" initiatives and is also intended to create a
58 path to progress on the goals of community stakeholders seeking
59 change;

60
61 NOW, THEREFORE, be it resolved by the City Council of the City
62 of Kirkland as follows:

63
64 Section 1. The City Manager is hereby directed to develop
65 Transparency strategies to allow the community and the Council to
66 understand how the City as an organization is performing. These
67 strategies shall include but are not limited to:

- 68 a. Developing a police "use of force" public dashboard;
- 69 b. Evaluating enhancements to the existing police dashboard
70 that help guard against bias in police action;
- 71 c. Developing a School Resource Officer public dashboard;
- 72 d. Developing a Human Resources public dashboard;
- 73 e. Developing a Human Services public dashboard; and
- 74 f. Other strategies identified by the community and the
75 Council.

76
77 Section 2. The City Manager is further directed to develop
78 Accountability strategies to allow the community and the Council to
79 understand the City's current police use of force policies and identify
80 possible changes to such policies. These strategies shall include but are
81 not limited to:

- 82 a. "8 Can't Wait" police use of force policy review;
- 83 b. Contracting for third party policy use of force review and use
84 of force data evaluation and analysis;
- 85 c. Structured Council use of force policy and data deliberations;
- 86 d. Evaluating options for independent civilian oversight of
87 police use of force.
- 88 e. Developing a police body camera pilot program; and
- 89 f. Review of national best practices for alternatives to police for

90 serving those experiencing homelessness, behavioral health
 91 issues, drug addiction and other community challenges.
 92

93 Section 3. The City Manager is further directed to develop
 94 further Accountability strategies to allow the community and the Council
 95 to understand and identify possible changes to other City organizational
 96 structures, programs, and policies. These strategies shall include but
 97 are not limited to:

- 98 a. Evaluating implementation of a community court to reduce
 99 disproportional impacts on traditionally marginalized
 100 populations;
- 101 b. Contracting for a comprehensive City organizational equity
 102 assessment to identify gaps in diversity, equity and inclusion
 103 in all areas of City policy, practice and procedure, and to
 104 identify proposed actions steps to address these gaps;
- 105 c. Conducting a comprehensive review of City procurement and
 106 contracting processes and documents to eliminate barriers
 107 for disadvantaged businesses enterprises to compete for City
 108 projects;
- 109 d. Evaluating whether public art, public symbols, special events
 110 and City programming in Kirkland are welcoming to all
 111 community members;
- 112 e. Expanding the diversity of public art, symbols, events and
 113 programming to be more inclusive; and
- 114 f. Other strategies identified by the community and the
 115 Council.
 116

117 Section 4. The City Manager is further directed to develop
 118 Community Engagement strategies to facilitate citywide conversations
 119 about structural racism and policy and program solutions. These
 120 strategies shall include but are not limited to:

- 121 a. Community engagement process centered around Black
 122 people;
- 123 b. Targeted additional stakeholder engagement including
 124 Indigenous people and people of color, with a focus on
 125 including intersectional voices;
- 126 c. Town Halls, virtual meetings and small group discussion;
- 127 d. Surveys, mailers and social media campaigns;
- 128 e. Council retreat and public hearings; and
- 129 f. Other strategies identified by the community and the
 130 Council.
 131

132 Section 5. The City Manager is further directed to develop
 133 Funding strategies to implement the entire framework set forth in this
 134 resolution. These strategies shall include but are not limited to:

- 135 a. Funding an outside review of police use of force;
- 136 b. Funding a body camera pilot project;
- 137 c. Funding community engagement strategies;
- 138 d. Reserving additional funding to implement ideas from
 139 community engagement, a national best practices review,
 140 and the equity assessment; and
- 141 e. Meeting other funding needs identified by the community

142 and the Council.

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Section 6. The City Manager is hereby directed to return to the Council by August 4, 2020 with funding recommendations for Council authorization to implement the elements of the framework resolution.

Passed by majority vote of the Kirkland City Council in open meeting this 4 day of August, 2020.

Signed in authentication thereof this 4 day of August, 2020.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk



Community Safety Initiative

Investing in a More Equitable, Safe and Resilient Kirkland

The overarching theme of the City of Kirkland's 2021-2022 Budget is *"Investing in a More Equitable, Safe and Resilient Kirkland."* Equity, safety and resiliency are all interrelated, and this budget reflects their interdependence. The centerpiece of the 2021-2022 budget is the **"Community Safety Initiative"** designed to help Kirkland become a more equitable city where Black community members feel safe and respected and structural racism is eliminated. This Community Safety Initiative is focused on implementation of **R-5434** and related equity needs and consists of three primary elements.

1. Community Safety Partners - (\$2,538,442)

Community safety partners are non-commissioned City employee "co-responders" who partner with Police to respond to service calls that require something different than a Police Officer. These partners will help connect struggling residents with the social and health services they need, reduce the burden of mental health and social service calls on Police Officers, and contribute to the successful de-escalation of challenging behavioral health situations. The City's goal is to ensure availability of "co-responders" 24 hours per day, 7 days a week, 365 days per year.

The preliminary budget includes funding for:

- » **Sustaining the current co-responder positions:** Park Ranger, Animal Control Officer, and one contracted mental health professional
- » **A second dedicated mental health professional** paired with a new firefighter/emergency medical technician, funded by the Medic One levy
- » **Five new community safety partner positions:** four positions are new co-responders plus a proposed Public Safety Community Relations Specialist

2. Community and Police Safety Investments - (\$1,755,877)

Community and Police Safety Investments advance the goals in R-5434 as well as Kirkland's commitment to being safe, inclusive and welcoming for all people. The preliminary budget includes funding for:

- » **Body worn cameras for all Kirkland Police Officers** as well as the evidence technician and public records staff positions necessary to support a body worn camera pilot program
- » **Police community accountability initiatives** that will be defined by the R-5434 process
- » **Diversity recruitment and retention efforts** to increase the diversity of race, cultural backgrounds, gender, and sexual orientation in both the Police and Fire Departments.
- » **Organization-wide efforts to improve equity and diversity** as programs and training are identified through R-5434
- » **A pilot program for Community Court in Kirkland** in partnership with the Municipal Court Judge to divert disadvantaged populations from the criminal justice system and connect them instead with needed support services
- » **A high-level Diversity and Inclusion Manager position:** the scope and duties of this position will be defined by the equity gap analysis as part of R-5434 implementation

What is R-5434?

City of Kirkland Resolution R-5434 is a framework of actions to improve the safety and respect of Black community members and end structural racism.

To stay up to date on opportunities to be involved in this community engagement process, please sign up for the City's email list for this effort: <https://bit.ly/3hPpOqz>





Community Safety Initiative

Investing in a More Equitable, Safe and Resilient Kirkland

3. Housing and Human Services - (\$1,338,875)

In addition to improving the safety and respect of Black people, another primary goal of R-5434 is to end structural racism in Kirkland. The proposed budget addresses the intersection of race and class by providing additional investments in food and shelter services, behavioral health services and creating a path to recovery and self-sufficiency. This path is further improved by creating more affordable housing and economic opportunity in Kirkland. The preliminary budget includes funding for:

- » Reauthorizing the **enhanced human services funding** approved by the Council that was intended to expire after 2020
- » **Expanding the human services budget further** with new revenue.
- » **Mental health programs, domestic violence prevention, suicide prevention** and related services, funded through **Police Proposition 1**
- » **Low income resident rental assistance and construction of new units of affordable housing:** the housing sales tax credit revenues authorized by the state legislature through House Bill 1406 in 2019 is projected to provide over \$200,000 per year



Kirkland Place for Families and Women: A permanent, 24-hour shelter — the first of its kind on the Eastside.

Related Affordable Housing Investments - (\$1,930,000)

- » **A Regional Coalition for Housing (ARCH)** staffing and the ARCH Trust Fund contribution - (\$830,000)
- » **Catalyzing affordable housing in Kirkland:** Estate Excise Tax (REET) and new program support dollars have been set aside to create housing opportunities beyond ARCH - (\$1,100,000)

More Information:

To learn more about the 2021-2022 budget process, go to www.kirklandwa.gov/budget. If you have any questions, contact:

David Wolbrecht • Kirkland Neighborhood Services Outreach Coordinator
City Manager's Office • dwolbrecht@kirklandwa.gov • (425) 587-3011





Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Administration Division
 PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

ATTORNEY GENERAL REQUEST DRAFT LEGISLATION

Collecting and publishing information regarding law enforcement use of force.

NEW SECTION. Sec. 1. A new section is added to Chapter [10.114](#) RCW to read as follows.

The Legislature finds that transparency and accountability are important to the public. Data collection is an essential tool that can be used to provide accountability to law enforcement agencies and transparency to the public about the effectiveness of existing practices, which policies and training work and do not work, and any unintended consequences. The Legislature finds that creating a database to track metrics and make those metrics publicly available is the most transparent and objective way to track and report use of force data.

NEW SECTION. Sec. 2. A new section is added to Chapter [10.114](#) RCW to read as follows.

“General authority Washington law enforcement agency” has the same meaning as in RCW 10.93.020.

“Limited authority Washington law enforcement agency” has the same meaning as RCW 10.93.020.

“Local government entities” has the same meaning as in RCW [48.62.021](#).

“Great bodily harm” has the same meaning as in RCW [9A.04.110](#).

“Substantial bodily harm” has the same meaning as in RCW [9A.04.110](#).

“Tort payout” means the amount paid pursuant to the settlement of a claim, settlement agreement or judgment entered by a court in a civil action.

NEW SECTION Sec. 3. A new section is added to Chapter [10.114](#) RCW to read as follows.

(1) By January 31, April 30, July 31, and October 31 annually, each general authority Washington law enforcement agency and each limited authority Washington law enforcement agency shall report to Washington State University or its successor, in a manner developed by Washington State University, information under subsection (2) of this section of all incidents that occurred in the preceding three months:

- a) In which a fatality to a person occurs connected to use of force by a law enforcement officer;
- b) In which there is great bodily harm to a person connected to use of force by a law enforcement officer ;
- c) In which there is substantial bodily harm to a person connected to use of force by a law enforcement officer; and
- d) In the absence of either death, great bodily harm, or substantial bodily harm, when a law enforcement officer:
 - i. Discharges a firearm at or in the direction of a person;
 - ii. Points a firearm at a person;
 - iii. Uses a choke hold or vascular neck restraint;
 - iv. Uses an electronic control weapon, including, but not limited to a Taser, against a person;
 - v. Uses oleoresin capsicum spray against a person;
 - vi. Discharges a less-lethal shotgun or other impact munitions at or in the direction of a person;
 - vii. Strikes a person using an impact weapon or instrument, including, but not limited to, a club, baton, or flashlight;
 - viii. Punches or kicks a person using closed fists or feet;
 - ix. Uses a vehicle to intentionally strike a person or vehicle; or
 - x. Deploys a canine that bites a person.

(2) When reporting an incident as required under subsection (1) of this section, the agency employing the officer that used force shall provide the following:

- a) The date and time of the incident;
- b) The location of the incident;
- c) The agency or agencies employing the law enforcement officers;
- d) The type of force used by the law enforcement officer;
- e) The type of injury to the person against whom force was used, if any;
- f) The type of injury to the law enforcement officer, if any;
- g) Whether the person against whom force was used was armed or unarmed;
- h) The type of weapon the person against whom force was used was armed with, if any;
- i) The age, gender, race, ethnicity, of the person against whom force was used;
- j) The tribal affiliation of the person against whom force was used, if applicable;
- k) Whether the person against whom force was used exhibited any signs associated with a mental health or a substance use disorder based on the observation of the law enforcement officer;
- l) The age, gender, race, ethnicity, of the law enforcement officer;
- m) The law enforcement officer's years of service;
- n) The reason for the initial contact between the person against whom force was used and the law enforcement officer;
- o) Whether any minors were present at the scene of the incident; and
- p) The entity conducting the independent investigation of the incident, if applicable.

NEW SECTION **Sec. 4.** A new section is added to Chapter [10.114](#) RCW to read as follows.

(1) By July 31 of each year, the office of risk management shall provide Washington State University or its successor the amount of any tort payout, broken out by agency, occurring in the preceding 12 months involving an allegation of improper use of force by any general authority Washington peace officer or limited authority Washington peace officer employed by any agency, department, or division of state government.

(2) By July 31 of each year, local government entities shall provide Washington State University or its successor the amount of any tort payout, broken out by jurisdiction, occurring in the preceding 12 months involving an allegation of improper use of force any general authority Washington peace officer or limited authority Washington peace officer employed by any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state.

NEW SECTION **Sec. 5.** A new section is added to Chapter [10.114](#) RCW to read as follows.

(1) Subject to the availability of amounts appropriated for this purpose, Washington State University shall establish and maintain an online repository for the collection of information from law enforcement agencies and the public regarding law enforcement use of force.

(2) Subject to the availability of amounts appropriated for this purpose, Washington State University shall:

- a) By February 28, May 31, August 31, and November 30 of each year, publish the information received under section 3 in a searchable format on a public website;
- b) By March 30 and September 30 of each year, summarize the information received under section 3 on a public website, including through the use of visual displays, including but not limited to graphs and charts;
- c) By March 30 and September 30 of each year, submit the summary information in subsection (2)(b) of this section to the legislature.
- d) By September 30 of each year, publish the information received under section (4) on a public website; and
- e) By September 30 of each year, submit the summary information in subsection (2)(d) of this section to the legislature.

NEW SECTION **Sec. 6.** A new section related to accountability and enforcement for non-compliance or misreporting.

Note: This should include a meaningful opportunity to cure and correct when a violation is identified and a provision to ensure that entities have the time and ability to adequately comply.



SHERIFFS & POLICE CHIEFS

Law Enforcement Reform Recommendations 2020-2021

Washington's law enforcement leaders acknowledge the hurt, trauma, and anger caused by a history in which our profession has often failed to live up to our own ethical ideals, particularly in our relationships with communities of color, and we recognize our responsibility to address racial inequality.

We are committed to work with policy makers, community groups, and other stakeholders to improve the public service of law enforcement in our state. Change is necessary and we support meaningful reform and a conversation about law enforcement that focuses on transparency and accountability, reduces barriers to discipline and termination, and ensures a fair and more equitable criminal justice system. We do not present these recommendations as the only credible options for reform, rather as our contribution to the larger conversation.*

Use of Force:

- Standardize the use of force policies and training centered on the cornerstone principle of the sanctity of human life.
- Require all law enforcement officers to intervene and report to their agency whenever another law enforcement officer uses excessive force.

Transparency and Accountability:

- Expand wellness, resiliency and mental health support for law enforcement and corrections officers.
- Support accreditation (best practice audits) for law enforcement and corrections agencies.
- Support civil service reforms to increase diversity and flexibility to hire and promote deputies and officers.
- Establish interventions for troubling patterns and behaviors among law enforcement officers.
- Explore models for an independent statewide deadly force investigative agency.
- Facilitate the implementation and use of body cameras.
- Provide greater authority for Chiefs and Sheriffs to dismiss officers who betray the public's trust.
- Enable de-certification of officers who use excessive force and other serious breaches of the public's trust.
- Require all Washington law enforcement agencies to submit data on the use of deadly force.

Defining the role of law enforcement:

- Establish state and local programs to build relationships and trust between law enforcement and the community.
- Establish clear expectations for state investment in programs to address mental illness, substance use, and other adverse events that are shown to increase the likelihood of future criminal justice involvement.

* *These recommendations are abbreviated summaries of the official recommendations adopted by WASPC. The full text of each recommendation, along with recommended legislation to accomplish each, are available at www.waspc.org/reforms*

SUMMARY OF CO-RESPONDER MODELS:

Name	City	Description	Status	Annual Budget
The Crisis Assistance Helping Out on the Streets (CAHOOTS)	Eugene, Oregon	Provides mobile crisis intervention response to incidents related to mental health, substance abuse, suicide threats, as well as providing conflict resolution and welfare checks. Teams are staffed by two-person teams including a medic and crisis worker in collaboration with the White Bird Clinic.	Full Program Implementation	\$2.1M
Expanded Mobile Crisis Outreach Team (EMCOT)	Austin, Texas	Provides 24/7 mobile mental health crisis co-response of a team of medical and mental health professionals with law enforcement for cases involving mental health issues. The service is provided by the County of Travis' mental health authority DBA Integral Care in partnership with the City of Austin.	Successful Pilot, Renewed Contract	\$4M
Support Team Assisted Response (STAR)	Denver, Colorado	Mobile crisis pilot program provides assistance to individuals experiencing mental health crises, depression, poverty, homelessness, and/or substance abuse. Teams include a Licensed Clinical Social Worker and a paramedic. The service is provided by the Denver Police Department and Mental Health Center of Denver and consists of one van operating in downtown Denver Monday – Friday 10am-6pm.	Pilot Program underway	\$780K
Mobile Assistance Community Responders of Oakland (MACRO)	Oakland, California	Proposed pilot program that will provide mobile crisis response for non-violent incidents, using a mental health professional and an Emergency Medical Technician in lieu of an armed response. The program would be provided through the Oakland Department of Violent Prevention.	Proposed Pilot	\$1.85M
Portland Street Response (PSR)	Portland, Oregon	Proposed pilot program to provide non-emergency response to those experiencing a mental health crisis or non-emergency medical issue by responders trained in behavioral health, crisis intervention, and medical assistance. The program will be provided through the Portland Fire and Rescue Department.	Pilot Program to begin in 2021	\$4.8M

24-Hour Street Crisis Response Team	San Francisco, California	Crisis response team that responds to calls related to behavioral health emergencies in lieu of law enforcement. These response teams are equipped with one paramedic, a behavioral health clinician, and a behavioral health peer and focus on calls in the Tenderloin neighborhood between 10 a.m. to 6 p.m., Monday through Friday.	Pilot Program Underway	\$2M
Crisis Intervention Services Unit	Rochester, New York	Non-law enforcement, comprehensive community response to all homicides, as well as all calls involving mental health, domestic violence and other related crises. The Unit consists of two teams: Team I is a comprehensive homicide response team, while Team II deals with all mental health and domestic violence related emergencies. Both teams will be on call 24 hours a day/seven days a week.	Full Program Implementation	\$1M

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0112.2/21 2nd draft

ATTY/TYPIST: KS:eab

BRIEF DESCRIPTION: Concerning compliance and transparency of deadly force investigations.

1 AN ACT Relating to compliance and transparency of deadly force
2 investigations; and adding new sections to chapter 43.101 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101
5 RCW to read as follows:

6 The office of the Washington state auditor is authorized to
7 conduct an audit procedure and review at the conclusion of any deadly
8 force investigation conducted pursuant to RCW 10.114.011 to determine
9 whether the actions of the involved law enforcement agency,
10 investigative body, and prosecutor's office are in compliance with
11 all rules and procedures for the investigation and reporting of
12 incidents involving the use of deadly force. Audit procedures under
13 this section shall be conducted in cooperation and coordination with
14 the commission.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101
16 RCW to read as follows:

17 Upon the request of the commission, the office of the Washington
18 state auditor is authorized to conduct an audit procedure on any law
19 enforcement agency to ensure the agency is in compliance with all
20 laws, policies, and procedures governing the training and

E-Page 89

1 certification of peace officers employed by the agency. A copy of any
2 completed audit must be sent to the commission, law enforcement
3 agency, city or county council, county prosecutor, and relevant
4 committees of the legislature.

--- END ---

SENATE/HOUSE BILL XXXX

State of Washington 67th Legislature 2021 Regular Session
 By **Senators/Representatives** ...

1 AN ACT Relating to enhancing public trust and confidence in
 2 law enforcement and strengthening law enforcement accountability
 3 by: excluding police accountability topics from being subject to
 4 bargaining in law enforcement union contracts; precluding use of
 5 arbitration for law enforcement officer disciplinary appeals;
 6 and specifying mandatory grounds for discharge from employment
 7 for law enforcement officers; **adding new sections to chapter**
 8 **41.56 RCW.**

Commented [A1]: We are asking legislative staff to recommend where Sec. 2 and 4 should be placed.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11
 12 NEW SECTION. **Sec. 1.** The legislature finds that:

13 (1) Policing is unique among governmental functions, due to
 14 the authority and broad discretion of police officers to engage
 15 in state-sanctioned use of force, taking of life, and taking of
 16 liberty. For this reason, collective bargaining agreements and
 17 accountability mechanisms for law enforcement unions and guilds
 18 have significantly different impacts on the public than those of
 19 other public sector employees. More accountability to the public
 20 is necessary than law enforcement collective bargaining
 21 agreements and law enforcement disciplinary appeals arbitration
 22 provide.

23 (2) Considerable local and national evidence demonstrates
 24 that law enforcement union and guild collective bargaining
 25 agreements, and the use of arbitration for appeals of law
 26 enforcement discipline, have resulted in shielding officers from
 27 accountability for misconduct, including use of excessive force.

1 These barriers to accountability have resulted in the
2 reinstatement of law enforcement officers despite having engaged
3 in serious misconduct harming members of the public, undermining
4 public trust and confidence in the work of law enforcement
5 agencies.

6 (3) The legislature recognizes that law enforcement
7 accountability systems, structures, policies, and practices that
8 are transparent and effective, and mete out fair, impartial, and
9 swift discipline commensurate to wrongdoing, will help ensure
10 the civil and constitutional rights of the public are upheld,
11 reduce misconduct, and maintain law enforcement agency cultures
12 of accountability and adherence to policy and law.

13 (4) This **bill** is intended to reduce barriers to police
14 accountability but does not alter any other collective
15 bargaining rights of law enforcement officers nor does it change
16 collective bargaining rights for public employees other than law
17 enforcement. All public employees maintain the right to bargain
18 with respect to matters related to wages and benefits.

Commented [A2]: Staff to select correct term, here and throughout - is it bill or chapter or other?

19
20 **Sec. 2.** Definitions applicable to this **bill** only. For this
21 section and sections 3 through 6 of this act the following
22 definitions apply:

Commented [A3]: Legislative staff to figure out where to put this, to carry out the intent that this bill applies to law enforcement only and not to any other public employees.

23 (1) "Law enforcement officer" means "general authority
24 Washington peace officers" employed by "general authority
25 Washington law enforcement agencies" as defined in RCW
26 10.93.020(1) and (3).

27 (2) "Law enforcement union" means any bargaining entity
28 that engages in collective bargaining on behalf of law
29 enforcement officers.

30
31 NEW SECTION. **Sec. 3.** A new section is added to chapter
32 41.56 RCW to read as follows:

33 (1) A collective bargaining agreement with a law
34 enforcement union shall not:

1 (a) Require a waiting period before an officer is
2 interviewed by the officer's employer or an agent of the
3 employer about a use of force incident or other significant
4 incident involving alleged misconduct, or allow an officer to
5 watch video recordings of the incident or talk to other officers
6 about the incident prior to submitting to an interview. An
7 immediate interview of an officer alleged to have been involved
8 in a use of force incident or other significant incident
9 involving alleged misconduct, or to have witnessed such an
10 incident, must be allowed;

11 (b) Preclude the investigation of a complaint or the
12 imposition of discipline by the officer's employer based on a
13 time limit for filing of a complaint or concluding an
14 investigation;

15 (c) Limit the manner in which complaints of misconduct are
16 initiated, investigated, litigated, or otherwise resolved by the
17 officer's employer;

18 (d) Prevent the officer's employer from pursuing other
19 incidents or types of misconduct revealed during an
20 investigation;

21 (e) Limit retention, disclosure, use, or review of body
22 camera and in-car video footage by the officer's employer;

23 (f) Limit secondary employment management, oversight, and
24 policies established by the officer's employer;

25 (g) Limit internal review boards or early intervention
26 systems established by the officer's employer or local
27 jurisdiction;

28 (h) Limit the authority, composition, or responsibilities
29 of civilian oversight entities established by the officer's
30 employer, local jurisdiction, or other governing body;

31 (i) Limit the use or authority of civilian supervisors and
32 investigators by the employer or civilian oversight entity
33 receiving complaints and conducting investigations;

1 (j) Limit full subpoena authority for civilian oversight
2 bodies, or otherwise limit civilian oversight and review;

3 (k) Limit public access to, retention of, or disclosure of,
4 information and records regarding incidents, complaints,
5 investigations, findings, disciplinary decisions, litigation,
6 appeals, or decertification of officers;

7 (l) Limit a chief's or sheriff's authority to remove an
8 officer from duty or place an officer on leave;

9 (m) Limit the procedures or timelines for the retention or
10 destruction of officer misconduct and employment records;

11 (n) Allow sealing, removal, redaction, or destruction of
12 information in officer misconduct and employment records;

13 (o) Allow officers or union representatives to raise
14 previously undisclosed information at disciplinary appeal
15 hearings where that information was known and not disclosed by
16 the officer or union representative during the underlying
17 investigation;

18 (p) Require a specific standard of review or that the
19 burden of proof in order to find misconduct, or to impose or
20 uphold discipline, must be greater than a preponderance. Nothing
21 in this subsection shall be construed as limiting a local
22 jurisdiction's authority to apply a standard for appeals that is
23 more deferential to management than a preponderance;

24 (q) Allow the use of arbitration to decide disciplinary
25 appeals;

26 (r) Include any provision addressing the processes or
27 information regarding imposition of discipline, hearings,
28 appeals, or decertification for misconduct;

29 (s) Limit the officer's employer or civilian oversight
30 entity regarding who shall investigate, and in what manner,
31 complaints of criminal misconduct;

32 (t) Prohibit the employer from releasing misconduct and
33 employment information to prospective employers or obtaining

1 such information from prior employers of prospective law
2 enforcement officers; or

3 (u) Limit the composition, appointment requirements,
4 policies, procedures, or rules of civil service commissions or
5 public safety civil service commissions.

6 (2) The provisions of subsection (1) of this section shall
7 not be subject to bargaining with law enforcement unions and may
8 not be modified by collective bargaining with law enforcement
9 unions.

10 (3) Any provision of a contract or collective bargaining
11 agreement entered or amended after the effective date of this
12 act that is contrary to **this section** is void and unenforceable.

Commented [A4]: Question for legislative staff: should this be worded differently? Should it include "that is contrary to 'any provision of' this section," e.g.?

13
14 **Sec. 4.** A new section is added to chapter 41.56 RCW to read
15 as follows:

16 (1) Notwithstanding the provisions of RCW 41.56.122,
17 discipline of law enforcement officers for misconduct shall not
18 be subject to arbitration, but instead shall be subject to
19 **appeal** to a civil service commission or a public safety civil
20 service commission if a jurisdiction has one.

Commented [A5]: Is the Administrative Procedures Act implicated by this section?

21 (2) A party may appeal the decision of a civil service
22 commission or public safety civil service commission to a
23 superior court only if the decision violates an explicit, well-
24 defined, and dominant public policy established by case law.

25 (3) For discipline of law enforcement officers for
26 misconduct, the following procedures must be followed:

27 (a) The civil service commission or public safety civil
28 service commission shall uphold the discipline imposed on a law
29 enforcement officer and may not reduce the discipline imposed if
30 the finding of misconduct is upheld, unless it finds that the
31 discipline was arbitrary, capricious, or based on an illegal
32 reason. Deference to factual findings is required and de novo
33 review is not permitted.

1 (b) Appeals of discipline imposed on law enforcement
2 officers shall be governed as follows:

3 (i) Hearings, except for commission deliberations, shall be
4 open to the public;

5 (ii) All requests by the officer or union for an appeal
6 shall be made within ten days of receiving the notification of
7 discipline, such appeals shall be heard within ninety days of
8 the imposition of the discipline, and the decision shall be
9 entered within thirty days of the completion of the hearing;

10 (iii) The written decision resulting from the appeal shall
11 be made available to the parties and the public and subject to
12 disclosure under the public records act. The decision shall be
13 final and binding without further appeal other than as set forth
14 in Section 4(2) of this Chapter; and

15 (iv) Commission members hearing appeals must be appointed
16 or selected on the basis of merit, have the necessary subject
17 matter expertise, not have a conflict of interest, and not have
18 worked for a law enforcement agency for any period within the
19 ten years preceding appointment or selection.

20 (c) The commission or jurisdiction, including the
21 Washington state patrol, may choose to use an administrative law
22 judge or hearing examiner in lieu of a civil service commission
23 or public safety civil service commission to hear officer
24 disciplinary appeals, provided that the administrative law judge
25 or hearing examiner is selected on the basis of merit, has the
26 necessary subject matter expertise, does not have a conflict of
27 interest, has not worked for a law enforcement agency for any
28 period within the ten years preceding appointment or selection,
29 and is on contract or staff for the commission or jurisdiction,
30 not selected on a case-by-case basis.

31 (d) The commission or jurisdiction shall adopt rules to
32 effectuate **this act**.

33 (4) Any provision of a contract or collective bargaining
34 agreement entered or amended after the effective date of **this**

1 act, that is contrary to this section, is void and
2 unenforceable.

Commented [A6]: Same question for legislative staff: add "any provision of" before "this section"?

3
4 NEW SECTION. Sec. 5. A new section is added to chapter
5 41.56 RCW to read as follows:

Commented [A7]: This section like the ones above should go in a place that makes clear it applies to law enforcement officers only.

6 (1) The legislature has determined that when law
7 enforcement officers commit certain misconduct impacting the
8 public interest, discharge from employment is the appropriate
9 discipline. The employer may not consider past discipline
10 practices as an extenuating circumstance and may not impose
11 discipline other than discharge based on past practice for
12 similar misconduct. The following specific misconduct shall
13 result in discharge of law enforcement officers:

14 (a) Use of excessive force, as defined by _____, or
15 was present, aware of another officer's use of excessive force,
16 able to intervene, and failed to intervene or report another
17 officer's use of excessive force;

Commented [A8]: There will be a separate bill currently called the de-escalation bill that will define what constitutes excessive force; our intent is to reference the de-escalation bill here and make them consistent.

18 (b) Knowingly making misleading, deceptive, untrue, or
19 fraudulent statements or representations during an official
20 investigation, in law enforcement documents or reports, or while
21 testifying under oath;

22 (c) Theft or misappropriation of funds or property, or use
23 of the position of law enforcement officer for personal gain
24 through fraud or misrepresentation;

25 (d) Serious or repeated harassment or discrimination based
26 on a legally protected class defined in chapter 49.60 RCW;

27 (e) Conviction or the commission of a felony offense or
28 gross misdemeanor domestic violence offense under the laws of
29 this state, or of a comparable offense under federal law or the
30 laws of another state;

31 (f) Acting with deliberate indifference to a substantial
32 risk of harm to a person in custody;

33 (g) Engaging in nonconsensual sexual contact with a person
34 in custody; or

1 (h) Violations of duties established under chapter
2 10.93.160.

3 (2) Nothing contained in this section is intended to
4 prohibit a law enforcement officer from being discharged for
5 misconduct not contained herein.

6 (3) Any provision of a contract or collective bargaining
7 agreement entered or amended on or after the effective date of
8 **this bill** that is contrary to or inconsistent with this section
9 is void and unenforceable.

10

11 NEW SECTION. **Sec. 6.** A new section is added to chapter
12 41.56 RCW to read as follows:

Commented [A9]: Does the bill need to reference 41.56.100(1)?

13 (1) The state, as to the state patrol, and cities, towns,
14 counties or other municipalities or political subdivisions, must
15 adopt laws or policies establishing procedures for receiving and
16 investigating complaints of law enforcement misconduct and
17 imposing discipline. Such laws and policies must be consistent
18 with **this act**, and the process by which a jurisdiction proposes
19 and adopts such laws or policies must include reasonable
20 opportunity for public review and comment, as well as review and
21 comment by civilian oversight officials if a jurisdiction has
22 them, taking into consideration challenges to access such as
23 availability of public transportation, differences in access to
24 technology and the internet, and disability and language
25 barriers.

Commented [A10]: Add this to a place in the statute where it is clear that this is limited to law enforcement union collective bargaining agreements only

26 (2) Local laws and policies, including but not limited to
27 provisions labeled "officer bill of rights", memoranda of
28 understanding, settlement agreements, or other agreements that
29 are inconsistent with the requirements of state law, **shall** not
30 be enacted and are preempted and repealed, regardless of the
31 nature of the code, charter, or home rule status of the city,
32 town, county, or municipality.

Commented [A11]: Legislative staff should advise on proper term here.

--- END ---

American Library Association
“National Day of Racial Healing”

WHEREAS, we have all witnessed racial divisiveness rising in America’s urban, rural, suburban, and tribal communities today that threatens the very core of this great country’s unified front; and

WHEREAS, just like those who came before us, it is our duty to protect the children of this country and maintain communities in which they may all be given the opportunity to succeed; and

WHEREAS, we understand and recognize that there is a racial divide in our country and we must all work earnestly to heal the wounds created by racial, ethnic and religious bias and build an equitable and just society so that all children can thrive; and

WHEREAS, children have the right to be provided every opportunity to learn, grow, and thrive in nurturing environments that don’t violate their safety, dignity, and humanity; and

WHEREAS, every single person has the capability to make a simple change within him or herself that can have a profound effect on an entire society; and

WHEREAS, if we all dedicate ourselves to the principles of truth, racial healing and transformation, we can all bring about the necessary changes in thinking and behavior that will propel this great country forward as a unified force where racial biases will become a thing of the past; and

WHEREAS, racial healing is a vital and crucial commitment to the education, social, mental and over all well-being of all our children; and

WHEREAS, **the American Library Association (ALA)**, in conjunction with others throughout the United States of America, acknowledges January 21, 2020 as the “National Day of Racial Healing,” and urges all citizens to promote racial healing and transformation in the ways that are best suited for them individually, as a means to working together to ensure the best quality of life for every child.

NOW, THEREFORE, I, **Wanda Kay Brown**, do hereby proclaim that this organization honors and recognizes January 21, 2020 as the “National Day of Racial Healing.”



EQUITY IMPACT ASSESSMENT (EIA)

Stage 1 – Big Picture Thinking

While it may sound obvious, having a clear description of the policy, program, service or initiative is critical.

What is the PPSI?

- *Why is it needed?*

- *Who is it aimed at?*

- *What are the intended outcomes?*

How is the PPSI related to equity and inclusion along the following markers of difference? Is there likely to be a high, medium or low impact for certain groups of people in your community?

- *Race or ethnicity?*
- *Gender and gender identity?*
- *Disability?*
- *Age?*
- *Sexual orientation?*
- *Religion, Faith or Belief?*
- *Socio-economic factors?*

Which communities and groups will need to be involved in the development of the PPSI?



Stage 2 – Learning & Consultation

EIA's should ensure that the PPSI incorporates the best available data, and that outreach and engagement approaches include communities and groups that will be most impacted. This stage should set out how equity information, research and best practice has been collected. It should also describe in detail the fieldwork plan and the feedback loops back to stakeholders and communities.

What available data do we have on the service users/customers/communities that will be impacted by this PPSI?

- *Equity profile of service users by race/ethnicity, gender and gender identity, disability, age, sexual orientation, religion/faith and socio-economic status.*

- *Evidence from relevant surveys, complaints, outreach efforts*

What do stakeholders think about the PPSI?

- *How have you consulted with key stakeholders in the process of developing the PPSI?*

- *What do stakeholders think? What have we done already and what more do we need to do?*

- *What are some potential barriers to participation for different groups? What voices have been missing from your outreach?*

- **Gaps:** *Areas where more information is required and longer-term measures to be taken to strengthen data?*

- *How feedback and challenge from informed groups and individuals will be used to ensure that the final PPSI is robust, addresses identified need and promotes equity and inclusion.*



Stage 3 – Analysis

This is where you start synthesizing your information and assessing impact. It is essential to consider not just the intended consequences of the PPSI but also any unintended consequence and barriers that might prevent it being effective for certain community groups. This section sets out how equity information has been analysed and the likely impact identified.

- *Will any groups be negatively impacted because of the PPSI?*

- *Will there be issues of access for some groups?*

- *How might the PPSI positively impact equity and inclusion?*



Stage 4 – Making a Plan

This section sets out recommendations, actions to be taken to address any adverse impacts, and other areas that could promote equity and inclusion. It is recommended that Stage 4 identifies who in your organization is accountable for next steps; that it sets out clear measures for tracking progress; and clearly shows how communication will flow back to stakeholders and the broader community.

- *How can we mitigate any negative issues identified in Stage 3?*

- *How will the PPSI promote equity and inclusion? Are there further ways to maximize the positive impacts?*

- *How will the PPSI be implemented and communicated to make it accessible and transparent?*

- *Who is responsible for making recommendations to the appropriate body? i.e. City Manager, City Council, Department Director? How will we track progress on recommendations?*

Recommendations



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES
December 8, 2020

1. CALL TO ORDER

Mayor Sweet called the study session to order at 5:30 p.m. and called the special meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

3. STUDY SESSION

a. Solid Waste Contract Procurement Update

Solid Waste Programs Supervisor John MacGillivray provided a briefing on the status of the procurement of a new Comprehensive Garbage, Recyclables, and Compostable Collection Contract and responded to Council questions.

b. Northeast Recycling and Transfer Station Siting Update

King County Interim Project Management Office Manager Margaret Bay, King County Solid Waste Division Manager Pat McLaughlin and King County Government Relations Administrator Dorian Waller presented on the status of the siting of the Northeast Recycling and Transfer Station (NERTS).

Council recessed for a break prior to the regular meeting.

4. HONORS AND PROCLAMATIONS

None.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

David Hoffman
MJ Carlson
Addie Smith

c. Petitions

6. PUBLIC HEARINGS

None.

7. SPECIAL PRESENTATIONS

a. COVID-19 Update

(1) CARES Act Final Report

Deputy City Manager Tracey Dunlap provided background on the CARES Act funds received and COVID eligible costs. Human Services Supervisor Leslie Miller then shared information about the human services grants awarded using CARES funds, followed by Assistant City Manager James Lopez who provided an update on small business COVID-19 related expenses and next steps.

(2) COVID-19 Initial Response After Action Report

Emergency Preparedness Manager Heather Kelly Provided a presentation on the "COVID-19 Initial Response After Action Report" and the report's recommendations.

b. Resolution R-5434 Update

Assistant City Manager James Lopez provided an update on community outreach efforts to date.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) November 17, 2020

b. Audit of Accounts

Payroll: \$7,543,590.29
Bills: \$6,656,039.40
S1118A Checks #716046-716208
S1108B Wire #239
G1125B Checks #716209-716380
G1125A Wire #247
S1130A Wires #240, 241
S1202A Checks #716381-716483
S1202B Wire #246
S1202C Wire #248

ACH

c. General Correspondence

d. Claims

(1) Claims for Damage

Claims received from Lakeside Christian Church and John Tymczyszyn were acknowledged via approval of the consent calendar.

e. Award of Bids

(1) Citywide Greenways Network Project: NE 75th Street and 128th Avenue NE

Council awarded a construction contract for Schedules A and B for the Citywide Greenways Network Project: NE 75th Street and the 128th Avenue NE (Project) to Rodarte Construction, Inc., of Auburn, Washington, in the amount of \$1,006,078.50.

(2) NE 124th Street & 113th Ave. Pedestrian Safety Enhancements

Council awarded a construction contract for the NE 124th Street / 113th Avenue NE Pedestrian Safety Enhancements Project to RW Scott Construction, of Auburn, Washington, in the amount of \$69,773.10.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Annual Street Preservation Program: 2019 Phase I Street Overlay

Council accepted the work on the Annual Street Preservation Program: 2019 Phase I Street Overlay (Project), as completed by Watson Asphalt of Redmond, Washington, thereby establishing the statutory lien period.

g. Approval of Agreements

h. Other Items of Business

(1) Resignation of Cultural Arts Commission Member

Ms. Klein's resignation was acknowledged, and draft response letter was approved via approval of the consent calendar.

(2) Contract with American Federation of State, County and Municipal Employees AFL-CIO (AFSCME), Local #1837.

The contract was ratified via approval of the consent calendar.

- (3) Ordinance O-4744, entitled " AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PERSONNEL, MANAGEMENT LEAVE FOR ELIGIBLE EMPLOYEES AND CITY MANAGER DISCRETIONARY AUTHORITY TO AUTHORIZE ADDITIONAL MANAGEMENT LEAVE FOR ELIGIBLE EMPLOYEES SERVING IN OVERTIME-EXEMPT POSITIONS IDENTIFIED BY THE CITY MANAGER IN THE CITY MANAGER'S DISCRETION FOR USE IN 2021 ONLY DUE TO EXTRAORDINARY ADDITIONAL WORK TIME REQUIRED IN 2020 RESULTING FROM COVID-19, SOCIAL UNREST, ECONOMIC DISRUPTIONS AND BUDGET CHALLENGES."

The Ordinance was approved via approval of the consent calendar.

- (4) October 2020 Sales Tax Report

Council acknowledged the report via approval of the consent calendar.

- (5) Procurement Report

Council acknowledged the report via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

9. BUSINESS

- a. 2019-2020 Budget Adjustment

Finance and Administration Director Michael Olson presented an overview of the Ordinance adjusting the 2019-2020 budget appropriation.

- (1) Ordinance O-4747 and its Summary, Amending the Biennial Budget for 2019-2020

Motion to Approve Ordinance O-4747 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2019-2020."

Moved by Councilmember Kelli Curtis, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

b. Property Tax Levy Adoption

Finance and Administration Director Michael Olson presented an overview of the Ordinance that establishes the final regular and excess property tax levies for the City of Kirkland for the 2021 fiscal year.

- (1) Ordinance O-4746, Establishing the Amount of Property Taxes to be Levied for the Year 2021, the First Year of the City of Kirkland's 2021-2022 Biennium, and Repealing Ordinance O-4742

Motion to Approve Ordinance O-4746 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2021, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2021-2022 BIENNIUM, AND REPEALING ORDINANCE O-4742."

Moved by Councilmember Neal Black, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

c. 2021-2022 Budget Adoption

Finance and Administration Director Michael Olson presented an overview of the Ordinance for the 2021-2022 biennium and the 2019-2020 Real Estate Excise Tax (REET) report.

- (1) Ordinance O-4748 and its Summary, Adopting the Biennial Budget for 2021-2022

Motion to Approve Ordinance O-4748 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE BIENNIAL BUDGET FOR 2021-2022."

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

d. 2021-2026 Capital Improvement Program Adoption

Finance and Administration Deputy Director Sandi Hines presented an overview of resolution adopting the 2021-2026 Capital Improvement Program.

- (1) Resolution R-5459, Adopting the 2021-2026 Six-Year Capital Improvement Program for the City of Kirkland

Motion to Approve Resolution R-5459 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2021-2026 SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF KIRKLAND."

Moved by Councilmember Jon Pascal, seconded by Councilmember Amy Falcone

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

Council recessed for a short break.

e. Sustainability Master Plan

Senior Planner David Barnes reviewed the resolution adopting the City of Kirkland Sustainability Master Plan.

(1) Resolution R-5457, Approving the Sustainability Master Plan

Motion to Approve Resolution R-5457 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE SUSTAINABILITY MASTER PLAN," as amended.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, and Councilmember Jon Pascal.

No: Councilmember Toby Nixon.

Motion to Amend Resolution R-5457, by adding an additional Action HC-10.2 to the Sustainability Master Plan that reads, "Action HC-10.2: Prior to the 2024 Comprehensive Plan Update, expand the proposed Geographic Information System (GIS) community analysis to include a gap analysis of environmental justice inequities. This analysis should include the identification of where BIPOC and low-income housing communities are located in Kirkland that may have less access to community and environmental amenities and/or greater exposure to environmental pollution and hazards. If any such impacts are identified, the City shall develop a plan to prioritize and equitably direct resources to address these deficiencies as part of the 2024 Comprehensive Plan and other functional plan updates."

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

f. 2020 Comprehensive Plan and Zoning Map Amendments

Senior Planner Janice Coogan presented an overview of the Ordinance.

- (1) Ordinance O-4745, Relating to Comprehensive Planning, Land Use, and Amending the Comprehensive Plan Ordinance 3481, as Amended, to Update Chapter XIII Capital Facilities Plan, Chapter VI Land Use, Chapter X Parks, Recreation and Open Space, Chapter IX Transportation Elements, Chapter XV Replace the Market, Norkirk, Highlands Neighborhood Plans, Market Street Corridor Plan, Legislative Rezones, and the City of Kirkland Zoning Map, Ordinance 3710 as Amended, to Ensure the Zoning Map Conforms to the Comprehensive Plan and the City Complies with the Growth Management Act, and Approving a Summary for Publication, File No. CAM18-00741 and File No. CAM20-00471

Motion to Approve Ordinance O-4745 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING, LAND USE, AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481, AS AMENDED, TO UPDATE CHAPTER XIII CAPITAL FACILITIES PLAN, CHAPTER VI LAND USE, CHAPTER X PARKS, RECREATION AND OPEN SPACE, CHAPTER IX TRANSPORTATION ELEMENTS, CHAPTER XV REPLACE THE MARKET, NORKIRK, HIGHLANDS NEIGHBORHOOD PLANS, MARKET STREET CORRIDOR PLAN, LEGISLATIVE REZONES, AND THE CITY OF KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO ENSURE THE ZONING MAP CONFORMS TO THE COMPREHENSIVE PLAN AND THE CITY COMPLIES WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00741 AND FILE NO. CAM20-00471."

Moved by Councilmember Toby Nixon, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

Motion to Amend Ordinance O-4745, by amending Exhibit M, Policy MS-15 of the Comprehensive Plan to read, "Commercial and multi-family development that is oriented toward Market Street will reduce impact on adjacent lower-intensity residential neighborhoods" as amended.

Moved by Councilmember Toby Nixon, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

Motion to Amend the amendment to Ordinance O-4745, to insert "with reduced setbacks" after "Market Street".

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Amy Falcone

Vote: Motion carried 5-2

Yes: Deputy Mayor Jay Arnold, Mayor Penny Sweet, Councilmember Neal Black, Councilmember Kelli Curtis, and Councilmember Amy Falcone.

No: Councilmember Toby Nixon, and Councilmember Jon Pascal.

10. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the upcoming Sound Cities Association Public Issues Committee meeting; a King Conservation District Advisory Committee meeting; the I-CERV (Ismaili Community Engaged in Responsible Volunteering) food drive; an upcoming I-CERV (Ismaili Community Engaged in Responsible Volunteering) book and toy drive on December 19; the first annual city-wide Holiday Lights contest; and Eastside Renters in Crisis meeting; a Governing for Racial Equity and Inclusion meeting; the King County Developmental Disabilities and Early Childhood Supports Division 2021 Legislative Forum; the monthly Eastside Embrace "Sit Down and Listen" event; community meetings to discuss the Homes Point Drive Corridor Study and the NE 131st Way/90th Avenue NE Corridor Study; the Puget Sound Regional Council Regional Transit-Oriented Development Advisory Committee meeting; the upcoming Sound Cities Association North Caucus Meeting; the upcoming Kirkland Downtown Association's Kirkland Winter Market on December 12; upcoming Comfort Kit Drive on December 12; an upcoming Eastside Human Services Forum meeting; a panel presentation to the Washington State Transportation Commission about Eastrail; a legislative workgroup meeting with State Representative Kloba and State Senator Stanford; an Eastrail Regional Advisory Council meeting; a Transportation Work Group meeting; an upcoming legislative workgroup meeting with State Representative Fey; and an upcoming legislative workgroup meeting with Representative Senn; and upcoming Eastside Transportation Partnership meeting; a King County Regional Law Safety & Justice Committee meeting; a Washington State Active Transportation Safety Council meeting; a King County Regional Transit Committee meeting; further removal of old rails from the Kirkland Corridor; a Water Resource Inventory Area (WRIA) 8 Salmon Recover Council meeting; a Cascade Water Alliance meeting; the Pacific Northwest Waste Summit; a King County Solid Waste Advisory Committee meeting; a King County Metropolitan Solid Waste Management Advisory Committee meeting; the Sound Cities Association Annual Meeting; a groundbreaking event for the Lake Street Project; and many words of

appreciation for all of the work of the Council and the City Staff over the past year.

b. City Manager Reports

City Manager Kurt Triplett shared some brief remarks of appreciation for the Council's leadership over the past year.

(1) Calendar Update

City Manager Kurt Triplett mentioned upcoming council topics will include eviction issues, and an agenda for the upcoming Council retreat in February; and Councilmember Black requested a State of the Municipal Court presentation which will be a topic for the January 5th study session.

11. ITEMS FROM THE AUDIENCE

None.

12. EXECUTIVE SESSION

a. To Review the Performance of Public Employee

Mayor Sweet announced that Council would enter into executive session to review the performance of a public employee and would return to regular meeting for the purpose of adjournment only at 10:55 p.m., which they did. Also attending the session were City Attorney Kevin Raymond and Human Resources Director Anh Hoang.

13. ADJOURNMENT

The Kirkland City Council special meeting of December 8, 2020 was adjourned at 10:58 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: January 05, 2021
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) John and Nancy Ballard
11855 108th Avenue NE
Kirkland, WA 98033

Amount: \$640.00

Nature of Claim: Claimant states damage occurred to their residential landscaping due to flooding resulting from storm drain overflow.

- (2) Gardenia Banks
65 107th Avenue SE
Kirkland, WA 98033

Amount: \$2,000

Nature of Claim: Claimant states damage occurred to her vehicle's left front tire and side marker lamp bulb when she struck a cement block while driving in a construction site area near Totem Lake shopping mall.

- (3) Richard and Patricia LaVoice
708 2nd Street
Kirkland, WA 98033

Amount: \$50,000-100,000 TBD

Nature of Claim: Claimant states damage occurred to their residence due to flooding resulting from storm drain overflow.

- (4) Joan S. Miller
10615 118th Place NE
Kirkland, WA 98033

Amount: \$2207.90 +tax

Nature of Claim: Claimant states damage occurred to their residential water pipe resulting from a City right-of-way tree roots.

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



CITY OF KIRKLAND

City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Chris Dodd, Facilities Services Manager

Date: December 17, 2020

Subject: Fire Station 27 Roofing Project – Award Construction Contract

RECOMMENDATION:

It is recommended that the City Council award the Fire Station 27 Roofing Project construction contract to Commercial Industrial Roofing of Lynwood, WA in the amount of \$302,444.70 and approve the attached fiscal note to fully fund the project. Awarding the bid and accepting the fiscal note will be approved by a motion from the Council approving the Consent Calendar.

BACKGROUND DISCUSSION

As part of the City of Kirkland's aging infrastructure program, the Fire Station 27 roof is due for replacement. The City will be constructing a new Fire Station 27 as part of the voter-approved fire and emergency medical services (EMS) levy, but the new station is not expected to be completed until mid-2023. In addition, the existing structure is expected to be used for other City fire/EMS related purposes upon the completion of the new station. To provide continued fire department operations until the new station is ready, and to ensure the building remains sound for future purposes, replacing the roof is necessary.

BIDDING

On October 22, 2020 plans and specifications were available to the public. On October 26, 2020 at 1 pm, the City held a mandatory site visit for potential roofing contractors to review the plans and ask the design team questions about the project. The bid opening was held on November 4, 2020 that included Bidder Responsibility Criteria specific to completion of projects of similar size and scope. 5 bids were received as follows:

<u>Contractor</u>	<u>Contract Amount</u>
Stanley Roofing	\$278,284.36
Scholten Roofing	\$388,123.57
Commercial Industrial Roofing	\$274,700.00 low bid
Axiom	\$296,079.82
Wright Roofing	\$291,646.58

With an award of the contract to Commercial Industrial Roofing by City Council at their January 5, 2021 meeting, construction will begin in February of 2021. A 56-day construction period is anticipated with an additional 25 days to complete punch list items and close out the project. This project is subject to weather conditions, so some schedule changes are anticipated.

BUDGET

The total budget of \$302,444.70 (\$274,700 plus sales tax) is funded with \$97,200 from the Facilities Sinking fund and \$205,244.70 from Ground Emergency Medical Transport (GEMT) funds reserved for this purpose. In March of 2020, \$153,000 of GEMT was authorized for the roof. The attached fiscal note approves a final allocation of \$52,245 from GEMT to fully fund the project.

NEXT STEPS

At the regular meeting on January 5, 2021, City Council will be asked to award the Roofing Contract to Commercial Industrial Roofing as part of approving the Consent Calendar. With City Council approval of the contract, the project will formally begin. A separate fiscal note is included (Attachment A)

FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Tracey Dunlap, Deputy City Manager							
Description of Request							
Authorize a one-time transfer of \$52,245 to fund roof replacement costs for the existing Fire Station 27. The request will be funded with \$52,245 from reserved Ground Emergency Medical Transport funds (GEMT) revenues.							
Legality/City Policy Basis							
GEMT revenues are provided through the State of Washington's Health Care Authority and are supplemental payments to cover the funding gap between our Fire Departments' actual costs per GEMT transport and the allowable amount received from Washington Apple Health (Medicaid) and any other form of reimbursement. Kirkland has been reserving these revenues for Fire Station related expenses.							
Fiscal Impact							
One-time transfer of \$52,245 from the General Fund's reserved GEMT revenues to the General Capital fund for the Facilities Roofing, Gutter, Siding and Deck Replacements project (GGC1100000). The reserved balance as of the beginning of 2021 is currently \$3,241,414 and will be \$3,189,169 after this fiscal note.							
Recommended Funding Source(s)							
Reserve	Description	2021 Est Begin Balance	Prior Auth. 2021-22 Uses	Prior Auth. 2021-22 Additions	Amount This Request	Revised 2022 End Balance	2022 Target
	GEMT Reserved Revenues	3,241,414	0	0	(52,245)	3,189,169	N/A
Revenue/Exp Savings							
Other Source							
Other Information							
NOTE: This amount is in addition to \$153,000 of GEMT funds committed to this project in March 2020, meaning a total of \$205,245 of GEMT funding is budgeted in this project.							

Prepared By	Kevin Lowe Pelstring, Budget Analyst	Date	December 17, 2020
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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: Scott Gonsar, P.E., Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Director of Public Works

Date: December 17, 2020

Subject: CKC SURFACE WATER DRAINAGE HEADWALL REPAIR—ACCEPT WORK

RECOMMENDATION:

Staff recommends that the City Council:

- Accept work on the CKC Surface water Drainage Headwall Repair (Project) as constructed by Dungeness Construction Company, of Langley, Washington, in the amount of \$300,151.54, and establish lien period; and
- Approve returning \$2,036.26 from the Project to Surface Water Reserve.

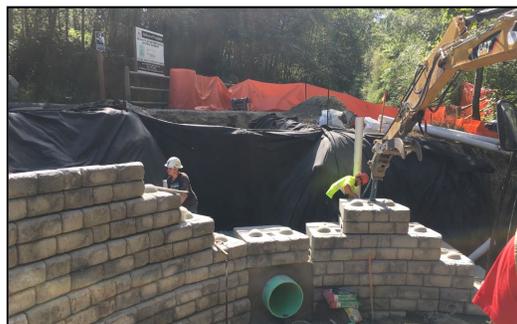
By taking action on the item under the Consent Calendar, the City Council is accepting the work on the Project, establishing lien period, and returning excess funds to Surface Water Reserves.

BACKGROUND DISCUSSION:

This Project replaced an old, failing wood wall with a concrete block wall that both prevents erosion of the stream bank and physically supports the surface of the CKC. The Project also improved stream habitat and replaced failed infrastructure components at mile 3.5 of the Cross Kirkland Corridor (CKC). Further, the improvements dissipate stream energy to provide channel stability (see Attachment A, Vicinity Map). Several alternatives for the best way to design this Project were evaluated by a consultant (see "Headwall Alternative Report" in Table 1, below). This project also required a full federal, state, and local permitting process including Army Corp of Engineers Joint Aquatic Resources Permit, as well as a Hydraulic Project Approval from the Department of Fish and Wildlife, and responses to comments from the Muckleshoot Indian Tribe, all of which took a significant amount of time, effort, and documentation studies.

To reduce the amount of time the CKC would need to be closed during construction, prior to advertising for bids staff worked to acquire a temporary construction easement across a parcel owned by King County. Doing so required a survey, a cost for the temporary right, and staff time (see "Temporary Construction Easement" in Table 1). Because of this, the CKC needed to be closed for only 10 calendar days.

Subsequently, the Council awarded a construction contract to Dungeness Construction Company on May 21, 2019. Construction began on July 18, 2019 and reached physical completion on November 19, 2019. During construction, a special inspector was used to ensure channel stability, suitable habitat, field fit channel dams and boulders, and maintain stream compliance (see "Compliance and Special Inspection" in Table 1). There were no change orders on the project, and the total amount distributed to the Contractor was \$300,151.54.



View of Concrete Block Wall
Looking Southeast Toward CKC

While this project was completed a year ago, before project acceptance, we require a full year of plant establishment work from the contractor to ensure satisfactory compliance of our standards.

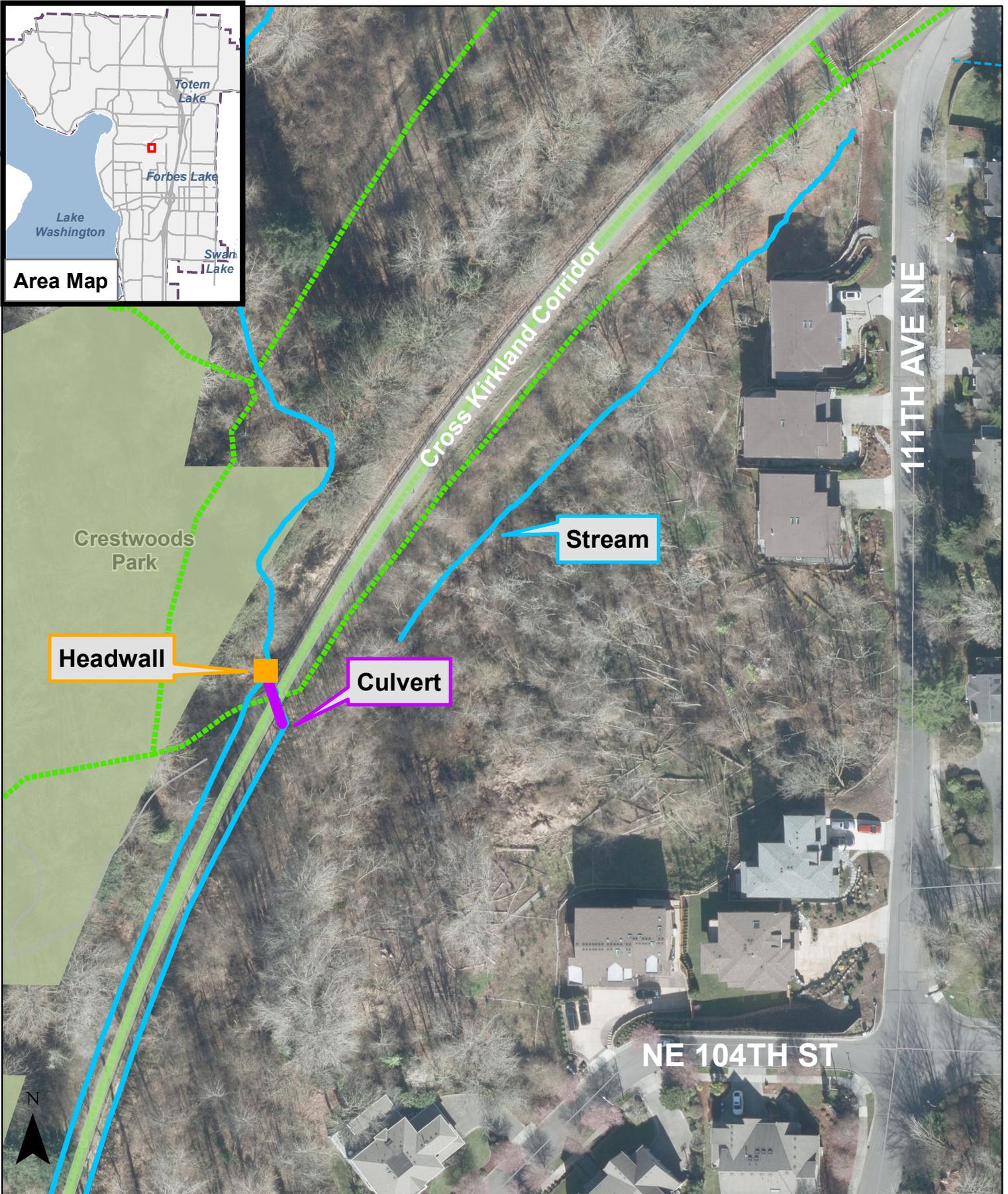
The Project is complete, and all expenses are known. The total funding, actual project expenses, and remaining balance are shown in the table below.

Table 1: Funding and Actual Expenses (SDC-106)

Funding	
Surface Water Utility Funds	\$540,000.00
King County Flood Control Grant Funding	\$150,000.00
Total	\$690,000.00
Actual Expenses	
Headwall Alternative Report	(\$38,340.68)
Consultants	(\$156,876.51)
In-house	(\$93,505.15)
Temporary Construction Easement	(\$62,405.70)
Compliance and Special Inspection	(\$36,684.16)
Construction	(\$300,151.54)
Total	(\$687,963.74)
Balance	\$2,036.26

The Project ended with a positive balance of \$2,036.26, which staff recommends returning to the Surface Water Reserve (see Attachment C, Fiscal Note).

Attachment A: Vicinity Map with Area Map Inset
Attachment B: Project Budget Report
Attachment C: Fiscal Note



CKC SURFACEWATER DRAINAGE CRESTWOODS PARK PROJECT (SD0-0106001) PROJECT BUDGET REPORT

Attachment B



FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Julie Underwood, Interim Director of Public Works							
Description of Request							
One-time transfer of unspent project balance from the CKC Headwall Project (SDC1060000 & SDC1060100) to the Surface Water Reserve. Balance at the time of the accept-work memo is estimated to be \$2,036.							
Legality/City Policy Basis							
Fiscal Impact							
One-time transfer of approximately \$2,036 to Surface Water Reserves.							
Recommended Funding Source(s)							
Reserve	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
Revenue/Exp Savings	Expenditure savings amount to \$2,036. The original funding source is Surface Water Reserves.						
Other Source							
Other Information							
- Reserve transfer to 42325931-599014 (SDR1111001)							

Prepared By	Robby Perkins-High, Senior Financial Analyst	Date	November 24, 2020
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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: Patrick Herbig, P.E., Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Director of Public Works

Date: December 17, 2020

Subject: NE 141ST STREET/111TH AVENUE NE CULVERT REPLACEMENT— ACCEPT WORK

RECOMMENDATION:

Staff recommends that the City Council:

- Accept work for the NE 141ST Street/111th Avenue NE Culvert Replacement (Project) performed by Dungeness Construction Company of Langley, Washington, in the amount of \$822,732.70 and establish a lien period; and
- Approve returning \$420,960.00 from the Project to the Surface Water Reserve.

By taking action on this item under the Consent Calendar, the City Council is accepting the work on the Project, establishing lien period, and returning funds to Surface Water Reserves.

BACKGROUND DISCUSSION:

This Project replaced an aged and failing 48-inch corrugated metal pipe with a 3-sided concrete box culvert where Juanita Creek crosses beneath at 111th Avenue NE (see Attachment A, Vicinity Map). This Project improved fish passage, created greater surface water conveyance capacity, improved stream habitat, replanted stream banks to minimize erosion, and completed a full-width roadway resurfacing. The Project replaced portions of the Northshore Utility District's (NUD) 8-inch domestic water and 8-inch sanitary sewer mains in the area to accommodate the installation of the new culvert. Work also included the relocation of franchise communication and PSE utilities prior to the start of the culvert installation.

The project began on June 25, 2019 and was substantially completed on November 22, 2019, with physical completion on November 24, 2020 following the 12-month plant establishment period. There was one change order to lower a single-family home's shallow domestic water service located under a driveway, extend safety fencing, and widen a driveway gate. The change order totaled \$10,970.32.

Funding and Expenses

The Project is complete, and all expenses are known. The Project funding, expenses, and remaining funds are shown in Table 1, below, and also are displayed in the Project Budget Report (see Attachment B). Prior to the award of the Project, the City entered into an agreement with NUD. The terms of that agreement required NUD to reimburse the City for actual expenses attributable to NUD-related work. Those expenses are known and reflected in Table 1 as "NUD Reimbursement". When the NUD reimbursable expenses are combined with project remaining funds, the amount to be returned to the Surface Water Reserve is \$420,960.

Table 1: Project Funding and Actual Expenses (SDC 076)

Approved Funding	TOTAL
Design	\$433,500
Inspection	\$225,000
Staff/Admin	\$175,500
Construction	\$889,090
5-Year Maintenance	\$35,000
Contingency	\$88,410
Funding Sub-total	\$1,846,500
Expenses	TOTAL
Design	\$433,176
Inspection	\$92,736
Staff/Admin	\$135,000
Construction	\$822,733
5-Year Maintenance	\$35,000
Expense Sub-total	\$1,518,645
Remaining Funds [Funding-Expense]	\$327,855
NUD Reimbursement	\$93,105
Remaining Funds with Reimbursement	\$420,960

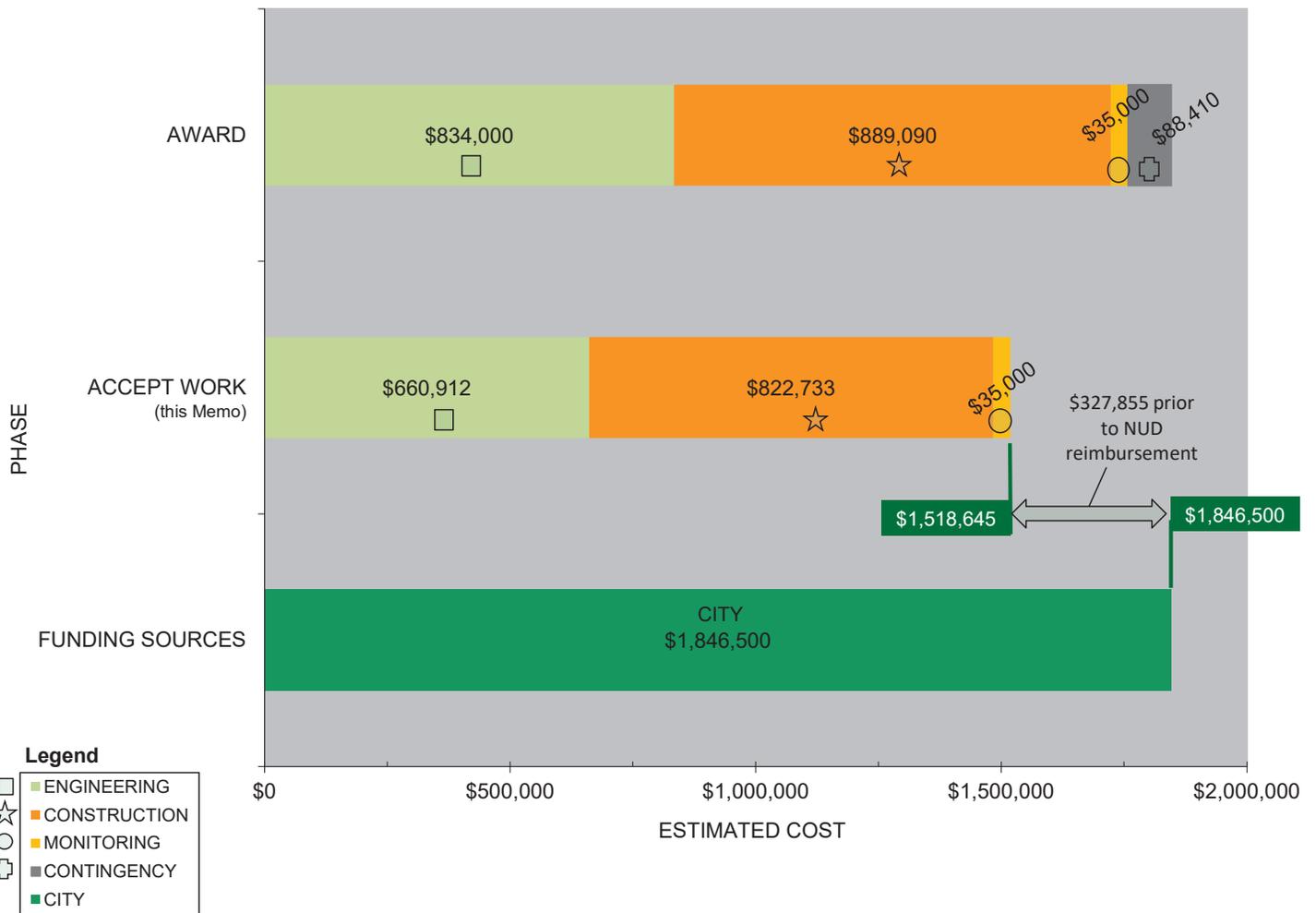
As shown in the Table above, each element of the Project (except for the upcoming 5-year maintenance) was completed under budget. In total the Project was \$420,960 (23%) under budget. Staff recommends returning the City's \$420,960 to the Surface Water Reserve (see Attachment C, Fiscal Note).

Attachment A: Vicinity Map with Area Map Inset

Attachment B: Project Budget Report

Attachment C: Fiscal Note

Project Budget Report
NE 141st Street/111th Avenue NE Culvert Headwall Repair (SDC07600) **Attachment B**



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Julie Underwood, Interim Director of Public Works							
Description of Request							
One-time transfer of unspent project balance from the NE 141st St/111th Avenue NE Culvert Headwall Repair (SDC0760000) to the Surface Water Construction Reserve. A 2/7/2019 fiscal note added \$295,000 of Surface Water Construction Reserves to the total project budget, noting that reimbursements from work completed for the Northshore Utility District would be added back to the Surface Water Construction Reserve in addition to any project savings.							
Legality/City Policy Basis							
Fiscal Impact							
One-time transfer of approximately \$420,960 to Surface Water Reserves. The project was completed \$327,855 under budget, and the City received an additional \$93,105 of reimbursement funding from NUD to offset Surface Water Construction Reserve uses.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
<i>Revenue/Exp Savings</i>	Expenditure savings amount to \$327,855. An additional \$93,105 was received from NUD.						
<i>Other Source</i>							
Other Information							
- Reserve transfer to 42325931-599014 (SDR1111001)							

Prepared By	Robby Perkins-High, Senior Financial Analyst	Date	December 16, 2020
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CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dawn Nelson, Planning Manager
Adam Weinstein, Director of Planning and Building

Date: December 16, 2020

Subject: MAJOR DEVELOPMENT PROJECTS LIST

RECOMMENDATION

Receive the attached Major Development Projects list that shows the status of larger construction and land use permits throughout the City that are under construction or in the development pipeline.

BACKGROUND DISCUSSION

Historically, this list was presented to the Council Planning and Economic Development Committee but now will be presented quarterly to the full Council on the consent agenda. It is updated quarterly and posted on the Construction Projects page of the City website. Individuals can sign up to receive email alerts when the list is updated.

The Major Development Projects list includes six categories:

- Projects under construction;
- Building permits issued, but construction hasn't begun;
- Building permit applications in review;
- Zoning permits approved, but no building permit application;
- Zoning permit applications in review; and
- Projects in pre-permit review.

The list is focused on new development and major additions for commercial, industrial, institutional, public and residential projects. It includes new or additional square footage and housing units for each project, aggregated by development stage category, and totaled for all categories. The list also highlights the number of affordable housing units that within each of the projects. Smaller projects, like short plats involving less than 10 new single-family homes, are not included in the list because the resulting list would grow to a size that would be difficult to digest. Based on the current list, future development activity is expected to remain robust.

ATTACHMENT

Major Development Projects List

1. Projects Under Construction										
Project	Location	Neighborhood	Total Res. Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rms.	Planner	
SRMCCA Office Bldg	509 6th St S	Everest			136,000				Leavitt	
Mark Twain Elementary School Addition (IB)	6525 130th Ave NE	North Rose Hill						12,000	Leavitt	
Rose Hill Elementary School Addition (IB)	8044 128th Ave NE	South Rose Hill						29,500	Leavitt	
Bellevue Elementary School Addition (IB)	1424 NE 69th St	Bridle Trails						20,500	Leavitt	
Five Station 24 Rebuildment	9824 NE 132nd St	Juamta						12,000	Anderson	
Kirkland Urban South Parking Garage (DRB)	200 Peter Kirk Ln	Moss Bay							Guter	
Summit Road Park (IA)	9527 NE 144th Pl	Finn Hill	12	N/A - SF					Barnes	
Tolem Lake Park (I)	12031 & 12207 NE Tolem Lk W	Tolem Lake							Guter	
Lake Washington High School Gymnasium Addition (IB)	12033 NE 80th St	South Rose Hill						20,000	Leavitt	
DRM Townhomes (I)	340 3rd Ave S	Moss Bay	3	N/A - Size					Aldridge III	
Juamta Beach Park Bathroom (IA)	9703 NE Juamta Dr	Juamta						3,030	Getz	
Kirkland Way Mead Use (DRB)	410 Kirkland Way	Moss Bay	171	17.1		20,000			Guter	
501 Lakeview Drive Office	501 Lakeview Drive	Lakeview			46,075				Leavitt	
6th Ave Townhomes	203 6th Ave	Norfolk	3	N/A - Size					Cilliffo	
223 Office Bldg	223 10th St S	Everest			12,800				Guter	
RD Homes Cottages (I)	11229 NE 116th St	Juamta	6	N/A - Size					Zike	
Barnes Mead Use (DRB)	312 Central Way	Moss Bay	70	N/A - Zone		16,415			Leavitt	
Anglo Assisted Living & Memory Care (DRB)	1006 Lake St. S.	Moss Bay	105	N/A - Zone		2,588			Leavitt	
120th Place Townhomes	7931 NE 120th Pl	Finn Hill	16	1.6					LeRoy	
Lake Washington High School Addition (IB)**	12033 NE 80th St	South Rose Hill						64,500	Getz	
Jake Residences Apartments (DRB)	11903 NE 128th St	Tolem Lake	136	14					Guter	
1302 Market Office (ADR)	1302 Market St	Norfolk			9,298				LeRoy	
Highland Residences	8803 129th Ave NE	Highland	3	N/A - Size					Blaie	
Lakeview Project - Senior Housing (ADR)	11729 NE 118th St	Tolem Lake	153	15.3					Leavitt	
Kirkland Villas	7630 NE 122nd Ct	Finn Hill	33	3.1					Zike	
Village @ Tolem Lake Phase II - Residential (DRB)	12560 120th Ave NE	Tolem Lake	650	N/A - Zone					Guter	
Lakeview Project - East Apartment Building (ADR)	11723 NE 117th Ct	Tolem Lake	205	20.5					Leavitt	
Lakeview Project - West Apartment Building (ADR)	11721 NE 117th Ct	Tolem Lake	204	20.4					Rugger	
Redstone Subdivision & Reserve (IB)	4604 116th Ave NE	Bridle Trails	35	N/A - SF					Goble	
Juamta High School Rebuild (IB)	10601 NE 132nd St	Juamta						217,000	Leavitt	
Kirkland VII Townhomes (ADR)	1313 Market St	Market	9	1					Barnes	
The Walk III	43 7th Ave S	Moss Bay	17	2					Leavitt	
Lunar Apartments (DRB)	11811 NE 109th St	Tolem Lake	34	3.4		6,000			Rugger	
Varze Residential (DRB)	11801 NE 116th St	Tolem Lake	62	5					Leavitt	
Village @ Tolem Lake Phase II - Commercial (DRB)	12560 120th Ave NE	Tolem Lake						66,787	Guter	
Lakeview Apartments & Senior Housing - 118th extension	11725 NE 118th St	Tolem Lake							Leavitt	
Verdant Duplexes	7845 NE 122nd Pl	Finn Hill	10	1					LeRoy	
Schuyler PHD (IB)	11431 NE 116th St	South Juamta	27	N/A - SF					Barnes	
9040 Juamta Apartments	9040 Juamta Drive	Finn Hill	12	2					Leavitt	
Lakeview Hotel	10630 NE 69th St	Everest			600			10	Getz	
Subtotal:			2,301	137	204,173	132,360	378,530	10		

2. Building Permits Issued; No Construction										
Project	Location	Neighborhood	Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rooms	Planner	
Ford of Kirkland - Surface Parking Expansion	11680 Slater Ave NE	North Rose Hill							Leavitt	
6th Street Office	620 5th Ave S	Everest			49,147				Leavitt	
Huge Commercial Building (ADR)	11834 NE 90th St	North Rose Hill				4,800			Leavitt	
Tolem Lake Retail (ADR)	12700 116th Ave NE	Tolem Lake					6,450		Leavitt	
Subtotal:			0	0.0	49,147	11,250	0	0		

3. Building Permit Applications In Review										
Project	Location	Neighborhood	Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rooms	Planner	
NE 7th Street Cottages	12029 NE 75th St	South Rose Hill	7	N/A - Size					Duffy	
Koh Apartments	11929 100th Ave NE	Juamta	7	0.6					Goble	
Pulco/Medison Rosehill Mixed Use	12040 NE 85th St	North Rose Hill	87			84,000			Leavitt	
Plaza at Yarrow Bay Pavilion	10220 NE Points Dr	Lakeview			1,865				Leavitt	
Bank Park Showplace Renovation	845 Lewis St S	Moss Bay					600		Anderson	
120th Avenue Park Restroom	13101 NE 132nd St	Kingsgate							Anderson	
Instyle Mixed Use Building	13604 100th Ave NE	Juamta	21	2.1		4,859			Blaie	
Continental Drive Mead Use (DRB)	8505 132nd Ave NE	North Rose Hill	135	13.5	7,500				Leavitt	
Webb Building Renovation (DRB)	89 Kirkland Ave	Moss Bay							Blaie	
112 Lake Street South Mead Use (DRB)	112 Lake St S	Moss Bay				5,000			Blaie	
Moss Bay Street Car Wash (ADR)	406 Central Way	Moss Bay	140	N/A - Zone					Blaie	
Woodlands Reserve Townhomes	12236 & 12246 Juamta Dr NE	Finn Hill	31	2.6					Leavitt	
Kirkland Urban South Mead Use (DRB)	200 Peter Kirk Ln	Moss Bay			250,000	60,000			Guter	
Tolem Lake Connector Ped. Bridge (I)	12409/2409	Tolem Lake							Guter	
Circle Moon Cottages (IA)	1044x Forbes Creek Dr	Juamta	14	1					Barnes	
Raindon Flat Parking Expansion (IB)	13110 NE 126th St	Tolem Lake							Barnes	
Subtotal:			1,225	106.8	287,600	155,724	600	0		

4. Zoning Permit Approved-No Building Permit Application										
Project	Location	Neighborhood	Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rooms	Planner	
Houghton Office (DRB)	6700 108th Ave NE	Houghton			8,700				Blaie	
Mira Townhomes (DRB)	203 1st Ave S	Moss Bay	22	N/A - Zone					Blaie	
Emerald Mead Use (DRB)	10930 116th Ave NE	Tolem Lake	130	13	16,000				Leavitt	
Acro AMPM Rebuild (ADR)	11450 NE 124th St	Tolem Lake				2,600			Leavitt	
Evler Warehouse Condo (I)	6211 Lake Villa Blvd	Lakeview	9	N/A - Zone					Leavitt	
1009 Market Office Variance (IA)**	1009 Market St	Market			5,387				Leavitt	
Northwest University Master Plan (IB)	5520 108th Ave NE	Central Houghton					175,000		Leavitt	
SDR Kirkland 14 Townhomes (ADR)	207 8th Ave West	Market	6	0.6					LeRoy	
Andersia (IB)	12650 141st Ave NE	Tolem Lake			133,800				Barnes	
Holy Family Master Plan - parking, play area, church expansion (IB)	7355 120th Ave NE	South Rose Hill					3,322		Leavitt	
Subtotal:			167	13.6	163,887	2,600	178,382	0		

5. Zoning Permit Applications Under Review										
Project	Location	Neighborhood	Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rooms	Planner	
Slater Mead Use (DRB)	12055 Slater Ave NE	Tolem Lake	486	48.6		20,041			Leavitt	
Rose Hill Mead Use (ADR)	13021 & 13027 NE 85th St	South Rose Hill	10	N/A - Zone		4,270			Leavitt	
100th Avenue NE Corridor Improvements (I)	NE 132nd St to NE 145th St	Juamta							Anderson	
503 2nd Ave B Townhomes (I)	503 2nd Ave S	Moss Bay	12	1.2					Duffy	
PTE Serranish Juamta 118.8V (IA)	Tolem Lake/Juamta	Tolem Lake/Juamta							Anderson	
Railway Office Building	289 8th St S	Everest			28,000				LeRoy	
Zylora Office Building	229 & 301 8th St S	Everest			35,000				LeRoy	
Subtotal:			508	49.8	63,000	24,311	0	0		

6. Projects in Pre-Permit Review										
Project	Location/Description	Neighborhood	Units	Affordable Units	Office Sq. Ft.	Comm. Sq. Ft.	Inst. Sq. Ft.	Hotel Rooms	Planner	
Price Cottages	12426 NE 70th St	South Rose Hill	11	1					Duffy	
Polaris at Tolem Lake	12335 120th Ave NE	Tolem Lake	467	299					Blaie	
Chevron Car Wash Rebuild	9800 NE 116th St	Juamta				2725			Leavitt	
Newark Institute of Technology - Center for Design	11815 132nd Ave NE	North Rose Hill					55,000		Leavitt	
Friends of Youth - New Ground Rebuild	11105 NE 68th St	Houghton	8	8					Aldridge III	
Tolem Lake South	12233 NE Tolem Lake Way	Tolem Lake	177	18		2674			Leavitt	
Raindon Dodge Chrysler Jeep Service Center Tenant Improvement	12440 128th Ln NE	Tolem Lake							Leavitt	
Wu Property Short-Pass	899 PI NE & NE 121st St	Finn Hill	15	N/A - SF					Duffy	
Circle @ Tolem Lake	12410 NE Tolem Lake Way	Tolem Lake	115	11.5					Leavitt	
Northrup Way Multifamily	10426 Northrup Way	Lakeview	125	N/A - Zone					Leavitt	
9049 Juamta Drive Townhomes	9049 NE Juamta Drive	Finn Hill	9	1					LeRoy	
Lee Johnson Car Dealership	12545 135th Ave NE	Tolem Lake							Leavitt	
Car Dealer Vehicle Storage Structure	12633 Wilcox Rd NE	Tolem Lake							Leavitt	
6th Avenue Townhomes	451 6th Ave S	Moss Bay	3	N/A - Size					Aldridge II	
98th Place Townhomes	11438 99th Pl NE	Juamta	6	0.6					Anderson	
Sound Transit Kingsgate Park & Ride Garage	13001 116th Way NE	Tolem Lake							Cilliffo	
Steeple Rock (3th Avenue Condo)	315 & 321 5th Ave	Norfolk	15	2					Duffy	
Seaside Lodging Rowland	12631 NE 65th St	South Rose Hill	275	27.5		14,000			Leavitt	
Sea Dental Care	916 Market St	Norfolk	1		1,800				LeRoy	
1720 Market St Townhomes	1720 Market St	Market	8						Cilliffo	
Transforming Age Senior Housing	11853 97th Ave NE	Juamta	84						Leavitt	
Marineview Office	12217 NE 116th St	North Rose Hill			18,620				Leavitt	
4855 Condo	4633 Lake Villa Blvd	Lakeview	6						Leavitt	
Cadence Retail	9950 NE 132nd St	Juamta			5,700				Leavitt	
Sanders Townhomes	13220 NE 126th Place	Tolem Lake	60	6					Leavitt	
Subtotal:			1,385	374.6	20,420	25,099	55,000	0		

SUMMARY:										
	Residential Projects (Units)	Affordable Units	Office Projects (Sq. Ft.)	Commercial Projects (Sq. Ft.)	Institutional Projects (Sq. Ft.)	Hotel Projects (Rooms)				
1. Under Construction	2,301	137.0	204,173	132,360	378,530	10				
2. Building Permits Completed; No Construction	0	0.0	49,147	11,250	0	0				
3. Building Permit Appl. In Review	1,225	106.8	287,600	155,724	600	0				
4. Zoning Permit Approved, No Building Permit Application	167	13.6	163,887	2,600	178,382	0				
5. Zoning Permit Appl. Under Review	508	49.8	63,000	24,311	0	0				
6. Projects in Pre-Permit Review	1,385	374.6	20,420	25,099	55,000	0				
TOTAL:	6,586	611.8	786,127	381,344	612,512	10				



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Sri Krishnan, Deputy Director of Finance and Administration
Kevin Lowe Pelstring, Budget Analyst
Nate Islip, Budget Intern

Date: December 16, 2020

Subject: Monthly Financial Dashboard Report through October 31, 2020

RECOMMENDATION:

It is recommended that the City Council receive the monthly Financial Dashboard Report for October 2020.

BACKGROUND DISCUSSION

The Financial Dashboard is a high-level summary of some of the City's key revenue and expenditure indicators. It provides a budget to actual comparison for year-to-date revenues and expenditures for the general fund, as well as some other key revenues and expenditures. The report also compares this year's actual revenue and expenditure performance to the prior year. It is even more important during the current COVID-19 pandemic and associated economic impacts to closely track the City's revenues and expenditures.

We see the continued effects of COVID-19 and the Governor's 'Safe Start' restrictions reflected in this report. Total General Fund revenues are 88.6 percent of budget, which is modestly above the 83.3 percent budget threshold, but down 1.1 percent relative to the same period in 2019 mostly due to modest decline in Sales Tax revenue and significant decline in Development Fees described below. Total Expenditures are 80.7 percent of budget and modestly below the 83.3 percent budget threshold primarily due to position vacancy savings balanced by COVID-19 related expenses—some of which will be reimbursable.

The October results include Sales Tax revenues through August. Relative to the same period in 2019, Sales Tax is down 4.0 percent due to the following sectors, which comprise about 31.0 percent of total revenues: Auto/Gas Retail (down \$451,871, or 10.6 percent), Miscellaneous (down \$325,950, or 21.9 percent), Retail Eating/Drinking (down \$322,403, or 20.8 percent), and Communications (down \$230,371, or 36.9 percent). Helping offset these losses are the following sectors, which comprise about 38 percent of total revenues: Other Retail (up \$214,896, or 8.3 percent), General Merchandise & Miscellaneous Retail (up \$152,072, or 6.8 percent), and Services (down \$86,394, or 3.0 percent).

Development Fees are 78.1 percent of budget, which is modestly below the 83.3 percent budget threshold, and are down 15.6 percent relative to the same period in 2019 primarily due to the COVID-19 shutdown and the unusually high level of development activity in 2019 at the Totem Lake and Kirkland Urban sites. According to the Planning & Building Department, there is an eight-week backlog of work that staff is currently working through, and there are many permits which are ready to be issued. As a result, staff expects development fees to exceed the \$11.28 million budget by the end of the year.

Financial Planning will continue to monitor and project these and all City revenues being affected by COVID-19, providing that information where needed to inform policy decisions.

October 2020 Financial Dashboard
December 16, 2020

Revenues (through 10/31/20):

- General Fund Revenues** are 88.6 percent of budget, which is modestly above the 83.3 percent budget threshold and is lower than normal, primarily due to the negative economic impact of COVID-19 on Sales Tax and Development Fees and lower than expected Utility Taxes. Typically, General Fund Revenues are 86.0-90.0 percent of budget due to the net effect of the City's conservative Sales Tax budgeting policy and the timing of Property Tax distributions by King County. Relative to the same period in 2019, General Fund Revenues are down 1.1 percent mostly due to significant declines in Sales Tax (-4.0 percent) and Development Fees (-15.6 percent).
 - Sales Tax** is 91.4 percent of budget, which is significantly above the 83.3 percent budget threshold, primarily due to the net effect of the City's modified two-year sales tax lag policy. Relative to the same period in 2019, Sales Tax is down 4.0 percent due to the following business sectors, which comprise about 31.0 percent of total revenues: Auto/Gas Retail (down \$451,871, or 10.6 percent), Miscellaneous (down \$325,950, or 21.9 percent), Retail Eating/Drinking (down \$322,403, or 20.8 percent), and Communications (down \$230,371, or 36.9 percent). Helping offset these losses are the following business sectors, which comprise about 38 percent of total revenues: Other Retail (up \$214,896, or 8.3 percent), General Merchandise/Miscellaneous Retail (up \$152,072, or 6.8 percent), and Services (down \$86,394, or 3.0 percent). Note that 2019 includes two large back tax payments totaling \$458,733 from the Communications and Miscellaneous business sectors. Factoring out these one-time receipts, Sales Tax is down only 2.0 percent versus 2019. As a reminder, there is a two-month lag between when Sales Tax is generated and when it is distributed to the City (i.e., October receipts are for August retail activity).
 - Property Taxes** are 89.2 percent of budget, which is significantly above the 83.3 percent budget threshold. However, this is typical through October, with King County distributing Property Taxes to cities primarily in April-May and October-November.
 - Utility Taxes** are 80.0 percent of budget, which is modestly below the 83.3 percent budget threshold. Relative to the same period in 2019, Utility Taxes are down 0.7 percent due to the net effect of a 9.9 percent increase in Gas Utility Taxes (driven by a 14.0 percent increase in residential gas rates that took effect on November 1, 2019), a 6.8 percent increase in Solid Waste Utility Taxes, a 14.9 percent decrease in Telephone Utility Taxes (reflecting an ongoing, double digit downward trend), and a 3.6 percent decrease in TV Cable Taxes.
 - Development Fees** are 78.1 percent of budget, which is modestly below the 83.3 percent budget threshold, and are down 15.6 percent relative to the same period in 2019 primarily due to the COVID-19 shutdown and the unusually high level of development activity in 2019 at the Totem Lake and Kirkland Urban sites. According to the Planning & Building Department, there is an eight-week backlog of work that staff is currently working through, and there are many permits which are ready to be issued. As a result, staff expects development fees to exceed the \$11.28 million budget by the end of the year.
 - Business Fees** are 97.4 percent of budget, which is significantly above the 83.3 percent budget threshold, partially due to a temporary anomaly as the City's business license renewal timing is re-aligned by the Washington State Department of Revenue.
- Expenditures (through 10/30/20):**
- General Fund Expenditures** are 80.7 percent of budget, which is modestly below the 83.3 percent budget threshold, with position vacancy and other budget savings more than offsetting unbudgeted expenditures related to COVID-19.
 - General Fund Salaries/Benefits** are 80.3 percent of budget, which is modestly below the 83.3 percent budget threshold, due to position vacancy savings. In particular, seasonal hires are down significantly in Parks & Community Services due to COVID-19 restrictions.
 - Fire Suppression Overtime** is 166.5 percent of budget, which is roughly twice the 83.3 percent budget threshold, partially due to overtime incurred from COVID-19 quarantine procedures for firefighters and the deployment of some firefighters to support wildland fire suppression. Since the beginning of July, Fire Suppression Overtime has averaged 3,000 hours of overtime per month, well above the average of around 1,300 hours per month for the first 6 months of the year (which included COVID-related overtime). Relative to the same period in 2019, it is up 23.9 percent.

City of Kirkland Financial Dashboard									
Annual Budget Status as of 10/31/2020									
Budget Threshold (% Complete) : 83.3%									
General Fund	2020 Budget	Year-to-Date Actual 2020	% Received/ % Expended	September YTD	August YTD	Year-to-Date Actual 2019	YTD Change: 19 to 20 \$	%	
General Fund									
Total Revenues	104,165,437	92,303,984	88.6%			93,288,970	(884,985)	-1.1%	
Total Expenditures	106,192,764	85,653,714	80.7%			78,701,288	6,952,426	8.8%	
Key Indicators (All Funds)									
<i>Revenues</i>									
Sales Tax	23,130,166	21,146,183	91.4%			22,034,438	(888,255)	-4.0%	
Property Taxes	19,995,776	17,828,142	89.2%			17,662,441	165,701	0.9%	
Utility Taxes	14,211,368	11,374,732	80.0%			11,451,544	(76,812)	-0.7%	
Development Fees	11,282,715	8,814,534	78.1%			10,441,699	(1,627,165)	-15.6%	
Business Fees	3,682,887	3,586,342	97.4%			3,441,725	144,618	4.2%	
Gas Tax	1,935,654	1,329,120	68.7%			1,512,884	(183,764)	-12.1%	
<i>Expenditures</i>									
General Fund Salaries/Benefits	74,197,930	59,574,280	80.3%			57,051,031	2,523,249	4.4%	
Fire Suppression Overtime	861,545	1,434,417	166.5%			1,157,589	276,828	23.9%	
Contract Jail Costs	539,630	250,061	46.3%			272,554	(22,493)	-8.3%	
Fuel Costs	604,912	261,782	43.3%			370,440	(108,659)	-29.3%	
Status Key									
Revenues are higher than expected or expenditures are lower than expected									
Revenues or expenditures are within expected range									
WATCH - Revenues lower/expenditures higher than expected range or outlook is cautious									
NOTES:									
(1) Excludes Fire Suppression Overtime									



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 & Administration
 Sri Krishnan, Deputy Director of Finance & Administration
 Kevin Lowe Pelstring, Budget Analyst
 Radu Smintina, Budget Intern

Date: December 15, 2020

Subject: November 2020 Sales Tax Revenue

Background

The Financial Planning Division prepares a monthly sales tax revenue memo analyzing monthly and year-to-date activity by business sector, forecasting sales tax revenue in the current year, and tracking key economic indicators to provide additional context for the state of the economy. The general retail sales tax is the City's largest single revenue source, accounting for 18 percent of total budgeted revenues in the General Fund and funding, along with property tax and utility taxes, public safety and other general government (i.e., non-utility) services. It is also more sensitive to economic cycles than other tax revenues. Accordingly, it is monitored closely by staff—even more so given the economic disruption and uncertainty caused by COVID-19.

There is a two-month lag between when sales tax is generated and when it is distributed to the City by the Washington State Department of Revenue (DOR). Accordingly, November sales tax revenue relates to September retail activity in Kirkland.

November 2020 vs. November 2019

Business Sector Group	November		Dollar Change	Percent Change	Percent of Total	
	2019	2020			2019	2020
Services	312,460	359,145	46,685	14.9%	14.0%	9.4%
Contracting	593,053	689,943	96,890	16.3%	26.6%	18.0%
Communications	41,134	31,376	(9,758)	-23.7%	1.8%	0.8%
Retail:						
Auto/Gas Retail	407,267	420,344	13,077	3.2%	18.2%	11.0%
Gen Merch/Misc Retail	224,736	254,361	29,625	13.2%	10.1%	6.6%
Retail Eating/Drinking	164,895	127,340	(37,555)	-22.8%	7.4%	3.3%
Other Retail	272,045	329,885	57,840	21.3%	12.2%	8.6%
Wholesale	102,031	106,187	4,156	4.1%	4.6%	2.8%
Miscellaneous	115,044	1,510,952	1,395,908	1213.4%	5.2%	39.5%
Total	2,232,665	3,829,533	1,596,868	71.5%	100%	100%

Comparing November 2020 to November 2019, sales tax revenue is up \$1,596,868, or 71.5 percent. This seemingly unprecedented growth is in large part due to about \$1.4 million in excise audits which are accounted for in the Miscellaneous category. Of these audits, \$1,384,689 came from 2016 back payments from a "Rental and Leasing Services" company as the result of a Department of Revenue audit. Staff will get detail from the Department of Revenue to verify the validity and accuracy of this one-time payment. Without these back payments November 2020 sales tax revenues are still up about 9.5 percent relative to November 2019.

Looking at business sectors aside from Miscellaneous, the most significant growth occurred in Contracting (up \$96,890 or 16.3 percent), Services (up \$46,685 or 14.9 percent), and Other Retail (up \$37,555, or 22.8 percent). Noteworthy declines occurred in Retail Eating/Drinking (down \$37,555, or 22.8 percent) and Communications (down \$9,758, or 23.7 percent).

YTD 2020 vs. YTD 2019

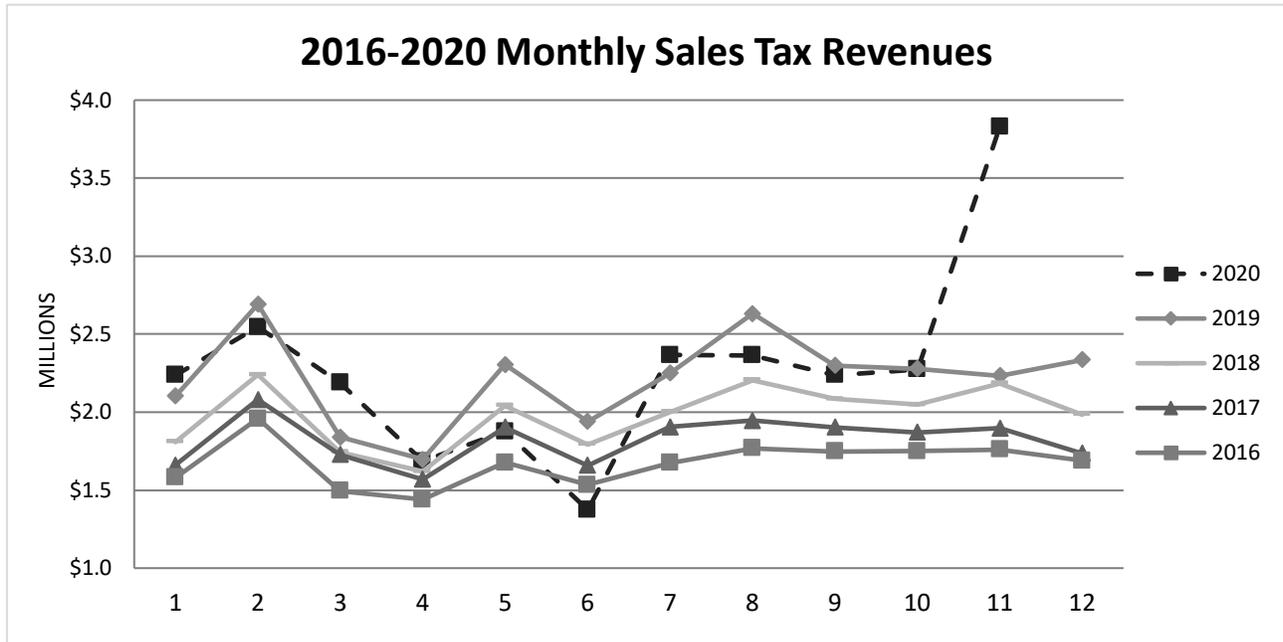
Business Sector Group	YTD		Dollar Change	Percent Change	Percent of Total	
	2019	2020			2019	2020
Services	3,154,761	3,287,393	132,632	4.2%	13.0%	13.2%
Contracting	6,058,569	6,135,894	77,325	1.3%	25.0%	24.6%
Communications	664,752	424,841	(239,911)	-36.1%	2.7%	1.7%
Retail:						
Auto/Gas Retail	4,690,676	4,240,633	(450,043)	-9.6%	19.3%	17.0%
Gen Merch/Misc Retail	2,473,997	2,658,912	184,915	7.5%	10.2%	10.6%
Retail Eating/Drinking	1,713,657	1,353,699	(359,958)	-21.0%	7.1%	5.4%
Other Retail	2,852,365	3,134,038	281,673	9.9%	11.8%	12.5%
Wholesale	1,055,149	1,065,910	10,761	1.0%	4.3%	4.3%
Miscellaneous	1,603,177	2,674,395	1,071,218	66.8%	6.6%	10.7%
Total	24,267,102	24,975,715	708,613	2.9%	100%	100%

Comparing 2020 to 2019, **year-to-date (YTD) sales tax revenue is up \$708,613, or 2.9 percent.** However, 2019 includes two large back tax payments totaling \$458,733 from the Communications and Miscellaneous business sectors, while 2020 includes \$1,384,689 in back payments from the Miscellaneous sector as discussed above.

Looking at business sectors, the most significant growth occurred in Miscellaneous (up \$1,071,218, or 66.8 percent), Other Retail (up \$281,673, or 9.9 percent) and General Merchandise/Miscellaneous Retail (up \$184,915, or 7.5 percent), and Services (up \$132,632, 4.2 percent). The growth in Other Retail has been led by the Electronics, Sporting Goods, Building & Garden, and Health & Personal Care sub-sectors.

Noteworthy declines occurred in Auto/Gas Retail (down \$450,043, or 9.6 percent), Retail Eating/Drinking (down \$359,958, or 21.0 percent), and Communications (down \$239,911, or 36.1 percent). The significant decline in Communications relates to back tax payments of \$210,211, which were received in July 2019. Retail Eating/Drinking is down due to the Governor's stay-at-home order, which was in effect from March 25th to May 31st, and renewed on November 17th through January 4th, 2021 as well as social distancing requirements, which limit the number of customers that can be served.

The chart below shows Kirkland’s monthly sales tax revenue through November 2020 compared to the prior four years.



2020 Sales Tax Budget to Actuals Comparison

Given the large back payment from the Miscellaneous sector received in November 2020, sales tax receipts do not directly reflect the relative strength of 2020 taxable retail activity in Kirkland. Below are the year-to-date (YTD) budget to actuals for sales tax revenue with and without the \$1,384,689 back payment. Note that the 2020 budget of \$23,130,166 reflects the City’s modified two-year sales tax lag policy (2020 budget = 2018 estimate).

Forecast Scenario	2020 YTD Actual	2020 Budget	% Received
2020 Thru November including \$1.38 mil Miscellaneous Back Payment	\$24,975,715	\$23,130,166	108.0%
2020 Thru November without \$1.38 mil Miscellaneous Back Payment	\$23,591,026	\$23,130,166	102.0%

*2019 YTD actual sales tax revenue (i.e., January-November) = \$24,267,102 or 101.2 percent of the 2019 budget.

Overall, this shows that even without the back payment, 2020 YTD sales tax revenue is slightly ahead of budget on a budget-to-actual basis with revenue at 102 percent of budget, significantly above the 91.6 percent budget threshold through November.

Placing Sales Tax Back Payment in Human Services Reserve

The \$1.38 million back payment is an unusually significant one-time payment. Normally back payments would be included in the 2020 final reconciliation process where total surplus funds would be brought to the Council around June of 2021 for allocation. Given the potential eviction challenges that may face Kirkland early in 2021, staff will be recommending that this \$1.38 million instead be placed in the Human Services reserve created by the Council to hold the reallocated 2021 body-worn camera funds. This early allocation will allow the City to be nimble in responding to emerging human services emergencies.

Key Economic Indicators

Information about wider trends in the economy provides a mechanism to help understand current results in Kirkland and to predict future performance. The combination of consumer confidence, unemployment levels, housing data, inflation, and auto sales provides a broader economic context for key factors in sales tax revenues. Since the sales tax figures reported above are from two months prior, some of the figures in the table below can function as leading indicators for where sales taxes may go in future reports.

Indicator	Most Recent Month of Data	Unit	Month			Yearly Average	
			Previous	Current	Change	2019	2020
Consumer Confidence							
Consumer Confidence Index	November	Index	100.9	96.1	(4.8)	128.1	102.5
Unemployment Rate							
National	November	%	6.9	6.7	(0.2)	3.7	8.2
Washington State	September	%	8.4	7.8	(0.6)	4.5	9.0
King County	September	%	7.2	6.9	(0.3)	3.0	8.0
Kirkland	September	%	5.7	5.5	(0.2)	2.9	6.7
Housing							
New House Permits (WA)	October	Thousands	50.9	42.2	(8.7)	48.7	44.4
Case-Shiller Seattle Area Home Prices	September	Index	277.0	280.3	3.3	252.2	269.7
Inflation (CPI-W)							
National	November	% Change	1.3	1.3	0.0	1.7	1.2
Seattle	October	% Change	2.4	2.1	(0.3)	2.1	1.9
Car Sales							
New Vehicle Registrations	November	Thousands	23.3	24.0	0.7	23.7	19.4

The **Consumer Confidence Index** decreased from 100.9 in October to 96.1 in November. The 2020 average is 25.6 points below the 2019 average.

The national **Unemployment Rate** dropped from 6.9 percent in October to 6.7 percent in November while the Washington State unemployment rate decreased from 8.4 percent in August to 7.8 percent in September, after hitting a high of 16.1 percent in April. King County's unemployment rate dropped from 7.2 percent in August to 6.9 percent in September, and Kirkland's unemployment rate fell from 5.7 percent in August to 5.5 percent in September.

New Housing Permits in Washington State have decreased from 50,900 in September, to 42,200 in October and the 2020 average sits 4,300 below the 2019 average. The **Case-Shiller Home Price Index** saw an increase of 3.3 points in September, and the 2020 average is 17.5 points above the 2019 average, reflecting a strong housing market despite the pandemic.

Inflation, as measured by the CPI-W, in the U.S. stayed constant relative to October at 1.3 percent in November, after going negative in May. For the Seattle-Tacoma-Bellevue region, the CPI-W decreased from 2.4 percent in September to 2.1 percent in October.

New Vehicle Registrations increased by 700 from October to November, but the 2020 average is 4,300 below the 2019 average.



CITY OF KIRKLAND

Department of Finance & Administration
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Financial Operations Manager

Date: December 16, 2020

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF January 5, 2020.

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 November 19, 2020 are as follows:

	Project/Purchase	Process	Estimate/Price	Status
1.	NE 75 th Street and 128 th Avenue NE Greenway construction support	Request for Qualifications	\$184,478.00	Contract awarded to Land Development Consultants, Inc. of Woodinville, WA based on qualifications per RCW 39.80.
2.	Rose Hill neighborhood greenways project	Invitation for Bids	\$1,006,078.50	Contract awarded to Rodarte Construction Inc., of Auburn, WA.
3.	NE 124 th ST and 113 th AVE NE crosswalk upgrade	Invitation for Bids	\$69,773.10	Contract awarded to R.W. Scott Construction Company of Auburn, WA.

**CITY OF KIRKLAND****City Manager's Office**

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MEMORANDUM

To: Kirkland City Council

From: Kurt Triplett, City Manager

Date: December 30, 2020

Subject: FEBRUARY 5 COUNCIL RETREAT PRELIMINARY AGENDA

RECOMMENDATION:

That the Council reviews the preliminary retreat topics for the February 5 City Council retreat and provides feedback. Following Council input, a final retreat agenda will be brought to the January 19 Council meeting for adoption.

BACKGROUND DISCUSSION:

The City Council has traditionally held two Council retreats in the first half of each year. Although there have been variations over the years, the first retreat, typically held in February, is usually devoted to relationship building, goal setting and policy development. The second retreat, usually held in May, is most often dedicated to financial and budgetary issues.

The City Manager has discussed informally with each Councilmember potential topics and outcomes for the February retreat. Using this feedback, in December, the City Manager, Mayor and Deputy Mayor developed a preliminary retreat structure and set of topics for Council consideration. This memo summarizes the preliminary framework, but the Mayor and Deputy Mayor are seeking full Council input on January 5, prior to finalizing the retreat agenda.

Most Councilmembers have asked for more opportunities in 2021, including at the retreat, to develop relationships and communication between members, since this was rendered difficult by COVID restrictions in 2020. A portion of the retreat will be dedicated to those key topics. Other topics suggested by Councilmembers were to review and update the Council Goals, and to discuss policy and procedure changes to improve the efficiency and effectiveness of Council meetings. All Council members are interested in review and adoption of Council procedures that clarify how new legislation beyond the City Work Program is developed and prioritized. Finally, Councilmembers are interested in a less structured conversation at the end of the retreat for brainstorming ideas and future topics.

Marilynne Beard, retired Kirkland Deputy City Manager, and Principal of MMB Consulting, will be facilitating the entire retreat, as well as facilitating updating the Council Goals. Consultants with expertise in best practices for effective Council meetings are also being sought to lead those topic at the retreat. Ms. Beard will be contacting each Councilmember in December and early January to further identify individual Councilmember goals for the retreat.

Preliminary Retreat Topics

The preliminary topics of the retreat are listed below. The order of topics and time dedicated to each topic will be developed after Council review and feedback on January 5.

- Council Goal review and updates
- Effective and efficient Council meetings
- Process for developing and prioritizing new legislation
- Council Policy and Procedure updates
- Council "Potpourri" open discussion

The Council retreat will be conducted over Zoom and the Directors will also be in attendance.

Communication Training

In addition, at the recommendation of the Mayor and Deputy Mayor, the City Manager's Office has retained the services of Agreement Dynamics for a "Success Signals" training for the Council and Directors. The training will be provided by Agreement Dynamics' founder and President, Rhonda Hilyer.

Success Signals is an innovative and fun tool that provides practical ways to improve relationships of all kinds. The highly acclaimed workshop offered by Agreement Dynamics provides training on how to avoid common conflicts and improve communications and rapport, especially with those who communicate differently. This session will be a refresher for some Councilmembers and Directors who taken the training in the past but will be new to others. Success Signals will provide a strong foundation for the retreat discussions.

The City Manager's Office will be seeking three-hour time slots on Councilmember calendars in January for the Success Signals training.

**CITY OF KIRKLAND**

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MEMORANDUM

To: City Councilmembers

From: Kurt Triplett, City Manager
Kevin Raymond, City Attorney

Date: December 29, 2020

Subject: RENTAL ASSISTANCE POLICY OPTIONS

RECOMMENDATION:

In response to the City Council's request, it is recommended that the Council receive a general briefing from the City Manager related to rental assistance policy options available to the City of Kirkland ("City") during the pendency of the COVID-19 pandemic. This briefing will summarize existing efforts, policy options and potential one-time funding sources.

BACKGROUND DISCUSSION:

Residential tenants, small businesses and nonprofit organizations continue to suffer severe economic disruption resulting from the COVID-19 pandemic. Many residential and commercial landlords, property owners and property managers also are suffering economically due to the widespread impacts of the virus. While the recent introductions of vaccines have given great hope to many, it is clear the pandemic is far from over and that its devastating impacts on public health and the economy will continue well into 2021.

Given these continuing impacts and the severe limitations on available federal and state assistance to residential tenants, small businesses and nonprofit organizations in Kirkland, the Council has asked City staff to identify policy and funding options that could offer provisional assistance to such individuals and entities in need, recognizing that interim programs that offer financial support could also directly or indirectly support landlords, property owners and property managers in Kirkland who are also suffering economically, including as a result of reduced rent payment receipts.

This discussion begins with existing efforts at the federal and state levels, before turning to local policy and funding options.

Federal and State Financial Support

Federal, State of Washington, and King County financial support for residential tenants, small business and nonprofit organizations provided through cities is not currently available. However, those higher levels of government are providing some rental assistance and Kirkland

will continue to support efforts that connect Kirkland residents and businesses to these programs.

State Law Protections for Residential Tenants: Statutory

As background information, the general rights and responsibilities of residential tenants and landlords are set forth in the Washington landlord-tenant statute, chapter 59.18 RCW. Under the statute, failure to pay rent is a basis for tenant evictions, but tenants may be removed only through unlawful detainer actions brought and sustained in court. The statute provides basic life and safety protections for tenants but does not include "just cause" eviction rights that would extend such protections beyond by applicable lease terms and conditions. The statute states expressly that it does not preempt additional, lawful protections that might be offered tenants locally.

The Washington Legislature adopted several statutory changes in 2019 that benefit residential tenants in the state. The minimum number of days of notice to vacate residential premises for nonpayment of rent was extended to 14 days (SB 5600). At least 60 days of written notice must be given before rent may be increased (HB 1440). Finally, a minimum of 120 days of written notice must now be given to tenants before a landlord may change a structure's use or demolish or substantially rehabilitate the structure (HB 1462).

State Law Protections for Residential and Commercial Tenants: Gubernatorial Emergency Proclamation

Among other efforts related to the COVID-19 pandemic, Governor Inslee has, through emergency proclamation, provided for various statewide protections related to evictions and related housing practices. These protections have been in place since the beginning of the pandemic in Washington and were recently extended through March 31, 2021. (20-19.5, Evictions and Related Housing Practice, Proclamation by the Governor Extending and Amending 20-05, 20-19 et seq.)

Under this proclamation, and with certain narrow exceptions related to either (i) a "significant and immediate risk to the health, safety, or property of others created by the resident" or (ii) a major change of use to a structure and with at least 60 days of written notice, residential tenants may not be threatened or evicted due to an expiring lease or the nonpayment of rent. Landlords also may not impose late fees on rent or impose rent increases beyond those expressly provided for in a lease, and in the latter case, even lawful rent increases may not be collected during the pendency of the proclamation.

It is worth noting that the Governor's proclamation also generally prohibits rent increases on commercial properties if the commercial tenant can show it has been "materially impacted by COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential...or otherwise lost or customers due to the COVID-19 outbreak."

Given these statewide protections but recognizing the remaining vulnerability of Kirkland's small businesses and nonprofit organizations, the City Manager acted by emergency directive to protect such businesses and organizations from eviction due to nonpayment of rent or lapse of lease. This directive went into initial effect on March 31, 2020. It was extended once on June 10 and eventually expired by its terms on August 9, 2020. Both the original directive and its

extension were ratified by the Council. The directives provided affected businesses and organizations with affirmative defenses in the event of attempted eviction actions contrary to the terms of the directives. However, more direct City involvement was not contemplated by the directives.

The Council was previously provided detailed briefings of the additional initiatives undertaken by the City to support Kirkland businesses and nonprofit organizations, utilizing federal CARES Act funding, and so that information is not repeated in this update.

Policy Options

As noted in the City Manager's report at the December 8, 2020 special meeting of the Council, City staff has been canvassing policy options to further protect residential and commercial tenants without inordinately and adversely impacting landlords, who often are also significantly impacted by COVID-19. At that meeting, the City Manager informed the Council that staff would present policy and funding options for Council review and discussion at the January 5 Council meeting.

This section of the memorandum summarizes, in bullet format, various potential policy and funding options reviewed by City staff and undertaken in other jurisdictions, before addressing three primary policy options and one immediate funding option (in **bold**) in more detail. These are high level summaries only of complex legal and logistical issues and staff will be prepared to answer more detailed questions at the Council meeting.

General policy options:

- **Reinstate eviction moratorium for small businesses and nonprofit organizations**
- **Develop a rent relief grant program**
- **Enact a "just cause" ordinance**
- Create a rental housing inspection program backed by code enforcement (e.g. health and safety threats) and assessment of civil penalties (requires new dedicated staffing)
- Create additional business license requirements for owners of rental units in Kirkland (require new dedicated staffing)
- Create position of Housing Ombudsperson to review landlord-tenant complaints in Kirkland (requires new staffing)

General funding options:

- **Portion of \$1.38 million sales tax audit back payment from Human Services Reserve**
- General fund
- Dedicated revenue streams (e.g. new business license or civil penalty assessments)
- Local sales and use tax for affordable and supportive housing (HB 1406; if eligible)
- Kirkland's portion of King County Councilmanic sales and use tax (0.01%) (HB 1590; if eligible)
- A Regional Coalition for Housing (ARCH) operating funds (in concert with other ARCH member cities.)

Turning now to specific proposals and a funding option:

1. Reinstate eviction moratorium for small businesses and nonprofit organizations.

This moratorium would be limited in duration to emergency circumstances and during pendency of pandemic. This would be accomplished by a new City Manager emergency directive subject to Council ratification. A commercial eviction moratorium does not legally prohibit commercial tenant evictions, but it does provide an affirmative defense for tenants who contest the eviction in court. The City Manager's office has surveyed surrounding jurisdictions, and except for Seattle, has not identified any other city that currently has a commercial eviction moratorium in place.

2. Develop a rent relief grant program.

This approach has been pursued in some other cities across the country. Grant proceeds could be used to pay rent owed or used as a security deposit and first month's rent for renters who have lost housing. Both approaches would also benefit landlords. This "one-off" grant program would be based on eligibility criteria developed by the City (e.g. percentage of annual household income, loss of employment or income and not receiving other public financial benefits such as unemployment insurance). This grant program would also require development of distribution criteria (e.g. first come, first served, one-time lottery or prioritization based on applicant characteristics such as level of economic need). Finally, but not insubstantially, this grant program would require strong administrative support in order to market the program, review applications, make awards and distributions, and monitor results and ensure compliance. This program would require a significant, albeit limited-in-duration City staffing effort. As a comparison, multiple staff in Finance and the City Manager's office (approximately the equivalent of two full time employees) dedicated significant time throughout October and November to review and process less than two hundred CARES Small Business Relief Grants.

As noted in the sales tax report included as part of the Council's January 5, 2021 meeting packet, the City has been advised by the Department of Revenue that the City has received (as part of the November 2020 reporting) additional and unanticipated sales tax revenues totaling approximately \$1,384,689 based on a 2016 audit of a rental and leasing services company in Kirkland. City staff is recommending that this amount, once fully confirmed, be placed into the Human Services Reserve established by the Council. City staff recommends this reserve could be used to support a potential rent relief grant program.

3. Adopt a "just cause" eviction ordinance.

City human services staff have identified this as a policy priority for many low-income renter advocacy groups, especially during COVID-19. "Just cause" eviction ordinances have been adopted by other cities in Washington, including Burien, Federal Way, Kent, Olympia and Seattle. As noted, the Washington landlord-tenant statute does not require "just cause" before a court-ordered eviction. The failure to pay rent alone can support eviction. These ordinances generally require eviction notices to be specific as to the reasons for an eviction, and they usually allow additional facts and circumstances beyond just written lease terms to be considered taken by a court. In situations where a proposed eviction may be unfair, these ordinances generally provide renters with either an affirmative defense in court and/or a cause of action against a landlord acting unfairly. There are generally exceptions for things such as

material lease breaches, waste of the premises or criminal activities. Some cities have included other provisions such as limitations on the amount of late rent payments that can be required, and sometimes also in conjunction with other policy initiatives, e.g. rental housing inspection, business licensing and ombudsperson provisions (though these all have additional, potentially significant ongoing staff requirements). Unlike the first two policy initiatives outlined above, this ordinance would be ongoing beyond the COVID-19 emergency.

It should be noted in conclusion that each of these options relies, to varying extents, on the City's authority to exercise its general police powers in support of the public health, safety and welfare and/or to act in the public interest in the event of an emergency. These policy models are largely untested legally and there is always the potential for legal challenge, however. In addition to the staffing and cost implications of these policy options, therefore, there is a legal risk analysis that should be considered with respect to the options. With that said, and even to the extent some private parties might receive something of value in connection with one or more of these policy options (e.g. receive public grant dollars), City staff is satisfied that such private benefits would be incidental in light of the overall public benefits associated with options and the interests they would serve. In that regard, the Washington Attorney General has opined that cities like Kirkland have additional flexibility and latitude to consider such options during the COVID-19 pandemic from a "gift of public funds" analysis perspective.

Next Steps

Staff will be seeking Council direction on next steps related to rental eviction policies for Kirkland. As of the writing of this memo, Congress has passed, and the President has signed, an additional COVID-19 stimulus package that includes direct payments, extended unemployment benefits, funds for rent relief, federal eviction moratorium language and other economic provisions that will help somewhat to mitigate potential new evictions. Kirkland staff will be reviewing the stimulus package carefully along with the AWC and other partners to have a better understanding of federal support at the January 5 Council meeting.

Staff are recommending that the City create some temporary dedicated resources to help prevent residential evictions for at least the first half of 2021. Staff proposes to use some of the \$1.38 million unanticipated sales tax payment previously mentioned to fund the concept of a rental eviction prevention ombudsperson. The City could hire temporary staff similar to what was done for implementing R-5434, or contract for focused Kirkland support through groups such as the Eastside Legal Assistance Program (ELAP) who have experience negotiating with landlords. Or both. Such dedicated resources could also help Kirkland develop an emergency rental relief grant program.